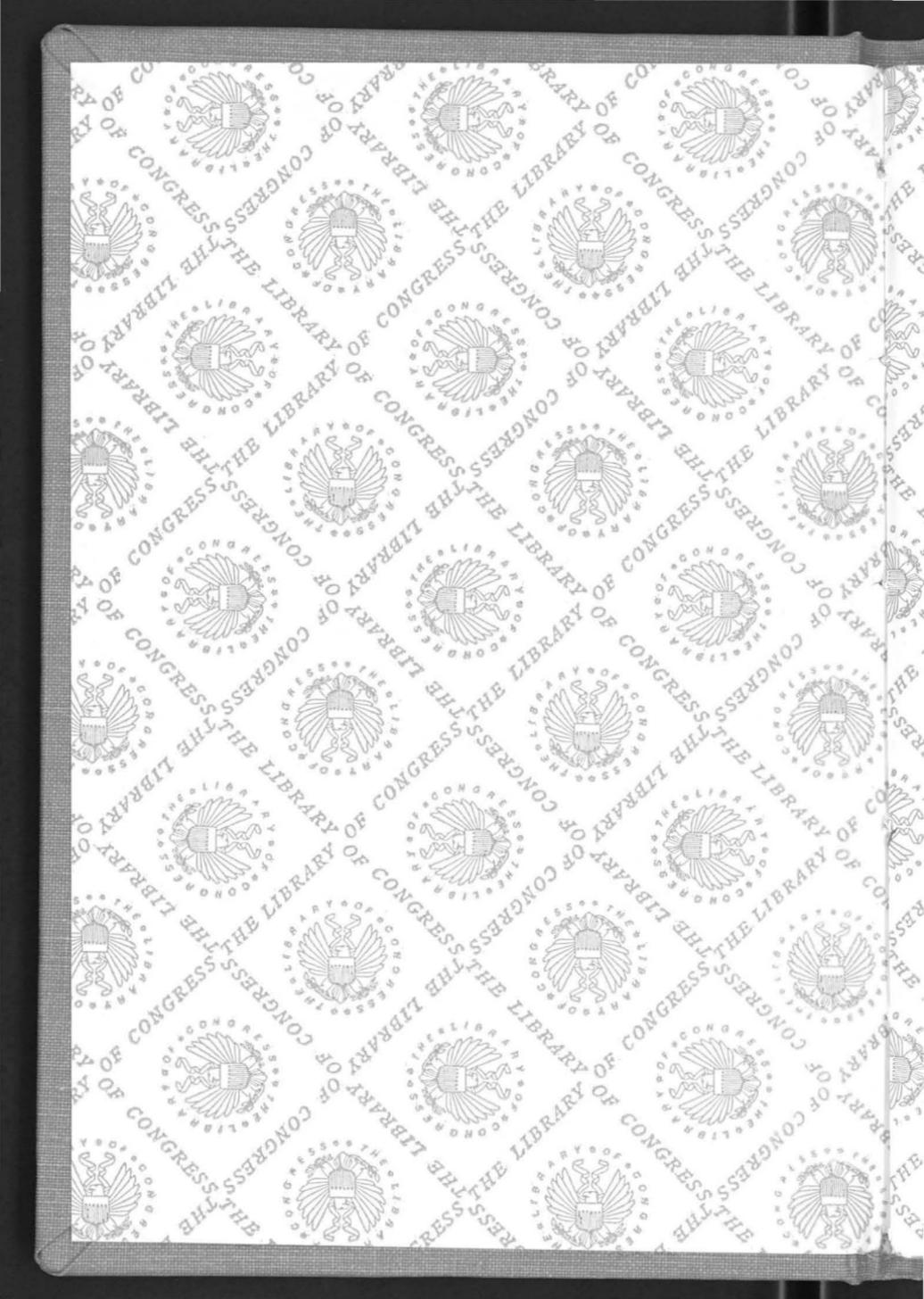


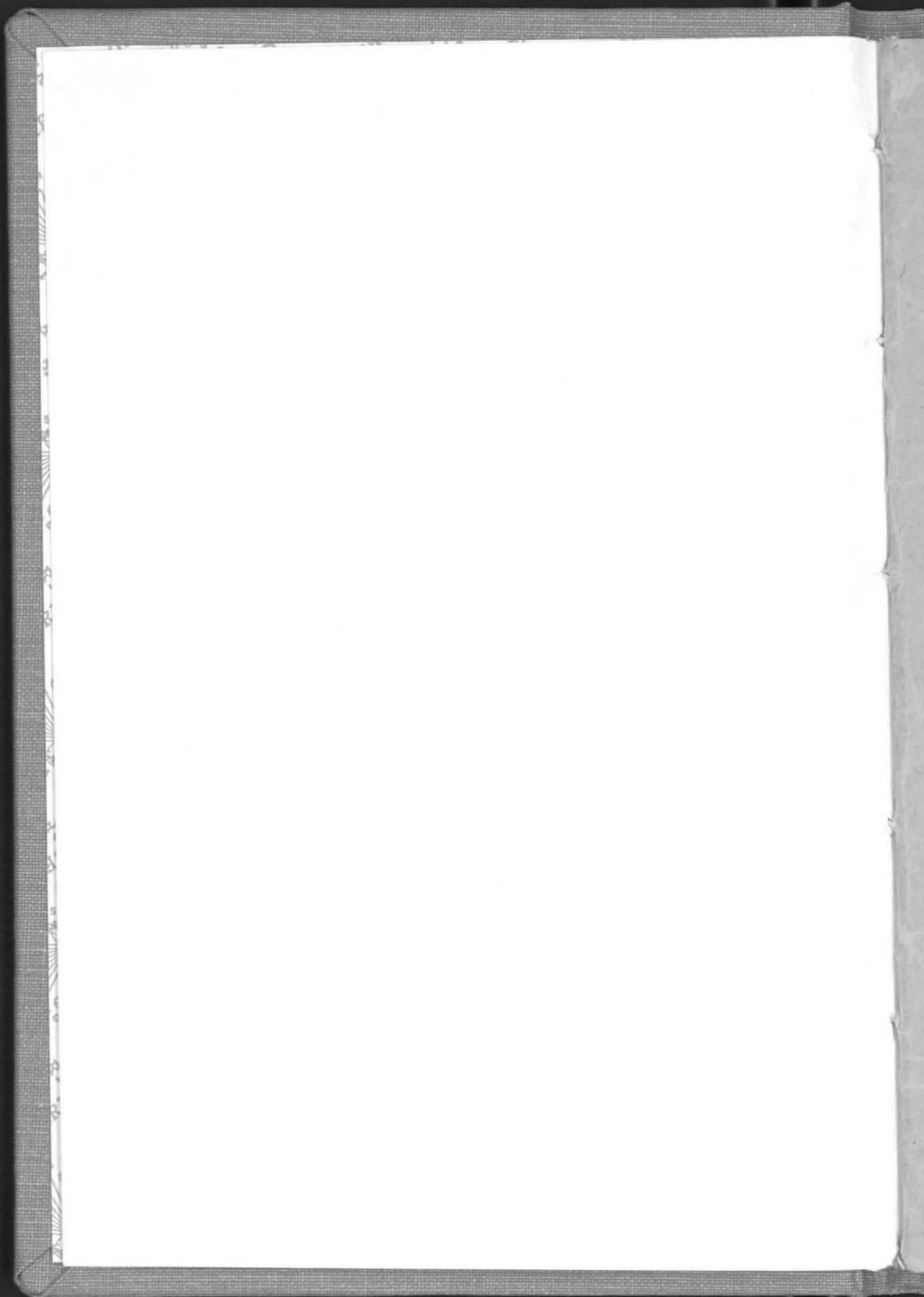
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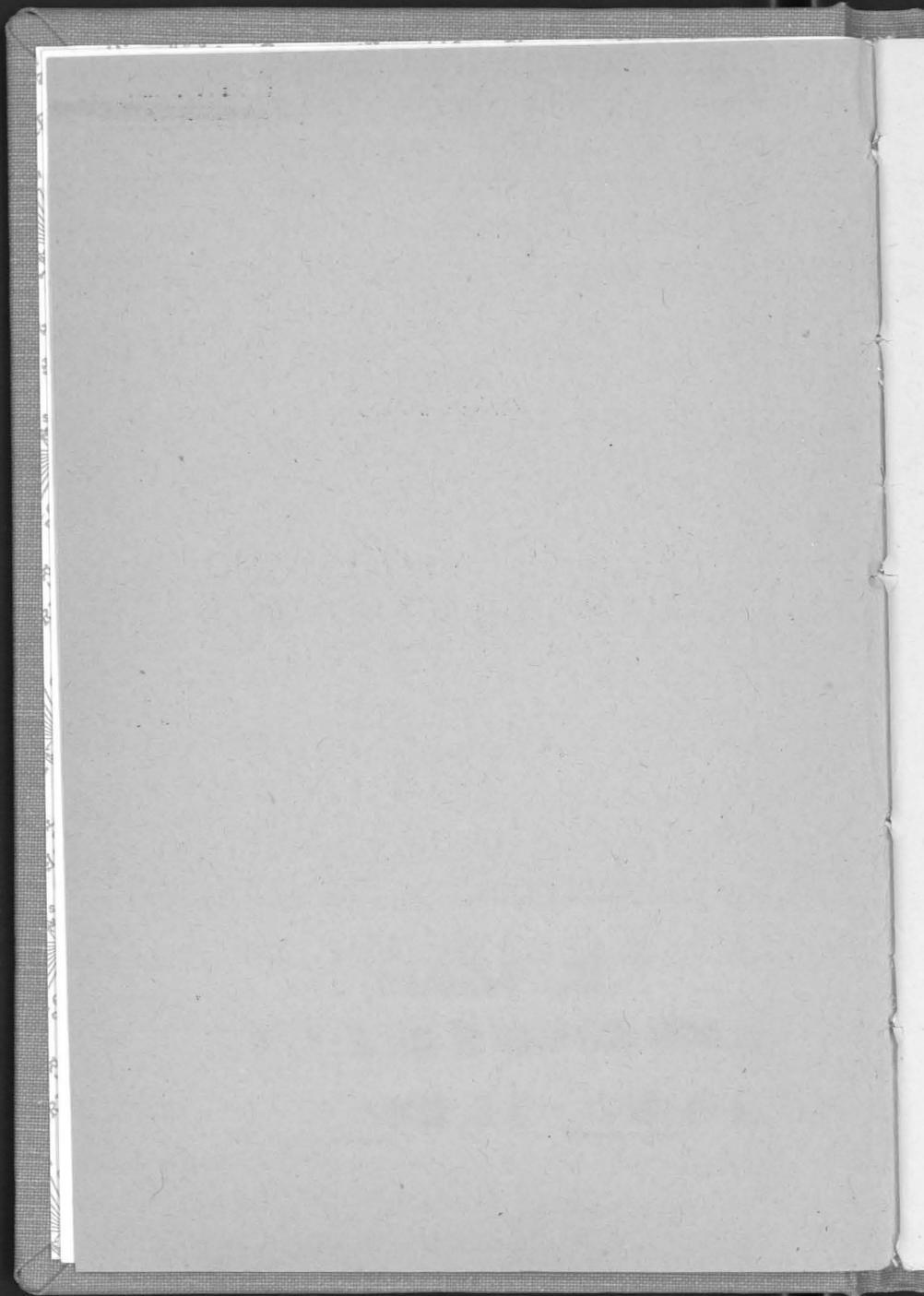
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IN  
GERMANY

**DECLASSIFIED**  
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per NARS, NND letter of Jan. 26, 1984

By DFW/MSH L.C., Date 5/9/84

CA/Ga 1



*Allied Forces, Supreme Headquarters*

*6-5 Division*

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SUPREME HEADQUARTERS  
ALLIED EXPEDITIONARY FORCE

# MANUAL

FOR

## ADMINISTRATION AND LOCAL GOVERNMENT

IN

## GERMANY

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# SUPREME HEADQUARTERS ALLIED EXPEDITIONARY FORCE G-5 DIVISION

The Handbook for Military Government in GERMANY contains general instructions for the guidance of Military Government Officers in their day to day relationships with GERMAN Civil Authorities.

Each problem of Military Government will differ according to circumstances and this Manual is intended to assist Military Government Officers in the solution of the practical problems with which they will be faced and in the execution of their difficult duties.

A. E. GRASSETT,  
*Lieutenant General,*  
*Assistant Chief of Staff, G-5.*

ALLIED EXPEDITIONARY FORCE  
SUPPLEMENT HEADQUARTERS  
G-3 SECTION

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## Administration and Local Government Manual for GERMANY

### I. GENERAL

001. It is the purpose of this Manual to present certain factual information concerning German local government and the local administration of Civil Service for the information of Military Government officers in the field. This Manual does not outline the plan for the control of the German administration and Civil Service by Military Government. It contains no policy, instructions or guidance with respect to the administration of local government. Such material will be found in the Handbook for Military Government of Germany, to which reference is made.

### II. TOP GERMAN ADMINISTRATION

#### The Führer and The Chancelleries

002. Before discussing German administration at the ministerial level something must be said about the superstructure of the present-day Reich Government. This must necessarily be in briefest outline. At the very pinnacle is the Führer who, in Nazi theory and to a large extent in practice, concentrates in himself the ultimate political power, be it legislative, executive, or judicial. His is also the power of the Leader of the Nazi Party and of the Armed Forces of the Reich.

003. In so far as he does not delegate his power but reserves actual decisions to himself, the Führer is assisted by his Chancelleries. There are four of these: two as concerning his functions of State, one vis-a-vis his functions as Leader of the Party, and a fourth, which need not concern us here, assists him in the conduct of his private affairs.

004. The Party Chancellery (Parteikanzlei), headed by Martin Bormann, serves in cases where party leadership is involved. The Party Chancellor also has all the powers which, by law and decree, were conferred upon the Deputy Leader, including participation in the appointment of Civil Servants and in dismissals for political unreliability.

005. The Presidential Chancellery (Präsidentalkanzlei), headed by Otto Meissner, concerns itself chiefly with the more formal tasks of the Führer as Chief of State, such as diplomatic receptions, bestowal of titles and pardons, the appointment of civil servants. Apropos the last named function, however, only the formal part is handled in this Chancellery. Political decisions regarding appointments are made in the Reich Chancellery. For administrative purposes the Presidential Chancellery is divided into three sections (Referate): the interior section for internal politics and administration, the foreign section for diplomacy and foreign policy, and the personnel and budget section.

006. The Reich Chancellery (Reichskanzlei), headed by Hans Lammers, has the important task of co-ordinating conflicting policies of various ministries and departments, and of preparing the final decisions of the Führer. In many respects this chancellor has become a sort of Prime Minister with real political functions. All Reich laws, including edicts of the Führer (Führerlasse) require his signature. Administratively he handles the political part of such decisions and measures as the appointment and dismissal of civil servants, including ministers and Reichsstatthalter. Some of the highest Reich offices, such as the Office of Reich Youth Leader and the Office of the Inspector General of Railways, are subordinate to him.

#### **The Ministerial Council for the Defense of the Reich**

007. The actual guidance of Reich war-time economy and administration is performed by the Ministerial Council for The Defense of The Reich (Ministerialrat für die Reichsverteidigung), consisting of Göring as Plenipotentiary for the Four-Year Plan, Speer as head of the huge machinery known as the Reich Ministry For Armaments and War Production, Funk as Commissioner General For Economy (now really concerned only with civilian supply); Himmler as Commissioner General For Administration, Minister of The Interior, and Leader of the SS and Chief of the German Police; and Keitel as Chief of Staff of the Wehrmacht.

008. This Council, with Hitler, governs the destiny of the Third Reich. As a body it enacts laws and decrees. Its members individually may issue executive decrees for their respective fields. In its legislative functions the Council and its members are not bound by existing law. In addition to the five powerful figures mentioned in the preceding paragraphs Bormann (Party Chancellor) and Lammers (Reich Chancellor) are also ex-officio members of the Council.

009. While most of the German regional and local administration remains under the Various Ministries and other supreme Reich agencies, the Council For The Defense Of The Reich has its own regional apparatus for the co-ordinating of all military and civil war-economy measures. (See paragraphs in this manual dealing with the Oberpräsident and Gauleiter.)

#### **Other Supreme Reich Authorities (Behörde)**

010. Reference is made to these authorities in the preceding paragraph, and they must be briefly noted before going on to the Ministries themselves. There are two types of these agencies. The first group consisting of about 60 agencies or functions, of which the Reichsbank, the Office of Youth Leader, and the Four-Year Plan are examples, have a direct line of responsibility to the Führer. These authorities are usually referred to as the Highest Authorities (Oberste Behörde).

011. The second group of authorities, usually referred to as the Higher Authorities (Höhere Behörde), comprise such agencies as the Reich Health Office and the Office of the Reich Labor Leader. These are generally speaking, independent agencies; but they are attached to various Reich Ministries.

### III. THE MINISTRY OF THE INTERIOR AND CONTROL OF GERMAN CENTRAL, REGIONAL, AND LOCAL ADMINISTRATION

#### General

012. In any unitary or centralized State the Ministry through which administrative centralization is usually activated is Interior. To those who know the French governmental structure, for example, this statement will be quite clear. In Germany the same situation prevails but to a far greater extent. The German Minister of the Interior, by being charged with the control of general administration at Reich and Regional levels, as well as with the supervision of Local Government, and by being the top Dienstvorsteher (Service Head) of the Civil Service bureaucracy, with the corollary Administrative Court system, and by virtue of his relation to the Police Power, is a very powerful official.

#### Status To-day

013. Under the Nazis, particularly since the appointment of Himmler in August 1942, this Ministry has risen to a place of importance overshadowing all the other normal Reich Ministries, and possibly second only in the importance of the colossal war-time set-up headed by Speer and known as the Ministry of Armaments and War Production. Indeed, as far as Administration *per se* is concerned, Himmler is No. 1 man. For it must be recalled that his position on the Ministerial Council for the Defense of the Reich is as Commissioner General of the Administration. He is one of the three members of the Council who can issue decrees with the force of law as regards his own field and he can also issue orders to any minister in matters affecting Administration and Administrative procedure.

#### Principal Functions and Departments

014. It is unnecessary here to sketch in detail the make-up of the Ministry of the Interior. The Chart (Appendix IV) shows the organization with sufficient clearness. Besides the Minister there is a Leading Secretary of State (Leitender Staatssekretär). The latter official is Wilhelm Stuckart who also heads the Central Department (Zentrale Abteilung) concerned with the internal service of the Ministry, its budget and accounting, as well as Department I concerned with all matters relating to the internal structure of the Reich. Among these are such important matters as the preparation of all legislation pertaining to Central Reich authorities,

internal administration, Reich and Länder relationships, State and Party relationships, Citizenship and Nationality. Department II headed by Rüdiger, formerly dealt with all matters of civil service legislation and regulations.

015. To-day, however, the Personnel section of Department I handles matters pertaining to training, qualifications and political reliability, leaving to Department II only the preparation of civil service legislation, salary scales and examination procedures. From the viewpoint of Administration, Department V, headed by Surin, must be noted next. It is concerned particularly with the supervision of local government, and the German Association of Municipalities (Deutscher Gemeindetag). One other field must be noted here namely police, the control of which was at one time under Department II. In 1934 control was placed under Himmler as "Reich Leader of the SS and Chief of the German Police" who, while nominally in the Ministry of the Interior, was practically independent in his sphere. Since his appointment in 1943 as Minister of the Interior the problem of correlation was solved through personal union, so that general interior administration and police control are again under one unified direction, as shown in the Chart.

#### **The Minister of the Interior and Regional Administration**

016. The position of the Minister of the Interior in relation to the control of German Central Administration has already been noted. It is, however, important to note also his relation to General Administration at the Regional level. In the paragraphs dealing with Administration at the Land level, the position of the Reichstatthalter and the status of the remaining Land ministries is stated briefly. The Reichstatthalter are appointed by Hitler, and their power outlined in the Reichsstatthaltergesetz of 1935. While Department I of the Ministry of the Interior is concerned with Reich-Länder relationships, as far as general administration is concerned, the problem of these relationships is relatively simple to-day as compared with the problem under the Republic. Land Ministries of the Interior exist in only a few instances. The Reich Minister of the Interior, of course, enters the picture in the appointment of Oberpräsidenten in Land Prussia, and of Regierungspräsidenten in Prussia, Bavaria, Baden (Landeskommissäre). Moreover, the Reich Minister of the Interior is the top supervisory authority (Aufsichtsbehörde) in the general administrative hierarchy, as well as Service Superior (Dienstvorteher) for the civil service. Where civil service rights and duties of Land, Province and District administrative civil service employees are concerned, the line will always remain open to the Ministry of the Interior through the subordinate service superiors.

#### **The Ministry of the Interior and Control of Local Government**

017. This topic is partially covered in succeeding pages of this Manual dealing with Local Administration. Moreover, the role

of the Minister of the Interior, in the application of the Municipal Code (Deutsche Gemeinde Ordnung) is clearly set forth in the Handbook for Military Government in Germany, particularly as it relates to the designation and powers of the supervisory authorities charged with the control of local administration in the Kreis.

#### IV. ADMINISTRATION AT THE LAND LEVEL

##### General

018. While three of the major control areas include both the *Land* and the *Provinz*, it is well to treat each unit separately.

In any treatment of the Land Government or Administration, Prussia must always be kept distinct. A distinction must also be made between the larger Länder, as for example Bavaria, and the smaller Länder such as Hesse, or the "city-states" or Hamburg and Bremen. The story of the absorption into the Reich, or the abolition of the Land governments as such beginning in 1934, need not be given here. While the most important items in this development are known to-day, certain details are still lacking for the proper consideration of the restoration of the Länder to their traditional position of importance.

##### Prussian Administration

019. In the Prussian administration, Hitler has retained for himself the position of Reichsstatthalter, with Göring as Minister Präsident. Nothing, however, remains of the former Land administration except the Ministry of Finance, the other Prussian ministries having been absorbed into the Reich administrative machinery. What significance this development holds as regards the age-old problem of eliminating the domination of Prussia in German affairs is still a matter of conjecture. It did, however, firmly establish the Oberpräsident of the Prussian province as a direct Reich official, about which more will be given when the Province administration is considered.

##### Administration in other States

020. As to the other German Länder, a distinction must be made between the larger and the smaller. Each one, of course, was given a Reichsstatthalter, or National Governor, with the powers outlined in the Act of 1935 which provided for these officials. In the smaller Länder, such as Hesse for example, the Reichsstatthalter is the Government (Regierung), combining in himself all the powers of the normal Land administration as such. This is not to say that in the small Länder there are no administrative departments with department heads; but they are not Ministers in the sense of Ministerial or Cabinet Government, with one of them enjoying a *primus inter pares* position and known as Prime Minister or Premier. They are completely and solely responsible to

the Reichsstatthalter. In the larger Länder, such as Bavaria for instance, vestiges of Cabinets remain. On the other hand, one man may hold three or four portfolios, and the extent to which these officials are merely the assistants of the Reichsstatthalter is not definitely known. That they are Party men is well established.

#### **Normal Functions at Land Level**

021. Any table showing the allocation of offices and functions at the various German administrative levels would still show a rather large and important concentration at the Land level. For the most part they are those which in Prussia are found at the Provinz level. There is, of course, the office of Reichsstatthalter as Leader of the Land Government (Führer des Landesregierung). He usually has a Deputy (Stellvertreter) and a Staff Director whose special function is to handle personnel and civil service matters. The office of general administration (Allgemeine Verwaltung) and the supervision of Local Government must be mentioned next. A Ministry or Department for Education and one for Health and Welfare are usually found at the Land level. The regular judiciary is usually represented at this level by an Oberlandesgericht, and the Administrative Court system by an Oberverwaltungsgericht.

#### **Functions of War-time Economy at Land Level**

022. Certainly no less important than the offices and functions just mentioned are those of war-time and post-war significance, dealing with general Economy, Food and Agriculture, Price-Fixing, Transportation of war and civilian goods, Housing and Labor supply. A listing of functions will show a Regional Economic Office (Landeswirtschaftsamt), a Regional Food Office (Landesernährungsamt) and a Regional Agricultural Office (Landesbauernschaftsamt), as being usually found at the Land level. (In Prussia, of course, these offices are found at the Province and District levels.) The first of the three offices just named, administers the rationing of non-food commodities; the second, the rationing of food items while the third concerns itself with upping production and determining quotas.

023. A Regional Price Fixing Office, a Regional Transport Office, a Regional Housing Office and a Regional Labor Supply Office are also found at the Land level, outside Prussia. From the viewpoint of the administration of the offices mentioned a further word must be added. Whereas the Reichsstatthalter of the Land completely controls the general administration, the supervision of Local Government and the administration of the Civil Service, mentioned in the preceding paragraph, his relation to the administration of the various offices is somewhat different. These offices in every instance belong to an independent hierarchy of administration; and, while the Reichsstatthalter has a certain amount of horizontal control over these functions, it is entirely possible, as in Land

Braunschweig, that the Oberpräsident located in Hannover as Gauleiter and Defense Commissioner, actually gives orders to the Reichsstatthalter of Land Braunschweig on matters of rationing, housing, labor supply and other war-time economy functions, because he is both Gauleiter of the Gau which includes Braunschweig and Executive Officer for Economic Administration of the Economic Region which includes Braunschweig.

## V. THE PRUSSIAN PROVINCE AND ITS ADMINISTRATION

### General

024. Prussia is divided into ten Provinzen (exclusive of Berlin) of which five (Schleswig-Holstein, Hannover, Westphalia, Rhine Province and Hesse-Nassau) are in western and north-western Germany. Each of these provinces is divided into Administrative Districts (Regierungsbezirke) and, while the latter is probably the most important control point for MG-administration, it is most important that provincial administration be clearly understood.

### Functions at Province Level

025. The allocation or concentration of administrative offices and functions at various levels will indicate the same sort of allocation at the Province level as one finds at the Land level outside Prussia. From the viewpoint of the control of these offices and functions there is however a great difference. In this connection it is necessary to mention another territorial unit, without which no treatment of existing administration in a Prussian Province is satisfactory. This unit is the Party Gau, designed by the Nazis to ultimately supplant the Province and the Länder for purposes of administration. Territorially it may coincide with the Province, and in a majority of cases it corresponds with the economic district (Wirtschaftsbezirk). It is the latter aspect of the Gau and its machinery which assumes considerable importance for administration at this level. The Oberpräsident of the Province is usually Gauleiter of the Gau concerned. He has provincial administrative machinery and he has a Gau machinery; and a complete understanding of Province machinery means nothing more or less than a thorough understanding of the office of Oberpräsident.

### The Oberpräsident

026. *As Oberpräsident.* As Oberpräsident of the Province, this official always did, and to-day more than ever does, represent the Reich. He is a political official rather than an administrator. His service-superior is the Reich Minister of the Interior, but any Reich Minister can issue orders to him. The Oberpräsident, however, is not the service-superior of the Regierungspräsident and it is important that this fact be fixed clearly in mind. The latter can by-pass him in all important administrative matters necessary at the Regierungsbezirk level.

027. *As Gauleiter and Defense Commissioner.* As Gauleiter, the Oberpräsident is Reich Defense Commissioner (Reichsverteidungskommissar). In this capacity he has complete authority to coordinate all administrative decisions and actions affecting housing, transport of civilian and military good and labor supply. It is worth noting that for the labor supply function the Oberpräsident can use his entire provincial administrative machinery and his entire Gau machinery. Parenthetically it may be pointed out that the average Gau has approximately 20 agencies, each with a full time official. What has been set forth relative to the coordinating authority of the Oberpräsident, as Gauleiter, over housing, transport and labor supply, is also true with relation to the Food Offices, the Price Fixing Offices and the Economic Offices found at the Province level. In fact, wherever the Gau and Economic Districts coincide, coordination amounts to actual administration.

#### **Other Province Officials**

028. The allocation of offices and functions at the Province level constitutes a sizeable list. It is not necessary to enumerate them since most of the important functions have been discussed in preceding paragraphs. One other administrative Provincial official needs mention, namely the Landeshauptmann. While the Province still enjoyed so-called "self-government" with a popularly elected Provincial Diet (Provinziallandtag), this official was chosen by the latter, and served as the head of provincial self-government. He also served on the Provincial Committee (Provinzialausschuss) elected by the Diet, and on the Provincial Council (Provinzialrat). To-day, he is appointed in the same manner as the Oberpräsident and serves as the latter's assistant in his capacity as direct Reich official.

## **VI. THE REGIERUNGSBEZIRK AND THE REGIERUNGSPRÄSIDENT**

### **The Regierungsbezirk and Administration**

029. *General.* Though the Prussian Provinces usually comprise the area of several Regierungsbezirke, the Regierungspräsident is not subordinate to the Oberpräsident, but is administratively on the same level, having his own sphere of jurisdiction laid down by laws and decrees. The Regierungspräsident is under the immediate directives of the Ministers, in particular the Minister of the Interior.

030. *Principal Functions.* The principal functions of the Regierungspräsident are the control of all police agencies in his capacity as Landespolizeibehörde (Land Police Authority) and the supervision of local government and various other lower executive agencies. These are included in Department I of his office usually

under a Regierungsvizepräsident. As police authority he is assisted by a staff officer for the protection police (Schutzpolizei) and one for the rural gendarmerie, as well as the state police officers of the Gestapo. He also supervises the local police authorities of the Kreise. For the powers of the Regierungspräsident over local government in his capacity as Supervisory Authority (Aufsichtsbehörde) refer to VIII.—The German Municipal Code.

031. *Other Functions.* Departments II and III, each under a Regierungsdirektor, are concerned mainly with supervision of elementary schools and agricultural matters respectively. Supervision of schools is carried on through the agency of State School Inspectorys (Kreisschulräte). The Regierungspräsident is the appointing authority for elementary school teachers and controls the selection of candidates for teacher's colleges. Agricultural matters include supervision of state domains and estates, dams and dykes, and administration of ports and river navigation.

### **The Regierungsbezirk and the Special Administrations**

032. *The Economic Districts.* The administrative importance of the Regierungsbezirk has been increased by its having been made the center of a number of new activities. In many cases the regional administration of economic, labor and food control is based on the Regierungsbezirk. This is particularly true where the Regierungsbezirk constitutes an Economic District (Wirtschaftsbezirk) in the sense of the decree of 17 Nov. 42. Here the Regierungspräsident in his capacity as Reich Defense Commissioner (Reichsverteidigungskommissar) has the power to interfere with any branch of civilian administration except with the independent administration of Finance, Post and Communications, Railways and Justice.

033. *Regional Economic and Food Offices.* Of the 15 Economic Districts (Wirtschaftsbezirke) in the US/BR zones, five are administered by Regierungspräsidenten in their capacity of Executive officer for Economic Administration. Three of these are in Prussia, one in Bavaria and one combining the Land HESSE, the Regierungsbezirk Wiesbaden and 4 Kreise of Regierungsbezirk KASSEL (See Table IV P.I.D. Chapter II). Great importance attaches to this because of the fact that each district has a Regional Economic Office (Landeswirtschaftsamt) and a Regional Farming and Food Office, (Landesbauernschaft and Landesernährungsamt). The main tasks of the former are the allocation and distribution of non-food items and the supervision of the local Wirtschaftsamt in each Kreis. The latter headed by the Landesbauernführer, is concerned with agricultural planning and supply and supervision of the local Ernährungsämter.

034. *Price Formation Offices* which exercise price control authority at the Land and Province level have recently been attached to the economic districts. They have authority over all

prices which are not under the direct control of the Price Commissioner. At the time of their attachment to the economic districts, the Price Formation Offices were directed to use as their administrative machinery, the Staffs of the Price Supervision Offices (Preisüberwachungsstellen) which are attached to and headed by all Regierungspräsidenten and Landeskommissäre. The latter are charged with the responsibility of supervision of local price enforcement activity carried on by the local Prices Offices, (Preisstellen).

035. *Housing Offices.* Housing Offices (Wohnungs-und Siedlungsämter) are usually attached to the Regierungspräsident and are the organs of State control over the local Siedlungsämter dealing with housing problems in general and particularly with emergency housing.

036. *District Forestry Offices.* Except in four cases where they function at Province level, all Regierungspräsidenten have attached to them District Forestry Offices (Regierungsforstämter) each under a Landforstmeister who has a central staff and supervises the local Forestry Offices (Forstämter).

037. *Allocation of Offices and Functions at the Regierungsbezirk level.* Shown at Appendix I.

## VII. LOCAL SELF-GOVERNMENT IN GERMANY

### Definition

038. The term "Local Government", as it applies in Germany, differs considerably in meaning from the term as ordinarily used in England and the United States. In Germany the term "Local Government" may mean:

(i) Reich or State Government operating at the local level,  
or

(ii) Government at the local level by elected representatives of the community.

Under the first concept would be found the Reich Offices and Personnel of the special administrative services (Finance, Post, Law, Transport and Labor), and the Offices and Personnel of the various special districts which spread out over Germany (Economic Districts, Food Districts, Military Districts, etc.). The second aspect of the term is, of course, obvious. Real local self-government anywhere must be characterised first of all, by representative institutions within the local units, and secondly by autonomy, as far as higher levels of government are concerned. Where local laws, including taxation, are popularly enacted, executed by officials responsible, either directly or indirectly, to the people; and where litigation is conducted before local courts and juries, there local self-government, as generally understood, may be said to exist.

### **Kreis Self-Government Before 1933**

039. *Self-government institutions in the Landkreis.* The Landkreis had a real sphere of activity which it exercised as functions of self-government. This it did usually as a Kreisverband. In it was found the Kreistag or Kreis Assembly, a popularly elected Council with specific legislative power on such matters as Roads, Education, Hospitals and Welfare Institutions and the public utility enterprises. The Kreistag chose the county board or executive committee known as the Kreisausschuss, which also, incidentally, served as an administrative court at the Kreis level. Strictly local government affairs were spheres of free discretion; and the State, through the State appointed Landrat could interfere only when the municipality went outside its sphere of competence.

040. *Self-government institutions in the Stadtkreis.* In the large City or Stadtkreis one found even more initiative and enterprise than in the rural county. Local sources of revenue were greater; and it was easier to get general consent for action. The City Councillors (Ratsherren) were chosen on a popular basis; and in Württemberg under the Weimer Republic actually selected the Mayor or Oberbürgermeister, though this was not true elsewhere. The Mayor was generally appointed by State authority and while his position was therefore somewhat analogous to that of the Landrat of a rural county, he was as a rule much closer to his people than was the Landrat. Assisted by his Associates (Beigeordnete), who were chosen in like manner as he, and by as many technical advisors (Beiräte) as he needed to appoint, the Mayor of the average Stadtkreis, not only rendered efficient service, but was in a very real sense a representative of his people to whom even though he was a trained Civil Servant, he felt accountable in a large degree. The spheres in which the City Government had free discretion included: Streets, Education (at the elementary and middle levels), Hospitals and Welfare Institutions, Local Police, Public Utilities (Gas, Water, Electricity), Fire, Sanitation and Health and Housing. As long as the City operated within its sphere of competence the State could not interfere.

### **Local Self-Government Since 1933**

041. *The Abolition of all self-government.* The Nazi slogan in 1933 was to "purify local government". Totalitarian theory could tolerate no self-government. The National Municipal Code of 1935, while giving lip-service to local self-government, clearly intended otherwise. Representative institutions gave way to the Leader Principle (Führerprinzip). The Kreistag as an elective assembly was abolished in 1935; and local self-government at the Kreis level ceased completely in 1939 with the abolition of the Kreisausschuss, or County Committee. In the Stadtkreis, it is true, the City Council (Ratsherren) remains, but it is selected by the local Party Delegate

and has no vote on any question for decision. Local autonomy gave way to complete direction from above, by Decree dated 28 Aug. 38. To-day the Landrat, representing the State, not only supervises, but has the full power of direction over the government of all communes falling under his control. The same may be said of the Oberbürgermeister of a Stadtkreis. The only lines of responsibility these officials need recognize are those running upward to their Supervisory Authorities (Aufsichtsbehörden).

042. *Restriction of Municipal Enterprise.* Municipalities formerly had a sphere of free discretion. To-day, in any conflict with the heads of their local government, they can only appeal to a higher supervisory authority. Fiscal control is complete. Without approval of a higher supervisory authority no Municipality can arrange a loan or contract a debt. Financial inability of the municipalities by war conditions had caused the Reich to step in and take over functions that were traditionally strictly local functions. Even the legal right of a Municipality to continue its existence was taken away by decree of 1942.

### **Possibilities of German Local Self-Government**

043. *The Desirability of Restoring Local Self-Government.* Administratively and psychologically it would be desirable to encourage the re-establishment of a degree of true local self-government at the Kreis and lower levels. On the one hand, to do this would relieve the load on the Landrat; and, on the other, it would tend to introduce democratic processes at possibly the only level at which the Germans are prepared to receive it. Within the Stadtkreis the Bürgermeister should be acceptable to the community, and the Councillors should be representative. Certainly at present there are no Landräte, and few if any Bürgermeister who are free of Nazi control.

044. *Difficulties Involved.* The process of restoring true local self-government, even at these lower levels, is not an easy or simple one. It is a popular assumption that few Germans, who have come to maturity under the Nazi regime, are ready for or want democratic government. Those who took an active part in local self-government before Hitler are either liquidated or in exile or too old to carry the burden now. Moreover, there will be few organized, representative groups which have not been at least affiliated with the Nazi Party.

045. *Possible Beginning.* A beginning may be made by the careful selection of Landräte and Bürgermeister, after a study of the records and after consultation with responsible individuals representing such groups as Labor, Business, Agriculture, the Church and certain professions. The Landrat must handle the administrative personnel of the Landkreis in a manner consonant with the general objective. The same is true of the Bürgermeister. It

should be possible also to form a County Committee, similar to the former Kreisausschuss, and consisting possibly of representatives from the larger towns within the Landkreis. The re-establishment of the former Kreistag must naturally await the day when local popular elections may again be held. The same holds true, as far as City Councils are concerned.

## VIII. STRUCTURE OF EXISTING LOCAL ADMINISTRATION

### Landkreis Administration

046. *General.* The Landrat's office (Landratsamt) is in itself a comparatively small affair, staffed by the Landrat and his Deputy, the "State Assistant" (Staatlicher Hilfsarbeiter) usually holding the title of Regierungsrat or Regierungsassessor. For matters of State administration (Auftragsangelegenheiten) his chief assistant is a Regierungsinspektor; for matters of self-government (Selbstangelegenheiten) a Kreisoberinspektor. Besides representing the central government and seeing to it that its policies are executed, the Landrat has all the functions of general administration which are neither directly exercised by a higher authority nor left to local government. Though he does not control Special Administration officials like Finance and Transportation, who owe direct responsibility to their own Ministries, he must be kept informed of their activities, and in case of a difference of opinion between him and one of the administrative officials, the Regierungspräsident decides the dispute.

047. *State Government Functions of the Landkreis.* Apart from the general supervisory functions in which the Landrat as "untere Verwaltungsbehörde" represents the lowest level in the hierarchy of State administration authorities, and therefore, acts largely as a channel of communication between the higher authorities and the Gemeinden within the Kreis; his State government functions can be classified as follows:

a. *Public Safety.* The Landrat is Kreispolizeibehörde with executive police authority for the Kreis.

b. *Public Health.* A State Health office (Staatliches Gesundheitsamt) is attached to each Kreis. Its head, the Amtsarzt, is one of the principal officials connected with the Kreis administration.

c. *Education and Cultural Matters.* An Education Officer (Kreisschulrat) is attached to each Landkreis and is in charge of education in the elementary, central and intermediate schools. For all schools except vocational and secondary schools, he acts as a supervisor on behalf of the Landrat over the Bürgermeister who are in immediate charge of the schools in their Gemeinden.

d. *Agricultural and Forestry.* The Landrat co-operates with the Kreisbauernschaft, which represents the Reichsnährstand of

the Kreis level and controls the farming within the district. In agricultural districts the Landrat has a special veterinary official (Regierungsveterinärarzt), who works with the food producers in the Kreis. There is also a Forestry Office (Forstamt) in control of forests, and a Drainage and Land Survey Office (Kulturamt).

*e. Transport, Labor, Housing and Roads.* The Landrat co-operates closely with the various economic groups (Wirtschaftsgruppen) representing industry and trade and with the local agencies of the Reichsbahn and Reichspost. Each Landkreis has a Staatliches Hochbauamt in charge of public building, such as schools, hospitals, etc. There is also a Landesstrassenamt controlling the maintenance of secondary State roads. Further authorities with whom the Landrat co-operates are:

Labor Office (Arbeitsamt).

Factory Inspection Office (Gewerbeaufsichtsamt).

*f. Economic Offices.* For a description of the Economic Offices see "D" below.

#### 048. *Self-Government Functions of the Landkreis.*

*a. Public Assistance.* The Landkreis is usually responsible for all public assistance except ordinary poor relief. For this purpose it generally expends more than half of its total annual budget.

*b. Schools.* Schools being mainly a State function, the Landkreis maintains only such things as agricultural schools, domestic training schools and children's homes.

*c. Public Health.* This again being in the main a State responsibility, the functions of the Landkreis in the field of public health are concentrated on medical facilities for rural areas. It may maintain or give grants to a hospital, children's home or similar organization.

*d. Roads.* In addition to being directly responsible for the maintenance of secondary State roads, the Landkreis often administers small secondary roads for the local Gemeinden.

*e. Social Insurance and Savings Bank.* Each Kreis has at least one Allgemeine Ortskrankenkasse which is in administrative charge of health insurance for the Landkreis. There is also a Savings Bank (Kreissparkasse).

*f. Public Utilities.* Though Gas and Water are overwhelmingly a responsibility of the local Gemeinden, the supplying of electricity usually demands larger units and this is handled through Zweckverbände which are public corporations in which the Gemeinden may be associated for special administrative purposes.

*g. Finance.* Each Landkreis makes its own budget, but the accounts and rate of tax it is entitled to levy is determined by the Reich. The budget scheme has been worked out by the Reich Minister of Finance, the adoption of which is recommended to the Kreis. There has now been adapted a standard

budget for all Gemeinden in the Kreis. The main sources of revenue are: income from property, grants from the Reich and other public bodies, fees for the use of institutions maintained by the Kreis and levies on the Gemeinden. Public assistance, public health and general administration form the main items of expenditure.

### **Stadtkreis Administration**

049. *General.* The principal change effected in Stadtkreis administration by the Nazi regime is the abolition of democratic institutions. Another change has been the throttling of genuine municipal initiative by the increase in centralization and strengthening of direct powers of interference by the Administrative Authorities of the Reich. Other than these changes the general pattern of administration is much the same as it was before the Nazi regime. In as far as new offices and functions have been added, they are the result of a general extension of public control functions—such as price control, rationing, etc.—rather than of changes specifically connected with the Nazis.

050. Although nearly every major Stadtkreis has certain peculiarities as regards the number, arrangement and designation of its administrative departments, these are on the whole of a minor character. The basic pattern of the administrative structure applies to all major Stadtkreise with the exception of Hamburg and Berlin. The administration is directed by an Oberbürgermeister and a varying number of full-time Beigeordnete. The Deputy of the Oberbürgermeister is titled Bürgermeister and the head of the Finance Department bearing the title of Stadtkämmerer is usually next in the hierarchy. The other full-time councillors (Stadträte) are in charge of the other principal administrative departments.

051. *Principal Administrative Offices* of a major Stadtkreis are:

- (i) Gesundheitsamt (Municipal Health Office).
- (ii) Hoch-und Teifbauamt (Building and Engineering).
- (iii) Rechnungsprüfungsamt (Municipal Accounting).
- (iv) Steueramt (Municipal Tax Office).
- (v) Vermessungsamt (Survey Office).
- (vi) Wohlfahrtsamt (Welfare Offices).
- (vii) Stadtpolizeiamt (Municipal Police Office).
- (viii) Versicherungsamt (Municipal Insurance).
- (ix) Feuerlöschpolizeiamt (Fire Police Office).
- (x) Stadtplanungsamt (Municipal Planning).
- (xi) Stadtkämmerei (City Treasurer).
- (xii) Statistisches Amt (Municipal Statistics).
- (xiii) Schul-und Volksbildungsamt (School and Culture).
- (xiv) Rechtsamt (Law Office).

- (xv) Forstamt (Forestry Office).
- (xvi) Stadtische Sparkasse (Municipal Savings Bank).
- (xvii) Stadtwerkeamt (Public Utilities).
- (xviii) Baupolizeiamt (Building Police Office).
- (xix) Gewerbeaufsichtsamt (Factory Inspection Office).
- (xx) The economic offices dealt with in para. o8o.

In addition there are the offices of the special administrations, viz.:

- (i) Finanzamt (Reich Finance Office).
- (ii) Reichsjustizverwaltungsamt (Office for local Administration of Justice).
- (iii) Reichspostamt (Office for local Postal Administration).
- (iv) Reichsbahnamt (Local Railway Office).
- (v) Arbeitsamt (Labor Office).
- (vi) Reichsbanknebenstelle (Local Branch Reichs Bank).

### **Municipal Finance**

052. *Principles of Taxation.* Vigorous use is made in Germany of the principle that the Reich alone has the duty and right to fulfill public tasks and to call upon the nation to provide finance. In line with this, the Länder no longer have anything to do with tax collection, and most of the responsibilities for taxation have been withdrawn from the municipalities and transferred to the Finanzämter, the local agencies of the Reich Ministry of Finance. The tax collecting agency of the municipality, the Steueramt, still administers the real estate tax (Grundsteuer), a few fees and licenses and that part of the Trade Tax (Gewerbsteuer) based on the total sum of wages paid by an employer to his employees. The Citizen's Tax (Bürgersteuer) and the House Rent (Hauszinssteuer) have been taken over by the Reich. The yield of the real estate tax has been considerably reduced through changes in its base. This particular tax being levied on the basis of a percentage of the assessed valuation is determined annually by the Reich. Thus the independent tax income of the municipality has been cut more than half making it heavily dependent on the Reich for tax grants.

053. *Cooperation with Finanzamt.* Although the municipality has largely lost its power both of levying taxes and changing tax rates, it actively assists the local Finanzamt in administering the important Trade Tax which is collected by the Reich for the benefit of the municipalities exclusively. The municipality is responsible for keeping up to date dependency and other personal information which is entered on the wages tax card (Steuerkarte) of all employed persons. Again when for any reason local conditions must be taken into account, the Finanzamt is directed to

take advice of the local authorities. The municipality is represented on the Beirat which advises the Finanzamt on various Reich taxes and protects the interests of the local tax payers in matters of assessment, collection and appeal. The powers of the Beirat are purely advisory and the Finanzamt is not bound to accept its recommendations.

054. *Financial Organization.* The Oberbürgermeister or Bürgermeister is responsible for the entire local administration including finance. Though in some smaller cities he is his own city treasurer, it is customary for that office (Stadtkämmerer) to be held by one of his Beigeordnete. It is the Bürgermeister's duty to set up his budget ordinance (Haushaltstzung) each year. This includes the budget itself (Haushaltsplan), a summary of the debt status and a Stellenplan.

055. *Standard Budget.* An ordinance of 1937 supplementing the D. G. O. of 1935 prescribes in precise terms the standard budget for all municipalities with more than 3,000 population, though they too are expected to conform as much as possible. Elasticity is provided for special circumstances and deviations are permitted from it in certain Länder. Cities having special administrative or financial characteristics are also permitted to alter the form, but approval must be obtained from the Ministry of the Interior. (See prescribed budget form at Appendix III.)

056. *The Councillors and the Accounting Office.* The Bürgermeister is required to discuss his proposed budget with his Councillors (Gemeinderäte): His accounts are also subject to examination by them as well as by the local accounting office (Rechnungsprüfungsamt). All cities over 20,000 must have such an office which is responsible to the Oberbürgermeister himself but sends its reports to the superior authority (Aufsichtsbehörde). In addition the treasury accounts and economic enterprises of the municipalities are all subject to examination by the Ministry of the Interior.

057. *Supervision.* Supervision of municipalities was formerly a function of the Länder, but has now passed in the main to the Reich. The ultimate supervisory authority is the Minister of the Interior who within the scope of the D. G. O. has great powers over municipal finance. He appoints higher (Obere) supervisory authorities (Reichsstatthalter) and the ordinary supervisory authorities. The number of supervisory authorities is affected by the distinctions between the Landkreise and the Stadtkreise and between the various Länder. Consequently a Stadtkreis may be subject only to two supervisory authorities. In the Prussian towns belonging to the Landkreis the lowest supervisory authority is the Landrat while for the Stadtkreis it is the Regierungspräsident. These arrangements are not uniform in the various Länder, the appointing power lying within the discretion of the Minister of the Interior. These supervisory authorities must approve the

Hauptsatzung of the municipalities which is the constitution governing the entire local administration. In addition they must approve all financial acts and economic activities. Loans, taxes, tax rates and the size of the municipal debt must be also approved.

058. *Grants from the Reich.* Municipalities receive grants in aid according to a formula which varies depending on the special circumstances of the town, taking into account the municipality's own tax resources, the kinds of industry, number of working population, number of children etc. The formula is approved by the Minister of the Interior and the Minister of Finance and is administered by the regional Oberfinanzpräsidenten. Before these grants are turned over to the localities the Reich War Tax on municipalities is deducted, this again being worked out by a formula taking into account the economic capacity of the individual municipality.

059. *Effect of War on Municipal Debt.* The effect of heavy armament expenditure by the Reich has had the effect of enabling many towns to repay their long term debts at a rate in excess of that desired by the central authorities. This is true to such an extent that they have now been forbidden to reduce their debts more rapidly than is provided by law. Repayment must not be greater than at the rate of 4 per cent. amortization each year. The major percentage of surplus funds must be invested in government bonds. On the other hand the financial position of many other municipalities not benefitted by war expenditures is entirely different. This is true in most rural localities and also in many cities which have been subject to Allied bombing. The latter particularly have been forced to negotiate new loans. The prohibition on loans to cities by Savings Banks has been relaxed and under conditions set forth by the Ministry of Finance, the Savings and Giro Banks may make loans to them. An important prerequisite for such loans is the availability of labor and material on which to expend the proceeds of the loan.

060. *Control over Municipal Debt.* Debts contracted by municipalities must have the written approval of the supervisory authority before they are collectable by law. This approval is not final, but relates only to the purpose for which the loan is contracted. The procedure is for the city then to agree with the Rentenbank on the method of repaying the loan. This contract must be approved by the supervisory authority. In general a municipality may not offer collateral for a loan and permission must be obtained from the supervisory authorities for any legal action against it.

#### WAR-TIME ECONOMIC AGENCIES IN THE KREIS

061. *Price Control Office.* Preisstellen (Price Control Offices) are local offices representing the National Price Administration. They are headed by the Oberbürgermeister or Landrat. Their main

function is to enforce the Price Stop Decree of November 1936 which set a rigid maximum limit to the price of every commodity and service not covered by special legislation. In the Stadtkreis the men operating these offices are recruited from the Staatliche Polizeiverwaltung; in the Landkreis, from the Gendarmerie. All police engaged in price enforcement activities act under the supervision of the regional Preisüberwachungstellen. To help the latter supervise these police activities, three teams of two police officials each are assigned to each Regierungsbezirk or its corresponding governmental unit.

062. *Food Office.* An Ernährungsamt (Food Office) is located at the seat of every Landkreis and in each Stadtkreis. It is the local agency of the Ministry of Food and Agriculture which administers the food rationing program. Food rationing is the exclusive responsibility of Abteilung "B" of each Food Office, Abteilung "A" 's responsibility being that of assuring food supplies for its area. The staff of Abteilung "B" is composed of civil servants appointed by the Landrat or Oberbürgermeister. The staff of Abteilung "A" is appointed by the Kreisbauernführer. It is the responsibility of each Food Office to supervise preparation of household lists and distribution of ration cards, pass on applications for supplementary, extra or special rations and control flow of rations, currency and supplies from consumer to grower or processor. Food offices cooperate with Meldeämter of Police, which notify them of new arrivals and departures and with the Standesämter which notify them of births and deaths. In the larger cities Food Offices have set up Kartenstellen (Card Offices) for the various wards to assist in the administration of food rationing.

063. *Economic Office.* A Wirtschaftsamt (Economic Office) is located in each Stadtkreis and Landkreis, headed by the Oberbürgermeister and Landrat respectively. These offices are principally engaged in the rationing of non-food items in their function of safeguarding the efficiency of industry, trade and business and of planning the supply of raw materials.

064. *Housing Office.* A Housing Office (Wohnungs-und Siedlungsamt) or Billeting Office (Quartieramt) is maintained in each Stadtkreis and Landkreis under the direction of the Oberbürgermeister and Landrat respectively. In the smaller places this falls on the Oberbürgermeister or Landrat himself. By the Reichsleistungsgezetz dated September 1, 1939, Bürgermeister and Landräte were given full authority to administer local housing facilities. They can requisition vacant houses, reconvert for residential purposes former residences and also issue permits for new construction. When a building permit (Baukarte) is issued to an applicant it entitles him to the receipt of the necessary material and is binding on the authorities in charge of materials and labor, though the supervision of the local labor offices is not a function of the Oberbürgermeister and Landrat.

065. *The Local Triangle.* Though not strictly an economic agency since it is also concerned with other matters, in many Landkreise and Stadtkreise an Ortsdreieck (local triangle) has been established. It is usually composed of the Kreisleiter as Chairman, the Oberbürgermeister or Landrat and the Kreisbauernführer. The Arbeitsleiter is often included, the committee then becoming a Viereck. Some of the matters in which this committee has final local jurisdiction are: allocation of man power, billeting of bombed-out people, securing rapid distribution of commodities and granting of permits to buy rationed non-food items.

066. *Importance of Above Agencies.* Though the above agencies are Nazi innovation, their functions are very important to the administration of Military Government and should be continued in operation. Making use of the Ernährungsämter and the Preisstellen will be of great aid in attempting to avoid some of the bitter experiences of the past. The establishment of the Ortsdreieck with the intention of eliminating bureaucratic overlapping and friction is an important step toward decentralization in a highly centralized government where in 1941, aside from Party offices and organizations, 45 authorities and administrative offices dealt with local government affairs.

## IX. ADMINISTRATIVE AND DISCIPLINARY COURTS

### The Pre-Nazi Administrative Court System

067. Article 107 of the pre-Nazi Constitution reads:

“ In the Reich and in the States there must exist in accordance with legal provisions Administrative Courts for the protection of individuals against orders and decrees of the Administrative Authorities.”

068. *Definition.* Anschuts gives a definition of Administrative Courts which was generally but not universally true throughout Germany; it is:

“ Administrative Courts are Administrative Authorities which, in view of their special purpose—the exercise of a legal, independent and non-partisan administration of justice in administrative matters—are organized like Courts and must observe a process modelled upon the procedure of the ordinary courts.

The essence of Administrative Adjudication rests in the fact that the Administrative activity, in so far as its function is deciding of controversies, and is thus really adjudication, is exercised not by the customary ordinary administrative organs, but by special ones established purposely for deciding controversies; therefore in the separation of the controversy-deciding from the remaining (pure active) Administration.”

## State Administrative Court System

069. There were a number of National Administrative Courts for special purposes such as:

- National Insurance Office.
- National Economic Court.
- National Finance Courts.
- National Settlement Court.
- Higher Court of Arbitration.

As a general rule in the large States the Administrative Courts were organized in two or three instances, while in the smaller States there was but one instance. The rule was subject, however, to several exceptions. Another general but not universal rule was that the Districts of the Administrative Courts corresponded, to a certain extent, with the Administrative sub-divisions of the State. There was a considerable disparity of nomenclature among the Administrative Courts of the different States. In Prussia for example the lower instance was called the County Committee, in Bavaria, the County Administration. The higher instance was usually called the Superior Administrative or the Administrative Court of Justice.

## Organization of the Lower Administrative Courts

070. In the majority of States which had two or more instances, the first or the first and second instances were not separate and distinct courts independent from the Administration, but were themselves administrative authorities. This was true in seven of the largest States while in four of the smaller ones the lower instance was separated from the administration. The organization of the lower administrative instances varied to a great extent in the different States, but in most cases, it was a Committee or a Board, a so-called Collegial Authority which acted both as an Agency of Self-Administration and as an Administrative Court.

071. To give a few examples of how the lower instances were organized; in Prussia, the County Committee (the lowest rural Administrative Court) consisted of the County Director (Landrat) as the Chairman and six members chosen by the County assembly. The City Committee (the lowest urban Administrative Court) consisted of the Mayor or his representative as Chairman and of four other members, elected by the Magistracy from among its own membership. The Chairman or a number of the City Committee must have had the qualifications for judicial office or for the higher administrative service, thus ensuring a certain degree of expertness to the work of the Committee. The District Committee (second instance) consisted of the Administrative President as Chairman and six other members. Two of these members, one with judicial qualifications the other higher administrative service

were appointed for life by the State Ministry. The other four were appointed by the Provincial Committee. In Hesse the lowest Administrative Court was the County Committee, which consisted of the County Director and six members elected by the County Assembly, at least half of them from among its own members. The second instance, the Provincial Committee, consisted of the Provincial Director and eight members similarly elected by the Provincial Assembly.

072. The above cases illustrate the unification of the lower Administrative Courts with the ordinary organs of Administration. This arrangement obtained over most of Germany, geographically speaking, and applied to the vast majority of its population.

#### **Organization of the Superior Administrative Courts and their Relationship to the Administration**

073. The organization of the Superior Administrative Courts of the various States of Germany did not conform to any general theory. These Courts differed in respect to their titles; number of judges, qualification for the office of judge, tenure of office and relationship to the Administration. A rough classification can be made as follows:

Superior Administrative Courts which were independent judicial authorities.

Separately organized Superior Administrative Courts which were partly composed of members of the legislature or the State Ministry, or members elected by the legislature or the Ministry.

Superior Administrative Courts which were organized as Collegial Bureaus of the State Ministry.

Superior Administrative Courts standing in organic relationship with civil justice by virtue of a close personal union between them and the ordinary courts.

#### **Independent Superior Administrative Courts**

074. PRUSSIA—BAVARIA—HESSE—BADEN—WÜRTTEMBERG—BRUNSWICK—BREMEN.

These, despite the striking difference in their Administrative Courts, may be said to have come under the first class listed above. Their organization is as follows:

##### **PRUSSIA:**

An independent judicial body. Its members called the President, State Presidents and Councillors were appointed for life and could only be removed from office by a decision of the whole Court. Qualifications: 50 per cent. judicial, 50 per cent. higher administrative office.

##### **BAVARIA:**

The Administrative Court of Justice consisted of a President, a Director and the necessary number of Councillors. The mem-

bers enjoyed the rights belonging to judges and had the same rank and salary as members of the highest State Court. During the continuance of their office they could not be employed in Administrative services. Qualifications: Judicial office.

#### HESSE:

An independent authority consisting exclusively of professional officers who enjoyed the guarantees of judicial independence and could only be retired under the same conditions as members of the Reichsgericht. It consisted of a President and the necessary number of members. The President and the members in the chief office were appointed for life.

#### BADEN:

The Administrative Judicial Court consisted of five members qualified for the judicial office who enjoyed the guarantees of judicial independence. The necessary number of substitute judges were recruited from members of the Superior State Court. The President and members could not be employed in the administrative services during the continuance of their judicial office.

#### WÜRTTEMBERG

The Administrative Court of Justice consisted of a Director and the necessary number of appointed members. The Director and 50 per cent. of the other members must have had judicial office qualifications.

#### BRUNSWICK:

The Administrative Court of Justice consisted of five members; a chairman, two members who had qualifications for judicial office and two members of the higher administrative services. The judicial members were appointed from among the State Court Councillors. The Chairman had the rights belonging to a judge.

#### BREMEN:

The Independent Administrative Court subject only to law, consisted of both professional and lay members. The members with the status of public officers were selected by a Committee composed of representatives of the Senate, the Legislature and the judicial members of the Administrative Court itself and were formally appointed by the Senate. The other associates were elected on the principle of proportional representation by a committee of citizens who had themselves been chosen on the same principle.

### **Administrative Courts with Special Type of Organization**

075. There are two examples of this type of organization, namely LIPPE and LÜBECK.

#### LIPPE:

The Superior Administrative Court consisted of a Chairman and two associate judges appointed by the Ministry and two

lay members. At least one member had to belong to the Lippe bench and another must have belonged to it. The lay members were elected by the State Legislature for a term of six years.

#### LÜBECK:

The Administrative Court consisted of a legally expert member of the Senate as Chairman, a judge and another expert member and two lay members; all appointed by the Senate. Although the Court was thus organized to a certain extent by and from the Senate, it was not considered as part of the ordinary jurisprudence.

#### National Disciplinary Court

076. This court acted on disciplinary cases in the second instance. It was composed of eleven members. The President and two others were members of the Reichsgericht, two more were plenipotentiaries sent by the States to the Reichsrat and the remainder were civil servants. Seven members of whom the Chairman and at least one other belonged to the judicial group could hear cases and make decisions.

#### Changes in Administrative Courts and Disciplinary Courts under the Nazi Regime

077. As has been shown, before the Nazi regime the organization and jurisdiction of Administrative Courts was entirely in the hands of the different Länder and there were considerable divergencies. After different Nazi reforms, there is still some diversity, but much less so than formerly. The first measures related to the Prussian Administrative Courts. In Prussia, the Kreisausschüsse and the Bezirksausschüsse (Committees) had acted both as administrative authorities and as administrative courts. The two capacities are now separated and the administrative courts are called Kreisverwaltungsgericht and Bezirksverwaltungsgericht. In the major towns there is, instead of the Kreisverwaltungsgericht, a Stadtverwaltungsgericht.

078. All the Prussian administrative courts of the first instance, that is both the Kreisverwaltungsgericht and the Stadtverwaltungsgericht were abolished by decree dated November 6, 1939. By November 1941 this had taken full effect. There now remains only the Bezirksverwaltungsgericht (attached to the Regierungspräsident) as courts of the first instance, and the Prussian Oberverwaltungsgericht as Court of Appeal in administrative matters. By decree of April 3, 1941, the latter was combined with the Reich Disciplinary Court and a number of other special tribunals into a new court, the Reichsverwaltungsgericht. This is now the highest military tribunal for Prussia in general and certain special matters; but outside Prussia the Länder still retain their own supreme administrative court.

079. What is more important than these changes in names, is that, as a result of successive measures of war economy, the competence of administrative courts has been severely reduced and now appears to be of very limited importance. This is perhaps a natural consequence of the assimilation of administrative and judicial proceedings which occurs in all dictatorial regimes. Even the ordinary judiciary has only retained a very limited degree of independence; administrative courts, which were seldom fully separated from the administrative authorities themselves, were bound to become even less independent. The following are the principal measures introduced by the Nazis:

a. By a decree dated August 28, 1939, administrative orders can no longer be contested by actions before the administrative courts, but by an ordinary complaint to the superior administrative authority. Only in cases of fundamental importance or in special circumstances can an action be permitted by the superior authority.

b. An appeal against any decision by an administrative court, is, by the same decree, only permitted if the court in question declares the appeal permissible because of the fundamental importance of the questions involved or of special circumstances.

080. The result of these changes is that there are, in Prussia, only two grades of administrative courts, not as formerly three, the Bezirksverwaltungsgericht and the Reichsverwaltungsgericht. In other German Länder there often were formerly only two grades of administrative courts; in these there is only one administrative court left. The scope of actions before an administrative court has also been severely restricted and in many cases excluded; where it is permitted, an appeal to the supreme administrative court is admissible only in exceptional cases.

081. In so far as Disciplinary Courts are concerned the Reichsdienststrafordnung dated January 26, 1937, promulgated simultaneously with the Deutsche Beamtengesetz unifies the disciplinary law and procedure for all officials. The disciplinary procedure is laid down in the new law by sections 11 and following and sections 31 and following (refer to part of Manual on Civil Service). Disciplinary courts of the first instance are the Dienststrafkammern and the court of appeal, the Reichsdienststrafhof, which by the decree dated April 3, 1941, has become part of the new Reichsverwaltungsgericht.

082. Thirty-one Disciplinary Chambers (Dienststrafkammer), each consisting of a Chairman who is a judge drawn from an ordinary court or an administrative court, a legal member and an assessor (of the same official status as the accused) operate in the larger cities. (See Schedule of the Legal Appendix for their location). These Chambers may issue a disciplinary decree (Dienststrafverfügung) involving a warning, an admonition or a fine and

they may also order a reduction of salary, dismissal or a reduction or cancellation of a pension.

o83. The Disciplinary Court of Appeal (Dienststrafhof) consisting of 5 members (3 judges and 2 assessors) is as has been said, a part of the Supreme Administrative Court. These disciplinary courts like the administrative courts are required to have judges who are members of the National Socialist Party, though many of them are nominal rather than active members.

o84. The Reichsverwaltungsgericht incorporates the Prussian Supreme Administrative Court, the Austrian Administrative Court, the Reich Economic Courts, the Reich Disciplinary Court, the War Claims Office, the Claims Court and the Highest Decree Court on Adjuncts and for Water and Soil Associations. This central court consists of:

- a President
- a Vice-President
- 8 Senate Presidents
- 41 Reichsrichter
- 21 Oberverwaltungsrichter
- 10 Verwaltungsrichter

(See schedule in Legal Appendix for list of Administrative courts and their locations).

## X. WAR DAMAGE LEGISLATION

### General

o85. Compensation for damage to property was first regulated by a decree dated September 8, 1939 (Sachschädenfestellungs-vordnung) which was followed by a number of orders and regulations. These enactments were mainly concerned with the method of assessing damage. They were abrogated by a comprehensive decree dated November 30, 1940 (Kriegssachshädenverordnung) concerning war damage. A comparison of the latter with the English War Damage Act of 1941 is instructive and will bring out the salient features of the German war damage legislation.

The German decree does not envisage compulsory insurance by all potential beneficiaries. The entire burden of paying compensation devolves upon the Reich.

Unlike the English act, it applies equally and without any differentiation to land, buildings, chattels and subject to certain conditions to shares, bills of exchange and cheques.

War damage, as envisaged by the German decree, covers a far wider range of contingencies than war damage as defined in the English act. It includes (a characteristic sidelight upon the

German concept of warfare) pilfering and looting in connection with warlike operations as well as losses suffered through the evacuation, deportation or spoliation of the inhabitants and the scuttling of ships. In addition, loss of prospective profits as a result of warlike operations may be treated as war damage.

As in English law, compensation may consist of value payments or payments of cost of works. Moreover compensation may be offered in kind. In this case, the authorities must, subject to certain conditions, procure an object of a value equal or similar to that which was destroyed. The method of assessing compensation especially in respect of buildings is treated in outline only. Loss of prospective profits may be compensated by monthly payments not exceeding RM 3,000 or by a lump sum not exceeding RM 10,000 but different rules apply to businesses and industries.

o86. In general " compensation is not to be paid during the war " (the decree states: " Compensation is payable as and when it is economically possible and necessary "). On the other hand, compensation is payable, first, if repairs or replacements can be carried out or second, if the claimant wishes to employ the compensation for the purpose of setting up, maintaining or developing a business which is economically desirable, or third if the claimant intends to apply the compensation to the payment of debts or fourth if the claimant finds himself in monetary difficulties of a personal or commercial nature. Moreover all valid claims not exceeding RM 1,000 are to be paid immediately.

o87. The claim for compensation may be brought by the owner or by persons having an interest in the destroyed object. Persons other than German nationals must obtain the previous consent of the higher administrative authorities. Special provisions are provided in respect of Jewish claimants. The question whether compensation is payable is decided by the lower administrative authorities, by the Oberbürgermeister in bigger towns (Stadtkreise) and by the Landrat in county districts (Landkreise). If the claim exceeds RM 100,000 or if the claimant is a public corporation it must be decided by the higher administrative authorities i.e. the Regierungspräsident, the government of a Land or the Reichsstatthalter as the case may be. A separate decree dated December 2, 1940, Erste Durchführungsverordnung zur Kriegssachschädenverordnung (Kriegsschädignettsverordnung) contains a schedule of the authorities in the various parts of Greater Germany who are charged with the determination of war damage compensation.

o88. Against decisions of the lower administrative authorities an appeal lies to the higher administrative authorities; against those of the higher authorities an appeal may be lodged with the Reichskriegsschädenamt (which forms a part of the supreme administra-

tive tribunal of the Reich). In addition, the authorities against the decision of whom an appeal has been lodged may vary their previous decision instead of transmitting the appeal to the higher authority. Appeals against decisions of the higher authority are only permissible if previous leave to appeal has been obtained or if the claim exceed RM 10,000. Previous leave is always required in the case of second appeals.

089. The German war damage decrees are simpler than the corresponding English legislation, partly because no provision is made for compulsory insurance, partly because the rights of third parties are safeguarded by general clauses only, and partly because much of the detailed elaboration is reserved for the future. In keeping with "National Socialist" legislative technique the decrees are drafted in very elastic terms. Taken at their face value, the decrees provide fairly liberal compensation, but it is difficult to estimate how their operation affects the individual claimant in practice.

### **Extent of War Damage**

090. The amount of war damage necessarily depends in large measure upon the extent to which the territory of the German Reich becomes a battlefield, but in any event it is known that the damage caused by air warfare has been very substantial. Despite the vigorous policy of the Reich in taking care of war damage as promptly as possible, it appears probable that much of the destruction will not have been repaired at the arrival of the MGOs. Obviously the Allied Governments can assume no liability for this damage however great it may be but it is in the interest of the occupying forces that early attention is given to the matter for the following reasons:

- (i) To relieve as far as possible a housing shortage which was already serious before war damage occurred.
- (ii) To render it possible for German economy, especially small businesses, to start functioning as soon as possible so that relief and rehabilitation may be minimized.
- (iii) To furnish employment for the probable large numbers of Germans previously working in the war industries and serving in the armed forces who will become unemployed at once or shortly after the occupation and who may cause disturbances if left idle.

### **War Damage Compensation**

091. Payment of compensation for war damage claims will, in general, be suspended during the early period of the occupation. Emergency claims, however, not exceeding RM 1,000 which under the Decree of November 30, 1940 are designated as payable during the war, may be paid if MGOs decide payment is desirable and does not unduly jeopardize the German fiscal system.

## XI. ARCHIVES AND PUBLIC RECORDS

### General

092. Germany has always maintained an elaborate system of public records. The Nazis have found it to their advantage to control and retain most of the earlier record systems and have added new types of records of both Party and public records. Public records will be useful to Mil. Gov. Os. in the effective operation of the various levels of government while the National Socialist Party records should be of value when weeding out dangerous public officials and civil servants and evaluating those retained or recruited. While the archives maintained by the Reich Ministry of the Interior including the Reichsgesetzblatt which is the official publication containing the Reich laws, decrees and treaties and corresponding collections of records kept by the Länder, Provinces and Regierungsbezirke possess great general importance, it is improbable that Mil. Gov. Os. in the field will be immediately concerned with them. But the dependance of Mil. Gov. Os. on public and Party records on the Kreise and Gemeinde levels will be in all probability so great that a list of the most important is desirable:

### Public Records

093. **MELDESCHEIN**: a personal record of all persons remaining in a given locality two months or longer. It contains the following information: name, date and place of birth, marital status and dependants, occupation, citizenship, religion, residence when last census was taken, previous residence and, if an alien, list of identification papers etc.

**KLEINER MELDESCHEIN**: similar record of persons having temporary residence especially travellers, hotel guests, inmates of institutions.

**PERSONEN REGISTER**: alphabetical file of cards for every person registered, compiled from the two above sources.

**HAUS REGISTER**: contains the same information as Personen Register but arranged by street and house number.

**VOLKSKARTE**: a new type of personal record devised by the Nazis relating to all persons between the ages of five and seventy, arranged according to date of birth showing sex, education, professional skill and special abilities. This record follows people about as they move from place to place and has been used especially in war and labor drafts.

**KENNKARTE**: personal identification and carried by males over eighteen years of age.

### **Municipal Records Offices**

094. **STANDESAMT**: registers births, marriages and deaths.  
**STEUERAMT**: collects tax information by means of annual house to house census.

**WAHLAMT**: keeps records of people entitled to vote.

**RECHNUNGSTAMT**: keeps municipal accounting records.

**KAMMEREI**: corresponds to a municipal treasury and keeps records of finance, debts, and public property.

**WIRTSCHAFTSAMT & ERNÄHRUNGSSAMT**: keep food, commodity, rationing, agricultural and livestock records.

### **Other Public Records**

095. **KATASERAMT**: records land ownership. A "Grundbuch" lists all properties, their owners, locations etc.

**ARBEITSAMT**: keeps employment, placements, unemployment, compensation, vocational training and related records on more than twenty million workers and issues an "Arbeitsbuch" or labor passport to each worker.

**WOHLFARTSAMT**: keeps records relating to old age, health, white collar, invalidity and other social insurance plans.

**HANDELS REGISTER**: list of commercial enterprises and is kept by the Amtsgericht. All corporations and co-operative bodies must register; small businesses and shops may or may not register.

**VEREINS REGISTER**: lists associations, clubs and other social groups, with membership, finances and other data.

**FINANZAMT**: maintains internal revenue records on which are based the Reich turnover, income and corporation taxes.

### **National Socialist Party Records**

096. **ORTSGRUPPENLEITER, ZELLENLEITER & BLOCKLEITER**: maintains files listing not only Party members but non-party members. Reliability and activities of Party members are indicated.

**ARBEITSFRONT**: operates in all sizable business and industrial establishments; keeping records of those employed, their attendances, activities etc.

**REICHSNÄHRSTAND**: maintains records on farms and farm workers, listing arable soils, livestock, farm implements, crop records etc.

**N.S.V.** especially **WINTERHILFE**: maintains local records showing contributors, recipients paid with their financial status.

### **Public and Party Records**

097. This subject is dealt with fully in the German Handbook to which reference is recommended, also the relative Appendix.

## XII. ELECTIONS

### Electoral Machinery Before, During, and After Nazi Regime

98. The Ministry of the Interior supervises a National Commission for the Conduct of Elections and a National Election Director who in turn controls Wahlamt or election district offices throughout the Reich. These latter offices maintain records arranged on an alphabetical basis of those persons who are entitled to vote.

99. The presence of the above machinery might suggest that elections are a commonplace feature in the Reich; actually however, the very reverse is the case since the Nazis have virtually abolished the election process. Very shortly after they seized control of the government, the Nazis abolished elective assemblies below the Reich level.

100. Members of the Reichstag are still nominally elected at year intervals or oftener (elections were held in March 1933, March 1936 and April 1938) but no free choice is actually permitted and only a single slate of candidates is submitted to the voters. The Reichstag election which should have taken place in 1943 was omitted as a war measure and the life of the existing Reichstag was prolonged to 1947.

101. Formal provision is made for holding plebiscites in order that the government may ascertain whether the voters approve or disapprove of a certain measure. However, the results of such plebiscites are not legally binding on the Führer. Moreover, the plebiscites themselves have been so "rigged" by the Nazis that no free expression of opinion is possible.

102. Only three plebiscites were staged during the decade following the Nazi accession to power and in each case they were held after action had already been taken. The first plebiscite scheduled for November 12, 1933, endorsed the withdrawal of the Reich from the League of Nations; the second on August 19, 1934, approved the succession act; while on the last held on April 10, 1938, gave an opportunity for the voters to favor the annexation of Austria.

103. So much pressure is exerted on the rare occasions when elections are held that something like 99 per cent. of those qualified turn out to vote according to official report. Very few have the temerity to vote contrary to the official position or slate of candidates, though the casting of invalid or blank ballots is something surprisingly frequent.

## XIII. CITIZENSHIP

### General

104. Prior to 1933 the German Reich followed a course as far as citizenship was concerned not far divergent from that of other European powers. Like other continental nations, it placed

emphasis on the " ius sanguinis " or law of parentage rather than on the " ius soli " or law of place of birth which is fundamental both in England and the United States, but no special racial qualifications were laid down. Naturalization was permitted to those who resided permanently in Germany and met certain other requirements. Loss of citizenship was provided when a German citizen voluntarily acquired foreign citizenship.

### Regulation of Citizenship

105. In this pre-Nazi period, citizenship was regulated first of all by the Länder, with Reich citizenship automatically bestowed on those who held citizenship in the Land. Almost immediately after the Nazis came to power, a law (Law concerning the Revocation of Naturalization and the Cancellation of German Citizenship dated July 19, 1933) and a decree (Executive Decree dated July 26, 1933) were issued for the purpose of cancelling the citizenship of political opponents who had left Germany and the so called " Eastern Jews ". In 1934 a decree abolished the dual system based on the Länder and created in its stead a uniform Reich citizenship to be administered by the Ministry of the Interior. The following year the infamous Nuremberg Laws (Reich Citizenship Law dated September 12, 1935, and the executive decrees dated November 14, 1935, and December 21, 1935) placed citizenship on a racial basis, limiting citizenship proper (Reichsbürgerrecht) to those of " German or racially similar blood who by their behaviour demonstrate they are willing and able faithfully to serve the German people and the Reich ". Despite this reservation it was the practice prior to 1939 to confer citizenship on virtually all German nationals other than Jews.

106. The German conquest of much of the European continent with the grandiose " New Order " scheme for slave satellites caused a drastic change in the citizenship system. People of Austria, the Sudetenland and Memel in so far as they were Aryans had been given Reich citizenship. But the French, the Norwegians, the Russians, the Poles, etc., were another matter. Various piecemeal changes were made beginning with 1939 and in 1942 the numerous rules relating to citizenship under the " New Order " were consolidated into a broad decree (Decree Concerning Citizenship Questions dated January 20, 1942) which gave the Minister of the Interior authority to confer citizenship by decree upon groups of foreigners living in a territory under German domination.

107. In April, 1943, another decree further codified the National Socialist legislation relating to citizenship. Under this decree four types of persons are specified:

Full citizens.

Probationary citizens who after not more than ten years of trial must be given full citizenship or reduced to an inferior status.

Those in the Schutzangehörigkeit category which implies being "under the protection of the Reich" without being its national or citizen.

Jews and Gypsies who have no legal existence at all as far as the Reich is concerned.

It is apparent that citizenship in Germany has been transformed since 1933 into a highly complicated system thoroughly permeated with National Socialism.

#### XIV. LAND SURVEY AND RECLAMATION

##### Land Survey

108. Before the Nazi regime, there were a number of regional planning organizations, usually formed by local authorities. The best known of these is the Ruhrkohlsiedlungsverband. By law dated March 29, 1935, supplemented by a decree dated February 15, 1936, a Reichsstelle für Raumordnung has been established, entrusted with the "comprehensive planning and ordering of the German space for the whole area of the Reich". Its function is the co-ordination of all the various planning needs (defense, agriculture, settlement, transport, etc.). The head of the Reichsstelle is appointed by the Reich Chancellor. (At present the head is Kerrl.) Under the Reichsstelle there are a number of regional Landesplanungsgemeinschaften. They are directed by Planungsbehörden, which are the usual regional authorities: Oberpräsident in Prussia, otherwise the Reichsstatthalter, and the Stadtpräsident for Berlin. The Landesplanungsgemeinschaften are constituted as public law corporations.

109. The Reichsstelle and the regional planning authorities have to cooperate with the appropriate authority according to the plan and type of land involved. This means, for example, cooperation with the Ministry of Agriculture and Food at the central level and the Landesbauernschaften at the regional level where agricultural land is involved, e.g. where farm land is to be used for other purposes or vice-versa. The same applies to the appropriate organizations of labor, transport, mining or housing, according to the plan in question. The professional and vocational organizations and estates form part of the Landesplanungsgemeinschaften.

##### Land Reclamation

110. This point has, in general outline, been dealt with under Land Survey. Reclamation of land would fall under the general planning of land. There are, however, special administrative offices concerned with the survey and improvement of agricultural land. The comprehensive term for these functions is Landeskultur. On the central level they are dealt with by Department VI of the

Ministry for Agriculture and Food. On the regional level *Landeskulturabteilungen* form special departments of the *Oberpräsident*. On the district level *Kulturämter* are attached to the office of the *Landrat*. (The technical functions of measurement and demarcation of land are exercised by the *Katasteramt*, which is also attached to the *Landrat*.)

## XV. CIVIL SERVICE

### Authority and General Control Structure

111. The German Civil Service system is the agency of the German government responsible for the technical administrative control over public personnel in all Ministries, Agencies, Institutions and Public Corporations at all levels of the German government.

112. The Minister of the Interior is the highest Civil Service authority and it is his administrative responsibility to enforce the basic laws, methods and regulatory procedures as applied to government personnel management. His actions and decisions are governed by the National German Civil Service Act proper, which includes the National Disciplinary Act and the National Salary Act.

113. The National German Civil Service Act (*Deutsches Beamtengesetz*) provides the uniform rules and the general pattern for personnel management. The National Disciplinary Act (*Reichsdienststrafordnung*) provides disciplinary controls covering all officials and civil servants. The National Salary Act (*Reichsbesoldungsgesetz*) regulates the emoluments of all German Civil Servants in all agencies, and is administered by the Minister of Finance in conjunction with the Minister of the Interior.

114. The general administrative office of the German Civil Service is seated at the Ministry of the Interior, and is Department II (*Abteilung II*) known as the *Personalamt*, presently headed by *Ministerialdirektor von Helm*. There are two separate divisions; the first concerns general civil service administration, master files and records; and the second, legislation, salaries, pensions, and the training and examination offices. Under the Nazis a special department of the Ministry of the Interior known as *Abteilung 1 P* has exercised important authority in personnel activities especially in matters of policy.

115. As stated above, the Minister of the Interior is responsible for the administration of the basic civil service laws. However, detailed functional personnel management of the various public agencies is the responsibility of the ministerial head of each agency as set forth in their rules and regulations (*Durchführungsverordnung zum Deutschen Beamtengesetz*). Each Reich ministry formulates and issues formal rules and regulations in the form of decrees (*Ministerialblätter*) concerning the particular needs of personnel

management within the agency. The decrees and rules and regulations whenever promulgated, issued or changed in whole or part, are transmitted to the Minister of the Interior and it is his prerogative to accept or reject any or all provisions not compatible with the general basic civil service laws.

116. Each ministerial agency has its own system of service-relations regulating the relations between officials and civil servants. Service superiority begins at the ministry and extends downward through the service. Service-relationship of civil servants and officials in the general regional and local governments goes upward to the Minister of the Interior. In special agencies, i.e. Finance, Legal, Transportation, Economics, Postal, etc., it runs toward the respective ministerial head.

117. Any change in official status or service-relationship of civil servants or officials, by appointment, promotion or termination of service, is the prerogative of the ministerial head or his delegated service-superior as provided by his specific rules and regulations.

118. The rules and regulations of the various ministries provide for position-classification and job descriptions, service-entrance qualifications (education and experience), and examination methods for appointment and promotion, as well as schedules for salaries and pensions, working hours and leaves.

### **Personnel Classification**

119. In order to discuss properly the Civil Service it is necessary to understand that it is made up of two distinct categories which, not only perform different tasks but constitute clearly distinct ranks or castes with different training, salaries, social prestige, and social origin. These are the "career" Civil Service entered through competitive examination, and the "political" Civil Service, requiring no examinations. The "career" Civil Service is subdivided into four grades.

### **The Career Civil Service**

120. The career service has four grades, namely: Higher, Elevated, Intermediate, and Lower. The Higher Civil Service (der höhere Dienst) resembles to a large degree the British Administrative class, but goes beyond it in that it includes as well the teaching staffs of secondary schools and universities. Training is thorough and is generally based on studies dealing with the foundations of the State, political science, constitutional and administrative law, finance and economics. These officials generally occupy the top administrative positions in the Länder, the judiciary or where technical skill is essential, as in construction engineering. In many instances the line between these servants and those of the Political Civil Service is fine indeed, but as a general rule it can be said that whereas the latter have some policy-making power given to

them directly, the former have such power bestowed on them indirectly through their positions as chief administrators.

### The Political Civil Service

121. The Political Civil Service (politischer Dienst) occupies for all intents and purposes the highest level. It is made up of public servants who occupy key positions connected with the execution of policy and who must, therefore, enjoy the special confidence of the political party (or parties) in power. Such a category antedates the Reich of Bismarck and all the Nazis did was to recognize it and enlarge upon it. It is made up of under-secretaries of state, ministerial directors, Oberpräsidenten, Regierangspräsidenten, officials of the public prosecution, heads of police authorities, Landräte, ministers and diplomatic agents. These officials, as the name implies, are subject to removal without cause, hearing or investigation by the Führer since they hold office at his discretion and pleasure.

122. The categories below this cannot be marked with any degree of certainty. They include those technical and non-technical jobs which range from the humblest position in the Lower Civil Service, a postman for example, to those other jobs where more skill is essential but where there exists no opportunity for real administrative leadership. If a ready distinction is to be sought it is to be found not so much by looking at the task being filled as by the degree of education and experience necessary to hold that appointed rank.

123. The lower middle officials stem from the ranks of the lower middle class and perform subordinate tasks which, in many cases, are indistinguishable from the work of the ordinary manual laborer. Usually, the Lower and Intermediate grades incorporate this class of servants.

124. The higher officials usually come from the upper classes, have academic training, perform public functions partly of an executive, but also on the top levels partly of a policy-making nature. They have a special caste system of their own. Except in rare cases, this class is within the Elevated, Higher, and Political grades of the service.

125. The first distinction in classification of the civil servants is made by the division of those in the service of the National Government, known as "direct officials," and those in the service of the Länder and municipalities, called "indirect officials." However, the same basic Civil Service Act applies to both groups.

126. The officials and civil servants of the Civil Service System in all grades of all agencies of the German government will be recognized as (1) Directly responsible in their function to the Reich or (2) Indirectly responsible to the Reich.

127. The general classifications and grades of the German Civil Service System will not be disturbed without the proper approval

or directive by proper Military Government authority. All agencies of government will recognize the civil service classifications, grades, positions and titles and will not change or alter the duties thereunder without proper authority.

128. The Higher, the Elevated, the Intermediate, and the Lower will classify the grade or level of responsibility and functioning of duty of all officials and civil servants in all agencies of the German government.

129. The political grade of officials and civil servants being subject by civil service regulations to any action desired by high German authority "without hearing or investigation" will remain as such, subject to the discretion of higher MG authority.

130. Military Government Officers will recognize that all civil servants are "Reich Officials" (Reichsbeamte) and are distinguished in their official-relationship (Art. I Section I DBG) as classes: those in the actual employ of the Reich government agencies are Direct Officials, all others, particularly the permanent personnel of the municipalities and the general government agencies are endowed with the status of Indirect Officials.

#### **The Basic Civil Service Laws**

131. Military Government recognizes all basic German Civil Service laws, enabling legislation, ministerial decrees, or any other proper implementation thereto, excepting, however, such provisions as discriminate among persons by reason of race, religion, or political persuasion, or any provisions of laws suspended by Military Government proclamations, ordinances, orders or directives. Civil Service laws noted below may be regarded as basic.

#### **The National Civil Service Act of 1937 (Deutsches Beamtengesetz)**

132. The outstanding feature of the Civil Service Act is that it provides for complete unification of all German Civil Service laws placing them in one basic act with a pattern so general and practical that they are interchangeable between one service and another on a horizontal plane in any grade of the service. Also it sets a strict hierarchy of service-relationships leading from the rank and file to the Ministry, creating in officials and civil servants alike a sense of dependence on higher authority whether in the employ of the Reich, Länder, Gemeinde or any public corporation.

133. The act proper has 184 sections. It represents the culmination of 200 years of Prussian and German experience in personnel matters. The basic provisions (Vorschriften) have carried on from 1873 to the present as the contract between servant and State: "that all officials and civil servants stand in relationship in public law of service and fidelity to the State, either directly or indirectly, and in return, the State guarantees security of office for life." In addition to providing for the unification of all national and local government civil service laws, the act stipulates

equitable and uniform salaries, allowances and pension schedules as well as centralized control over all public personnel as Reich officials.

### **The National Salary Act (Reichbesoldnungsgesetz)**

134. The basic Salary Act including its uniform provisions for compensation is the regulatory law for the control of Civil Service salary schedules.

### **The National Disciplinary Act (Reichsdienststrafordnung)**

135. The National Service Disciplinary Act or Code is also a companion law to the Civil Service Act, and was promulgated at the time of unification of all civil service laws and procedures. The Code is based on most of the same principles as the old Länder disciplinary laws and procedures which were built on long experience of disciplinary enforcement over public employees in all levels of the German government. Enactment of this law for the first time incorporated all disciplinary procedures, and gave the civil service the machinery for uniform disciplinary enforcement. This law also created the legal disciplinary tribunals. (See below).

136. The most important provisions of the Code are those pertaining to the termination of official service-relationship. They provide that: "Termination of official service-relationship will be by: 1. exclusion; 2. retirement; 3. dismissal; and 4. removal from service". Removal from service can only be made by the Disciplinary Courts in formal trials, and carries the penalty of loss of all rights, pension and titles. The other three forms carry provisions for pensions, allowances and titles, depending on the circumstances.

### **Rules and Regulations (Durchführungsverordnung zum Deutschen Beamten-gesetz)**

137. Each ministerial agency establishes its own set of administrative rules and regulations by determining those particular methods of agency operation in conjunction with the basic civil service requirements set forth generally in the act. All ministries follow the general pattern regarding: 1. service-relationship (direct or indirect), 2. official-relationship (hierarchy system of service-superior channels of authority); 3. position-classification of service-grades (political, higher, elevated, intermediate, and lower); 4. entrance qualifications (education and experience); 5. tenure or service (appointment, promotions, transfers, retirements, and dismissals), and 6. training and examination methods.

138. Schedules designating salaries in their proper budgetary categories for both officials on fixed salary basis and civil servants on rising salary basis are established in the rules and regulations by approval of both the Ministers of the Interior and Finance,

in accordance with uniform compensation in all agencies. Housing and children's allowances, as well as other allowances, are specifically set up in the rules and regulations within the basic requirements, and proper approval of both Ministries as above.

139. All other general provisions follow the uniform rules or regulations pertaining to disciplinary control, working hours, holidays, vacations and leaves of absence, pensions and retirement.

140. Any rule or regulation in order to become effective must after issuance by the ministerial head as a decree (Ministerialblätter) be transmitted to the Interior and/or Finance authorities for approval and signature as a Gesetzgehende Akte.

#### **Civil Service Recruitment Procedures**

141. The Division of Training and Examination together with its facilities and personnel, will be utilized in the classification and placement of displaced Civil Servants and to provide an adequate supply of eligibility registers for use in all grades.

142. The Great State Examination will be held at such time and subject to such revisions as may be deemed proper by Military Government.

#### **General Entrance Requirements**

143. The Civil Service Law guarantees that all citizens are to be admitted to the Civil Service without discrimination in accordance with the laws and on a basis of ability and achievement.

144. Candidates of all grades of the German Civil Service must meet certain general requirements as follows: 1. the candidate must be a citizen or eligible to become one; 2. have good health; 3. private finances in good order; 4. have a good reputation and 5. a satisfactory police record.

145. Any candidate who has the requisite training and other qualifications may, without passing through the lower grades, enter directly into the higher grades. Ordinarily, each candidate must serve a preparatory or probationary period before he is subjected to examination, which in turn, qualifies him for certification to permanent status to the office. Legislative provision (par. 5 Reichsgrundsätze) permitted the entry of individuals without the prescribed examinations as long as they had had three years experience in public service and were at least 32 years old. Lower Civil Service (der Einfache Dienst), candidates must be between 21 and 40 years of age when they receive their first temporary appointment (Ernennung zum ausserplanmässigen Beamten). They must have completed German elementary school (Volksschule). Candidates for the technical services must possess practical experience or have passed the journeyman's or master's examination.

146. Intermediate Civil Service (der mittlere Dienst) candidates must be between 21 and 31 years of age when they receive their

first temporary appointment. In addition to attendance in a German elementary school, they are obliged to have the requisite technical education and/or specialized training or evidence of having passed the master's examination, or completed a recognized vocational school (Fachschule).

147. The Elevated Civil Service (der gehobene Dienst) candidates must be below 30 years of age on application. Educational requirements for the non-technical elevated civil service can be satisfied by graduation from a recognized Intermediate School (Mittelschule) or from the continuation course (Aufbauzug) or an elementary school or successful attendance in the first six forms of a recognized secondary school (höhere Lehranstalt), or successful attendance in a business college (Handelschule). Candidates for certain branches of the Elevated Service must be proficient in German shorthand. For the technical Elevated Civil Service, the candidate must have completed a course of training in a recognized Higher Technical Institute (höhere technische Lehranstalt).

148. The Higher Civil Service (der höhere Dienst) is recruited from university-trained candidates. Entrance into this grade of civil service is more rigid. Candidates must have studied economics and public administration and must possess a practical knowledge of agriculture and trade. Legal and social science are not requisites, and recently there has been a trend towards economics. The entry of candidates without the prescribed examinations is permitted as long as they have three years experience in public service and are at least 32 years of age. To regularize this situation, university-trained civilians are allowed to undergo training and take entrance examinations for administrative service. The age limit for the candidate in general administration and the administration of justice is 32 years of age. Technical branches have a higher age limit of 35.

149. The Political Civil Service (Politische Beamte) is made up of those public servants who occupy key positions connected with the execution of policy and who enjoy the special confidence of the political party in power. To enter this service the candidate must have the endorsement of his party. However, both the Reich of Bismarck and the Nazis appointed the greater proportion of Political Civil Servants from the Higher Career Civil Service.

### **In-service Training**

150. In-service examinations and merit testing will be initially discontinued. Service-superiors will, however, continue to enforce any regulations pertaining to the efficiency of their service which will be recognized as part of their record.

151. It must be remembered that there are three stages roughly, through which a candidate must pass before he finally becomes certified permanently to position. These stages are: 1. by meeting the general requirements noted above the candidate is given an

appointment to serve a six month in-service period as a "temporary appointee" pending his examination for the position.

2. The candidate is then examined on those matters which pertain to his grade and classification, skill and experience as well as to his in-service training. His former education is tested, and he must prove his knowledge of the duties he performed during the six-months training period. If he is successful, he receives an appointment as a "temporary civil servant" (Ausserplanmässig) and must serve at least three years in a probationary status.

3. Final certification establishes the candidate as an established civil servant (Planmässig), with all the privileges of pension and retirement as well as all the rights of the office.

### **Merit Rating**

152. Among the factors considered in determining the final grading of a candidate is his conduct during the preparatory period up to the time of examination as well as that period after examination and before final certification.

### **Promotion**

153. Civil servants from the lower grades may enter the higher grades by way of the prescribed examinations and requisites. Promotion is governed in part by certain objective procedures and in part by political considerations, the latter especially in the Political Civil Service.

154. A civil servant cannot receive several promotions within a single year. He must begin his career in the lowest established position for his grade of the service (Higher, Elevated, Intermediate, Lower) and must show a complete and satisfactory record. In the process of promotion he may *not* skip over positions which normally belong to his career. In each grade of the civil service there is a waiting period, of from one to 20 years before promotion to the next higher grade is possible. At each higher level the waiting period increases in length of time before entering the next level. Each grade has its regulations on promotions and must be considered separately.

155. Promotions within the Political Service are not at all governed by regulations of the Civil Service.

### **Schools for Training Civil Servants**

156. In addition to the general educational facilities mentioned above, institutions known as Administrative Academies are maintained for the training of officials and civil servants. They are actually specialized high schools (Beamtenfachhochschulen), operated and controlled by high administrative officers. They teach public employees such subjects as law, politics, economics, administration and political science. Every employee is required to attend

over 400 lectures covering the above mentioned subjects before receiving his final examination or Academy Diploma.

157. There are two Academy Diplomas; one called the Diploma for Employees, the other, the Diploma for Local Governmental Officials and Social Welfare Officials.

### **General Civil Service Regulations**

158. All positions that fall within the various grades of all agencies of the German administrative system are designated by job descriptions and service functions.

### **Civil Service Titles**

159. Official titles, particularly of the Higher Civil Service, carry prestige both inside and outside of government circles. It is generally deemed to be a mark of courtesy to address a civil servant by his title, e.g. "Herr Oberegierungsrat", Civil Servants in temporary retirement (Wartestand) use their official titles with the apposition "z.D." Retired civil servants attach to their official titles the letters "a.D." (ausser Dienst) no longer in the service.

### **Functional Titles**

160. Besides an official title of rank, a civil servant frequently has a functional title. A Ministerialdirektor (official title of rank) is usually an Abteilungsleiter or Division or Department Director (which is the functional title). The next lower functional title is commonly designated as Referent, literally, reporter. A Referent is roughly equivalent to a British Principal. He is an expert and frequently drafts legislation in his particular field. He exercises administrative functions and is an advisor and representative of the Reich Minister. Referenten, in ascending order of rank, are normally: Government Councillors (Regierungsräte), Senior Government Councillors (Oberregierungsräte), and Ministerial Councillors (Ministerialräte).

161. Titles indicating ranks are usually identical throughout the various branches and services with only a distinguishing prefix to give some clue as to their identity. Thus, the title "Inspector" signifies a certain rank in the intermediate civil service, and therefore police Inspector (Polizeiinspektor) and a (Justizinspektor or a Postinspektor) are officials of equal rank in three different services.

### **Duties of Civil Servants**

162. Civil Servants are required to:

- (1) Be obedient to superiors;
- (2) Make sacrifices to throw whole energy into the work;
- (3) Be responsible for the legality of official acts;
- (4) Maintain silence concerning all matters where secrecy is prescribed by law. Before a law-court, official secrecy can be broken only by consent of a superior.

Civil Servants are required not to:

- (1) Tolerate a dishonorable activity on the part of any member of their household;
- (2) Undertake any official transaction which brings profit to themselves or a near relative;
- (3) Follow instructions which will involve criminal law.

163. When an office is abolished or combined with another, the official may be transferred to inactive status. He remains as an official subject to call (zur Dienstverwendung) and receives full pay for three months, after which his inactive pay amounts to eighty per cent. of the pensionable salary (See DBG. Sec. 71).

### **Tenure**

164. The tenure of office of German officials and civil servants is regulated by certain classifications. Permanent officials with life tenure (Beamter auf Lebenszeit) occupy the established positions (Planstellen). They have the greatest degree of security attainable in civil service law. Any official whose title includes the designation "rat" is in this category. Officials, such as the Bürgermeister and Beigeordnete, appointed to serve a fixed period (Beamter auf Zeit) predominate in the regional and local governments. During this fixed period of service, their status is substantially the same as that of the permanent officials. Section 71 DBG provides for termination at any time by investigation and hearing. All other officials (Beamte auf Widerruf) are subject to dismissal or recall. They can be retired without the formality of trial. New appointments during Military Government control would fall in this category.

165. Section 35 DBG provides that "where the new position belongs to the same or equal classification as the previous office and with a final basic salary at least as high" officials can be moved from one position to another. The above officials may be interchanged from the Reich to Land and Gemeinde or vice-versa.

### **Records and Files**

166. The central files and registry of all German public personnel are maintained at the Ministry of the Interior at the Reich level. They incorporate all records pertaining to active and inactive public servants. The master files will remain in the Division of Personnel of the Ministry where all certifications and approvals are issued and recorded.

167. Separate service records are maintained in the personnel offices of each agency by the personnel officer (Personnelamte).

168. The service records as well as copies recorded at the Disciplinary Courts are maintained within the Examination and Classification section of the Ministry of the Interior. Distribution

of copies is made to various branches, such as Finance, Pension and Retirement agencies. Pension and retirement files and records are maintained at the Ministry by both the Social Insurance and Finance Departments.

### **Salaries and Allowances**

169. Officials and civil servants are compensated on a monthly basis, and in contradiction to American and British practice they receive their monthly pay and allowances in advance, this being done on the last working day of the month. As a rule, the established civil servant's compensation is made up of:

- a. Base pay (Grundgehalt)
- b. Housing allowance (Wohnungsgoldzuschuss)
- c. Children's allowance (Kinderzuschläge)
- d. Other allowances.

### **Base Pay**

170. There are two types of "Base" pay; rising salaries which increase with every two years of seniority, and fixed salaries which remain constant. Most Higher, Elevated, Intermediate, and Lower civil servants' base pay rises biennially. Nearly all the highest positions in the Reich including the positions of ministerial division chief and sub-division chief, carry fixed base pay.

### **Housing Allowances**

171. Housing allowances constitute one of the most important items of the civil servant's compensation. The size of the allowance is determined by three factors:

- a. Marital status and number of children
- b. The classification of the locality in which the civil servant is stationed, and
- c. Base pay and pay-scale seniority.

### **The Disciplinary Chambers (Dienststrafkammern)**

172. The Disciplinary Chambers are the courts of the first instance in all disciplinary hearings and their formal proceedings are regulated by the provisions of the Disciplinary Code. There are thirty-one chambers seated in as many regional districts, each vested with full authority within their jurisdiction. Each Chamber consists of seven members of whom the President and at least two others hold judicial status in the Reich or in a State and, of the remainder, one is an assessor of the same service status as the accused. Hearings before the Chambers are formal. Charges must be fully investigated by the service-superior before the trial and both plaintiff and defendant fully acquainted with the details of the investigation and findings. Both sides may be represented by legal counsel or they may appear personally.

173. Although these tribunals are fundamentally quasi-judicial in their function, they may issue Disciplinary Decrees (Dienststrafverurteilung) in the form of a warning (Warnung), a reprimand (Verweis), fines (Geldbusse), removal (Entfernung), a diminution of pension (Kürzung des Ruhegehalts) or loss of pension (Aberkennung des Ruhegehalts). Any of the above named decrees are issued whenever the courts find the accused guilty of "dereliction of duty".

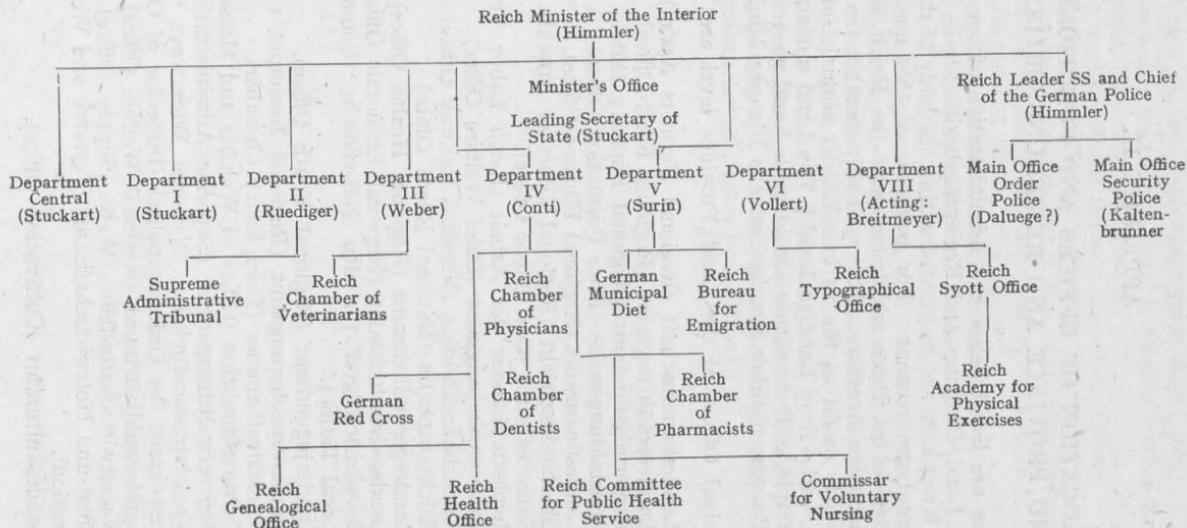
174. A service-superior may without trial give a warning or a reprimand. Only the highest ministerial service-superior may impose fines amounting to the maximum of one month's salary. The next lower service-superior may impose fines to the extent of one-half of one month's salary, and the other service-superiors are limited to one-third of the maximum. The Disciplinary Courts hold the right to over-rule the service-superior's action.

#### **The Reich Disciplinary Court (Dienststrafhof)**

175. The Reich Disciplinary Court is the highest court of appeal in all disciplinary cases. Since 1941 this tribunal has been a section of the Supreme Administrative Tribunal of the Reich. It has a Senate of five judges. At present the judges are required to be members of the NSDAP although most of them have been nominal rather than active members. Only this court can in formal trial, determine diminution of salary or pension.

## APPENDIX I

### REICH MINISTRY OF THE INTERIOR



## APPENDIX II.

### ALLOCATION OF OFFICES AND FUNCTIONS ON THE LAND/PROVINCE AND REGIERUNGSBEZIRK LEVELS

There are listed below the Administrative offices usually found at the Land/Province and Regierungsbezirk levels. Those found at the Kreis level are mentioned within the body of the text dealing with local government. For purposes of this manual it is not necessary to list those which comprise the Reich Ministerial and administrative structure. It is well to remember that the pattern, particularly as far as the various Länder administrations are concerned, varies from Land to Land. The Land ministries in Baden, for example, still constitute considerable Land government, whereas in Prussia, nothing remains but the Finance Ministry.

Principal Offices at the Land/Province level are:

1. Landesbauernschaft (Regional Farmers Ass'n.).
2. Landesernährungsamt (Regional Food Office).
3. Regierungsforstamt (Regional Forestry Office).
4. Preisbildungsstelle (Price Formation Office).
5. Landesfinanzamt (Regional Finance Office).
6. Oberlandesgericht (Regional Court of Appeal).
7. Gauarbeitsamt (Gau Labor Office).
8. Reichstreuhand der Arbeit (Reich Labor Trustee).
9. Hauptversorgungsamt (Chief Welfare Office).
10. Reichsbahndirektion (National Railway Office).
11. Reichsautobahn (National Roads Office).
12. Landesgesundheitsamt (Regional Health Office).
13. Landeswirtschaftsamt (Regional Economic Office).
14. Bevollmächtigter für den Nahverkehr (Commissioner for Local Traffic).
15. Landesjugendamt (Regional Youth Office).
16. Landesversicherungsamt (Regional Insurance Office).
17. Dienstrafkammer (Disciplinary Chamber).
18. Eichungsdirektion (Office of Weights and Measures).
19. Oberverwaltungsgericht (Superior Administrative Court).
20. Wasserstrassendirektion (National Waterways Office).
21. Inspekteur der Ordnungspolizei (Inspector of Order Police).
22. Landeswohlfahrtsamt (Regional Welfare Office).
23. Wasserwirtschaftsstelle (Water Supply Office).
24. Forst- und Holzwirtschaftsamt (Forestry and Wood Administration).
25. Landeskulturamt (Cultivation Office).

Principal Offices at the Regierungsbezirk Level are:

1. Bezirksverwaltungsgericht (District Administrative Court).
2. Landgericht (Intermediate Court).
3. Preisüberwachungsstelle (Price Supervision Office).
4. Regierungsförstamt (District Forestry Office).
5. Wohnungs- und Siedlungsamt (Office of Housing Settlements).
6. Oberversicherungsamt (District Insurance Office).
7. Versorgungsgericht (Court of Pensions).
8. Regierungshauptkasse (District Treasury).
9. Staatspolizeileitstelle (Regional Gestapo Office).
10. Landwirtschaftsamt (District Cultivation Office).
11. Gemeindeprüfungsamt (Office of Municipal Examination).
12. Kommandeur der Gendarmerie (Commander of Rural Police).
13. Katasterverwaltung (District Registration Administration).
14. Bezirksplanungsstelle (District Planning Office).
15. Finanzprüfer (Financial Examiner).
16. Regierungsernährungsamt (District Food Office).
17. Landesarbeitsgericht (Intermediate Labor Court).
18. Reichspostdirektion (Reich Post Office).

## APPENDIX III.

### HEADQUARTERS EUROPEAN CIVIL AFFAIRS DIVISION CA TRAINING DIVISION

#### REGIONAL STAFF PROGRAM SECTION

#### Deutshegemeindeordnong—German Municipal Code

#### PART I

#### FUNDAMENTALS OF THE MUNICIPAL CODE

1.—(1) The municipalities unite all of the living strength of the area in close relationship in order to fulfill the public interests.

(2) The municipalities are public corporations. They administer themselves under their own responsibility. Their actions must be in harmony with the laws and the aims of the government.

2.—(1) The municipalities are called upon to take care of the welfare of their inhabitants and to preserve the historical and local peculiarities of the country.

(2) The municipalities must administer under their own responsibility all public interests within their territorial district, unless the questions concern matters which are expressly assigned to other authorities or taken over by them.

(3) The municipalities may carry out, by law, governmental problems if submitted to them. They furnish the employees, the facilities, and the funds required for the accomplishment of these purposes, unless the laws state otherwise.

(4) New duties can be placed upon the municipalities only by law. The rights of the municipalities may be changed only by law. Regulations of such matters need the approval of the Minister of the Interior.

3.—(1) The municipalities are empowered to settle their own affairs through charters, in so far as their provisions do not conflict with the laws or their issuance of the charter is not prohibited.

(2) Every municipality has to submit a charter which meets the approval of the supervisory authorities. The charter must provide what is withheld in the charter according to the provisions of this law.

(3) Charters must be made public in a public place. They go in force unless otherwise stipulated the day after they are made public. With the approval of the supervisory authorities, a charter may have retroactive force.

4.—(1) The area of every municipality must be so laid out that the local unity of the population is preserved and the ability of the municipality to fulfil its obligations is assured.

5.—(1) One is an inhabitant of the municipality if he lives in the municipality. A citizen is one who has citizenship in the municipality.

(2) The citizen is obliged to give free service at any time for the welfare of the municipality. He who has been ordered to render free service must show himself worthy of this trust by unselfish and conscientious acts, and must be a good example for the public.

6. The head of the municipality is the mayor. He is represented by the chief executive officers. The mayor and the chief executive officers are appointed through the trust of the party and the state. In order to insure harmony between the administration of the municipality and the party, the agent of the National Socialist party participates in certain matters. Constant cooperation between the administration and the citizens is guaranteed by the councilmen. The members of the council, as deserving and experienced men, advise the mayor.

7. The municipalities must conscientiously take care of their finances and resources. Their duty must be to keep the municipal finances in good order considering the financial status of the citizens.

8.—(1) Supervision of the municipality is exercised by the State.

(2) This supervision protects the municipality in its right and insures the fulfilment of its duties.

## PART II

### CLASSIFICATION AND SOVEREIGNTY OF THE MUNICIPALITY

9.—(1) Cities are those municipalities which carry this title according to old rights. The municipality can also have different designations which are related to the historical past, the peculiarity or the importance of the municipality.

(2) The National Governor after hearing the municipality may grant or alter designations.

10. The municipalities keep their old names. The National Governor announces after he has had the municipality, the change of municipal designation and decides the designation of new municipalities. The same is true for special designation of parts of municipalities.

11.—(1) The municipalities have their own seals.

(2) The municipalities have their former coats of arms and flags. The National Governor can give the right to the municipality to have a coat of arms and flags. He can change the coats of arms and flags, but he must first hear the municipalities.

### PART III

#### THE MUNICIPAL AREA

12.—(1) The territory of the municipality consists of those properties which belong to the municipality according to established rights. Disputes over boundaries are settled by the supervisory authorities.

(2) Every piece of property shall belong to one municipality. For special reasons pieces of property may remain outside of a municipality (called municipal free property).

13. The municipal boundaries are subject to change when the public welfare requires. The same is true when municipalities are done away with or when new ones are created; or when municipalities or parts of municipalities come under the category of free municipal property.

14.—(1) When the municipalities plan to discuss changes in boundaries, they must present the case to the supervisory authorities in sufficient time.

(2) The supervisory authorities can at any moment take over the lead in the negotiations.

(3) Unions of municipalities (common working agreements) are only valid when they are certified at the time of the change of territory.

15.—(1) The National Governor decides on the change in territory after he has heard the municipality. At the same time he designates the day of validity and regulates the succession rights, the local rights, and the new administration in so far as necessary.

(2) The supervisory authorities regulate the separation. They decree the rights and duties of the participants and work out the transition, and the limitation and elimination of material rights. The supervisory authorities request from the officials in charge corrections of the property record, water record, and other public records. They have the power to give exemptions of liability.

16. Legal actions, arising out of territorial changes, which are necessary are free from public seals and fees. The same applies to corrections, entries, and cancellations according to paragraph 15, subsection 2.

### PART IV

#### INHABITANTS AND CITIZENS

17.—(1) The inhabitants have the rights according to the regulations to use the public facilities of the municipality and are obliged to carry on the municipal duties.

(2) Owners of land and people who have business but who do not live in the municipality have the privilege of using the public

facilities which exist in the municipality for land owners and business men, and are obliged to pay the taxes for their property or business in the municipal limits.

(3) These regulations apply also to legal persons and to clubs.

18.—(1) The municipality may, when absolutely necessary, with the approval of the supervisory authorities, order, for the properties within their limits, connections to water systems, sewer systems, collection of garbage, cleaning of streets and similar services necessary for the public health (enforced connection), and also order the use of these public services and the slaughter-houses (enforced usage).

(2) The charter may permit exception of enforced connection and enforced use. It can also limit the enforcement to certain parts of a municipality and to certain groups of properties or persons.

(3) The charter may also provide for penalties, with costs up to 1,000 marks, to be levied upon anyone who refuses to obey. The charter may also provide for the assumption of these obligations by the city. The penalties and the costs will be determined in the usual administrative manner.

19.—(1) Citizens of the municipality are those German citizens who are 25 years old and who have lived in the municipality for at least one year and possess all civil rights.

(2) The mayor and the chief executive officers become citizens without the application of the law governing the length of stay in the municipality.

(3) The municipality with the approval of the supervisory authorities may give (lend) anyone citizenship rights without consideration for the stipulated time of residence.

(4) The citizenship right of soldiers remains the same.

20.—(1) The citizenship rights are lost:

1. When one leaves the city.
2. When one loses German citizenship.

(2) Citizenship is forfeited:

1. Because of dishonorable loss of state citizenship or loss of civic rights.
2. By not obeying the provisions of the laws.

(3) The municipality may make public the forfeiture of citizenship together with the causes.

21.—(1) The municipality may give honorary citizenship to German citizens who have made themselves especially valuable to the people or government. Any foreigner may become an honorary citizen only on the approval of the supervisory authorities.

(2) The municipality may with the approval of the supervisory authorities take away an honorary citizenship because of misuse.

(3) With the forfeiture of citizenship right, the honorary citizenship right is also forfeited.

22.—(1) The mayor appoints the citizens to those honorary positions which are not compensated. He has the power to remove them at any time. For the position of mayor, chief executive officers, and municipal councillors, the special regulations of the law apply.

(2) With the forfeiture of citizenship, honorary positions are cancelled.

23.—(1) The citizen may, when he has important reason for doing so, resign from the public service. Important reasons are the following:

1. Entrance into the clergy.
2. Holding of a public position and the consequent decision by the council that his public services are in conflict with his duties.
3. Six years' service in a public position.
4. At least 4 minor children.
5. Guardianship of at least two children.
6. Long absence from the municipality.
7. Long period of illness.
8. Over sixty years of age.

(2) Whether or not the reason for releasing him is important is a matter for the municipality. It may fine a citizen 1,000 marks when he quits his job without an important reason; also the municipality has the power to deprive a citizen of his citizenship for six years. The punishment will be carried out under the usual administrative procedure.

24.—(1) The citizen who is appointed to unpaid public service is bound to secrecy the same as a municipal official. He is not to take advantage of the confidential affairs. This also applies when he is no longer in office.

(2) When the citizen does not act according to these rules, the municipality may enforce against him paragraph 27, subsection 2.

25.—(1) The citizen in public service may not participate in an advisory or decisive capacity if the decision can be of immediate advantage or disadvantage to his wife, his relatives up to the third degree, his in-laws up to the second degree, or to a person whom he represents according to law or by power of attorney.

1. This also applies if the citizen in other than public affairs has given an opinion or has been otherwise involved;

2. If he is employed with compensation by someone who has special, personal, or economic interests in the matter.

These rules are not applicable if the citizen is involved in the matter merely as a member of a profession or population group whose common interests are affected by the matter.

(2) The mayor is to decide whether the rules in paragraph 1 are applicable. And in case he himself is involved his general representative will be responsible.

(3) Those persons who do not take part in the deliberation are obliged to leave the deliberating room.

26. Mayors in the uncompensated class, chief executive officers and the municipal councillors have a special honorary duty toward the municipality. They are not allowed to represent others against the municipality unless they act as public representatives of the law. The same thing applies to citizens in public service, when the matter they are dealing with is connected with the duties of their service. Whether these rules are applicable is a matter for the mayor to decide, and in case the mayor himself is involved, the supervisory officials.

27.—(1) According to the charter the municipality may grant reasonable allowance for expense to mayors, chief executive officers, and treasurers in the non-compensated service.

(2) Others in this service are only entitled to expenses and earnings for the work they have missed, which amounts to about the same as a witness fee. Average fees can be fixed by the charter.

(3) The right to receive these fees is not to be transferred to anyone else.

28.—(1) The charter may provide that officials who have been in the service for at least twenty years with a good record are entitled to an honorary title.

(2) The municipality may with the approval of the supervisory authorities take away this honorary title because of dishonorable behaviour.

(3) When one forfeits his citizenship, he also forfeits his honorary title.

29.—(1) A protest may be raised against the decrees of the municipality which concern:

1. The right to use the public facilities.
2. The settlement of compulsory levies.
3. Obtaining cancellation or losing of citizenship.
4. The settlement of fines.

(2) The protests are to be filed with the mayor within two weeks. The protest must be filed at the proper time with the officials who have made the decree.

(3) The protest has postponing effect unless the decree states otherwise.

30.—(1) The mayor decides the protest; in case of dispute court action may be instituted in the administration tribunal.

(2) The suit may only be based on the fact that the decree is in violation of the law and limits the plaintiff.

(3) In making a decision these regulations must be pointed out.

31.—(1) In the case of the withdrawal of honorary status, protest must take place within two weeks after the announcement.

(2) The supervisory authorities will have the final decision.

(3) Section 29, subsection 3, applies in the same manner.

## PART V

### ADMINISTRATION OF THE MUNICIPALITY

#### SECTION 1

##### THE MAYOR AND THE CHIEF EXECUTIVE OFFICERS

32.—(1) The mayor has full and sole responsibility of administration except as section 33 provides otherwise.

(2) The mayor is called the chief mayor (Oberbürgermeister) in cities.

33.—(1) To be sure that harmony between the municipal administration and the party shall exist the agent of the National Socialist party participates except in the appointment and recall of the mayor, the chief executive officers, and the councillors (paragraphs 41, 45, 51, 54) in the following decisions of the mayor:

1. The Submission of the fundamental charter needs his approval.

2. The honorary citizenship and also the honorary titles are only given and withdrawn with his approval.

(2) When the agent of the NSDAP refuses approval, his reasons must be written within two weeks after announcement of the decision, stating the provisions of the charter which he disapproves; otherwise his approval is believed to be granted. When it is impossible to secure unity in a new negotiation between the agent of the National Socialist party and the mayor, the mayor in the city must bring it to the attention of the national governor and in all other cases he must bring it to the attention of the supervisory authorities. In the charter the national governor needs the approval of the Minister of the Interior when making his decisions, but only in case he desires to act in a different manner than that desired by the supervisory authorities.

34.—(1) The mayor is assisted by the chief executive officers (Beigeordnete). The number is determined in the charter.

(2) The first committeeman is called mayor in cities. The officer who has charge of money matters is called city treasurer. The other executive officers in the city carry the name of executive officer (Stadtrat) (legal officer, school officer, engineering officer, and so on).

35.—(1) The general representative of the mayor is the first executive officer. The other officers only represent the mayor when the first officer is absent. Their service rank is based upon seniority in the municipality. The mayor may in writing change the seniority rank.

(2) The rest of the executive officers represent the mayor only in their special fields. They may make every matter his concern.

(3) The mayor may also designate other officials and employees to represent him in special matters, just as he may give the power to representatives to give such orders in their special fields.

36.—(1) The mayor represents the community.

(2) Obligations which the municipality incurs must be put in writing. These written forms are to be signed by the mayor. In case of the mayor's absence, this written declaration must be signed by two officials or employees who have the right to represent him.

37. The mayor is superior to all officials, employees, and workmen of the municipality. He appoints them and removes them. In the appointment the classification plan must be observed. The rights of the state which arise from other laws stay unaffected by the appointment and removal of officials.

38. Sections 25 and 26 are applicable to professional mayors and chief executive officers.

39.—(1) In the municipalities which have less than 10,000 inhabitants, the mayor and the chief executive officers hold honorary positions. The charter may provide that the position of mayor or an executive officer be filled professionally.

(2) In the municipalities of more than 10,000, the position of mayor or executive officer must be filled professionally. The charter provides which positions shall be filled professionally.

40. In cities (Stadtkreise), the mayor or the first executive officer is appointed professionally and must have the qualifications of a judge or administrator. The supervisory authorities can make exceptions to this rule. The charter can also provide that other positions, especially that of city treasurer, must have special qualifications.

41.—(1) The positions of the mayor and executive officer must be made public before they are filled by the municipality. The agent of the National Socialist party is to be informed of this. This agent, after he has asked the advice of the municipal council in secret, nominates three candidates. In the case of an executive officer, he must submit the names to the mayor for his opinion.

(2) The Representative of the National Socialist party transmits his suggestions with all the applications.

1. In the position of mayors, chief executive officer and city treasurer in cities of more than 100,000 inhabitants through the supervisory authorities to the Minister of the Interior.

2. In the position of other executive officers in cities of more than 100,000, in the position of mayor and executive officers in the remaining cities (Stadtkreisen), through the supervisory authorities to the National Governor.

3. In the position of mayor and executive officers in cities belonging to a county, through the supervisory authorities to the higher supervisory authorities, and in the remaining municipalities to the supervisory authorities.

(3) In case the higher officials approve of the candidates nominated, then the municipality selects these candidates. If not, new proposals must be made. In case the supervisory authorities do not agree with these new selections, then the supervisory authorities select the person who must be accepted by the municipality. The same applies when a definite proposal is not made in the time specified.

(4) It is not necessary that a vacancy in the position of unpaid mayor or executive officer be made public. Also, for fully paid positions the supervisory authorities may decide it is unwise to make it public. In all other cases, the regulations of subsections 1 to 3 apply.

(5) The suggestions have to be kept confidential until the proper authorities, according to section 2, have given their approval.

42.—(1) Mayors and chief executive officers cannot be:

1. Salaried officers of the state, of a municipality or other corporation of public law.

2. Cannot be an employee or worker of the municipality.

3. Appointee or worker of companies and clubs in which the city participates.

4. Appointee of public charitable organizations.

5. Clergyman.

(2) This regulation is not applicable if the officials mentioned above, 1-4, when appointed as full-time mayors or executive officers are given leave or are allowed to lay down their former

job (45); also, the supervisory authorities have power to permit these officials, employees and workers to accept the position of unpaid executive officer.

43.—(1) The mayor and the chief executive officers are not permitted to be related to each other up to the third degree and also are forbidden to be in-laws to the second degree. In municipalities of less than 1,000 inhabitants the supervisory authorities may make exceptions.

(2) In case they become related to each other during their term of office, one of them must give up his position. If one of them is mayor, the chief executive officer must give his office. If one of them is a professional officer and the other an honorary officer, the latter must give up his position. In case the persons in question cannot decide, the younger one must give up his position.

44.—(1) The mayor and his chief executive officers are chosen for twelve years. They are obliged to serve twelve more years, unless for unavoidable reasons they are unable to serve again. In case they cannot meet these requirements they are excused from further service upon the expiration of their term.

(2) The charter may stipulate that mayors and executive officers may be called into service after having given up their offices.

(3) Unpaid mayors and executive officers are called back into service for a term of six years. They remain in office until their successors have qualified. They may again be called into service.

45.—(1) According to section 41 (2) the competent officials may cancel the appointment of a mayor and executive officers at the end of their first term. This may be done under section 41, paragraph 2, number 1, in agreement with the National Governor and under section 41, paragraph 2, number 1, in agreement with the agent of the National Socialist party; in case of disagreement, the National Governor decides.

(2) The competent officials may, before the expiration of the first term, call these officials into service again.

(3) The Minister of Interior may by decree provide the rules for calling back into service the mayor and executive officers. He may thereby order that mayors and executive officers who before their recall were in the service of the state, of a municipality, or of a union of cities stand in the same position as before, in so far as there are no grounds which interfere with the appointment of such persons.

46. The mayors are sworn in by the supervisory officials before taking office; the executive officers are sworn in by the mayor.

47. The charter may stipulate that the mayor, the executive officers, and the municipal councillors wear official attire or an insignia of office on ceremonial occasions.

## SECTION 2

### MUNICIPAL COUNCILLORS (Gemeinderäte)

48.—(1) It is the duty of municipal councillors to keep the administration in close touch with all the citizenry. They advise the mayor on their own responsibility and explain his actions to the population. They have among their duties to oversee and take care of the welfare of the municipality.

(2) In cities, the municipal councillors have the title of Ratsherr.

49. The charter stipulates the number of municipal councillors. The greatest number of members in municipalities with less than 10,000 inhabitants is 12, in remaining cities belonging to counties (Kreisangehörige Städte) 24, and in the cities (Stadtkreise) 36.

50. The agent of the National Socialist party is not a municipal councillor. He may take part in the meeting of the mayor with councillors if it concerns a matter which the law has given him a right of co-operation (sec. 33, par. 1); he is to be invited to these meetings.

51.—(1) The agent of the National Socialist party, in agreement with the mayor, selects the municipal councillors. In making the selection, he must take into consideration: national trustworthiness, reputation, and he must consider personalities which are suitable to the environment of the municipality.

(2) Officials, employees, and workers of the municipality and officials of the supervisory authorities cannot be selected as members of the council. The supervisory authorities can, however, make exceptions.

52.—(1) The councillors of the municipality are chosen for a term of six years. Members of the municipal council whose terms have expired may be reappointed.

(2) In case of a vacancy in the office of councillor before expiration of a term, a substitute is appointed for the remainder of the term.

53. The municipal councillors hold honorary positions. The mayor holds them responsible for the definite fulfilment of their duties and swears them into office.

54. Members of municipal council to whom section 51 does not or did not apply withdrawn. The decision is up to the supervisory officials upon conferring with the agent of the National Socialist party. If no agreement is reached, the National Governor decides.

55.—(1) The mayor is obliged to discuss important matters of the municipality with council members. He must give them opportunity to express themselves before:

1. Changing of the municipal boundaries.
2. Granting and taking away of honorary citizenship rights and honorary designations.
3. Cancellation of citizenship.
4. Decrees, changes and cancellation of charters.
5. Levying of taxes and tariffs.
6. The taking over of new duties for which there is no legal obligation, especially before the setting up and expansion of public institutions, commercial and agricultural enterprises; also for taking part in such enterprises.
7. Changing the rights of private businesses or businesses in which the municipality has a decisive interest.
8. Disposal of municipal finances, especially in the acquisition, sale, and taxing of pieces of land; also in connection with gifts and loans in so far as these matters according to their nature cannot be taken care of by the current administration.
9. Changing the finances of member municipalities into finances of free municipalities, changes of the utilization of municipal property.
10. The renunciation of claims of the municipality itself, and the bringing to a close of transactions of the management which are of little pecuniary importance.
11. The taking up of loans, the taking over of securities and resulting obligations from contracts and the ordering of other securities.
12. Extraordinary and unfunded expenditures as well as regulations through which the municipality would find itself bound, which, because of their slight importance, have not been provided for in the regular budget.

(2) If the matter does not admit of any delay, the mayor may then proceed without the council; then he must inform the councillors at their next meeting concerning the manner of settlement.

56.—(1) The mayor summons the councillors to the meetings within a reasonable time and informs them of the subjects for deliberation.

(2) The mayor stipulates every time whether the conferences are to be public or private. The agenda of a public meeting is to be publicly announced as to place and time.

(3) The executive officers take part in the meetings with the councilmen. The mayor may invite to the deliberations officials and employees of the municipality, as well as specialists.

(4) The members of the council must take part in the meeting unless they are excused by the mayor.

57.—(1) The mayor opens, conducts, and closes the meetings with the councilmen. He takes care that only such points are touched upon as belong the sphere of the municipality.

(2) He maintains order in the meetings and exercises local authority. As he may ask, the individual council members must give their opinions concerning certain subjects of the meeting. They are obliged to speak if their viewpoint is different from that of the mayor. Council members do not vote.

(3) A written record must be prepared containing the actual happenings of the meetings. In this document, there must be recorded the different viewpoints of the councilmen. Besides, every councilman is entitled to give his opinion in this record. The record is signed by the mayor and by two council members designated by him.

### SECTION 3

#### ADVISERS

58. The charter may stipulate that advisers (Beiräte) are to be appointed to work with certain municipal branches. In addition to councilmen, citizens who are specialists may also be advisers. The advisers are to be appointed by the Mayor.

59. The meetings with these advisers are not public. The mayor can transfer the chairmanship to one of the executive officers. In other respects the regulations of paragraphs 56 and 57 concerning the deliberations of council members are in force.

### PART VI

#### MUNICIPAL ECONOMY

##### SECTION 1

##### MUNICIPAL CAPITAL

60.—(1) The Municipal finances must be administered with care and with economy. They must bring the best yield with the least expense.

(2) The municipal treasury must be maintained out of ordinary finances.

(3) When municipal property because of age, usage, or depreciations must be repaired or enlarged, the funds are to be obtained from the regular finances.

61.—(1) The municipality will only acquire municipal property in so far as it is necessary to meet its needs or in so far as it becomes necessary within a limited time.

(2) The municipality is allowed to acquire municipal property for payment only by use of the regular funds or from revenue which it has reserved for this purpose, out of the funds of the regular governmental functions.

(3) Loans for the acquisition of municipal property will only be considered when they relate to an extraordinary need which could not have been foreseen or when, for some reason or other, sufficient revenue cannot be raised.

62.—(1) The municipality is allowed to sell municipal property if it does not need it within a foreseeable time.

(2) The municipality needs the approval of the supervisory authorities in case it:

1. Sells municipal property of all kinds free of charge.
2. Sells or exchanges real estate or real estate rights.
3. Sells or exchanges things which have a special value, scientifically, historically, or artistically, especially archives.

(3) The Minister of the Interior may by law change the requirement for approval of number 2, clauses 1 and 2, if according to their nature they occur regularly, or when certain valuations are not exceeded.

63. The proceeds from the sale of municipal property are to be put into the treasury to keep up the reserve, or to be used for extraordinary cancellation of debts. In exception to this rule, the proceeds may be used for reducing deficits, for diminishing of the loans of the extraordinary budget.

64. For the management of the municipal woods, the law existing hitherto continues.

65.—(1) The regulations and procedures formerly provided for the use of municipal funds, the proceeds of which did not belong to the municipalities but to other entitled ones (capital of municipal members), shall remain in effect.

(2) Municipal funds are not allowed to be transferred to municipal members' funds.

66.—(1) The municipality manages local donations according to the regulations of this law in so far as the law or the donor does not stipulate otherwise. The donation fund is to be separate from the other municipal funds and is to be so invested that it may be immediately available for its purpose.

(2) In case the fulfilment of the purpose of the fund has become impossible or if the fund endangers the general welfare, the regulation of section 87 of the civil code is to be used. The changing of the purpose of the fund and its dissolution are the concern of the municipality. Such action needs the approval of the supervisory authorities.

## SECTION 2

### ECONOMIC ACTIVITY OF THE MUNICIPALITY

67.—(1) The municipality is allowed to undertake economic enterprises or enlarge them only if:

1. The public purpose justifies the enterprise.
2. The enterprise according to kind and volume is in proper proportion to the municipal capacity of productive labour and to the expected demand.
3. The purpose is not or cannot be better and more economically served through another one.

(2) Economic enterprises in the meaning of this section are not:

1. Enterprises by which the municipality is obligated according to law.

2. Affairs of educational and cultural matters, of physical education, the care of the sick, public health and public welfare. These enterprises and institutions are also to be managed from an economic standpoint.

(3) The municipality is not allowed to engage in banking enterprises.

(4) Public savings banks are bound by the special regulations which previously existed.

68. If the municipality wants to set up or enlarge business enterprises, it must inform the supervisory authorities in sufficient time, at least six weeks before the work is to be started or allotted. This information must show whether the conditions of law are not and whether the covering of the cost of the work is actually and legally insured.

69.—(1) The municipality is allowed to take part in a business enterprise only if the conditions of section 67 are agreed to, and if, for this participation, a term has been secured which binds the municipality to a certain security. Correspondingly for section 68.

(2) The participation of the municipality with a union in which public bodies are exclusively participating is not affected by this.

70.—(1) The mayor represents the municipality in the company meeting or in the organs, similar to this one in which the municipality takes part. If the mayor appoints civil servants or assistants in his place as representatives, they are bound by his orders.

(2) Paragraph 1 is applicable in case the municipality has the right to appoint members of the board of directors, the executive committee or a similar organ of the enterprise.

(3) In case civil servants or employees of the municipality are made responsible, out of this the municipality must compensate them whether the municipality has brought them into it intentionally or through negligence. Also in this case is the municipality

bound to compensate if the servant or the appointee has acted according to instructions.

71.—(1) Representatives of the municipality in the executive committee, board of directors, or a similar organ of a company, in which the municipality or a union of municipalities have a share of at least 75 per cent., are allowed to issue bonds and credits, but only with the approval of the supervisory authorities.

(2) If more municipalities which are under different supervisory authorities are taking part, then second highest supervisory authority on recommendation of the executive committee, must appoint a supervisory authority for all those participating.

(3) These regulations are also to be in force if an undertaking in which the municipalities or union of municipalities have an interest of at least 75 per cent. if they intend to participate in another undertaking.

72.—(1) Business enterprises shall yield a profit for the general upkeep of the municipality.

(2) The income of every business shall at least cover all expenditures and make it possible to have a reserve. The taxes, the interest, and payment of the debts of the enterprise shall be considered expenditures. Also the usual interest of the municipality as well as the regular payments made by the various branches of government of the municipality for the business.

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74.—(1) For businesses (personal business), commercial laws are to be used.

(2) Advisers are to be appointed for every business. For several businesses, it is permissible to appoint common advisers. Expert citizens shall be assured in such appointments.

(3) The management of individual property, administration of property, and the business transactions of each undertaking are to be managed in such a way that they make possible special considerations of the management and of the result.

75. To be able to change a private business into a proper independent enterprise, the municipality requires the approval of the supervisory authorities.

### SECTION 3

#### DEBTS

76.—(1) The municipality is allowed to take up bonds only within the limits of the extraordinary budget. The total of the bonds which are used to pay the expenditures of the extraordinary budget must have the approval of the supervisory authorities. The approval is granted only in case of the approval to take up the various loans. It is to be returned as soon as may be recognized, that the requirements apparently cannot be fulfilled.

(2) Approvals of loans in the extraordinary budget lose their powers in spite of the prerequisite of section 87 by the end of the fiscal year.

77.—(1) The municipality is allowed to apply for loans only for extraordinary and absolutely necessary expenditure, only so far as it is not possible to cover its expenses in any other way. If, in all probability, the amount of money for the interest and principal cannot be covered by an increase of cash or savings in expenditure, which results from the use of the means of the mentioned loan, then the municipality must prove that the interest and payment of obligations are in accord with their constant working capacity. The proof is usually considered correct if the municipality before the closing of a loan has already accumulated a considerable amount to cover the loan out of the income under the regular budget.

78.—(1) The municipality needs the approval of the supervisory authorities for the taking up of the loan, the entire amount of which according to section 67 has been approved, the taking over of the corporations and the duties out of approved securities and for the ordering of other securities.

(2) The approval is also subject to laws which from the business point of view are equal to the legal matters mentioned in (1).

(3) Approval is not necessary in the case of transactions recurring regularly in the conduct of municipal administration, except for transactions by which obligations are assumed toward foreigners and in a currency other than the national currency. All loans must, however, be submitted for approval without exception.

79. The municipality may not give special securities to the person or persons who lend the money. The supervisory authority may grant exceptions from the rule when it is customary to give securities.

80.—(1) For each loan the municipality must work out a retirement plan.

(2) The retirement plan must provide for retirement at the minimum amount stated in the conditions of repayment. Loans for covering receiving demands must be repaid until the particular demand recedes. As a rule, the smaller the immediate economic profit of the project financed by the loan is, the higher are the amounts for retirement to be figured.

(3) In the case of loans which fall due in the total amount or for which the retirement plan provides a method different from the original conditions of repayment, the retirement amounts shall be systematically accumulated, and held available (retirement reserve fund).

81.—(1) The municipality may take up credits for the payment of the expenditures of the normal budget, only up to the amount which has been provided in the budget and approved by the supervisory authorities. The approval may only be extended in exceptional cases for a greater amount than one-sixth of the normal income. Credits which in time of new approval are not paid back are to be figured in when the new approval is extended. The approval, for the taking up of further credits, is nullified regardless of section 87 by the end of the fiscal year.

(2) The taking up of credits is only to be approved when the amount cannot be covered by the income of the budget to the accumulation of which each municipality is obligated.

(3) Credits are to be paid back from normal incomes of the normal budget, or otherwise to be paid back within nine months. They may not be used for expenditures of the extraordinary budget.

## SECTION 4

### ORDINARY BUDGET

82.—(1) The fiscal year of the municipality is identical with that of the State. It is named after the calendar year in which it begins.

83. For each fiscal year the municipality must present a budget. It contains:

1. The budgetary expenditures.
2. The taxes for the municipality which are to be determined anew for each fiscal year.
3. The largest amount of credits.
4. The total amount of loans which are determined for the payment of expenditures of the extraordinary budget.

84. The budget programme is to be drawn by the mayor in sufficient time to be given to the Councillors of the municipality, so that it may be discussed and presented to the supervisory authorities not later than one month before the beginning of the fiscal year.

85.—(1) The budget must contain all anticipated expenditures and receipts of the fiscal year. The expenditures are to be balanced with the income including deficient expenditure of previous years.

(2) The municipality may raise taxes, according to law, if its other receipts are not sufficient to cover the expenditures.

86.—(1) The rules applicable to the budget necessitate the approval of the supervisory authorities for:

1. The amount of the taxes according to the existing laws.
2. The largest amounts of the credits.
3. The amount of the loans in the extraordinary budget.

(2) The law is to be made public after the approval has been given.

(3) At the same time that publication is made, the budget is to be exhibited publicly for a whole week.

87. If the budget law has not been publicized at the start of the fiscal year, the mayor may then:

1. Only pay those expenditures which are necessary even with the most economical management, in order:

*a.* To keep the existing municipal organizations functioning in an orderly way so as to satisfy the lawful needs and duties of the municipality.

*b.* Buildings' instalments and other acts are to be continued for which moneys have already been allocated from former budgets, and which may still be called on according to such budgets.

2. To raise the already standing receipts and the receipts which necessarily come from the taxes of a fiscal year as long as no other provision exists; payments which the loaner has made hereafter are to be included in the new amount of the new fiscal year to be raised according to the budget law.

3. He may raise, with approval previously granted, credits not already utilized.

4. He may recall loans made under the previous budget.

88.—(1) During the fiscal year the budget law may be changed only by an amendment.

(2) The mayor is bound by duty to make an amendment if, in the course of the fiscal year it is shown that:

1. The balancing of the receipts and expenditures in the budget even in case of the usage of every possible means of saving can only be reached by a change in the budget laws.

2. Extraordinary expenditures must be made to a considerable extent. Paragraph 91, clause 2, remains unchanged.

89. The law of the budget creates the fundamental basis for the administration of all receipts and expenditures. The mayor must conduct the administration according to the budget laws. He may make use of the funds only in so far as it is necessitated by an economical administration.

90. The businesses, the costs of which are to be paid from the funds of the extraordinary budget wholly or partly, may only then be attached when the planned incomes for this purpose have been received or when the income in time has been actually and lawfully secured.

91.—(1) Extraordinary expenditures may only be made with the approval of the mayor or his assistant: the approval may only be given in cases of absolute necessity.

(2) Extraordinary expenditures which belong to the extraordinary budget may only be made after change in the law of the budget.

(3) The same rule applies for transactions through which the municipality could profit but for which sufficient means have not been secured in the budget.

92. Employees and officials of the municipality who supervise the laws of this section are responsible to the municipality for the resulting loss.

93. If an official or employee of the municipality without approval of the mayor or his competent executive makes an extraordinary expenditure or if without approval he makes a business transaction through which the municipality could get into difficulties and for which funds in the budget were not secured, then he is bound to pay for the possible loss to the community. However, it may be that he had to act, to prevent an unforeseen danger to the community, and in this case, he takes the step necessitated by the danger and informs the authorities immediately with the intention of securing approval. The same is true when he, without information to the mayor or his executive officer, makes a payment or transaction even if he recognizes or must recognize that through the payment or transaction the budget was violated.

## SECTION 5

### FINANCE

94.—(1) The treasury matters are dealt with by a special treasury official. He has an assistant.

(2) The treasuries of the municipalities shall be united under one head. If a comptroller is appointed, they must be united under his control. The supervisory authorities may provide exceptions.

95. The mayor must prepare an account of the receipts and expenditures of the fiscal year during the first quarter of the new fiscal year.

96.—(1) The mayor lays the account before the municipal councillors for deliberation. A record of the meeting is to be kept. Each Councilman is given the right to express himself in writing before the meeting adjourns. If he desires the adjournment of a meeting, this may be had for an entire week to give him an opportunity to express himself in writing. The councilman must submit the written expression of his opinion in the meeting of the council of the municipality.

(2) In municipalities in which an accounting office exists, the mayor has to submit the account at once to this office.

97. This office has to check the bill according to regulations and determine:

1. Whether the budget has been followed.
2. Whether the single bills have been found to be correct in every detail.
3. Whether the law in cases of receipts and expenditures has been followed.

98.—(1) If the checking up of the bill results in a mistake, the office where the bill has been checked up reports to the mayor. He makes the necessary explanations to the office, and combines his comments with his final report.

99.—(1) The mayor presents the bill to the supervisory authorities with the final report of the accounting office, the report concerning the meeting, and the various comments in writing of the council members of the municipality.

(2) After checking over the bill, the supervisory authorities determine the guilt or innocence of the mayor if the checking up showed that there were considerable mistakes made contrary to the rules concerning proper management; then the supervisory authorities demand that the mayor must make the necessary corrections and check it.

(3) The decision concerning guilt or innocence is made known to the mayor as a result of the examination. The mayor has to inform the councilmen of the municipality of the results of the examination.

100. Cities must create a comptroller's office; other municipalities may create one if there is need for it and if the cost stands in proper proportions to the scope of the management.

101.—(1) The comptroller's office is controlled directly by the mayor or the assistant determined by him.

(2) The mayor may appoint the chief of the office and dismiss him, only with the approval of the supervisory authorities.

(3) The chief of the office may not be related to the mayor, to the assistant, or to the treasurer, as far back as the third generation.

(4) The chief of the office may neither order nor execute payments for the municipality.

102. The mayor may transfer to this office further tasks, especially:

1. The continuous checking up of the treasury of the municipality and its interests as well as the examination for the treasury and reserve funds.

2. The continuous examination of the management of business and the examination of the municipal activities, and the examination of books as well as businesses which the municipality has undertaken itself, by way of activity or by way of a loan.

3. The examination of loans, the examination of the management concerning profit and economic standards.

103.—(1) The Minister of the Interior with the approval of the Minister of Finance directs, by order, the entire examination of all finances, including ordinary expenditures and standing funds, as well as the measures of economy and usefulness of the management and the business interests of the municipality.

(2) For the purpose, an institution or public law is created which is under the supervision of the Minister of the Interior. Until its creation, the existing methods of examination continue.

## SECTION 6

### COMMON REGULATIONS FROM THE 1st TO THE 5th SECTION

104.—(1) Matters of the civil law which have been changed without the observance of the rules of sections 1-5 and the necessary approval of the supervisory authorities are null and void.

(2) Laws which violate paragraphs 73 and 79 are null and void.

105.—(1) The Minister of the Interior, with the approval of the Minister of Finance, may overrule by decree verdicts which need, according to the rules of sections 1-5, the approval of the supervisory authorities, and they may order the use of the rules of the supervisory authorities existing up to this time.

(2) The Minister of the Interior, with the approval of the Minister of Finance, may further control the management of the municipalities by regulation, with special reference to:

1. The creation or destruction or transference of obligations within the intention of paragraph 78.

2. The formation of Reserve funds.

3. The planning and execution of the budget in accordance with the budget finances of the entire Reich.

4. The approval and evaluation of the property of the municipality.

5. The finances.

6. The laws concerning the examination of business transaction.

## PART VII

### SUPERVISION

106. The State supervises the municipality in order to be sure that it is managed according to the purposes of the State leadership and is in harmony with the law of the government. The supervision shall be exercised in such a way that the resolutions and the joy of responsibility of the municipal administration are promoted and are diminished.

107. The Minister of the Interior is the highest supervisory authority. He stipulates by decree which councils are to be chief supervisory authorities and which are to be supervisory authorities.

108. The supervisory authorities may at any moment obtain information about the affairs of the municipality. They may examine and inspect, demand oral and written reports; and may also read through documents and various acts.

109. The supervisory authorities may revoke verdicts and orders of the mayor, if they are in conflict with the existing law or when they are contrary to the purposes of the State leadership; they may demand that regulations which are made because of such verdicts or orders be revoked.

110. If the mayor fails to take measures which are necessary for the fulfilment of the duties of the municipality, then the supervisory authorities order that the mayor issue such an order within a stipulated time. The supervisory authorities must determine the content of the resolution and its detail.

111. The supervisory authorities may bring to an issue the orders mentioned in paragraphs 108-110 at the expense of the municipality; also it may transfer the carrying out of the order to a third party.

112. If, and as long as the ordinary run of the municipal administration makes it necessary, the authority of the supervisory authorities in paragraphs 109-111 is not sufficient, then the supervisory authorities may appoint a commissioner who takes care of all single expenditures of the municipality at the expense of the municipality.

113.—(1) The municipality may object to the regulations of the supervisory authorities within two weeks. The next higher supervisory authority is judge of these complaints.

(2) The complaint has a continuing effect; it may be that the resolution cannot be drawn up without loss for the general welfare. This is to be determined in the resolution.

114. Authorities and officers, other than the supervisory authorities mentioned in paragraph 107, do not have the right to interfere in the management of the municipality according to paragraph 108.

115.—(1) Claims of the municipality against the mayor are validated by the supervisory authorities. The costs of the hearing are borne by the municipality.

(2) Agreements between the mayor and the municipality need the approval of the supervisory authorities.

116.—(1) In order to introduce the carrying out of forced execution against the municipality, because of a demanded amount of money, the debtor requires the permission of the supervisory authorities.

## PART VIII

### CONCLUDING PROVISIONS

117.—(1) The Minister of the Interior may extend the power to issue regulations which ought to be issued by the governor, according to paragraphs 9-11 and 15, to other officials.

(2) If the governor is at the same time not the acting local leader of the National Socialist party, then in case of paragraph 45 (1) besides the governor one has to listen to the party leader of the district. Under the same circumstances the governor has to act in the cases of paragraph 45 (1) and paragraph 54, last section, in agreement with the party leader of the district. If no agreement can be reached, the Minister of the Interior decides.

(3) The duties of the national governor are taken over by the Chief President in Prussia; in the Hohenzöllern provinces by the district president. Sections 1 and 2 of this paragraph have the same application.

118. The deputy leader of the party determines who the representative of the Nationalist Socialist party is in the terms of this law.

119. The Minister of the Interior may by regulation:

1. Order in single communities that the already existing law be kept intact for a limited period of time.
2. Issue provisions for properties which do not belong to municipalities.
3. Determine other proper titles in place of the official designation of mayor, executive officer, and councillor for the municipalities which are not cities.
4. Determine the length of time that the existing honorary organs of the municipality in whose place the councils of the municipality are created may continue.
5. Determine that the regulations of the Reich and of the states which by means of this law lose their power.
6. Adjust the regulations to be recognized in the future law of the Reich and the states to the new law and publish it in new shape and order.

120. The Minister of the Interior, in agreement with the appropriate ministers, after conferring with the highest state officials, may regulate by law the fusion of the municipalities belonging to the same county; also in other parts of the Reich to closer relations between the various municipalities; he may also transfer various tasks to the municipalities and order the legal conditions in these groups. He may further prescribe by means of regulation for municipalities belonging to the same county institutions common to all which guarantee an orderly management of the administration.

121.—(1) The Minister of the Interior may for the execution of the law, issue legal and administrative regulations. He may issue transitional regulations which deviate from this law.

(2) Regulations concerning the business management of the municipality (105) are to be issued in accordance with the approval of the Minister of Finance.

122. This law has no application to the capital city, Berlin.

123. This law becomes effective April 1, 1935.

APPENDIX IV.

STANDARD FORM OF THE BUDGET ORDINANCE  
(HAUSHALTSATZUNG)

Haushaltsatzung of the Gemeinde, Town, City (Name of Place)  
for the Fiscal year 19 .....

A. (1) The budget for the year 19 ..... in the ordinary budget  
provides for:

The revenue amounting to RM .....

The expenditure amounting to RM .....

and the extraordinary budget provides for:

The revenue amounting to RM .....

The expenditure amounting to RM .....

B. The tax rates (Hebösätze) for municipal taxes are fixed as  
follows:

1. The real property tax (Grundsteuer)

a. for agricultural and forestry enterprises the assessed  
value and the tax rate of ..... per cent.

b. for real estate the assessed value (Steuermessbetrag)  
and the tax rate of ..... per cent.

2. Trade tax (Gewerbsteuer)

a. according to trade earnings and trade capital, the  
assessed value and the tax rate of ..... per cent.

b. the payroll tax (Lohnsummensteuer) the tax rate of  
..... per cent.

3. The branch plant tax (Zweigstellensteuer) the tax rate  
..... per cent.

4. The warehouse tax, the tax rate ..... per cent.

C. The maximum sum of *Kassenkredite* which the town may  
borrow on its current operations are fixed at RM ..... In  
this maximum sum the RM ..... *Kassenkredite* are included  
which the town was empowered to borrow in previous years but  
which have not yet been repaid.

D. The total amount of loans to meet expenditures of the extra-  
ordinary budget are fixed at RM ..... This income is to be  
used for the following purposes:

1. RM .....

2. RM .....

City of ..... 19 .....

Bürgermeister (Oberbürgermeister).

Signature .....

## STANDARD MUNICIPAL BUDGET

The Standard Budget for German cities provides for:

### 0. General Municipal Administration

00. Central Administration: Bürgermeister and Beigeordnete, the city councillors and the Beiräte, the central administrative office, the central supply office, the auditor's office (Rechnungsprüfungsamt).

01. Special offices for the city's own affairs: the city attorney's office, the news office, the transport office, the statistical office.

02. Special offices for Auftragsangelegenheiten: the recorder for vital statistics, the municipal administrative court, bureau for information, arbitration board, or Schiedsmänner, for municipal employees.

03. Contribution of associations, societies etc.

04. The personal fund of the Bürgermeister.

### 1. Police

10. State Police, if the town has the *Staatliche Polizei*.

11. If it has its own municipal police: general administration of municipal police, branches of police such as protection police (street and road police), traffic police, alien's pass and registration police, club and meeting police, trade police (such as inspection of foods and markets), harbour police, special police such as field and forest rangers, game wardens, fishery police, building and regulation, fire regulation and fire fighting, health police, veterinarian police officer and criminal police.

12. Air Raid Protection.

### 2. Schools

20. General School Administration.

21. Common schools (Volksschulen) including auxiliary schools (Hilfschulen) and auxiliary school classes.

22. Secondary Schools (Mittlereschulen).

23. Höhere Schulen or High Schools.

24. Vocational Schools (Pflichtfortbildungsschulen); general vocational schools, trade schools, commercial schools, agricultural and horticultural schools, domestic science schools.

25. Fachschulen or special trade or industrial schools.

26. Municipal photography office.

27. Other schools.

### 3. Cultural and Community Affairs

30. General administration of cultural and community affairs.
31. Scientific affairs: universities, Hochschulen, academies, institutes, scientific libraries and archives.
32. Art: the plastic arts, art museums, art exhibitions, music, theater, films, radio.
33. Adult education, general popular education, people's libraries, reading rooms, Volkshochschulen, and other institutes for adult education, zoological and botanical gardens.
34. Gemeinschaftspflege or citizenship training.
35. Local museums, local art and local archives, protection of local monuments.
36. Church affairs.

### 4. Welfare and Youth Assistance (Fürsorgewesen)

40. General welfare administration.
41. Offene Fürsorge: gehobene Fürsorge (for ex-service men), care for war invalids, Sozialrentner, Kleinrentner-hilfe-empfänger, or direct relief, General Welfare: unemployed and receivers of public welfare, zusätzlich unterstützte Alu and Iru-Empfänger, guardianship and wards.
42. Geschlossene Fürsorge: limited public support.
43. Promotion of free and voluntary welfare.
44. Family support for those drafted into the armed forces, and for those obliged to do air-raid protection service.
45. Institutions of public welfare: homes for the aged, for incurables, blind, deaf, and dumb asylums, hostels for migrants, work places for migrants, community kitchens, institutions for those who are not capable of earning their livelihood entirely, etc.
46. Youth assistance (Jugendhilfe), the Youth Office, youth recreation, promotion of voluntary youth assistance.
47. Institutions of youth welfare: homes for small children (Saulingsheime), orphanages, correction homes, recreation homes, kindergartens, Horte, Krippen, or nursery schools and day nurseries.

### 5. Health and Athletics

50. General Health Administration: Gesundheitsamt.
51. Health education, Erb and Rassenpflege, midwives, inoculations; medical health service, school health inspection and service school dental service.

52. Institutions of public health; hospitals, sanatoria, maternity hospitals and maternity homes, institutions for the insane and for nervous disorders, Gemeindepflegestationen, municipal health clinics, Ambulatorien, or peripatetic clinics, dental clinics, offices for medical advice, etc.

53. General administration of physical fitness.

54, 55. Athletic fields, stadia, gymnasia, Arbeitsdienst and Schulungslager or labor camps.

56. Juvenile athletics, promotion of Hitler youth, exercises for professional people, for housewives, agricultural labor, for boys and girls.

57. Institutions for juvenile health: homes for Hitler youth, youth hostels, recreation camps and schooling camps.

(This section of the municipal budget must be sent to the supervisory authority of the town, to the Reich Minister of Finance and to the Nazi Youth Leader in printed form.)

## 6. Building, Housing and Settlement

60. General building administration and the *Bauhof* or building commission.

61. City planning commission.

62. Housing: general administration for building new houses, building loans, Hauszinssteuerapotheken, loans for equipping homes and rooms.

63. Settlement: general administration of Umseidlung, Anseidlung, Kleinsiedlung, Kleingarten or garden allotments.

64. The Surveyor's Office.

65. Hochbauverwaltung: Safety inspection office, including machines, public buildings.

66. Tiefbauverwaltung: i.e. the office of public works: street construction, pavement repairs, courses of rivers and canals, bridges.

## 7. Public Institutions

70. General administration of public institutions.

71. Street lighting, drainage and sewage systems and disposal plants; fire fighting, cemeteries and crematories, slaughter houses, Freibank, market halls, bath houses, forests, parks, and gardens.

72. Promotion of business, agriculture, handicrafts, commerce and transportation.

## 8. Economic Enterprises

80. General administration of municipal economic enterprises.
81. City water works.
82. Streetcar and bus service.
83. Extension of municipal transport facilities to private lines and narrow-gauge railways.
84. Port and warehouses.
85. Enterprises for the promotion of trade: Messehallen or city fairs, grand exhibition halls, municipal halls, hotel and saloon enterprises owned by the city.
86. Agriculture and forestry enterprises such as truck farms, lumber mills, breweries, flour mills, tilefactories, stone quarries, gravel and sand pits.
87. Kurbetriebe or establishments for special cures owned by the municipality.
88. Other enterprises.

## 9. Finance and Tax Administration

90. The city treasury, tax administration of the Steueramt, administration of the capital property and the municipal debt, administration of municipal real property, special property, Kassenverwaltung or bureau for special treasuries.
91. General capital property and nicht aufteilbarer Schuldendienst or debt service.
92. General landed property.
93. Special municipal property, administration of dependent foundations in so far as they are not provided for under another head.
94. Taxes and tax-like revenue, inclusive of tax grants from the Land or the Reich, municipal taxes and revenue from payments of services in kind (Naturalleistungen), administrative grants from the Reich, Reich grants for Reich-owned plants that involve municipal expense.
95. Reich and Land grants in aid.
96. The return from the Gemeindeverband to which the town belongs.
97. Surplus or arrears from previous fiscal years.

## 10. The Standard Form for Municipal Debts

A. (1) *a.* The kind of debt; *b.* the name of the creditor; *c.* the original amount of the debt; *d.* the standing at the end of the last fiscal year; *e.* date of maturity; *f.* the rate of interest; *g.* explanations and changes in the current fiscal year; *h.* proof that the debt has been authorized by the supervisory authority; *i.* statement if there are arrears.

(2) Foreign debts and then the same as under (1).

(3) Domestic debts: *a.* long term debts (ten years or more); the bonded debt, the debt to the municipal Umschuldungsverband, the debt which is being serviced, the debt which is not being serviced; *b.* intergovernmental debts due the Reich or other administrative sub-divisions of the Reich, such as building loans, credits for providing labor, debts to Gemeindeverbände or the Unschuldungsverband, interfund loans from public enterprises, mortgages, debts on real estate, amortization of debt, treasury warrants (Schatzanweisungen), other debts of medium length (one or two years). Then follows the total sum under A.

B. Debts contracted before 1924.

1. *Festwert and Valutaschulden* (Debts modified by fluctuating rate of exchange).

2. *Ablösungs und Aufwertungsschulden*

Then follows the sum under B.

Then follows the total sum under A and B.

C. *Innere Schulden* or utility certificates, revenue bonds.

Then follows the total sum under C.

Purpose for which money was used; 1. kind of debt, 2. creditor, 3. original amount of debt, 4. standing at the end of the last fiscal year, 5. date of maturity, 6. rate of interest, 7. explanations.

Then follows the total sum of A, B and C.

## II. The Stellenplan

To every municipal budget there is attached a Stellenplan or description of the number and cost of the positions provided for in the budget. It contains a Stellenplan for:

1. Officials and clerical staff of the municipal administration.

*a.* The number of positions

*aa.* in the Stellenplan of the previous year on March 31.

*bb.* the number of positions actually filled on October 31 of the current year.

*cc.* the number of positions provided for in the coming year.

2. The Stellenplan for the police officials as under 1.

3. The Stellenplan for the teaching staff as under 1.

4. The Stellenplan for the officials and clerks of the municipal savings bank or Sparkasse.

5. The Stellenplan for the officials and clerical staff of the municipal economic enterprises.

6. The Stellenplan for the permanent workers (Arbeiter) employed by the municipality.

## APPENDIX V.

### The German Civil Service Act (DBG)

The following are the legal references to the German Civil Service Act (Deutsches Beamten-gesetz).

Article I. The Official Relationship, Sec. 1, 2,

Article II. Duties of Officials:

1. General Provisions, Sec. 3.
2. Oath of Allegiance, Sec. 4.
3. Restrictions upon carrying out duties, Sec. 4, 6.
4. Duty of Obedience, Sec. 7.
5. Official Secrecy, Sec. 8, 9.
6. Supplementary activity and acceptance of favours, Sec. 10-15.
7. Hours of work, vacations, living quarters and uniforms, Sec. 16-20.

Article III. Consequences of Nonfulfilment of Duty:

1. Denial of salary increases, Sec. 21.
2. Dereliction of duty, Sec. 22.
3. Legal Liability, Sec. 23.

Article IV. Appointment and Removal:

1. Appointment, Sec. 24-31.
2. Annulment of Appointments, Sec. 32-34.
3. Transfer, Sec. 35.

Article V. Security of the Legal Positions of Officials:

1. Care and protection, Sec. 36.
2. Title of Office, Sec. 37.
3. Service and Maintenance payments, Sec. 38, 39.
4. Travelling and moving expenses, Sec. 40.
5. Service certificate, Sec. 41.
6. Relation to the service-superior, Sec. 42.

Article VI. Inactive Status, Sec. 43-49.

Article VII. Termination of Official Relationship, Sec. 50.

1. Exclusion from the Official Relationship:
  - (a) Loss of national citizenship, Sec. 51.
  - (b) Removal to a Foreign Country, Sec. 52.
  - (c) Court judgment, Sec. 53-55.
  - (d) Consequences of Exclusion, Sec. 56.
2. Dismissal from official relationship:
  - (a) Refusal to take oath of office, Sec. 57.
  - (b) Refusal to administer office at end of term, Sec. 58.
  - (c) Ancestry of official or spouse, Sec. 59.
  - (d) By request, Sec. 60.

- (e) Removal, Sec. 61, 62.
  - (f) Marriage of female officials, Sec. 63-65.
  - (g) Notice and consequence of dismissal, Sec. 66.
3. Retirement, Sec. 67:
- (a) Age limit, Sec. 68.
  - (b) End of term, Sec. 69.
  - (c) On request, Sec. 70.
  - (d) Political reasons, Sec. 71.
  - (e) Descent, Sec. 72.
  - (f) Disability, Sec. 73-75.
  - (g) Officials subject to removal, Sec. 76.
  - (h) Inactive officials, Sec. 77.
  - (i) Arrangement for retirement and beginning of retirement, Sec. 78.

#### Article VIII. Maintenance

1. Maintenance of inactive and retired officials, Sec. 79.
- (a) Pensionable salary, Sec. 80.
  - (b) Pensionable term of service, Sec. 81-85.
  - (c) Inactive pay, Sec. 86, 87.
  - (d) Retirement Pension, Sec. 88-91.
2. Maintenance of Surviving Dependents.
- (a) The month of death, Sec. 92.
  - (b) Death benefits, Sec. 93-96.
  - (c) Widow's and orphans' allowance, Sec. 97-106.
3. Accident benefit, Sec. 107-125.
4. General provisions regarding inactive pay, retirement pensions and widow's and orphans' allowances.
- (a) Payment of benefits, Sec. 126.
  - (b) Suspension of payments, Sec. 127, 128.
  - (c) Concurrence of several benefits, Sec. 129-131.
  - (d) Expiration of payments, Sec. 132, 133.
  - (e) Duty of notification, Sec. 134-135.

Article IX. Legal Procedure with Regard to Pecuniary Claims, Sec. 142-147.

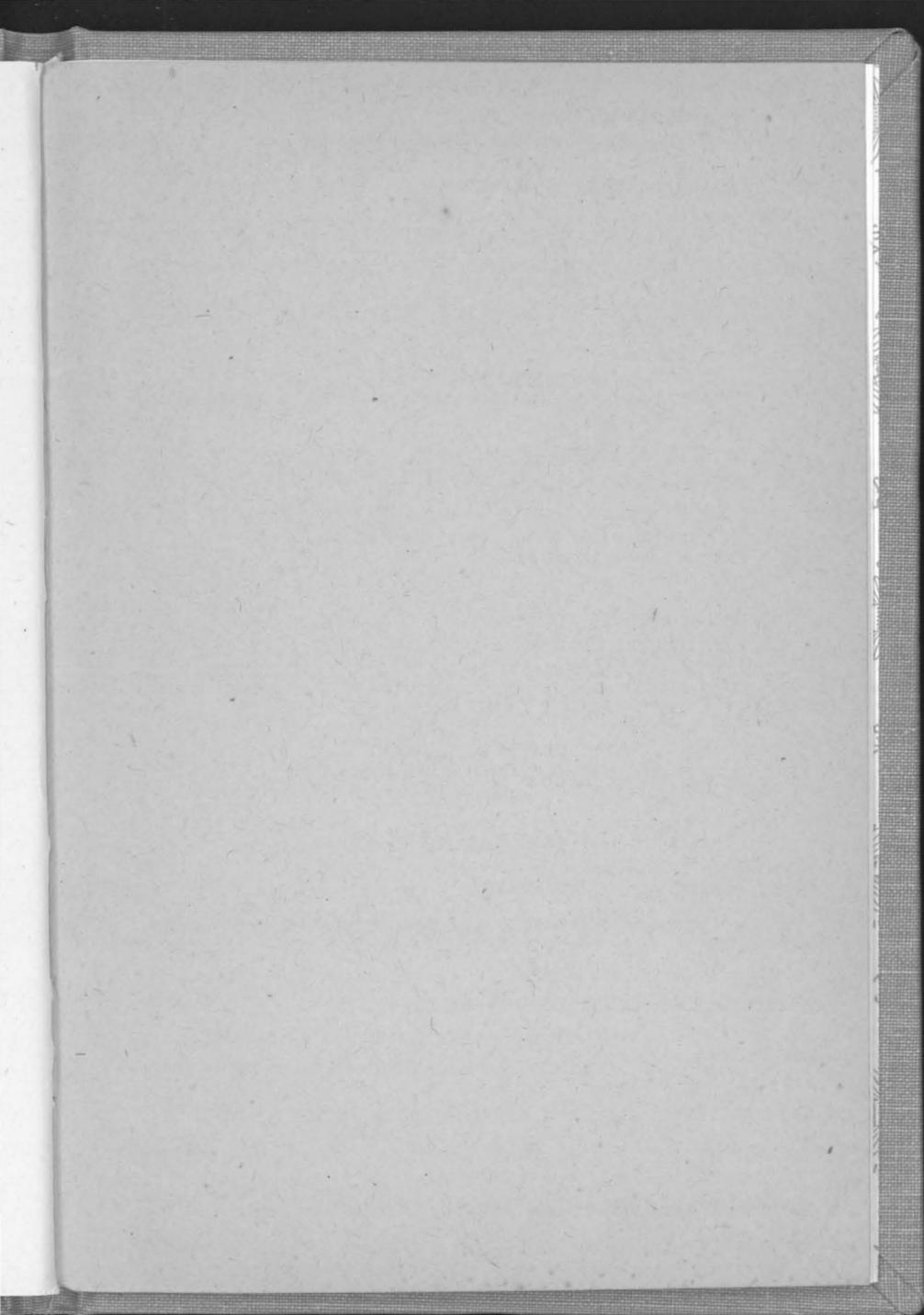
Article X. Requirements for the Creation of Officers, Sec. 148.

Article XI. Honorary Officials, Sec. 149, 150.

Article XII. Special Provisions for Indirect National Officials, Sec. 151-155.

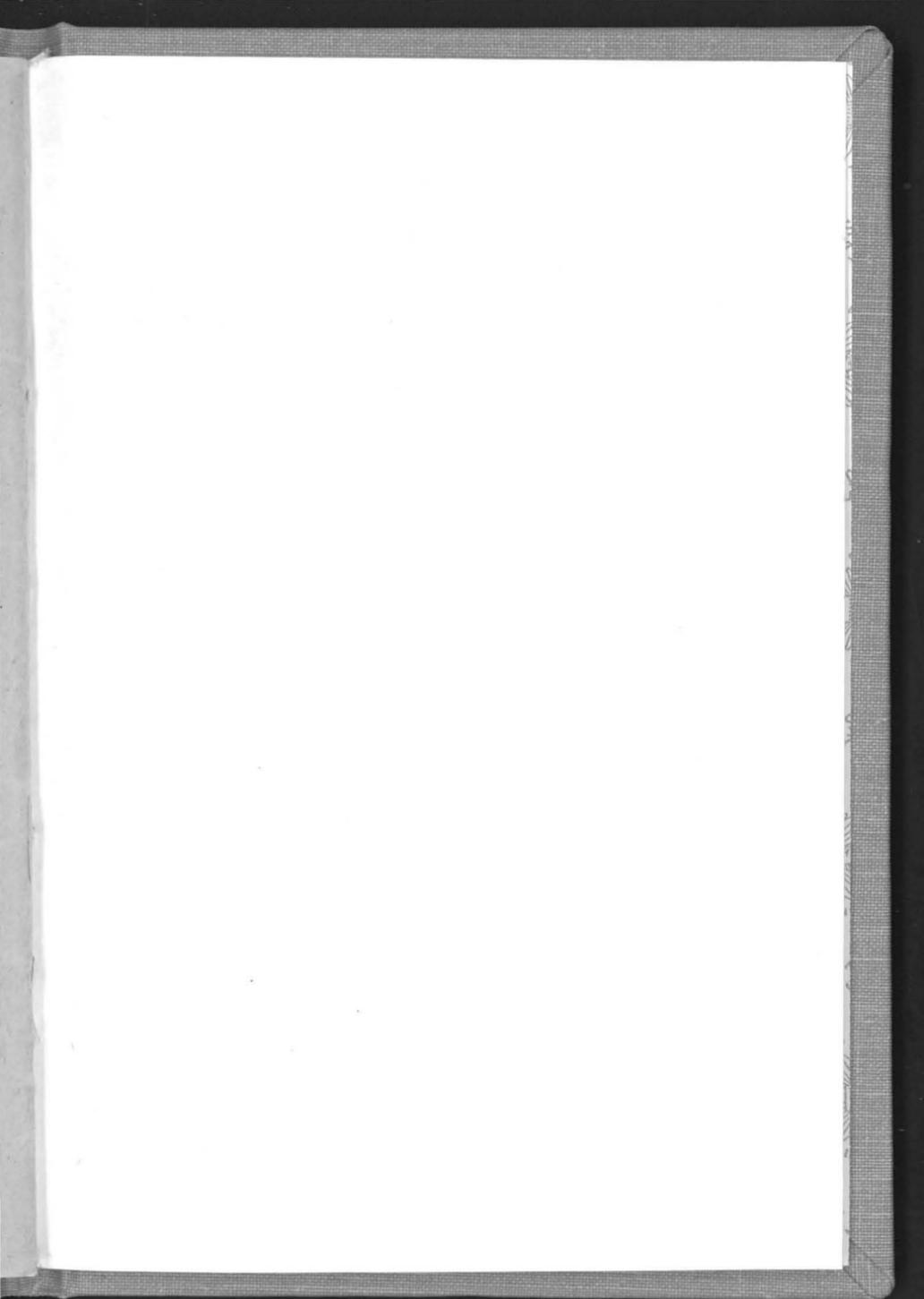
Article XIII. National Ministries, Sec. 156-162.

Article XIV. Transitional and Concluding Provisions, Sec. 163-184.

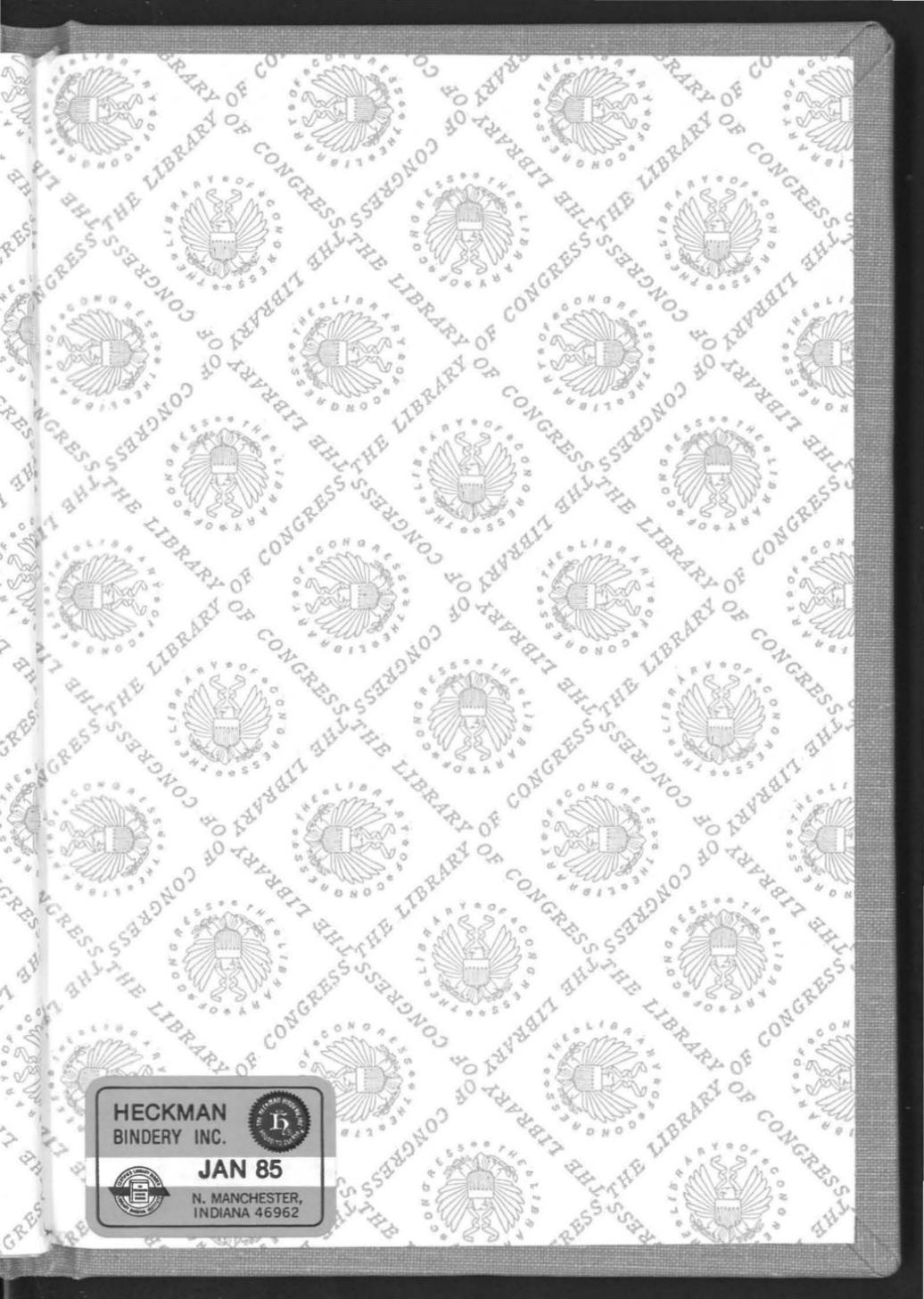


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