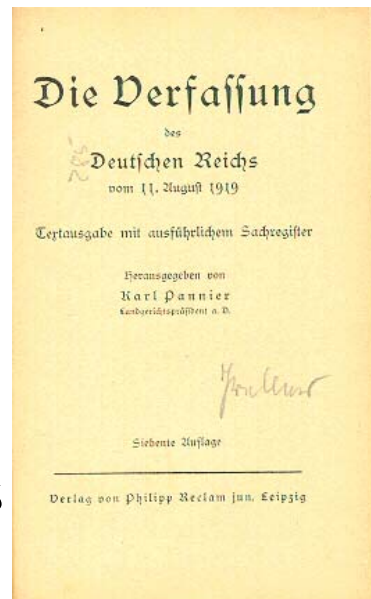


# The Reich Constitution of August 11th 1919 (Weimar Constitution) with Modifications (1)



The German people, united in its tribes and inspired with the will to renew and strengthen its Reich in liberty and justice, to serve peace inward and outward and to promote social progress, has adapted this constitution.

## First Part

### Composition of the Reich (2) and its Responsibility

#### First Chapter : the Reich and the States

##### Article 1

The German Reich is a republic.  
State authority derives from the people.

##### Article 2

State territory of the Reich is composed of the territories of the German states.  
Other areas may be included in the Reich, if their population desires in exercise of its right of self-determination.

##### Article 3

The Reich colours are black-red-golden. The merchant flag is black-white-red, with the Reich colours in the upper, inner corner.

##### Article 4

The generally recognised rules of international law are valid as binding elements of German Reich law.

##### Article 5

State authority is exercised in Reich affairs by the government organizations of the Reich, based on the Reich constitution, in state affairs by the government organizations, based on the respective state constitutions.

##### Article 6

The Reich exclusively exercises legislation in the following areas :

1. foreign relations
2. colonial affairs
3. nationality, freedom of movement, immigration and emigration as well as extradition
4. national defense
5. national currency
6. customs service, the union of the customs and trade territory, freedom of movement of merchandise
7. postal and telegraph service including telephone service

##### Article 7

The Reich is responsible for legislation in the areas

1. civil law
2. penal law
3. jurisdiction including the execution of sentences as well as judicial assistance between government offices
4. passport affairs and the registration of aliens
5. welfare for the poor and the migrants
6. press, clubs, assemblies
7. population policy, motherhood, baby, children and youth welfare
8. health care, veterinary affairs, protection of plants against diseases and parasites
9. labour legislation, insurance and protection of workers and employees as well as certification of employment
10. the establishment of institutions representing occupations within the Reich territory
11. welfare for combatants and their surviving dependants
12. the law of expropriation
13. the nationalization of natural resources, of economic enterprises, of the production, distribution and pricing of merchandise for the social economy
14. trade, measurements, the distribution of paper money, construction and stock markets
15. the sale of food as well as other goods of daily consumption
16. industry and mining
17. insurances
18. merchant shipping, ocean and coastal fishing
19. railways, inland navigation, motor vehicle traffic on land, water and in the air, the construction of overland roads, as far as these serve general traffic and national defense
20. theatres and cinemas

##### Article 8

The Reich furthermore is responsible for legislation regarding taxation and other revenues, as far as they are fully or partly used to pay its expenses. If the Reich uses taxation which hitherto has contributed to the budget of the states, it has to consider the viability of the states.

#### **Article 9**

Insofar there is need for the formulation of standardized regulations, the Reich has the legislation over

1. welfare system
2. protection of law and order

#### **Article 10**

The Reich may, via legislation, establish principles for:

1. the rights and obligations of religious communities
2. the education system, including universities and scientific libraries
3. the rights of Beamte (3) in all public bodies
4. law pertaining land, its distribution, settlement, obligations coming with ownership of land, housing and the distribution of population
5. funerals

#### **Article 11**

The Reich can, by the means of legislation, establish principles for the legality of and the manner of collection of state dues/taxation, as far as necessary, in order to

1. avoid the diminution of Reich revenue or damage to the Reich trade relations
2. avoid double taxation
3. avoid excessive or obstructive burdens in forms of tolls on the use of public roads or institutions
4. avoid the discrimination against imported goods, as compared to domestically produced goods, via taxation, in trade between the individual states and their parts or
5. avoid the subvention of exports or to preserve important interests of society.

#### **Article 12**

As far and as much the Reich does not make use of its right to legislate, the states are entitled to legislate. This does not apply to the areas in which the Reich has the exclusive right to legislate.

When it comes to state laws pertaining Article 7 Number 13, the Reich government, insofar the welfare of the Reich is concerned, has the right to object.

#### **Article 13**

Reich law breaks state law.

If there are doubts or opposing opinions regarding if a state regulation harmonizes with Reich law, the respective Reich or central state authority may request, according to the specifications of Reich law, the Reich supreme court to decide in the matter.

#### **Article 14**

Reich laws are executed by state authorities, insofar Reich laws do not specify otherwise.

#### **Article 15**

Reich government exercises supervision in those matters in which it is responsible for legislation.

If Reich laws have to be executed by state authorities, the Reich government may establish general directions. It is entitled to send inspectors to the central state authorities, and with their approval, to their subaltern authorities, for the purpose of supervision.

The state governments are obliged, at the request of the Reich government, to eliminate problems which have occurred when Reich laws were executed. In case of conflicting opinions both Reich government as well as state government may request the decision of the supreme court, insofar Reich law does not specify another court as responsible.

#### **Article 16**

Beamte in charge of immediate Reich administration in the states shall normally be state citizens. The Beamte, employees or workers working for the Reich administration are, at their request, to be employed in their home regions, as far as possible, and as far as their qualification respectively the conditions of service do not provide otherwise.

#### **Article 17**

Every state must have the constitution of a free state. State parliament must be elected in a general, equal, immediate and secret ballot, in which all Reich German men and women participate, according to the principles of representative election. The state government requires the confidence of state parliament.

The principles for the election of state parliament also apply for local elections. State law may determine if those who lived in the community for one year or less may participate in the election or not.

#### **Article 18**

The organization of the Reich in states, as far as possible under consideration of the will of the concerned population, shall serve the people's maximal economic and cultural achievement. The transfer of state territory within the Reich, the formation of new states within the Reich is conducted by a Reich law amending the constitution. If the concerned states agree, a simple Reich law may suffice.

A simple Reich law may also suffice, if one of the concerned states does not agree, yet the territorial alteration or new formation is demanded by popular will or necessary because of a superceding Reich interest.

Popular will has to be established by plebiscite. The Reich government may order a plebiscite, if one third of the enfranchised inhabitants in the area to be separated demands so.

Three fifth of the votes handed in, and at least the majority of the population are necessary in order to decide on the alteration of territory. Even if only the separation of a part of a Prussian administration district, a Bavarian circle or a respective territorial unit in another state is concerned, the will of the population of the entire unit has to be determined. If the concerned area is not geographically connected with the remainder of the respective administrative unit, the will of the area to be separated may, based on a special Reich law, be regarded as sufficient. After approval of the population has been established, the Reich government has to present a respective law draft to the Reichstag (4) to decide upon. If, during separation or integration, a dispute arises over matters of treasury or debts, the Reich state court will decide for the Reich, at the request of any party involved.

#### **Article 19**

Regarding constitution disputes within a state, where no court is responsible to deal with, as well as in disputes of non-private matter between various states or between a state and the Reich, the Reich state court, at the request of one party, decides in the name of the Reich, unless another Reich court is responsible.

The Reich president executes decisions of the Reich state court.

### **Second Chapter : The Reichstag**

#### **Article 20**

The Reichstag is composed by the representatives elected by the German people.

#### **Article 21**

Members of parliament represent the entire nation. They have to follow nothing but their conscience and they are not bound to instructions.

#### **Article 22**

Members of parliament are elected in a general, equal, immediate and secret election; voters are men and women older than 20 years: the election is held according to the principles of representative election. Elections must be held on a Sunday or public holiday.  
Further details are determined by the Reich election law.

**Article 23**

Reichstag is elected to serve for four years. The election of the next parliament has to be held, at the latest, on the 60th day after the expiration of the four-year term.  
Reichstag has its first meeting, at the latest, on the 30th day after the election.

**Article 24**

Reichstag meets every year on the first Wednesday in November, at the seat of government. The Reichstag president has to call for a meeting beforehand, if it is demanded by the Reich president or by at least a third of the members.  
Reichstag decides on the end of the debate and on the day the members reassemble.

**Article 25**

The Reich president has the right to dissolve the Reichstag, but only once for the same reason.  
New elections, at the latest, are held 60 days after the dissolution.

**Article 26**

Reichstag elects its president, his vice-president and his secretaries.  
Reichstag establishes its rules of procedure.

**Article 27**

In between sessions or election periods the outgoing president and vice-president continue to proceed business.

**Article 28**

The president exercises domestic right and police authority within the Reichstag building. He is responsible for the house's administration; he disposes over revenues and expenses, in accordance with the Reich budget, and he represents the Reich in all legal transactions and disputes concerning its administration.

**Article 29**

Reichstag sessions are public. If fifty members apply and a majority of two thirds decide in favour, the public can be excluded.

**Article 30**

True reports on the negotiations in public Reichstag debates, of state Landtag (5) debates or of the debates of their commissions are free of any liability.

**Article 31**

At Reichstag an Election Investigation Court will be established. It will decide if a representative has lost his mandate. The Election Investigation Court will be composed of members of the Reichstag, elected for the actual term, and by members of the Reich Administration Court, appointed by the Reich President at the suggestion of the Reich Administration Court board. The Election Investigation Court will decide based on a public, oral session held by three members of the Reichstag and two noble members.  
Outside of the procedures in the Election Investigation Court, the matter will be handled by a Reich Commissioner, appointed by the Reich President. Further, the procedure will be regulated by the Election Investigation Court.

**Article 32**

To establish a decision in Reichstag, a simple majority of votes suffices, unless the constitution prescribes a different relation of votes. During Reichstag elections the rules of procedure may permit exceptions. The rules of procedure establish quorum.

**Article 33**

Reichstag and its committees can demand the presence of the Reich chancellor as well as that of every individual Reich minister.  
The Reich chancellor, the Reich ministers and their commissioners have the right to participate in sessions of Reichstag and its committees. The states are entitled to send authorized representatives, who present the position of their state's government, into these sessions. At their request the state representatives have to be heard; the Reich representatives also, even if this is not included in the agenda. The Reichstag or Committee President is responsible for order.

**Article 34**

Reichstag is entitled to, and in case a fifth of its members move for it, is obliged to establish inquiry committees. Such committees collect, in public sessions, evidence they or the movers regard necessary. The inquiry committee can exclude the public if two thirds of its members vote for doing so.  
Committee procedures are regulated by the rules of procedure, which also fixes the number of its members.  
Courts and administrations are obliged to answer the committee requests; administration records have to be presented to them upon request.  
The committee investigations as well of the administration as requested by the committees, underlie the specifications of the code of criminal procedure: however, secrecy of mail, telegraphs, telephone calls remain untouched.

**Article 35**

Reichstag establishes a standing committee for foreign affairs, which also meets when Reichstag is not in session, after the term is expired or after Reichstag has been dissolved, until a new Reichstag meets for the first time. Their sessions are not public, unless two thirds of its members vote to hold a public session.  
Reichstag furthermore establishes a standing committee to safeguard the rights of parliament juxtaposed Reich government, for the time when parliament is not in session [or], after a term has expired or Reichstag has been dissolved, until a new Reichstag has assembled. (6)  
These committees have the status of inquiry committees.

**Article 36**

No member of Reichstag or of any Landtag may be persecuted by court at any time for statements he made in exercise of his mandate, in a vote, in parliament session or outside of the assembly.

**Article 37**

No member of Reichstag or of a Landtag may, without approval by the house the person in question is member of, for the term of session, be arrested or interviewed in the investigation of an punishable activity, unless the member was caught in the act or at least the day after.  
The same approval is required for any other limitation of personal liberty which might harm the member's ability to fulfil his mandate.  
Any criminal procedure against a Reichstag or Landtag member, any detention or otherwise limitation of his personal liberty will be, at the house's request, suspended for the duration of the legislative period.

**Article 38**

The members of Reichstag and of the Landtags are entitled, in matters concerning persons who told them, in their function as members of parliament, confidential information, or whom they, in exercise of their mandate, gave confidential information, to

refuse answering questions in that regard.

When it comes to the confiscation of written documents they have to be given the same treatment as those who have the privilege to refuse testimony.

In the rooms of the Reichstag or of any Landtag, any search or confiscation may only be undertaken with the permission of the house president.

#### **Article 39**

Beamte and soldiers, in exercise of their Reichstag or Landtag mandate, do not require leave. If they run for parliament, they have to be granted adequate leave.

#### **Article 40**

Reichstag members enjoy the privilege of free transportation on German railways and will be compensated for their travel expenses according to a Reich law.

#### **Article 40 a (7)**

The validity of regulations of articles 36, 37, 38 paragraph 1 and 39 paragraph 1 for the Reichstag President, his deputies, the permanent members of the committees listed in article 35 and their deputized members in first degree, extend into the period between two legislative periods or Reichstag election periods.

The same is the case for the president of a Landtag, his deputies and the permanent members of committees and their deputized members, if the latter two can continue their activity after the termination of the legislative period.

If article 37 stipulates the participation of Reichstag or Landtag, the committee, to safeguard the interests of parliament, takes the place of Reichstag and, if Landtag committees continue, the committee established by Landtag takes the place of Landtag. The persons listed in paragraph 1 enjoy the rights described in article 40 also in the time between two legislative period.

### **Third Chapter : The Reich President and Reich Government**

#### **Article 41**

The Reich President is elected by the entire German nation.

Every German who has finished the 35th year of his life is eligible. Further details are provided by a Reich law.

#### **Article 42**

The Reich President, when taking his office, swears the following oath :

I swear to devote my energy to the welfare of the German people, to increase its prosperity, to prevent damage, to hold up the Reich constitution and its laws, to consciously honour my duties and to exercise justice to every individual.

The addition of a religious formula is acceptable.

#### **Article 43**

The term of office of the Reich President lasts seven years. Reelection is permitted. The Reich President can be deposed by plebiscite, which has to be suggested by the Reichstag. This Reichstag decision requires a majority of two thirds of the votes. Such a decision bars the Reich President from continued exercise of his office. A rejection of the deposition is regarded as a reelection and results in the dissolution of the Reichstag. The Reich President can not be persecuted in a penal matter without the approval of Reichstag.

#### **Article 44**

The Reich President may not simultaneously be member of Reichstag.

#### **Article 45**

When it comes to international law, the Reich is represented by the Reich President. He concludes alliances and other treaties with foreign powers in the name of the Reich. He accredits and receives ambassadors.

War can only be declared and peace only be signed by Reich law.

Alliances and treaties which relate to matters of Reich legislation require the approval of Reichstag.

#### **Article 46**

The Reich President appoints and discharges Reich Beamte and officers, unless specified otherwise by Reich law. He may have other administrations take charge of

#### **Article 47**

The Reich President has the supreme command over the armed forces, in their entirety.

#### **Article 48**

If a state (8) does not fulfil the obligations laid upon it by the Reich constitution or the Reich laws, the Reich President may use armed force to cause it to oblige.

In case public safety is seriously threatened or disturbed, the Reich President may take the measures necessary to reestablish law and order, if necessary using armed force. In the pursuit of this aim he may suspend the civil rights described in articles 114, 115, 117, 118, 123, 124 and 154, partially or entirely.

The Reich President has to inform Reichstag immediately about all measures undertaken which are based on paragraphs 1 and 2 of this article. The measures have to be suspended immediately if Reichstag demands so.

If danger is imminent, the state government may, for their specific territory, implement steps as described in paragraph 2. These steps have to be suspended if so demanded by the Reich President or the Reichstag. Further details are provided by Reich law.

#### **Article 49**

The Reich President exercises the right of amnesty. Reich amnesties require a Reich law.

#### **Article 50**

All orders and edicts by the Reich President, including such pertaining the armed force, in order to gain validity, require the countersignature of the Reich Chancellor or the responsible Reich ministers. The countersignatory assumes responsibility.

#### **Article 51 (9)**

In case the Reich President is unavailable, he is briefly substituted by the Reich Chancellor. Is it a presumably longer lasting situation, his substitution has to be regulated by a Reich law.

The same applies in case a presidency ends prematurely, until the next election is held.

#### **Article 52**

The Reich government consists of the chancellor and the Reich ministers.

#### **Article 53**

The Reich chancellor, and, at his request, the Reich ministers, are appointed and dismissed by the Reich President.

#### **Article 54**

The Reich chancellor and the Reich ministers, in order to exercise their mandates, require the confidence of Reichstag. Any one

of them has to resign, if Reichstag votes by explicit decision to withdraw its confidence.

**Article 55**

The Reich chancellor presides the Reich government and conducts its affairs according to the rules of procedure, to be decided upon by Reich government and to be approved by the Reich president.

**Article 56**

The Reich chancellor determines the political guidelines and is responsible for them to Reichstag. Within these guidelines every Reich minister leads his portfolio independently, and is responsible to Reichstag.

**Article 57**

Reich ministers have to present all law drafts, as well as matters for which constitution or laws proscribe this procedure, and divergent opinions in questions which relate to the portfolios of several Reich ministers, for consultation and decision.

**Article 58**

Reich government decides by majority of votes. In case of a stalemate the president's (10) vote is decisive.

**Article 59**

Reichstag is entitled to accuse Reich President, Reich chancellor and the Reich ministers at the Supreme Court, in the name of the German Reich, of having guilt-consciously having violated the Reich constitution or a Reich law. The move to accuse must be signed by at least a hundred members and requires the approval of the majority necessary to amend the constitution. Further details are regulated by the Reich law concerning the Supreme Court.

**Fourth Chapter : The Reichsrat (11)**

**Article 60**

To represent the German states in Reich legislation and administration, a Reichstag is formed.

**Article 61**

Every state has minimum one vote in the Reichstag. In case of larger states, they have one vote for every 700.000 inhabitants. If there is a surplus of 350.000 inhabitants, they are calculated as 700.000. No state may have more than two fifth of all votes. (12) Deutschosterreich (13) is entitled, after its integration into the German Reich, to send the number of delegates to the Reichsrat which corresponds to its population. Until then, the representatives of Deutschosterreich have only advisory vote. (14) The number of votes will be newly established after every general census.

**Article 62**

No state is represented by more than one delegate in the committees formed by the Reichsrat.

**Article 63**

In the Reichsrat, the states are represented by members of their respective governments. However, half the number of the Prussian delegates will be sent by the Prussian provincial administrations, in accordance to a Prussian state law. The states are entitled to send as many delegates to the Reichsrat as they have votes.

**Article 64**

The Reich government has to call for Reichsrat to assemble if one third of the Reich Council members demand so.

**Article 65**

Presidency in the Reichsrat and in its committees is exercised by a member of Reich government. The members of Reich government have the right, and upon request are obliged to join meetings of the Reich Council and its committees. During the deliberations they have to be heard any time.

**Article 66**

Reich government and every individual member of Reichsrat are entitled to propose a move in the Reichsrat. Reichsrat regulates its course of business by its rules of procedure. Plenary assemblies are public. According to the rules of procedure, in case certain topics are discussed, the public may be excluded. Simple majority of the voters decides a vote.

**Article 67**

Reich ministers have to inform Reichsrat over the conduct of Reich administration. In case important topics are discussed, the Reich ministries shall consult the respective Reichsrat committee.

**Fifth Chapter : Reich Legislation**

**Article 68**

Law drafts are proposed by members of the Reich government or from Reichstag members. Laws are passed by Reichstag.

**Article 69**

Law drafts proposed by the Reich government require the approval of Reichsrat. If Reich government and Reichsrat cannot agree, Reich government may still propose the law, but has to present the divergent Reichsrat opinion as well. If Reichsrat passes a law draft which is not approved by the Reich government, the latter has to present the draft, with its divergent comment, to Reichstag.

**Article 70**

The Reich president has to sign laws which have been passed according to the constitutional process, and to publish them within one month in the Reich law gazette.

**Article 71**

Unless otherwise specified, Reich laws take force 14 days after being published in the Reich law gazette in the Reich capital.

**Article 72**

The proclamation of a Reich law has to be postponed for two months, if one third of the Reichstag members demand so. Laws labelled urgent by both Reichstag and Reichsrat can be proclaimed by the Reich president, disregarding the demand aforementioned.

**Article 73**

A law passed by Reichstag has to be presented in a plebiscite, if the Reich president decides so, within the period of one

month.

A law, the proclamation of which has been suspended because of a move supported by minimum one third of the members of Reichstag has to be presented in a plebiscite, if one twentieth of the enfranchised voters demand so.

A plebiscite also has to be held if one tenth of the enfranchised voters demand a law draft to be presented. In order for a referendum petition to be approved, a law draft must be prepared. It has to be presented to Reichstag by the government, accompanied by the latter's comment.

The plebiscite will not be held, if the law draft in question has been accepted unaltered by Reichstag.

In regard to the budget, taxation laws and pay regulations, only the Reich president can request a plebiscite. Plebiscite and referendum petitions are regulated by a Reich law.

#### **Article 74**

Reichsrat has the right to object to laws passed by Reichstag. The Reich government has to be notified of that objection within two weeks after the final decision in Reichstag, and has to be justified, at the latest, within a period of another two weeks.

In case of an objection the law will be presented a second time to Reichstag. If an agreement between Reichstag and Reichsrat cannot be achieved, the Reich president may, within a period of three months, call for a plebiscite.

If the president does not make use of this instrument, the law is to be regarded as not passed. Has Reichstag decided against Reichsrat objection with a vote of more than two thirds, the Reich president has, within three months, either to proclaim the law as decided or to call for a plebiscite.

#### **Article 75**

A plebiscite can override Reichstag decisions only if the majority of enfranchised voters participate.

#### **Article 76**

The constitution may be amended by legislation. Constitutional changes become valid only if at least two thirds of the members are present and at least two thirds of the present members vote in favour of the amendment.

Decisions of Reichsrat regarding a constitutional amendment also require a two-thirds-majority. If, requested by referendum petition, a constitutional amendment shall be decided by plebiscite, the majority of the enfranchised voters is required in order for the amendment to pass.

If Reichstag decided on a constitutional amendment against Reichsrat objection, the Reich president may not proclaim the amendment, if Reichsrat, within a period of two weeks, demands a plebiscite to be held.

#### **Article 77**

Unless laws do not specify otherwise, the government will establish general administrative regulations. These require the approval of Reichsrat, if the execution of the Reich laws is the responsibility of State authorities.

### **Sixth Chapter : Reich administration**

#### **Article 78**

Foreign relations are a matter of the Reich exclusively.

In matters which underlie state legislation, the states may sign treaties with foreign countries; these treaties have to be approved by the Reich.

Agreements with foreign countries concerning changes of the Reich borders may only be established if based on a Reich law, unless it is merely about a correction of the border in uninhabited areas.

In order to guarantee the representation of interests, which, for certain states, emerge out of special economic relations with or proximity to neighbouring countries, the Reich will decide appropriate institutions and measures in close consultation with the concerned states.

#### **Article 79**

Reich defense is a Reich matter. Military service will be regulated uniform, with consideration to regional traditions.

#### **Article 80**

Colonial affairs are exclusively Reich responsibility.

#### **Article 81**

All German merchant vessels form a uniform merchant fleet.

#### **Article 82**

Germany forms one customs and trade territory, surrounded by a common customs border.

This customs border coincides with the border separating Germany from foreign countries. On the sea, the coastline of the mainland and of the islands belonging to the Reich form the customs border. Concerning the customs border on the sea and at other bodies of water, alterations may be arranged.

Foreign state territories or parts thereof may be attached to the customs territory by international treaty or agreement.

Certain areas may be excluded from the customs territory, if certain special conditions apply. Concerning free ports, this exclusion can only be lifted by a constitution amending law.

Territories excluded from the German customs territory may be attached to a foreign customs territory by international treaty.

All products of nature, of craftsmanship and industry, which are freely traded within the Reich, may be ex-, imported and transported across the Reich. Exceptions, based on a Reich law, are permissible.

#### **Article 83**

Customs and consumption taxes are managed by the Reich administration.

When it comes to the management of Reich taxation by Reich offices, institutions have to be established which safeguard special state interests in the areas of agriculture, trade and industry.

#### **Article 84**

The Reich, by the means of legislation, establishes regulations for :

1. the establishment of state taxation management, inasmuch a uniform and equanimous application of Reich taxation laws require;
2. the establishment and authority of the administration branches responsible for the supervision of the execution of Reich taxation laws;
3. the clearing with the states;
4. compensation for the costs of administration caused by the execution of Reich taxation laws.

#### **Article 85 (15)**

All Reich revenues and expenses have to be calculated for every single financial year and have to be included in the budget.

The budget is determined before the financial year begins. Under normal circumstances, the expenses are approved for one year; under extraordinary circumstances they can be approved for a longer period. Otherwise, regulations within the budget extending over the period of one year, or which do not deal with the Reich's revenues or expenses, are not permissible. In the budget, Reichstag may not raise expenses in the budget without the approval of Reichsrat.

Reichsrat approval may be replaced by the specifications in Article 74.

#### **Article 86 (16)**

Regarding the utilization of the Reich's revenues, the minister of finances, in the name of the Reich government, will report to Reichsrat and Reichstag. Auditing will be regulated by a Reich law.

#### **Article 87 (17)**

Only in case of extraordinary demand, and normally only for the purpose of paying for advertisement, may funds be acquired by the means of credits.

Such acquisition, as well as reliability at the Reich's expense, may only be undertaken if based on a Reich law.

**Article 88**

Post and telegraph service is to be administrated exclusively by the Reich.  
Within the entire Reich, uniform postage stamps are used.  
The Reich government establishes, with Reichsrat approval, regulations which fix principles and fees for the use of public infrastructure. It may transfer this authority, with Reichsrat approval, to the minister of posts and telegraphs.  
In order to consult it in postal, telegraph and telephone affairs, the Reich government, with Reichsrat approval, establishes an advisory council.  
Treaties concerning the communication with foreign countries are exclusively concluded by the Reich.

**Article 89**

It is the Reich's task to take over the property of those railroads which serve public transportation, and to administrate them jointly. State claims to acquire private railroads are to be transferred to the Reich on demand.

**Article 90**

Together with the transfer of railroads in state property, the Reich claims the authority of expropriation and the state sovereignty rights concerning railroads.  
In case of disagreement the supreme court will decide the extent of these rights.

**Article 91**

The Reich government, with Reichsrat approval, will establish regulations for the construction and maintenance of railways. It may transfer this authority, with Reichsrat approval, to the responsible Reich minister.

**Article 92**

The Reich railways are to be administrated as a separate economic enterprise, which has to balance its expenses including the payment of interests and downpayment of debt, and which has to establish a railroad fund, notwithstanding the inclusion of their budget and balance in the general Reich budget and balance.  
The size of downpayment rates and of the railroad fund, as well as the utilization of the latter have to be determined by a separate law.

**Article 93**

The Reich government, with Reichsrat approval, establishes advisory councils to advise it in affairs concerning railroads and tariffs.

**Article 94**

If the Reich has taken over the railways serving general transportation in a certain area, only the Reich may construct new railways serving general transportation. If the construction of new railway lines or the alteration of existing railway lines interferes with state authority, the Reich railway administration has, before making a decision, to consult the state authorities.  
In areas where the Reich has not yet taken railway lines serving general traffic under its administration, it may, even against the objection of those states whose territory is crossed, but without violating state sovereignty, construct railways at its own expense of have the railway construction to a third party, if necessary granting it the right to expropriate.  
Every railway administration has to accept the connection of other railways, at the latter's expense.

**Article 95**

Railways serving general transportation, which are not administrated by the Reich, are subject to Reich supervision.  
Railways under Reich supervision have to be constructed and equipped according to the same principles. They have to be maintained, to meet safety standards, and they have to be expanded if necessary. Persons and goods have to be transported in accordance with demand.  
When it comes to the supervision of tariffs, emphasis is to be laid on uniform and low railway tariffs.

**Article 96**

All railways not serving general transportation have, in case of need, for the purpose of national defense, follow Reich instructions.

**Article 97**

It is the Reich's task to take waterways serving general transportation into Reich property and administration.  
After the Reich has taken them over, new waterways may be constructed, and existing ones expanded, only by the Reich or with its approval.  
When it comes to the administration, expansion or new construction of waterways, requirements state culture and water administration have to be considered, in communication with state authorities. The progress of state culture and water administration has to be considered.  
Every waterway administration has to accept the connection of other inland waterways at the expense of the connecting entrepreneur. The same obligation is valid concerning the connection of inland waterways and railways.  
Together with the transfer of the waterways the Reich claims the authority to expropriate, the authority to regulate tariffs and river police.  
The Strombauverband (18) responsibilities in the Rhine, Weser and Elbe areas are to be taken over by the Reich.

**Article 98**

The Reich government, with Reichsrat approval, establishes advisory councils to advise in waterways affairs.

**Article 99**

On natural waterways, fees may only be collected for works, institutions and installations which facilitate traffic. In case of state of communal installations they may not exceed the costs for construction and maintenance. In case of installations which do not exclusively serve traffic purposes, may only cover the proportionate fraction of their costs by fees on shipping. Interest and downpayment on debts taken on to cover construction expenses are to be regarded as construction expenses.  
The aforelisted regulations apply to fees collected on artificial waterways, on installations adjacent to them and in harbours.  
In inland navigation waterway usage fees may be calculated on the basis of an individual waterway, a river basin or a network of waterways.  
These regulations also apply for log drifting on navigable waterways. Only the Reich is entitled to establish a set of fees which impose higher fees on foreign ships than those taken from German ships.  
In order to acquire the means to maintain and extend the German network of waterways, the Reich may, by the means of a law, ask those concerned with the navigation to contribute in other ways.

**Article 100**

To cover the expenses for maintenance and construction of inland waterways, by Reich law, also those can be asked to contribute who profit in ways other than navigation from the construction of artificial dams, if several states are concerned or the Reich finances the dam.

**Article 101**

It is the Reich's responsibility to take possession of all nautical marks, especially lighthouses, light vessels, buoys, tons and beacons and to organize their administration and maintenance. After the takeover, nautical marks may only be produced and/or expanded by the Reich or with its approval.

## **Seventh Chapter : Jurisdiction**

### **Article 102**

Judges are independent and subject only to the law.

### **Article 103**

Ordinary jurisdiction is exercised by the Reich court and the state courts.

### **Article 104**

Judges serving ordinary jurisdiction are appointed for lifetime. Against their will they can only be suspended temporarily or forced into early retirement or transferred to another location if a judge decided so, based on reasons and according to procedures determined by law. Legislation may establish an age limit, at which judges retire. Preliminary suspension conform with the law will not be affected. In case of a change in the institution of courts or their districts the state administration of justice may order the involuntary transfer of judges to another court or out of office, but only under the condition that their salary will be paid continuously. These regulations do not affect commercial judges, lay assessors and jury members.

### **Article 105**

Extraordinary courts are inadmissible. Nobody may be deprived of his ordinary judge. Legal regulations concerning military jurisdiction and court martial are not affected hereby. Military courts of honour are abolished herewith.

### **Article 106**

Military jurisdiction is to be lifted, except in times of war and on board of warships. Further details are given by a Reich law.

### **Article 107**

In the Reich and in the states administrative courts have to exist, according to the laws, to protect the individual against bureaucratic decrees.

### **Article 108**

In accordance with a law, a supreme court will be established for the German Reich.

## **Second Part**

### **Basic rights and obligations of the Germans**

#### **First Chapter : The Individual**

### **Article 109**

All Germans are equal in front of the law. In principle, men and women have the same rights and obligations. Legal privileges or disadvantages based on birth or social standing are to be abolished. Noble titles form part of the name only; noble titles may not be granted any more. Titles may only be granted, if they indicate an office or occupation: academic degrees are not affected by this regulation. The state may no more bestow orders and medals. No German may accept titles or orders from a foreign government.

### **Article 110**

Nationality in the Reich and in the states is acquired and lost according to the specifications of a Reich law. Every state national simultaneously is Reich national. Every German, in every state, enjoys the same rights and obligations as the respective state nationals.

### **Article 111**

All Germans enjoy freedom to move and settle down. Everybody is entitled to stay and settle anywhere within the Reich, to acquire property and to pursue his trade. Limitations require a Reich law.

### **Article 112**

Every German is entitled to emigrate into non-German countries. Emigration can only be limited by a Reich law. All Reich Germans are entitled to Reich protection against foreign administrations, within and outside of the Reich. No German may be extradited to a foreign country.

### **Article 113**

Reich communities speaking a foreign language may not be deprived by legislation of their national identity, especially in the use of their mother language in education, in local administration and jurisdiction.

### **Article 114**

The rights of the individual are inviolable. Limitation or deprivation of individual liberty is admissible only if based on laws. Persons deprived of their liberty have to be notified, at the next day on the latest, by which authority and based on which reasons the deprivation of their liberty has been ordered; immediately they have to be given the opportunity to protest against the deprivation of liberty.

### **Article 115**

Every German's home is an asylum and inviolable. Exceptions are admissible only if based on a law.

### **Article 116**

An action can only be punished if the action has been described as punishable by law, before the action was undertaken.

### **Article 117**

Privacy of correspondence, of mail, telegraphs and telephone are inviolable. Exceptions are admissible only if based on a Reich law.

### **Article 118**

Every German is entitled, within the bounds set by general law, to express his opinion freely in word, writing, print, image or otherwise. No job contract may obstruct him in the exercise of this right; nobody may put him at a disadvantage if he makes use of this right. There is no censorship; in case of the cinema, other regulations may be established by law. Also in order to combat trashy and obscene literature, as well as for the protection of the youth in public exhibitions and performances legal measures are permissible.



## **Second Chapter : Life within a Community**

### **Article 119**

Marriage, as the foundation of the family and the preservation and expansion of the nation, enjoys the special protection of the constitution. It is based on the equality of both genders.

It is task of both the state and the communities to strengthen and socially promote the family. Large families may claim social welfare.

Motherhood is placed under state protection and welfare.

### **Article 120**

It is the supreme obligation and natural right of the parents to raise their offspring to bodily, spiritual and social fitness; the governmental authority supervises it.

### **Article 121**

Legislation has to create equal preconditions for children born out of wedlock, concerning their bodily, spiritual and social development, as they are given to legitimate children.

### **Article 122**

Youth is to be protected against exploitation as well as against moral and spiritual dissipation, bodily neglect. State and communities have to take appropriate measures.

Measures which interfere by the means of force in the parents' right to raise their children may only be taken if based on a law.

### **Article 123**

All Germans have the right to assemble peacefully and unarmed; such assemblies do not require any prior notification or special permit.

A Reich law can require prior notification for assemblies taking place in the open, and it can, in case of imminent danger for public security, stipulate that such assemblies in the open may be prohibited.

### **Article 124**

All Germans are entitled, for means which do not conflict with penal laws, to form clubs or societies. This right may not be limited by preventive measures. These regulations also apply for religious societies.

Every club is free to acquire legal capacity. No club may be denied of it because of it pursuing political, socio-political or religious goals.

### **Article 125**

Liberty and secrecy of ballot are guaranteed. Further details are specified by election laws.

### **Article 126**

Every German is entitled to address the respective authority or parliament with petitions or grievances. This right may be exercised both by the individual or jointly by a group of individuals.

### **Article 127**

Communities and associations of communities are entitled to self-administrations, within the limits set by law.

### **Article 128**

All citizens, without discrimination, are to be admitted, according to their talents and accomplishments, to public office.

All regulations discrimination against female Beamte are abolished. The status and working conditions of Beamte have to be regulated by Reich law.

### **Article 129**

Beamte are employed for lifetime, unless specified otherwise by law. Pension and dependents' pensions are regulated by law. Beamte's acquired rights are inviolable. Beamte are entitled to take the course of law to claim their proprietary claims.

Only under certain conditions and procedures, specified by law, may Beamte be suspended temporarily or to be retired of to be transferred into another office with lower pay.

The opportunity to appeal against any official penalization, and to request reinstatement, must be given. Negative entries may only then be written in personal records if the respective Beamter has been given the opportunity to comment. The Beamte has to be given access into his personal records.

The inviolability of his acquired rights and the option to take the course of law are guaranteed especially for the professional soldier. Their status otherwise is regulated by Reich law.

### **Article 130**

Beamte serve society in its entirety, not a specific party. All Beamte enjoy freedom of political opinion any freedom to join clubs and organizations.

According to legal Reich specification, Beamte will be given specific Beamte representation.

### **Article 131**

If a Beamter, in exercise of public authority entrusted on him, violates his obligation of office toward a third person, responsibility falls fundamentally upon the state or the corporation in the service of which the Beamte acts. Recourse against the Beamte is reserved. The course of law may not be excluded. Further details are to be provided by competent legislation.

### **Article 132**

Every German is, in accordance with the law, obliged to take on honorary activities.

### **Article 133**

All citizens are obliged, in accordance with the law, to provide personal services for state and community.

Compulsory military service is regulated by the specifications of the Reich defense law. This also stipulates insofar the individual's rights are to be limited in order to uphold discipline and for the Wehrmacht (19) to fulfil its tasks.

### **Article 134**

All citizens without discrimination contribute in relation to their means to the public burden, in accordance with the laws.

## **Third Chapter : Religion and Religious Communities.**

### **Article 135**

All Reich inhabitants enjoy full freedom of liberty and conscience. Undisturbed practise of religion is guaranteed by the constitution and is placed under the protection of the state. General state laws are not affected hereby.

### **Article 136**

Civil and civic rights and obligations are neither conditioned nor limited by the exercise of freedom of religion. The exercise of civil or civic rights, the admittance to public offices are independent of religious confession.

Nobody is obliged to profess his religious confession publicly. Public authority may only ask for religious affiliation as far as rights and obligations derive or an officially decreed census requires. Nobody may be forced to participate in a religious act or

festivity, to join in religious practices or to swear a religious oath formula.

**Article 137**

There is no state church.  
Freedom to form religious communities is guaranteed. Regarding the unification of religious communities within the Reich territory there are no limitations.  
Every religious community administers its own affairs without interference of state or community.  
Religious communities acquire legal capacity according to general specifications of civil law.  
Religious communities, as far as they have been, remain public corporations.  
Other religious societies have to be granted the same rights on application, if they, by the means of their number and constitution, indicate to be lasting. If several religious communities with the status of public corporations form a confederation, the status of public corporation is extended to this confederation.  
Religious communities with the status of public corporations are entitled to raise taxes based on fiscal records and in accordance with state regulations.  
Religious communities are given equal status with civic organizations which cultivate a philosophy of life.  
Inasmuch as the application of these regulations requires further details, these have to be established by state legislation.

**Article 138**

State contributions to religious communities, inasmuch they are based on law, treaty or specific legal claim, are to be handled by state legislation.  
The Reich provides the principles herefor.  
The religious communities' and organization's right to own institutions serving public welfare, education and religious service, to own respective endowments and other property are guaranteed.

**Article 139**

Sunday and other state holidays are designated as days of rest from work and spiritual collection and are, as such, protected by law.

**Article 140**

Soldiers have to be given appropriate free time to fulfill their religious obligations.

**Article 141**

Insofar there is demand for religious service and ministerial work in the army, in hospitals, prisons or other public institutions, religious organizations have to be permitted to take care of these, and they have to be kept clear of any form of force.

**Fourth Chapter : Education and School.**

**Article 142**

The arts, science and instruction are free. State provides protection and participates in its cultivation.

**Article 143**

The education of the youth has to be provided by public institutions. In their establishment, Reich, states and communities cooperate.  
The training of teachers has to be regulated uniform for the Reich, according to principles applying generally for higher education.  
Teachers at public schools enjoy the rights and share the duties of state Beamte.

**Article 144**

Schooling entirely is placed under state supervision; the state can give a share in that supervision to the communities. School supervision is taken charge of by full-time, professionally qualified Beamte.

**Article 145**

Schooling is obligatory. This obligation is served by the Volksschule (20) with at least 8 school years and the school for further instruction, following on the former, until the completed 18th year. Instruction and learning aids are, at Volksschule and at schools for further instruction, free of charge.

**Article 146**

Public schooling has to be organized organically. Middle and high schools are based on an elementary school common for everybody. For the organization of the school system the variety of occupations, for the acceptance of a child into a school his talent and inclination, but not the economic and social position nor the religious confession of his parents are authoritative. Within the communities, at the request of Erziehungsberechtigten (21), Volksschulen of their confession or world outlook have to be established, if this does not obstruct the regular operation of the school.  
The wish of those Erziehungsberechtigter has, when possible, to be considered. Further details are specified by state legislation, according to principles laid down in a Reich law.  
Reich, states and communities have to provide funds to allow poor children access to middle and high schools, to grant financial aid to parents, whose children are regarded qualified for the education on middle and high schools, until their education is ended.

**Article 147**

Private schools in lieu of public schools require state approval and are subject to state laws. Approval has to be granted, if the private schools do meet the standards of public schools in their educational goals as well as in their installations and in the qualification of their staff, and if they do not promote any differentiated treatment of children according to the wealth of their parents.  
Approval has to be withheld, if the financial security of the teaching staff is insufficiently guaranteed.  
Private primary schools are to be approved only, if there is no public primary school for a minority of persons with educational power which have applied for a school of their confession or world outlook according to Art. 146 Par. 2, or if the community recognizes a special educational interest.  
Private preschools are to be abolished.  
Private schools not competing with public schools continue under existing law.

**Article 148**

All schools have to work towards ethical education, patriotic spirit, personal and occupational fitness in the spirit of German nationality and international understanding.  
In the instruction at public schools it has to be taken into consideration not to hurt the feelings of dissenters.  
Civics and teaching by doing are school subjects. Every pupil, upon graduation, will be given a copy of the constitution.  
Secondary education, including Volkshochschulen (22) have to be promoted by Reich, states and communities.

**Article 149**

Religious instruction is a regular subject at schools, except at schools without confession. Its instruction will be regulated by school legislation.  
It will be taught in accordance with the principles of the respective religious community, notwithstanding the state's right of supervision.  
Religious instruction and participation in religious activities remains a willful activity of teachers; in case of the children participation in religious instruction and ceremonies is left to the decision of those who have to decide over their religious education.  
Theological departments at universities continue to operate.

**Article 150**

Artistic, historical and natural monuments and the landscape enjoy state protection and care. It is task of the Reich to prevent the export of German cultural property into foreign countries.

**Fifth Chapter : The Economy****Article 151**

The economy has to be organized based on the principles of justice, with the goal of achieving life in dignity for everyone. Within these limits the economic liberty of the individual is to be secured. Legal force is permissible to realize threatened rights or in the service of superseding demands of public welfare. Freedom of trade and industry will be realized according to a Reich law.

**Article 152**

Freedom of contract is the foundation of economic transactions, according to the laws. Usury is prohibited. Legal transactions offending good manners are invalid.

**Article 153**

Property is guaranteed by the constitution. Laws determine its content and limitation. Expropriation may only be decreed based on valid laws and for the purpose of public welfare. It has to be executed with appropriate compensation, unless specified otherwise by Reich law. Regarding the amount of the compensation, the course of law at general courts has to be kept open in case of a controversy, unless Reich laws specify otherwise. Expropriations by the Reich at the expense of the states, communities or charitable organizations may only be executed if accompanied by appropriate compensation. Property obliges. Its use shall simultaneously be service for the common best.

**Article 154**

The right of inheritance is guaranteed according to civil law. The state's share in the inheritance is determined by the laws.

**Article 155**

The distribution and usage of real estate is supervised by the state in order to prevent abuse and in order to strive to secure healthy housing to all German families, especially those with many children. War veterans have to be given special consideration in the homestead law to be written. Real estate, the acquisition of which is necessary to answer the demand for housing, to promote settlement and cultivation of the soil and to elevate agricultural cultivation, may be expropriated. Fideicommissa are to be abolished. The owner of the soil is obliged to the community to cultivate and exploit the soil. Any increase in the value of the real estate which does not result from the investment of labour or capital has to be made utilizable to the community. All mineral wealth and all economically utilizable natural energy sources are under state supervision. Private rights are to be transferred into state property by the means of legislation.

**Article 156**

The Reich may transfer economic enterprises suited for nationalization into common property, if the regulations for expropriation are obeyed and if compensation is not violated. It may join in the administration of economic enterprises or syndicates or may order the states or communities to do so, or it may otherwise assure decisive influence. In case of urgent demand the Reich furthermore may enforce the merger of economic enterprises and syndicates for the benefit of public welfare with the aim to assure the cooperation of all producing sections of the people, in order to participate employers and employees in the administration, in order to regulate production, distribution, usage, pricing, im- and export of wares according to principles of the social economy. Consumer and economic cooperatives and their federations are, upon their request and in consideration of their constitution and character, to be included in the social economy.

**Article 157**

Labour enjoys the special protection of the Reich. The Reich will provide uniform labour legislation.

**Article 158**

Intellectual creation, the rights of authors, inventors and artists enjoy protection and care of the Reich. The achievements of German science, art and technology have to be given recognition and protection abroad by the means of international treaties.

**Article 159**

The right to form unions and to improve conditions at work as well as in the economy is guaranteed to every individual and to all occupations. All agreements and measures limiting or obstructing this right are illegal.

**Article 160**

Who is in the service or employment, be it as a worker or salaried employee, is entitled to make use of his civic rights, and, insofar no considerable economic damage results of it for the enterprise, to be granted the required free time for the exercise of public honorary offices bestowed upon him. Insofar he is entitled to continue to receive his pay will be determined by law.

**Article 161**

In order to maintain health and the ability to work, in order to protect motherhood and to prevent economic consequences of age, weakness and to protect against the vicissitudes of life the Reich establishes a comprehensive system of insurances, based on the critical contribution of the insured.

**Article 162**

The Reich advocates an international regulation of the rights of the workers, which strives to safeguard a minimum of social rights for humanity's working class.

**Article 163**

Notwithstanding his personal liberty, every German is obliged to invest his intellectual and physical energy in such a way as necessary for public benefit. Every German shall be given the opportunity to earn his living by economic labour. In case appropriate job openings can not be provided, he will receive financial support. Further details are specified by Reich law.

**Article 164**

The interests of the self-employed in agriculture, industry and trade are to be promoted in legislation and administration, and they are to be protected against takeover and overburdening.

**Article 165**

Workers and employees are called upon to participate, on an equal footing and in cooperation with the employers, in the regulation of wages and working conditions as well as in the economic development of productive forces. The organizations formed by both sides and their mutual agreements are recognized. Workers and employees are granted, in order to represent their social and economic interests, legal representations in Enterprise Workers' Councils as well as in District Workers' Councils, organized for the various economic areas, and in a Reich workers' council.

District workers' councils and the Reich workers' council, in order to fulfil the economic tasks and to execute the socialization laws in cooperation with the employers, join District economic councils and a Reich economic council, in which the employers' representatives and other concerned circles also participate.

The district economic councils and the Reich economic council are to be organized in such a way, that all important professions are represented according to their economic and social importance.

Basic law drafts of social-political and economic character are to be presented by the Reich government to the Reich economic council for approval, before they are presented to Reichstag. The Reich economic council is entitled to propose such law drafts. If the Reich government does not approve to such a draft, it has to present the draft to Reichstag, accompanied by an explanation of its diverting position. The Reich economic council is entitled to have one of its members represent the draft in the Reichstag.

Supervision and administration authority may be transferred to the workers' and economic councils within the area they are responsible for.

The regulation of consistence and tasks of the workers' and economic councils, as well as their relation to other bodies of self-administration is exclusively a Reich matter.

#### **Transition and Final Decrees**

##### **Article 166**

The Reich court will establish an election supervision court in lieu of the Reich administration court, until the latter is established.

##### **Article 167**

The regulations of Article 18 Paragraphs 3 and 6 will take force only 2 years after the proclamation of the Reich constitution. In the Prussian province of Upper Silesia, within two months after the German administration will have taken control of the currently occupied area, a plebiscite will be held according to article 18 paragraph 4.1 and paragraph 5, answering the question if a separate state of Upper Silesia shall be formed.

If this question is affirmed, the state has to be created immediately, without the necessity to pass a Reich law. Following conditions have to be observed :

1. a state assembly has to be elected, which, within 3 months after the proclamation of the official final result of the plebiscite, has to form a state government and to call for the vote on a state constitution. The Reich president will decree election regulations according to the Reich election law, and will fix a day for the election.
2. The Reich president, in agreement with the Upper Silesian state assembly, will determine when the state is to be regarded as established.
3. All those acquire Upper Silesian nationality who :
  - a) are adult Reich nationals who reside or permanently dwell in Upper Silesia on the day the state is established
  - b) other adult Prussian nationals who have been born in Upper Silesia and who declare within a year of the establishment of the state that they desire to acquire Upper Silesian nationality
  - c) all Reich nationals who follow persons listed under a or by birth, legitimation or marriage (23)

##### **Article 168**

Until the state law mentioned in article 63 is passed, but until July 1st 1921 at the latest, the Prussia will be represented in the Reichsrat by members of the Reich government. (24)

##### **Article 169**

The time when article 83 paragraph 1 will take force will be determined by the Reich government.

Within an adequate transition period the raise and administration of customs and consumption taxes may be left to the states, at their request.

##### **Article 170**

The Bavarian and Württemberg postal and telegraph services will be transferred to the Reich, on April 1st 1921 at the latest. If no agreement over the conditions of the transfer have been made by October 1st 1920, the Reich supreme court will decide. Until the transition Bavaria's and Württemberg's traditional rights and obligations remain in force. Postal and telegraph connections with foreign countries are to be handled by the Reich exclusively.

##### **Article 171**

State railways, waterways and navigational aids are transferred into Reich property by April 1st 1921, at the latest. Unless no agreement has been achieved regarding the transfer, the supreme court will decide.

##### **Article 172**

Until the law concerning the supreme court takes force, its authority is exercised by a Senate of seven members, four of whom are delegated from Reichstag, three from Reichsrat. It regulates its own procedures.

##### **Article 173**

Until a Reich law will be proclaimed according to article 138, present state disbursements to religious organizations, based on law, treaty or other legal titles, will continue.

##### **Article 174**

Until a Reich law will be proclaimed according to article 146 paragraph 2 the present legal situation will remain valid. The law has to give special consideration to Reich areas where schools are not organized according to confessions.

##### **Article 175**

The specifications of article 109 to not apply to orders and medals which were awarded for merits in the war years 1914-1919.

##### **Article 176**

All public servants and Wehrmacht dependents are to take an oath on this constitution. Further details are to be determined by the Reich president.

##### **Article 177**

Where, in existing laws, it is stipulated that an oath has to include a religious formula, the oath also may be taken by the swearing person, while omitting the religious formula, declares : "I swear". Otherwise the oath formula as stipulated in the laws remains unchanged.

##### **Article 178**

The constitution of the German Reich of April 15th 1871 and the law concerning temporary Reich administration are suspended.

The other Reich laws and decrees remain in force, unless they contradict the constitution. The stipulations of the peace treaty signed on June 28th 1919 are not affected by this constitution. Concerning the negotiations on the acquisition of the island of Helgoland an agreement with the native population diverting from article 17 paragraph 2 may be reached. (25)

Official decrees, which were formulated on hitherto valid law remain valid until they are suspended by other decrees or by legislation.

##### **Article 179**

Inasmuch laws or decrees refer to institutions which have been abolished by this constitution, the respective regulations and institutions described in this constitution take their place. Expressis verbis the national assembly is succeeded by the Reichstag, the state committee by the Reichsrat, the president elected according to the law on preliminary Reich government by the president elected in accordance with this constitution.

The authority hitherto of the state committee regarding the right to sign decrees is transferred to the Reich government; Reich

government decrees require the approval of Reichsrat, in accordance with this constitution.

#### Article 180

Until the first Reichstag will convene, this national assembly is regarded as Reichstag. The Reich president elected by the national assembly will serve in office until June 30th 1925. (26)

#### Article 181

The German people, by the means of its national assembly, has passed and ratified this constitution. It takes force on the day of its proclamation.

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(1) Took effect on August 14th 1919. Formally the Weimar Constitution was not abrogated; factually it was, by the Ermächtigungsgesetz of March 3rd 1933. In the following notes, only those laws are listed which explicitly altered the constitution.

(2) 'Reich' = translates to 'Empire'. During the Weimar Republic the use of the term continued, despite the fact that the Kaiser has abdicated.

(3) Beamte = public civil servants. In Germany they had, and continue to have, a special status - their contracts are permanent; they can not be fired unless they committed a major violation.

(4) Reichstag = name of Germany's parliament.

(5) Landtag = state parliament.

(6) = The words "or after Reichstag has been dissolved, until a new Reichstag meets for the first time" were inserted by the law of Dec. 15th 1923

(7) = inserted by law of May 22nd 1923 (RGBl. I p.243, RGBl = Reichsgesetzblatt, translating to Reich Law Gazette)

(8) state = the corresponding German expression is Land; the German Empire was a confederation, consisting of the following states : Prussia, Bavaria, Saxony, Württemberg, Baden, Hessen-Darmstadt, Mecklenburg-Schwerin, Mecklenburg-Strelitz, Oldenburg, Braunschweig, Anhalt, Hamburg, Bremen, Lübeck, Waldeck, Schaumburg-Lippe, Lippe-Detmold, Thüringen.

(9) president = The German text uses both terms 'Vorsitzender' and 'Präsident' in the constitution; in the English translation, they are easily confused. Here, the person who presides the Reich government is meant; in usual cases it would be the Reich chancellor.

(10) version based on the law of Dec. 17th 1932 (RGBl. I p.547)

(11) Reichsrat = Reich Council, a chamber representing the interests of the individual states

(12) version of the law on state representation in Reichsrat, of March 24th 1921.

(13) Deutschösterreich = When Austria-Hungary dissolved in 1918, the parliament of what remained of Austria rechristened the country Deutschösterreich (German Austria) and voted to join the German Empire. The decision was declared invalid by the Allies' representatives assembled at Versailles.

(14) has been declared invalid by the annulment protocol signed at Versailles, September 23rd 1919

(15) By the means of the Reich post finance law of March 18th 1924 (RGBl. I p.287) Paragraph 15 segment 2 it has been stipulated : "The regulations of articles 85 to 87, Reich constitution, take effect on the same day (April 1st 1924); the administrative council will take the place of Reichstag and Reichsrat; no law will be required regarding taking a credit and giving securities."

(16) see footnote on article 85

(17) see footnote on article 85

(18) Strombauverband = corporation of administrative units adjoining a major river; the Strombauverband takes charge of riverside dykes, of excavation of the fairway etc.

(19) Wehrmacht = literal meaning : defense force (i.e. army, navy and air force)

(20) Volksschule = a primary school, continuing beyond the 4 years of elementary school, providing basic education. Those parents who aim at a better education for their children have them transfer to Realschule or Gymnasium after the 4 years of elementary education.

(21) Erziehungsberechtigte = persons with educational or parental power, parents or those who have been given the legal rights of parents to make decisions over the education of children entrusted to them

(22) Volkshochschulen = these indicate not just any adult education courses, but such courses organized on a non-profit bases in communities throughout the country, founded by non-profit organizations intending to provide secondary education for everybody, disregarding his personal wealth.

(23) paragraphs 2 and 3 have been inserted by law of Nov. 27th 1920 (RGBl.p.1987)

(24) newly formulated by law of August 6th 1920 (RGBl. p.1565); the words "for the duration of 1 year" were replaced by the words "until July 1st 1921".

(25) Article 178 paragraph 2 sentence 3 has been inserted by law of Aug. 6th 1920 (RGBl. p.1566)

(26) 2nd sentence version based on the law of Oct. 27th 1922 (RGBl. I p.801)

[Dokument in deutscher Sprache](#)

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FEN. DONOVAN

TRANSLATION OF DOCUMENT 2050-PS  
Office of U.S. Chief of Counsel.

1919 REICHGESETZBLATT I, p. 383

THE CONSTITUTION OF THE GERMAN REICH  
August 11, 1919

DIE VERFASSUNG DES DEUTSCHEN REICHS  
VOM 11 AUGUST 1919

The German people, united in their racial elements and impelled by the will to renew and strengthen their Reich in freedom and justice, to serve the ends of peace at home and abroad and further social progress; have established this Constitution.

#### FIRST PART

#### STRUCTURE AND FUNCTION OF THE REICH

#### First Chapter

#### Reich and Lands.

#### Article 1.

The German Reich is a Republic. The state power is derived from the people.

#### Article 2.

The territory of the Reich consists of the territories of the German Member States (Lands). Other territories may be incorporated in the Reich by Reich statute if the inhabitants of such territory, in exercise of the right of self-determination so desire.

#### Article 3.

The Reich colors are black, red and gold. The merchant flag is black white and red, with the Reich colors in the upper inside corner.

#### Article 4.

The generally accepted rules of international law are to be considered as binding integral parts of the law of the German Reich.

#### Article 5.

The state power in respect to matters within the competence of the Reich shall be exercised by the authorities of the Reich on the basis of the Constitution of the Reich; in respect to matters within the competence of the Member States by the authorities of the Lands, on the basis of their respective constitutions.

#### Article 6.

The Reich shall have exclusive legislative competence for:

- 1) Foreign affairs (Beziehungen zum Ausland)
- 2) colonial matters.
- 3) questions relating to nationality, freedom of travel and residence (Freizügigkeit), immigration, emigration and extradition.

- 4) the organization of defense forces.
- 5) coinage
- 6) customs, as well as the unity of customs and trading areas and freedom of commerce.
- 7) post and telegraph, including the telephone.

Article 7:

- 1) civil law
- 2) penal law
- 3) judicial procedure, including the execution of penalties and legal aid between authorities (Amtshilfe)
- 4) matters relating to passports and police supervision of aliens (Fremdenpolizei)
- 5) poor relief and the care of vagrants.
- 6) matters relating to the press, associations and assemblies.
- 7) policies relating to population (Bevölkerungspolitik), maternity relief, welfare of infants, children and youth.
- 8) public health, veterinary matters and the protection of plants against disease and pests.
- 9) labor laws, insurance, and the protection of laborers and employees, and employment bureaus.
- 10) the establishment of Reich organs of vocational representation (Berufliche Vertretung)
- 11) provision for war veterans and the surviving dependents of deceased soldiers.
- 12) laws relating to expropriation.
- 13) the 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. (Gemeinwirtschaft)
- 14) trade and commerce, weights and measures, the issue of paper money, banks and banking and the stock exchanges (Börsenwesen)
- 15) traffic in foodstuffs, articles for consumption and luxury, and necessaries of daily life.
- 16) industries and mining.
- 17) matters relating to insurance.
- 18) ocean navigation, deep-sea fishing and coastal fishing.
- 19) railways, inland navigation, automatic traffic on land, water, and in the air; the construction of highways, insofar as general communica-



20) theaters and cinemas.

Article 8.

The Reich shall further legislate in regard to taxation and other revenues, insofar as they are partially or wholly utilized for its own purposes. If the Reich claims such taxes or other revenues for its own purposes as have hitherto been available for the Member States (Lands), the Reich shall take into consideration the preservation of the life of the Member States.

Article 9.

Insofar as it is necessary to issue uniform rules, the Reich shall legislate for:

- 1) public welfare
- 2) the protection of public order and safety.

Article 10.

The Reich may by legislation, establish fundamental principles (Grundsätze) for:

- 1) the rights and duties of religious associations
- 2) educational matters including high schools and scientific libraries.
- 3) laws relating to officers of all public corporations
- 4) matters relating to the real-estate laws, distribution of the soil, settlements and homesteads, restrictions attached to landed property, housing and the distribution of the population.
- 5) matters relating to burial

Article 11.

The Reich may by means of legislation establish fundamental principles concerning the admissibility and mode of:

- 1) injury to the revenues or commercial relations of the Reich
  - 2) double taxation
  - 3) excessive or obstructive fees for the use of public means of communication, highways, and other facilities.
  - 4) tax discrimination against imported goods in favor of domestic products in inter-state or inter-district commerce, or
  - 5) export premiums,
- or in order to preserve important social interests.

Article 12.

So long as and insofar as the Reich refrains from exercising the right of legislation, the Lands shall retain the right of legislation. This does not apply to matters for which the Reich has exclusive competence of legislation.

The government of the Reich has the right of veto in regard to Lands laws relating to matters within the scope of Article 7, Number 13, insofar as the general welfare of the Reich is thereby affected.

Article 13.

Reich law takes precedence over Lands law.

Where there are doubts or differences of opinion as to whether a legal provision of a Land is compatible with Reich law, the competent Reich or central authorities of a Land may, in accordance with particulars prescribed by the Reich law, appeal for decision to a Supreme Court of the Reich.

Article 14.

The laws enacted by the Lands shall be executed by the authorities of the States, unless the laws of the Reich determine otherwise.

Article 15.

The government of the Reich exercises supervision in such matters as are within the legislative competence of the Reich.

Insofar as the laws of the Reich are to be executed by the authorities of the Lands, the government of the Reich may issue general instructions. The government is empowered to send commissioners to the central authorities of the Lands, and with their permission, to the lower state authorities, to supervise the execution of the laws of the Reich.

It is the duty of the government of the Lands, at the request of the government of the Reich, to rectify defects which have become manifest in the execution of Reich laws. Where differences of opinion arise both the government of the Reich and the government of the Land may appeal for decision to the Constitutional Court (Staatsgerichtshof), unless a different court is prescribed by Reich law.

Article 16.

The officers entrusted with direct Reich administration in any Land shall, as a rule, be citizens of that Land. The officers, employees and laborers of the Reich administration shall be employed in their home districts if they so desire, whenever this is possible and not inconsistent with the requirements of their training or the service.

Article 17.

Each Land must have a republican constitution. The people's representatives must be elected by universal, equal, direct and secret ballot by all German men and women in conformity with the principles of proportional representation. The government of the Land must enjoy the confidence of the people's representatives.

The principles for the elections of the people's representatives apply equally to communal elections. A Land law, however,

may make the right to vote dependent on residence in the communal district for a period not exceeding one year.

Article 18.

The division of the Reich into Lands shall be such as to serve the people to the highest possible economic and cultural attainment, whereby the will of the population affected shall be taken into consideration as far as possible. /The alteration of territory of the Lands and the creation of new Lands within the Reich may be effected by means of a Reich law amending the Constitution.

If the Lands directly affected give their consent, an ordinary Reich law is sufficient.

An ordinary Reich law is also sufficient, if one of the Lands affected refuses consent, but the territorial alteration or the creation of a new Land is demanded by the will of the population and the paramount interests of the Reich.

The will of the population shall be ascertained by plebiscite. The Government of the Reich orders the plebiscite if, in the territory to be separated, one-third of the inhabitants qualified to vote for the Reichstag so demand.

Three-fifths of the votes taken, but at least a majority of the enfranchised voters, are necessary for a resolution to alter a boundary or create a new Land. Even if it is only a question of the disconnection of a part of a Prussian administrative district (Regierungsbezirk), a Bavarian "county" (Kreis) or a corresponding administrative division in other Lands, the will of the population in the whole district affected must be ascertained. If the territory to be disconnected nowhere adjoins the rest of the district, a specific Reich law may declare that the will of the population in the said district is sufficient.

The consent of the population having been ascertained, the government of the Reich shall introduce an appropriate bill for enactment in the Reichstag.

If the unification or disconnection should give rise to a dispute concerning the distribution of property, the Constitutional Court of the German Reich shall decide the same on the application of one party.

Article 19.

Constitutional disputes arising within any Land in which there is no court competent to settle the same, of disputes not governed by private law, arising between different Lands or between the Reich and any Land shall be decided by the Constitutional Court of the German Reich on the application of one party, unless some other court of the Reich is competent to decide such dispute.

The President of the Reich executes the judgment of the Constitutional Court of the Reich.

Second Chapter

The Reichstag

Article 20.

The Reichstag is composed of the delegates of the German people.

Article 21.

The delegates represent the whole people. They are subject only to their own conscience and are not bound by instructions.

Article 22.

The delegates are elected by universal, equal, direct and secret ballot by men and women over twenty years of age, according to the principles of proportional representation. The election day must be a Sunday, or a public holiday.

The Reich Election Law will regulate details.

Article 23.

The Reichstag is elected for four years. New elections must take place at the latest on the sixtieth day after this term has run its course.

The Reichstag assembles for the first time at the latest on the thirtieth day following the election.

Article 24.

The Reichstag meets every year on the first Wednesday in November at the seat of the government of the Reich. The President of the Reichstag must summon it earlier if the President of the Reich or at least one-third of the members of the Reichstag so demand.

The Reichstag determines the close of its session (Tagung) and the date of reassembly.

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.

Article 26

The Reichstag chooses its president, his substitutes and its Secretaries. It sets up its own rules of procedure.

Article 27.

Between two sessions or terms (Wahlperioden) the President and his substitutes of the preceding session continue in their duties.

Article 28.

The President has domiciliary (Hausrecht) and police authority within the Reichstag building. He controls the house administration; he manages the revenues and expenditure of the house in accordance with the budget of the Reich, and represents the Reich in all legal transactions and disputes arising within his administration.

Article 29.

The Reichstag proceedings are public. They may be held in camera, if, on the motion of fifty members, a two-thirds majority so decides.

Article 30.

Accurate reports of the proceedings are of the public meetings of the Reichstag, the State Diets, and of their committees remain free from all responsibility.

Article 31.

An Election Investigation Court (Wahlprüfungsgericht) shall be established in connection with the Reichstag. It shall also be competent to decide whether a delegate has forfeited his seat.

The Election Investigation Court consists of members of the Reichstag, elected by the latter for the election period and of members of the Reich Court of Administration (Reichsverwaltungsgericht), appointed by the President of the Reich on the proposal of the presidency of the said court.

The decisions of the Election Investigation Court shall be taken after a public oral hearing by three members of the Reichstag and two judicial members.

Outside of the oral proceedings before the Election Investigation Court such affairs shall be managed by a commission of the Reich, nominated by the President of the Reich. In other respects the procedure is regulated by the Election Investigation Court.

Article 32. A simple majority vote is necessary for decisions of the Reichstag, unless the Constitution prescribes a different proportion of votes. The rules of procedure may make exceptions in the case of elections by the Reichstag.

The rules of procedure regulate the question of a quorum.

Article 33. The Reichstag and its committees may demand the presence of the Chancellor of the Reich and of any Minister of the Reich.

The Chancellor and Ministers of the Reich and the commissioners appointed by them have access to the sittings of the Reichstag and its committees. The Lands are entitled to send delegates to these meetings to state the views of their governments on the subject under discussion.

At their request the governmental delegates (Regierungsvertreter) must be heard during the deliberations, in the case of the representatives of the government of the Reich (Vertreter der Reichsregierung), even irrespective of the agenda.

They are subject to the authority of the chairman as regards questions of orders.

Article 34. The Reichstag has the right and--on the application of one-fifth of its members--the duty, of appointing investigation committees (Untersuchungsausschüsse). These committees hear such evidence in public sittings as they or the applicants consider necessary. The public may be excluded from the proceedings by a

two-thirds majority of the investigation committee. The rules of procedure determine the proceedings of the committee and determine the number of its members.

It is the duty of the judicial and administrative authorities to accede to the requests of the said committees in regard to the taking of evidence; the files of the authorities must be submitted to the committees on request.

The provisions of the Code of Criminal Procedure (Strafprozessordnung) are applicable as far as is appropriate to the investigations of the committees and the authorities approached by them; nevertheless, the secrecy of letters, post, telegraph and telephone remains inviolate.

Article 35.

The Reichstag appoints a standing committee for foreign affairs, which may also act when the Reichstag is in recess, and after the parliamentary term has expired, or after the dissolution of the Reichstag, until the new Reichstag meets. The meetings of this committee are not public, unless the committee decides otherwise by a two-thirds vote.

The Reichstag also appoints a standing committee for the maintenance of the rights of the people's representation towards the government of the Reich during the periods of recess, and after the term has expired or the Reichstag is dissolved, until the new Reichstag meets.

These committees have the rights of investigation committees.

Article 36.

No member of the Reichstag or of a Land's Diet may at any time be subjected to criminal or disciplinary prosecution or otherwise held responsible outside the house on account of his vote or of remarks made by him in the execution of his functions.

Article 37.

During a session (Sitzungsperiode) no member of the Reichstag or of a Land's Diet may be subjected to investigation or arrested on account of any punishable offense, without the consent of the house to which such a delegate belongs, unless he is arrested in the act of committal or at the latest in the course of the following day.

Similar consent must be obtained for every other curtailment of personal freedom which hinders a delegate in the execution of his functions as representative.

Any criminal proceeding against a member of the Reichstag or a Land's Diet, any detention (Haft) or other curtailment of his personal liberty must be suspended for the duration of the session at the request of the house to which the delegate belongs.

Article 38.

Members of the Reichstag and the Land's Diets are entitled to refuse to give evidence in respect to persons who have confided matters to them in their capacity as delegates or to whom they have given such confidences in the execution of their functions as delegates, as well as in respect to such facts. In respect also to the seizure of documents they have the same status as persons who are entitled by law to refuse to give evidence.

Any search or seizure may only be carried out within the precincts of the Reichstag or a Land's Diet with the consent of their President.

Article 39.

Public officials (Beamte) and members of the defense forces need no leave for the performance of their functions as members of the Reichstag or a Land's Diet.

If they are candidates for a seat in one of these bodies, the necessary leave must be extended to them to enable them to prepare for their election.

Article 40.

Members of the Reichstag shall have free passes for all German railways and receive a compensation for expenses to be fixed by Reich law.

Third Chapter

The Reich President and the Reich Government

Article 41.

The Reich President is elected by the whole German people.

Every German who has completed his thirty-fifth year is eligible for election.

Details will be regulated by a Reich law.

Article 42.

The Reich President shall, on assuming office, take the following oath before the Reichstag.

I swear to devote my energies to the well-being of the German people, to further their interests, to protect them from injury, to keep the Constitution and the laws of the Reich, to fulfill my duties conscientiously and to administer justice to all.

It is permissible to add a religious asservation.

Article 43.

The Reich President's term of office shall last seven years. Reelection is permissible.

At the request of the Reichstag the President may be deposed from office by plebiscite before his term has expired. A two-thirds majority vote is necessary for such a resolution by the Reichstag.

The resolution has the effect of suspending the Reich President from the further exercise of his office. If the deposition is rejected by the plebiscite, this is regarded as a new election and entails the dissolution of the Reichstag.

The Reich President cannot be prosecuted criminally without the consent of the Reichstag.

Article 44.

The Reich President may not at the same time be a member of the Reichstag.

Article 45.

The Reich President represents the Reich in the sphere of international law. He concludes alliances and other treaties with foreign powers in the name of the Reich. He accredits and receives Ministers (Gesandte).

War is declared and peace concluded by Reich law.

Alliances and treaties with foreign States which relate to matters within the legislative competence of the Reich, require the consent of the Reichstag.

Article 46.

The Reich President appoints and dismisses the public officials of the Reich and officers of the defense forces, unless otherwise provided by law. He may allow the right of appointment and dismissal to be exercised by other authorities.

Article 47.

The Reich President has supreme command (Oberbefehl) over all the defense forces of the Reich.

Article 48.

If a Land fails to fulfil the duties incumbent upon it according to the Constitution or the laws of the Reich, the Reich President can force it to do so with the help of the armed forces.

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 Reich President shall inform the Reichstag without delay of all measures taken under Paragraph 1 or Paragraph 2 of this Article. On demand by the Reichstag the measures shall be repealed.

In case of imminent danger the government of any Land may take preliminary measures of the nature described in Paragraph 2 for its own territory. The measures are to be revoked upon the demand of the Reich President or the Reichstag.

Details will be regulated by a Reich law.

Article 49.

The Reich President exercises the right of pardon for the Reich.

Reich amnesties require a Reich law.

Article 50.

All orders and decrees (Anordnungen und Verfügungen) of the Reich President, including those concerning the defense forces, require for their validity the countersignature of the Chancellor of the Reich or the competent Minister of the Reich. By countersignature responsibility is assumed.

Article 51.

The Reich President shall, when prevented from functioning, be represented (vertreten) in the first place by the Reich Chancellor. When such disability is likely to be of long duration, a Reich law shall regulate the question of representation.

The same applies in the case of a premature termination of the Presidency until the new election takes place.

Article 52.

The government of the Reich shall consist of the Chancellor and the Reich Ministers.



Article 53.

The Reich Chancellor and at his proposal the Reich Ministers shall be appointed and dismissed by the Reich President.

Article 54.

The Chancellor and the Reich Ministers require for the exercise of their office the confidence of the Reichstag. Any of them must retire if the Reichstag by express resolution withdraws its confidence.

Article 55.

The Reich Chancellor presides over the government of the Reich and conducts its affairs according to rules of procedure laid down by the government of the Reich and approved by Reich President.

Article 56.

The Reich Chancellor determines the outlines (Richtlinien) of the policy of the State and is responsible to the Reichstag for the same. Within these outlines each Reich Minister conducts the office entrusted to him independently and on his own responsibility towards the Reichstag.

Article 57.

The Reich Ministers shall lay before the Reichstag for deliberation and enactment all bills and all matters for which such a course is prescribed in the Constitution or by law, as well as all differences of opinion in regard to questions within the competence of more than one Minister.

Article 58.

The government of the Reich passes its resolutions by majority vote. In the case of tie votes the chairman has a casting vote.

Article 59.

The Reichstag is entitled to impeach the Reich President, the Chancellor and Reich Ministers for having culpably violated the Constitution or a statute of the Reich before the Constitutional Court (Staatsgerichtshof). The motion for impeachment must be signed by at least one hundred members of the Reichstag and be approved by the majority prescribed for amending the Constitution.

Details will be regulated by the Reich statute concerning the Constitutional Court.

Fourth Chapter

The Reich Council

Article 60.

A Reich Council shall be constituted to represent the German Lands in the legislature and administration of the Reich.

Article 61.

Each Land has at least one vote in the Reich Council. In the case of larger Lands there shall be one vote for every 1,000,000 inhabitants. A surplus, which is equal to at least the population of the smallest land, will be reckoned equal to 1,000,000. No Land may be represented by more than two-fifths of the total number of votes.

German-Austria, after its union with the German Reich, shall be entitled to participate in the Reich Council with the number of votes proportionate to its population. Until then the representatives of German-Austria may take part in the deliberations.

The number of votes shall be fixed anew by the Reich Council after every general census.

Article 62.

No Land shall have more than one vote on the committees formed by the Reich Council from its own members.

Article 63.

The Lands shall be represented on the Reich Council by members of their governments. But half the Prussian votes shall belong to the Prussian provincial administrations in accordance with a Land law.

The Lands are entitled to send as many representatives to the Reich Council as they have votes.

Article 64.

The government of the Reich must convene the Reich Council on the demand of one-third of its members.

Article 65.

A member of the government of the Reich shall preside over the Reich Council and its committees. The members of the government of the Reich have the right and--if so demanded--the duty of attending the deliberations of the Reich Council and its committees. On their own request they must during the proceedings at any time be heard.

Article 66.

The government of the Reich and each member of the Reich Council are entitled to lay proposals before the Reich Council.

The Reich Council regulates its procedure by rules of procedure (Geschäftsordnung).

The plenary sittings of the Reich Council are public. In compliance with the rules of procedure the public may be excluded for specific subjects of deliberation.

Decisions are taken by a simple majority of those voting.

Article 67.

The Reich Council shall be kept informed by the Reich ministries of the conduct of affairs of the Reich. The competent committees of the Reich Council shall be consulted by the ministries of the Reich with regard to important affairs.

Fifth Chapter

Reich Legislation

Article 68.

Bills are introduced by the government of the Reich or by members of the Reichstag.

Reich laws shall be enacted by the Reichstag.

Article 69.

The introduction of bills by the government of the Reich requires the consent of the Reich Council. If no agreement is reached between the Reich government and the Reich Council, the Reich government may introduce the bill notwithstanding, but must state the contrary opinion of the Reich Council.

If the Reich Council resolves on a bill not assented to by the government of the Reich, the latter must introduce the bill to the Reichstag, stating its own point of view.

Article 70.

The Reich President shall promulgate (ausfertigen) all constitutionally enacted laws and proclaim them in the Reich's Legal Gazette (Reichsgesetzblatt) within one month.

Article 71.

Reich laws, unless they provide otherwise, come into force on the fourteenth day after the date on which the Reich's Legal Gazette is published in the capital of the Reich.

Article 72.

The proclamation of a Reich law shall be postponed for two months on the demand of one-third of the Reichstag. Laws stated to be urgent by the Reichstag and the Reich Council may be proclaimed by the Reich President notwithstanding such demand.

Article 73.

A law enacted by the Reichstag shall be made the subject of a referendum, if the Reich President so determines within a month.

A law, the proclamation of which has been postponed on the application of at least one-third of the members of the Reichstag, shall be subjected to a referendum, if one-twentieth of the persons qualified to vote so submit.

A referendum shall further be instituted if one-tenth of the persons qualified to vote initiate by petition the introduction of a bill. An elaborated bill must underlie such people's initiative. The bill shall be submitted to the Reichstag by the government together with a statement of its own point of view. No referendum shall take place if the petitional bill is passed unaltered by the Reichstag.

In regard to the budget, taxation laws and laws relating to pay and salaries, only the Reich President may inaugurate a referendum.

A Reich law shall regulate the procedure for referendum and initiative.

Article 74.

The Reich Council is entitled to raise an objection to laws passed by the Reichstag.

The objection must be submitted to the Reich government within two weeks following the final vote in the Reichstag and sustained by reasons at the latest within two further weeks.

When such objection has been raised, the law is again submitted to the Reichstag for redecision. If by this means no agreement is reached between the Reichstag and the Reich Council, the President may, within three months, order that a referendum be taken on the matter in dispute. If the President does not exercise this right, the law is considered not to have been passed.

If the Reichstag has passed the law in spite of the objection by the Reich Council by a two-thirds majority, then the President must either proclaim the same within three months in the form approved by the Reichstag or order a referendum to be taken.

Article 75.

A referendum can nullify an enactment of the Reichstag only if a majority of those qualified to vote take part in the vote.

Article 76.

The Constitution may be amended by law. But acts of the Reichstag amending the Constitution can only take effect if two-thirds of the legal number of members are present and at least two-thirds of those present consent. Resolutions of the Reich Council also require a two-thirds majority of the votes taken, when an amendment to the Constitution is in question. If on a popular initiative an amendment to the Constitution is to be decided by referendum, the consent of a majority of those qualified to vote is required.

If the Reichstag has passed an amendment to the Constitution in spite of an objection on the part of the Reich Council, the President may not proclaim such law, if within two weeks the Reich Council demands a referendum.

Article 77.

Unless otherwise provided by law the Reich government shall issue the general administrative provisions (Verwaltungsvorschriften) necessary for putting into execution the laws of the Reich. The approval of the Reich Council is required when the execution of the Reich laws is within the competence of the authorities of the Lands.

Sixth Chapter

Reich Administration

Article 78.

The cultivation of the relations with foreign States is exclusively a function of the Reich.

With regard to matters the regulation of which is within the competence of the Lands' legislature, the Lands may conclude treaties with foreign States; such treaties require the approval of the Reich.

Agreements with foreign States relating to any alteration of the boundaries of the Reich are concluded by the Reich, after the consent of the Lands concerned has been obtained. Such boundary alterations may only be undertaken on the basis of a Reich law, unless it is simply a case of adjusting the boundaries of uninhabited districts.

All arrangements and measures necessary for safeguarding the interests of individual Lands arising out of their particular economic relations with or their proximity to foreign States shall be undertaken by the Reich in agreement with the Lands concerned.

Article 79.

The defense of the Reich is a function of the Reich. The defense organization of the German people shall be uniformly regulated by Reich law with due regard to special peculiarities of the inhabitants of the different Lands.

Article 80.

Colonial matters belong exclusively to the competence of the Reich.

Article 81.

All German commercial vessels constitute one single merchant marine.

Article 82.

Germany constitutes one single customs and trading area surrounded by a customs frontier.

The customs frontier coincides with Germany's foreign frontier line. At the sea the shore of the mainland and of the islands belonging to the territory of the Reich form the customs boundary. Deviations may be ordered for the course of the boundary line along the sea and other waters.

Foreign territories or parts of territories may be joined to the customs area by means of international treaties or agreements.

Portions may be excluded from the customs area to meet particular necessities. In the case of free ports (Freihäfen) such exclusion can only be repealed by a law amending the Constitution.

Districts excluded from the customs area may be joined to a foreign customs area by means of international treaties or agreements.

All products of nature and industry and art which are freely traded within the Reich may be transported over the boundaries of the Lands and Communes into, out of, and through them. Exceptions may be allowed by Reich law.

Article 83.

Customs duties and consumption taxes are administered by the authorities of the Reich.

The authorities of the Reich, when administering taxes of the Reich (Reichsabgaben), shall take steps to enable the individual Lands to safeguard their own particular interests in regard to agriculture, trade, commerce and industry.

Article 84.

The Reich shall provide by law for:

1. the institution of a tax administration of the Lands, insofar as is necessary for the uniform and equal execution of the Reich taxation laws
2. the institution and powers of the authorities entrusted with the supervision of the execution of the Reich taxation laws
3. the accounting with the Lands
4. the reimbursement of the costs of administration in executing the Reich taxation laws.

Article 85.

All revenues and expenditure of the Reich must be estimated for every fiscal year and entered in the budget (Haushaltsplan).

The budget shall be passed by law before the beginning of the fiscal year.

Appropriations are as a rule made for one year; in special cases they may be granted for a longer period. Other provisions in the budget law which legislate for a period beyond the fiscal year, or which have no reference to the revenues or expenditure of the Reich, may not be incorporated in the budget law.

The Reichstag may not increase existing or incorporate new appropriations in the budget bill without the consent of the Reich Council.

The consent of the Reich Council may be replaced as provided in Article 74.

Article 86.

The Reich Minister of Finance shall, in the course of the year, account to the Reich Council and the Reichstag for the expenditure of all the revenues of the Reich for the preceding year in order to release the government of the Reich from its responsibility. The auditing of this account shall be regulated by Reich law.

Article 87.

Funds may only be obtained by loans in the case of extraordinary requirements and, as a rule, only for the purpose of productive outlay. A Reich law is required for this method of procuring funds as well as for the creation of a charge on the Reich by way of security.

Article 88.

The post and telegraph as well as the whole telephone system are exclusive functions of the Reich.

Postage stamps are uniform for the whole Reich.

Treaties relating to communications with foreign countries may only be concluded by the Reich.

Article 89.

It is a function of the Reich to take over the ownership of railways serving as means of general traffic and to operate them as a uniform system of communications.

The rights of the Lands to acquire private railways shall be transferred to the Reich on demand.

Article 90.

With the transfer of the railways the Reich acquires the right of expropriation and the sovereign state rights (die Staatlichen Hoheitsrechte) of the Lands over the railway systems. The extent of these rights shall be decided in the case of conflict by the Constitutional Court.

Article 91.

With the approval of the Reich Council the government of the Reich shall issue all decrees relating to the construction of railways, their operation and traffic. With the consent of the Reich Council the government may transfer this right to the competent Reich Minister.

Article 92.

The railways of the Reich, although their budget and accounts are incorporated in the general budget and accounts of the Reich, shall be operated as an independent economic enterprise, with the duty of defraying its own expenditure including interest on and amortization of the railway reserve fund. The amount of the amortization and the reserve fund, and the purposes for which the latter is to be utilized shall be regulated by an especial law.

Article 93.

The government of the Reich with the consent of the Reich Council shall establish advisory councils for the railways of the Reich to assist in an advisory capacity in matters relating to railway traffic and rates.

Article 94.

Once the Reich has taken over the administration of the railroads serving the general traffic of a particular district, new railroads serving general traffic may not be constructed within such district except by or with the consent of the Reich. When new railroad systems or alterations in those already existing are so projected as to fall within the police competence of any Land, the Reich railroad administration shall consult the Land authorities before the decision is taken.

Whenever the Reich has not yet taken over the administration of the railroads, it may construct such railroads on its own account as are deemed necessary for general traffic or for national defense by virtue of a Reich law, even against the protest of the Lands whose territory is to be traversed, but without prejudice to the sovereign rights (Landeshoheitsrechte) of the Lands; or the Reich may entrust another with the execution of such construction, together with the right of expropriation, if necessary.

All railroad administrations must permit the junction of other lines at the latter's expense.

Article 95.

Railways of general traffic not administered by the Reich shall be supervised by the Reich.

Railways under the supervision of the Reich shall be constructed and equipped according to uniform principles determined by the Reich. They must be kept in safe working order and developed as traffic requirements dictate. Service and equipment for passenger and freight traffic shall be maintained in accordance with their requirements.

The supervision of railway rates shall be directed to securing non-discriminatory and moderate charges.

Article 96.

All railways, including those not serving as means of general traffic, must comply with any demands of the Reich for their utilization for the purpose of national defense.

Article 97.

It is the duty of the Reich to take over the ownership and administration of waterways serving the general traffic.

After they have been taken over, waterways serving the general traffic may only be constructed or developed by the Reich or with its consent.

In the administration, development or construction of waterways, the requirements of land and water economy must be safeguarded in agreement with the Lands. Their improvement shall also be taken into consideration.

Every administration of waterways must permit the connection of their own with other inland waterways at the expense of the promoter. The same obligation holds for the construction of a connection between inland waterways and railways.

With the transfer of waterways the Reich acquires the right of expropriation, the control of rates and the police survey over the waterways and navigation.

The duties of the river conservancies in respect to the development of the natural waterways in the Rhine, Weser, and Elbe districts shall be taken over by the Reich.

Article 98.

Advisory councils to cooperate in matters concerning Reich waterways shall be formed in compliance with detailed provisions to be issued by the Reich government with the approval of the Reich Council.

Article 99.

On natural waterways charges (Abgaben) may only be collected for such works, plants and other institutions as are designed to facilitate traffic. In the case of Lands and communal institutions they may not exceed the necessary costs, for construction and upkeep. The construction and maintenance costs of institutions not exclusively devoted to the facilitation of traffic but also destined for the furtherance of other purposes, may only be raised in a proportionate degree by shipping charges. Interest and sinking funds on the invested capital are included as costs of construction.

The provisions of the foregoing paragraph apply also to charges collected for artificial waterways and to works erected thereon and in harbors.

Within the sphere of inland navigation the entire cost of a waterway, a river basin or a system of waterways may be utilized for calculating the shipping charges.

These provisions apply equally to the floating of timber (Flösserei) on navigable waterways.

It is within the exclusive competence of the Reich to exact from foreign ships and their cargoes other or higher charges than from German ships and their cargoes.

Article 100.

In order to cover the cost of the maintenance and construction of inland navigation routes, contributions may also be levied by virtue of a Reich law from persons enjoying benefits from the construction of dams in other ways than by navigation, if more than one Land is involved, or the Reich bears the costs of construction.

Article 101.

It is the duty of the Reich to take over the ownership and administration of all marine signal stations, particularly lighthouses, lightships, buoys, floats, and beacons. After the Reich has taken them over marine signal stations may only be constructed or developed by the Reich or with its consent.

Seventh Chapter

The Judiciary (Rechtspflege)

Article 102.

Judges are independent and subject only to the law.

Article 103.

The ordinary judiciary (Ordentliche Gerichtsbarkeit) consists of the Reich Supreme Court (Reichsgericht) and the courts of the Lands.



Article 104.

The judges of the ordinary judiciary are appointed for life. Against their will they may only be permanently or temporarily suspended from office or transferred to another position or retired by virtue of a judicial decision and only for the reasons and in the form prescribed by law. The legislature may fix an age limit, on reaching which judges shall retire.

A temporary suspension from office as provided by law is not affected hereby.

If a change is effected in the organization of the courts or their districts the judicial administrative authorities of the Lands may order involuntary transfers to another court of removal from office, but only on full pay.

These provisions do not apply to commercial judges (Handelsrichter), lay judges (Schöffen), and jurors (Geschworenen).

Article 105.

Exceptional courts are prohibited. No one may be deprived of the right to be heard by his legally prescribed judge (Gesetzlicher Richter). The legal provisions concerning military courts and courts martial (Standgerichte) are not affected hereby. Military courts of honor are abolished.

Article 106.

Military jurisdiction shall be abolished except in time of war and on men-of-war. Details shall be regulated by a Reich law.

Article 107.

Both in the Reich and in the Lands administrative courts shall be established under the laws for the protection of individuals against decrees and order of the administrative authorities.

Article 108.

A Constitutional Court shall be established for the German Reich in accordance with a Reich law.

SECOND PART

FUNDAMENTAL RIGHTS AND DUTIES OF THE GERMANS

First Chapter

The Individual Person

Article 109.

All Germans are equal before the law.

In principle men and women have the same civil rights and duties.

Public-legal privileges or disadvantages of birth or of rank are to be abolished.

Titles of nobility shall be regarded merely as part of the name, and may no longer be bestowed.

Titles may only be bestowed when they indicate an office or profession; academic degrees are not affected hereby.

Orders and decorations may not be conferred by the State.

No German may accept titles or orders from a foreign government.

Article 11.

Citizenship of the Reich and the Lands is acquired and lost in accordance with the provisions of a Reich law. Every citizen of a Land is at the same time a citizen of the Reich.

Every German has in every Land of the Reich the same rights and duties as the citizens of that Land.

Article 111.

All Germans enjoy liberty of travel and residence throughout the whole Reich. Everyone has the right (Freizügigkeit) to sojourn and settle in any place within the Reich, to acquire real estate and to pursue any means of livelihood. Restrictions require a Reich law.

Article 112.

Every German is permitted to emigrate to a foreign country. Emigration may only be restricted by a Reich law.

All citizens of the Reich within and without the territory of the Reich are entitled to the protection of the Reich in relation to foreign countries.

No German may be surrendered to a foreign government for prosecution or punishment.

Article 113.

No laws or administrative orders may prejudice in their free and characteristic development the elements of the population of the Reich whose mother tongue is other than German, especially in regard to the use of their mother tongue in schools, in matters of internal administration, and the administration of justice.

Article 114.

The freedom of the person is inviolable. Curtailment or deprivation of personal freedom by a public authority is only permissible on a legal basis.

Persons who have been deprived of their freedom must be informed at the latest on the following day by whose authority and for what reasons the deprivation of freedom was ordered; opportunity shall be afforded them without delay of submitting objections to their deprivation of freedom.

Article 115.

Every German's home is his sanctuary and is inviolable. Exceptions may only be made as provided by law.

Article 116.

An act can only be punishable if its penalty was fixed by law before the act was committed.

Article 117.

The secrecy of letters and all postal, telegraphic and telephone communications is inviolable. Exceptions are inadmissible except by Reich law.

Article 118.

Every German has the right, within the limits of the general laws, to express his opinions freely in speech, in writing, in print, in picture form or in any other way. No conditions of work or employment may detract from this right and no disadvantage may accrue to him from any person for making use of this right.

Censorship is forbidden, but in the case of moving pictures deviations from this rule may be established by law. Legal provisions are also admissible for combating pornography and obscene publications (Schund und Schmutz Literatur) and for the protection of young persons at public plays and entertainment.

### Second Chapter

#### The General Welfare (Gemeinschaftsleben)

##### Article 119.

Marriage as the cornerstone of family life and the preservation and increase of the nation is placed under the special protection of the Constitution. It is based on the equal rights of both sexes.

It is the duty of the State and the Communes to foster the purity, health, and social advancement of the family. Families with numerous children have a claim to proportionate assistance.

Motherhood has a claim to the protection and care of the State.

##### Article 120.

To provide their children with a thorough physical, spiritual, and social education is the supreme duty and natural right of parents, whose activities shall be supervised by the State.

##### Article 121.

The same conditions shall be created by law for the physical, spiritual and social development of illegitimate as for legitimate children.

##### Article 122.

Youth shall be protected against exploitation and also against neglect of their moral, mental or physical well-being. The States and Communes shall make the necessary arrangements.

Compulsory measures for their welfare may only be ordered on the basis of law.

##### Article 123.

All Germans have the right to assemble peacefully and unarmed without giving notice and without special permission.

A Reich law may make previous notification obligatory for assemblies in the open air, and may prohibit them in the case of immediate danger to the public safety.

##### Article 124.

All the Germans have the right to form associations or societies for purposes not contrary to criminal law. This right may not be curtailed by preventive measures. The same provisions apply to religious associations and societies.

Every association may become incorporated (Erwerb der Rechtsfähigkeit) according to the provisions of the civil law. The right may not be refused to any association on the grounds that its aims are political, social-political or religious.

##### Article 125.

The liberty and secrecy of the vote is guaranteed. Details shall be regulated by election laws.

Article 126.

Every German has the right to address requests or complaints in writing to the competent authorities or to the people's representatives. This right may be exercised individually or by several persons collectively.

Article 127.

Communes and communal unions have the right of self-administration (Selbstverwaltung) within the limits of the law.

Article 128.

All citizens without distinction shall be eligible for public office in accordance with the laws and according to their capabilities and achievements.

All provisions discriminating against women are abolished.

The principles governing the legal status of the public officials shall be regulated by Reich law.

Article 129.

Public officials shall be appointed for life, unless otherwise provided by law. Pensions for retired officials or the surviving dependents of deceased officials shall be regulated by law. The vested rights (Wohlerworbene Rechte) of public officials are inviolable. Legal steps may be taken by public officials for pecuniary claims.

Public officials may be only temporarily suspended from office, temporarily or permanently relieved or transferred to a different office with a lower salary on the conditions and in the form provided by law.

In every case where a disciplinary sentence is pronounced the way must be open for appeal and a new trial. Entries unfavorable to a public official may not be made in his official record until opportunity has been afforded him of expressing his own view of the facts. Public officials shall be permitted to inspect their official records.

The inviolability of vested rights and the competence of the civil courts to adjudicate pecuniary claims are also assured particularly to the regular soldiers (Berufssoldaten). In other respects their position shall be regulated by Reich law.

Article 130.

Public officials are servants of the whole community, and not of a party.

Liberty of political opinion and freedom to form associations is guaranteed to all public officials.

A Reich law shall provide in detail for the special representation of public officials.

Article 131.

If a public official in the execution of the official authority vested in him transgresses his official duty towards a third person, the State or the public body in whose service the officer is, is in principle held responsible. The right of recovery from the officer is reserved. Recourse to the ordinary civil courts may not be excluded.

Details shall be regulated by the competent legislature.

Article 132.

It is the duty of every German to accept honorary offices in accordance with the laws.

Article 133.

It is the duty of all citizens to render personal services to the State and the Commune in accordance with the laws.

The duty of military service (Wehrpflicht) is determined by the provisions of the Reich Defense Law. This shall also stipulate how far single Fundamental Rights of the Constitution shall be restricted in respect to members of the defense forces, in the interest of the fulfilment of their tasks and the maintenance of discipline.

Article 134.

All citizens without distinction contribute to all public burdens in proportion to their means and in accordance with the laws.

Third Chapter

Religion and Religious Associations

Article 135.

All inhabitants of the Reich enjoy full religious and conscientious freedom. The undisturbed exercise of religion is guaranteed by the Constitution and is under state protection. The general state laws are unaffected hereby.

Article 136.

Civil and civic rights and duties are neither contingent upon nor limited by the exercise of religious freedom.

The enjoyment of civil and civic rights and the eligibility for public office are independent of religious belief.

Nobody is obliged to reveal his religious conviction. The authorities are only entitled to ask questions concerning adherence to a religious body insofar as rights and duties are dependent thereon or in pursuance of statistical inquiries prescribed by law.

No one may be compelled to attend any church service or ceremony or to participate in religious exercises, or to take oath in religious form.

Article 137.

There is no State Church.

Freedom to form religious societies is guaranteed. The combination of religious societies within the territory of the Reich is subject to no restrictions.

Every religious society regulates and administers its affairs independently within the limits of the law, applicable to all. It appoints its officers without the cooperation of the State or the civil community.

Religious societies become incorporated (Erwerben die Rechtsfähigkeit), in accordance with the general provisions of civil law.

Religious societies remain bodies of public law (Körperschaften des Öffentlichen Rechts) of this has been their status hitherto. Similar rights shall be granted to other religious societies on their application, if their constitution and the number of their members offer a guarantee of permanency. If several such religious societies as are public bodies unite, this union is also a public body.

Such religious societies as are public bodies are entitled to levy taxes on the basis of the civil tax-roll in accordance with the laws of the respective Lands.

Associations devoted to the common cultivation of a philosophy of life (Waltanschauung) are placed on the same footing as religious societies.

Insofar as the execution of these provisions requires more detailed regulation, this is within the competence of the Lands' legislatures.

Article 138.

State contributions to religious societies based on laws, contract or special legal titles shall be commuted by Lands legislation. The Reich shall establish the principles therefor.

Property and other rights of religious societies and associations in their institutions, foundations, and other properties for cultural, educational, and charitable purposes are guaranteed.

Article 139.

Sundays and public holidays recognized by the State remain under legal protection as days of rest and spiritual edification.

Article 140.

Members of the defense forces shall be allowed the necessary free time for performing their religious duties.

Article 141.

Insofar as there is need for divine service and spiritual consolation in the army, in hospitals, prisons or other public institutions, the religious societies shall be permitted to perform the religious offices, but all compulsion shall be avoided.

Fourth Chapter

Education and the Schools

Article 142.

Art and science and the teaching thereof are free. The State guarantees them protection and takes part in their cultivation.

Article 143.

The education of young persons shall be provided for by means of public institutions. The Reich, Lands and Communes shall cooperate in their establishment.

The training of teachers shall be regulated uniformly for the whole Reich according to the generally recognized principles of higher education.

Teachers in public schools have the rights and duties of state officials.

Article 144.

The whole school system is under the supervision of the State, which may cause the Communes to participate therein. The supervision of schools is exercised by trained expert officials as their occupation-in-chief.

Article 145.

Attendance at school is universally obligatory.

In principle this duty is fulfilled by attending an elementary school for at least eight school years and a connected continuation school (Fortbildungsschule) until the completion of the eighteenth year. Instruction and school supplies are supplied free of charge in the elementary and continuation schools.

Article 146.

The system of public schools shall be organically developed. The intermediate and secondary school system shall be built upon the basis of common elementary schools. This system shall be determined by the needs of all kinds of vocations, and for the reception of a child into a particular school, his abilities and inclination shall be the deciding factor, not the economic and social status or the religious confession of his parents.

Within the Communes, however, on the petition of parents and guardians, popular schools professing their own faith or philosophy of life shall be established, insofar as this does not interfere with an organized school system in the sense, also, of Paragraph 1, supra. As far as possible the will of parents and guardians shall be taken into consideration. Details shall be regulated by Lands legislation based on principles prescribed by a Reich law.

Public funds shall be provided by the Reich, Lands and Communes to make the intermediate and secondary schools available for those possessed of restricted means; in particular shall there be educational grants for the parents for the parents of children looked upon as suitable subjects for instruction in intermediate and secondary schools until their schooling is completed.

Article 147.

Private schools as substitutes for public schools require the approval of the State and are subject to the laws of the Lands. Approval shall be granted when the private schools are not inferior to the public schools as regards their instructional aims and equipment and the scientific training of the teachers, and a separation of the pupils according to the wealth of their parents is not encouraged. The approval shall be refused if the economic and legal position of the teachers is not sufficiently assured.

Private elementary schools shall only be admitted when for those parents or guardians whose wishes are to be regarded under Article 146, Paragraph 2, no public elementary school of their faith or philosophical persuasion exists in their Commune, or if the educational administrative authorities recognize the existence of a particular educational need.

Private preparatory schools shall be abolished.

The existing law shall continue to apply to private schools not serving as substitutes for public schools.

Article 148.

In all schools moral training, a sense of civic responsibility, personal and vocational efficiency in a spirit of national German feeling and international conciliation shall be aimed at.

Care shall be taken that instruction in public schools shall not hurt the feelings of those who differ in opinion.

Civics and manual training form part of the school curriculum. On completing his obligatory schooling every pupil shall receive a copy of the Constitution.

Popular education including popular universities shall be developed by the Reich, Lands and Communes.

Article 149.

Religious instruction forms part of the ordinary school curriculum except in the non-confessional (secular) schools; its form will be regulated by the laws relating to schools. Religious instruction shall be given in conformity with the principles of the religious society concerned, without prejudice to the State's right of supervision.

The imparting of religious instruction and the performance of religious acts is left to the decision of the teacher, while the participation in religious lessons, acts, and ceremonies is a matter for the decision of those who have the right to determine the religious education of the child.

The theological faculties in the universities shall be maintained.

Article 150.

Artistic, historical, and natural monuments and scenery enjoy the protection and care of the State.

It is a function of the Reich to prevent German art treasures from passing to foreign countries.

Fifth Chapter

The Economic Life

Article 151.

The regulation of economic life must be compatible with the principles of justice, aiming at the attainment of humane conditions of existence for all. Within these limits the economic liberty of the individual shall be assured.

Legal compulsion is only admissible for the realization of threatened rights or in the service of preponderant requirements of the common welfare.

Freedom of trade and commerce is guaranteed on the basis of the Reich laws.

Article 152.

As far as the laws allow, there shall be freedom of contract in business intercourse. Usury (Wucher) is prohibited. Legal transactions contra bonos mores are invalid.

Article 153.

Property is guaranteed by the Constitution. Its content and limits are defined by the laws.

Expropriation can only take place for the public benefit and on a legal basis. Adequate compensation shall be granted, unless a Reich law orders otherwise. In the case of dispute concerning the amount of compensation, it shall be possible to submit the matter to the ordinary civil courts, unless Reich laws determine otherwise. Compensation must be paid if the Reich expropriates property belonging to the Lands, Communes, or public utility associations.

Property carries obligations. Its use shall also serve the common good.

Article 154.

The right of inheritance is guaranteed according to the civil code.

The share of the State in inherited property is determined by the laws.

Article 155.

The distribution and utilization of the land shall be supervised by state authorities in a manner to prevent abuse and with the object of ensuring a healthy dwelling to every German and to all German families, especially those with numerous children, living and working quarters in accordance with their needs. War veterans shall be particularly considered in the enactment of homestead laws.



Real estate, the acquisition of which is necessary for housing purposes, for the promotion of settlements and land cultivation or to improve agriculture, may be expropriated. All entails (Fideikomnisse) shall be dissolved.

The cultivation and utilization of the soil is a duty owed by the landowner to the community. An increase in the value of land, which arises without the expenditure of work or capital on the property, shall be utilized for the common benefit.

All treasures of the soil and all natural forces of economic utility are under the supervision of the State. Private mining rights (Regale) shall be transferred to the State by legislation.

Article 156.

The Reich may, without prejudice to the right of compensation, by law transfer to public ownership private economic enterprises suitable for socialization, applying thereby analogously the regulations relating to expropriation. The Reich may allot to itself, the Lands or the Communes a share in the administration of economic enterprises and associations or secure to itself a controlling influence therein in some other way.

The Reich may also in case of urgent necessity for socioeconomic interests, by law effect a combination of economic enterprises and associations on the basis of self-administration with the object of securing the cooperation of all working elements of the population, of allowing employers and employees a share in the management and regulating the production, fabrication, distribution, utilization, price fixing, and the importation and exportation of economic goods according to the principles of national economy.

The cooperative industrial and economic associations and their unions (Erwerbs- und Wirtschaftsgenossenschaften) shall at their request be incorporated in the socialized economic system, their constitution and peculiarities being thereby taken into consideration.

Article 157.

The ability to work is under the special protection of the Reich.

The Reich shall create a uniform labor law.

Article 158.

Intellectual labor, the rights of the author, the inventor, and the artist enjoy the protection and care of the Reich.

Recognition and protection in foreign countries also shall be secured to German science, art and technic by means of international agreements.

Article 159.

Freedom of association for the preservation and promotion of labor and economic conditions is assured to everyone and to all vocations. All agreements and measures attempting to restrict or restrain such freedom, are unlawful.

Article 160.

Persons working as employees or laborers are entitled to the leave necessary for the exercise of their civic rights and, insofar as the enterprise is not materially damaged thereby, for performing the duties attached to public honorary offices entrusted to them. The law shall determine to what extent they retain their right to remuneration.

Article 161.

For the maintenance of health and capacity to work, for the protection of maternity; and for provision against the economic consequences of age, infirmity, and the vicissitudes of life, the Reich shall organize a comprehensive system of insurance, in which the insured persons shall cooperate to a considerable extent.

Article 162.

The Reich shall endeavor to obtain an interstate regulation of the legal status of laborers which shall have as its object the establishment of a general minimum standard of social rights for all working classes of mankind.

Article 163.

Every German has, without prejudice to his personal liberty, the moral duty to utilize his intellectual and physical powers in the interest of the general welfare.

The opportunity of earning his living by economic work shall be afforded to every German. Insofar as suitable work cannot be found for him, he shall be provided with the necessary support. Details shall be regulated by special Reich laws.

Article 164.

The interests of the independent middle classes in agriculture, industry and commerce shall be promoted by legislation and administration and protected from oppression and absorption.

Article 165.

Laborers and employees are called upon to take part on equal terms and together with the employers in regulating conditions of work and wages and also in the general economic development of productive forces. The organizations on both sides and agreements between them shall be recognized.

Laborers and employees shall be legally represented on the Workmen's Councils of the Enterprise, as well as in the District Workmen's Councils (Bezirksarbeiterräten) organized for each economic area and on a Reich Workmen's Council (Reichsarbeiter Rat).

The District Workmen's Councils and the Reich Workmen's Council shall combine with the representatives of the employees and other interested elements of the population to form District Economic Councils (Bezirkswirtschaftsräte) and a Reich Economic Council (Reichswirtschaftsrat) for the purpose of performing all economic tasks and of cooperating in carrying out the socialization laws. The District Economic Councils and the Reich Economic Council shall be so constituted that all important vocational groups are represented thereon in accordance with their economic and social importance.

Social-political and political-economic bills of basic importance shall be submitted to the opinion of the Reich Economic Council by the government of the Reich before being introduced. The Reich Economic Council has itself the right to propose the introduction of such bills. If the government of the Reich does not approve them, it must nevertheless introduce such bills to the Reichstag, stating its own point of view. The Reich Economic Council may have the bill supported in the Reichstag by one of its own members.

Supervision and administrative powers may be conferred on the Workmen's and the Economic Councils within their own spheres of work.

The regulation of the organization and tasks of the Workmen's and the Economic Councils as well as their relation to other social self-governing bodies is exclusively a function of the Reich.

Transitional and Concluding Provisions

Article 166.

Until the establishment of the Reich Administrative Court (Reichsverwaltungsgericht) the Reich Supreme Court shall take its place in the formation of the Election Investigation Court (Wahlprüfungsgericht).

Article 167.

Article 13, sect. 3 to 6 are valid 2 years after announcement of the Reichs Constitution.

Article 168.

Until, - but only for a year - the Landlaw, considered in Article 63 is issued, all prussian votes in the Reichsrat can be given by the members of the Cabinet.

Article 169.

The Reichs Cabinet, will set the date, when Article 83, sect. 1, becomes valid.

Article 170.

The postal - and telegraph agencies of Bavaria and Württemberg, will be taken over by the Reich on 1 April 1921 the latest.

If, on 1 Oct 1920, no agreement on the points of the taking over has been reached, the supreme constitutional court will decide.

Until the taking over, the present rights and duties of Bavaria and Württemberg are in force. The postal and telegraph traffic with neighboring states of foreign countries, will be regulated by the Reich.

Article 171.

The State Railroads, Waterways and sea-marks (Seezeichen) will be taken over by the Reich on April 1, 1921, the latest.

If on 1 Oct 1920 no agreement on the points of the taking over, has been reached, the Supreme Constitutional Court will decide.

Article 172.

Until the Reich law concerning the Supreme Constitutional Court comes into force, a Senate shall exercise its powers; this Senate shall consist of seven members of which four are chosen by the Reichstag from its own members and three by the Supreme Court of the Reich from its own members. The Senate shall regulate its own procedure.

Article 173.

Until the enactment of a Reich law according to Article 138 the present state contributions to religious societies based on laws, contracts or special legal claims shall be continued.

Article 174.

Until the enactment of the Reich law provided in Article 146, Paragraph 2, the present legal situation shall continue. The law shall take into particular consideration those districts of the Reich in which a school where no distinction of creeds is made is established by law.

Article 175.

The provision of Article 109 does not apply to orders and decorations to be conferred for merit in the war years, 1914-1919.

Article 176.

All public officers and members of the defense forces shall take the oath upon the Constitution. Details shall be regulated by an order of the Reich President.

Article 177.

Where in the existing laws the oath is prescribed in religious form, the oath shall be legally binding if the person taking the same, leaving out the religious formula, declares: "I swear." The content of the oath as prescribed in the laws remains otherwise unaltered.

Article 178.

The Constitution of the German Reich of April 16, 1871, and the laws of February 10, 1918, concerning the provisional government of the Reich, are repealed.

All other laws and orders of the Reich remain in force, insofar as this Constitution is not incompatible with them. The provisions of the Peace Treaty signed at Versailles on June 28, 1919, are not affected by the Constitution. With respect to the negotiations concerning the acquisition of the island of Helgoland a regulation in favor of its inhabitants may be made differing from that of Article 117, Paragraph 2.

Orders by the authorities which have been legally issued in conformity with the present laws, retain their validity until they are repealed by new orders of legislation.

Article 179.

Insofar as laws or orders refer to provisions and institutions which are repealed by this Constitution, the appropriate provisions and institutions of this Constitution shall take their place. In particular, the Reichstag shall take the place of the National Assembly, the Reich Council that of the State Committee (Staatenausschuss), the Reich President elected on the basis of this Constitution that of the Reich President elected on the basis of the law concerning the provisional government of the Reich.

The power, hitherto pertaining to the State Committee, of issuing executive orders is transferred to the government of the Reich, which requires therefor the approbation of the Reich Council in accordance with this Constitution.

Article 180.

Until the meeting of the first Reichstag the National Assembly shall function as Reichstag. The President of the Reich chosen by the National Assembly shall retain his office till 30 June 1925.

Article 181.

The German people have passed and adopted this Constitution by means of their National Assembly. It comes into force with the date of its proclamation.

Schwarzburg, 11 August 1919.