

*A centralized German
government is dangerous*

Beware the Ghost of Weimar!

By Carol L. Thompson

AS THE Council of Foreign Ministers wrestled with the German treaty, it became obvious that Germany was caught between Russian and American concepts of government, between Russian and American concepts of democracy, between Communism and capitalism.

Basically, Germany is in this unfortunate position because she has lost the war, and because her war-time opponents are in fundamental ideological conflict. This is not the first time that a government has been imposed upon Germany, nor is it the first time that Communism and capitalism have clashed within the Reich. There can be no doubt that the 1918 revolution was in large part the result of President Wilson's propaganda, as the 1830 and 1848 revolutions were markedly influenced by French ideology. In 1918, the German people were led by Allied promises to believe that Wilson's Fourteen Points would apply to Germany, if only they would rid themselves of the *Kaiser-Reich*. Widespread, though mistaken, belief in Allied magnanimity may indeed have been "the push that sent the ball of revolution rolling." The success of the Russian revolution also fanned rebellion. And to make the parallel bolder,

the 1918 overturn witnessed violent conflict between western democratic ideas and the powerful drawing power of the new Russian state.

Once the German revolution of 1918 assumed national proportions, communist influences became obvious. Red flags and red armbands signalled rising violence. All over the country, Workers and Soldiers Councils sprang up, patterned after the Russian Soviets and demanding the dictatorship of the proletariat. While the moderate Social Democrats tried to form a democratic, parliamentary government, the Independent Socialists and the Spartacus League championed a Communist dictatorship. The Majority Socialists were fortunately able to compromise with the Independents on the national level, in the "Council of Peoples Commissioners," and in the Berlin Council. Universal, direct, secret suffrage for all men and women over 20 was announced for the new elections to the Constituent Assembly (on the basis of proportional representation). Despite sporadic violence from Councils all over Germany, the Social Democrats won the day.

Yet Communist pressure¹ had a

¹ Aided by Russian comrades, Russian propaganda workers, Russian arms and ammunition.

serious, lasting effect on the Weimar Republic. Without an armed force of its own choosing, the government was forced to turn to the old-guard army for aid in restoring order. This dependence on the old Prussian military was one major weakness of the republic. Communism, secondly, never lost its strong hold on some sections of the German people: Communist obstructionist tactics plagued the young democracy from the beginning. Because the German Communists looked forward to the great revolution, they almost never supported either the Social Democrats or the Center parties; their support, in 1932-33, might have Germany from Hitler: their conscious opposition to moderate elements boosted Hitler to power.

EMERGENCY POWERS

The Weimar Constitution itself showed clear signs of the basic conflict. The Fifth Chapter of the constitution: "The Economic Life," provided for a nebulous structure of Worker's Councils, headed by a National Economic Council, and for a gradual socialization of the Reich. Even more important, the continuing emergencies facing Germany made it seem imperative to include in the new constitution provisions for emergency executive government—provisions which were to lead to the constitutional ascension of Adolph Hitler. Because of the disturbed internal conditions in the country, the President of the Republic received two very broad powers. According to Article 25: "The President of the Reich may

dissolve the Reichstag, but not more than once for the same cause. The new election takes place not later than the sixtieth day after dissolution." According to Article 48: "The Reich President may, if the public safety and order in the German Reich are considerably disturbed or endangered, take such measures as are necessary to restore public safety and order. If necessary he may intervene with the help of the armed forces. For this purpose he may temporarily suspend, either partially or wholly, the Fundamental Rights established in Articles 114, 115, 117, 118, 123, 124 and 153." The "Rights" mentioned here include freedom of person, freedom of speech and assembly and other basic rights guaranteed the individual in a democracy.

It can be seen at a glance that power to suspend all these guarantees gave the President considerable control over the life and welfare of the citizens. Because the President (and his Chancellor) could dissolve the Reichstag for 60 days, they could govern by executive decree without any interference in the interim (and dissolve the Reichstag again when it reconvened). Although strikes, rioting and other disturbances from the extreme Left (and Right) made some provision for emergency government seem vital to the Constituent Assembly at Weimar, the provisions they made (largely to cope with the Communists), played into the hands of the extreme Right, and eventually led to Hitlerism.

Communist strength in Germany before Hitler was never negligible.

In November, 1932, the Communists were the third largest group in the *Reichstag*; although they lost seats after the Reichstag fire they were still in third place in the elections of March, 1933 (after Hitler became chancellor). In spite of Nazi hatred of Communism and anti-Russian feeling among the German people, the Communists were strong in the anti-Hitler German under-ground during the war; nor is there any indication that the Communist movement has lost strength since the armistice.

Even without pressure from the United States and Russia; without the four-zonal partition of Germany, without the tension of occupation troops, Germany faces today, as she did in 1918, an internal struggle between party groups. It was a commonplace in the period between the two wars to write of "The Victory of the Democratic Idea over Sovietism." It must now be admitted that the victory was only temporary. The "Democratic Idea" in Germany suffered a blow at Versailles, another when the weakness of moderate Socialism became more pronounced, another with the advent of Hitler and, it must be admitted, an equally serious shock with the American-British occupation. Moderate political parties were practically wiped out during the years of the "Third Reich." Internal Germany democracy today is a weak reed to lean on. Externally, it is opposed by all the power and resources of the Soviet Union (proximity not being the least of these.)

During the conferences in Mos-

cow, Secretary of State Marshall and Foreign Minister Molotov clarified for Germany and for the world the conflict between Russian and American ideology.

DEMOCRATIC CONCEPTS

"To the American government and citizens," said Marshall, "[democracy] has a basic meaning. We believe that human beings have certain inalienable rights—that is, rights which may not be given or taken away.

"They include the right of every individual to develop his mind and his soul in the way of his own choice, free of fear and coercion—provided only that he does not interfere with the rights of others. To us a society is not democratic if men who respect the rights of their fellowmen are not free to express their own belief and convictions without fear that they may be snatched away from their home or family."

The United States wants to see such a democracy established in Germany. To General Marshall's plea for a free press, Molotov answered that no press should be free to preach Fascism. "Liberty and objectivity of the press—these are fictions. Information is the means of class struggle, not a mirror to reflect events objectively." This statement of the Russian attitude by M. Kuzmichev crystallizes the difference between Russian and American concepts.

Naturally enough, the difference extends to concepts of government forms as well. While the United States (and Great Britain) would like to see Germany set up as a federated republic, the U.S.S.R. is

pushing for the establishment of a strongly centralized, unitary government. History teaches that centralization of power tends toward larger and larger units of government. It is of course obvious that Germany, broken down into a collection of small sovereign states, would be a political and economic burden on Europe. The German states could neither defend nor support themselves. The French plan advocating partition is, therefore, impracticable. It is nonetheless true that under a unitary government Germany has twice broken the peace of the world. To Americans, this leads to the conclusion that a federal form of government might at least help to solve the problem. From the point of view of democracy (as we understand it) the interests of most minorities may also be better safeguarded under a federal system. At the very least such a system makes it harder to set up a national police force. Russian opposition only draws attention to the importance of the issue: if Germany were to become a totalitarian Communist state, a strong central government would be essential.

The Moscow Conference adjourned without solving the problem; yet several events at this conference bear repetition and analysis. On March 22, Secretary of State Marshall issued a statement "on the form and scope of the provisional political organization of Germany." Molotov countered with a Russian plan, reserving special praise for the Weimar constitution as a model for the new state. Almost immediately, Marshall com-

mented on the similarities between the two plans and on the federal nature of the Weimar constitution.

In truth and in fact, the similarities are far less numerous than the differences; the Weimar constitution set up a unitary rather than a federal form of government. Granting that constitutional forms are not all-important, formal distinctions clarify some basic differences between the Russian and American viewpoints. American history testifies eloquently that centralization of power leads to the aggrandizement of power. The framers of the American Constitution were determined to *limit* the power of the national government; accordingly ultimate power still rests with the states, except where the Constitution specifically grants authority to the federal government.

General Marshall's statement is thus clear and understandable to Americans. Basic to his plan is the provision:

(B) That the German government be one of *limited powers*¹ and to insure this:

1. Each state or land shall determine election methods and the control of the electoral processes. (See Articles I, sec. II, par. 1 and II, sec. I, par. 2 of the American Constitution.)

2. There shall be an independent judiciary which shall have the authority to settle disputes among states and between the states and the central government and to protect the constitutional rights of the individual. (See Article III of the American Constitution.)

3. In the distribution of functions between the state and the central government, it shall be

provided that the central government is one of limited and carefully defined powers in matters where nation-wide action is required; *all residual power shall remain in the states*²; such powers as police, internal security, culture, education and religious affairs shall not be delegated to the federal government. Authority and means of states to raise appropriate revenues shall not be impaired. . . .

Marshall's original plan provided for "a German federal state composed of not less than 10 nor more than 18 Laender." "All political power [would be] recognized as originating with the people and subject to their control." A constitutional convention would be called, "elected by the people according to the electoral laws adopted by the several Laender."

General Marshall, in other words, proposed to establish a German republic basically similar to the government of the United States, equally democratic but more rigidly federal in form.

MOLOTOV'S PLAN

Foreign Minister Molotov's suggestions, on the other hand, were far more subtle, and when analyzed diverged rather sharply. Like Marshall, Molotov stressed the need for "democratic government":

"The political system of Germany must have a democratic character and the organs of power must be figured on the basis of democratic elections. . . .

"Germany is restored as a single, peace-loving State, a democratic republic with an all-Ger-

man Parliament consisting of two chambers and an all-German government, while insuring the constitutional rights of the Lands comprising the German state.

Even the electoral system proposed seems at a glance to resemble Marshall's plan:

The Parliament and the Landtags of the Lands must be elected on the basis of a universal, equal and direct electoral law, with secret voting and the proportional system.

It must be remembered, however, that the list system of proportional representation, to which Molotov is referring, has always tended to sharpen "splinter parties," weaken parliamentary government and strengthen such radical and well-organized minorities as the Communists.

As Molotov enlarged on his suggestion, differences become more pronounced:

As a first step toward the formation of a provisional German government, to establish central German administrative departments on finance, industry, transport, communications and foreign trade in accordance with the decisions of the Potsdam conference. . . .

To charge the German government as one of its basic tasks with the eradication of the remnants of German militarism and fascism, through democratization of Germany and realization of measures for the restoration of German economy as well as unconditional fulfillment of the obligations to Allied states.

Marshall specifically removed "internal security" from the realm of the central government; Molo-

1 & 2 Italics mine.

toiv would give it the far greater responsibility for "denazification." Marshall would not let the central government have jurisdiction over culture or education; Molotov would make it supreme in vital economic matters such as "transport and communication."

Molotov was more nearly right (from his point of view) in praising the Weimar constitution, than was Marshall when he termed it "federal" in character. Basically, the Constituent Assembly at Weimar had provided for a strong unitary state. The Reich was empowered to legislate for such broad fields as "public welfare" and "the protection of public order and safety," when it was "necessary to issue uniform rules." Civil law, penal law and judicial procedure came within its competence. In particular, the Weimar Republic had great economic power over laws relating to expropriation, socialization of natural resources and economic undertakings "and also the production, manufacture, distribution and price regulation of economic wares for the benefit of the general economy." The Constitution states plainly that "so long as and insofar as the Reich refrains from exercising the right of legislation, the Land shall retain the right of legislation." "Reich law takes precedence over Lands law." The President of Germany was empowered to use "armed forces" if a Land "fails to fulfill the duties incumbent upon it according to the Constitution or the laws of the Reich."

Plainly, the Weimar republic was

not a federal government of "limited powers." The territory of its member states could be invaded by federal armies; states could be dismembered in extreme cases even without their consent. The national government had very broad powers over the economy; the national government, in the last analysis, was its own judge in conflicts between States and the central administration. If it had been possible, the unitarian-minded Socialists and their leader, Professor Hugo Preuss, would have set Germany up as unitary state in 1919. Only pressure from the provinces and from conservative members of the Constituent Assembly forced a hybrid constitution. As the Weimar Republic developed, however, its unitary nature became obvious. Its strong centralization naturally commends itself to the U.S.S.R. today.

In addition, the constitution provided for gradual socialization and nationalization of industry, due very largely to pressure from the radical elements in the socialist parties and from the Communists. This a further recommendation to Russia, which would also like to see a strong Communist economy started in Germany.

Even as the Weimar Constitution was a compromise, so a new constitution for Germany will inevitably reflect the conflicts of interest between East and West. But when the Council of Foreign Ministers meets again in the fall, the United States and Great Britain would do well to hold to their demands for a federal Germany.

*A brief
against drastic action*

Should We Outlaw the Communist Party?

By Max Knepper

Author, Journalist

BOILED down, the mass of argument of current proposals to outlaw the Communist party in the United States involves two considerations: principle and expediency. Does the dominant, temporary majority in a democracy have the moral right to suppress any fraction of its political opposition? And if it has, can Marxist activities in the United States be effectively controlled by the simple method of making its political expression illegal?

It is unfortunate that some irresponsible organs of the press, in conjunction with certain demagogues in and out of Congress have so whipped up fear and hatred of Soviet Russia that many normally cautious Americans are almost ready to scrap some of our most cherished constitutional liberties in order to get back at the Communists. It is an unhappy situation because so much more than the rights of the relatively few acknowledged Communists are at stake. The fact that Congress is seriously proposing such legislation advertises to the world that we are no longer so sure of the vitality of democracy and its superiority to other political forms. In order to combat the threat of a totalitarian philosophy, we are asked to buttress democracy by adopting a totalitarian measure.

Perhaps this last statement sins in its simplicity. It is true that some politicians now proposing that the Communist Party be banned from the ballot do so, not because its members are Marxists, but because they consider Communists as agents of a potential war enemy. Sincere leaders of this belief should consider, however, whether better means lie at the government's disposal for suppressing espionage or treason.

Others who advocate outlawing the Communist Party are not so disinterested. They are employing the Communist scare—well or ill grounded as it may be—to alter the free American political system for their own advantage. Such persons are as subversive as those whom they seek to outlaw, and probably much more dangerous, since the already possess considerable power whereas the Communists have comparatively little power.

The power to defend itself is inherent in any state. In the totalitarian nation the government's rights of self-defense are unlimited. Suppression of all opposition parties is usually the first step, followed by curbs on speech, press, assembly. Thought control, enforced by arbitrary police power, is the ultimate refinement in the state's battle against change or overthrow.