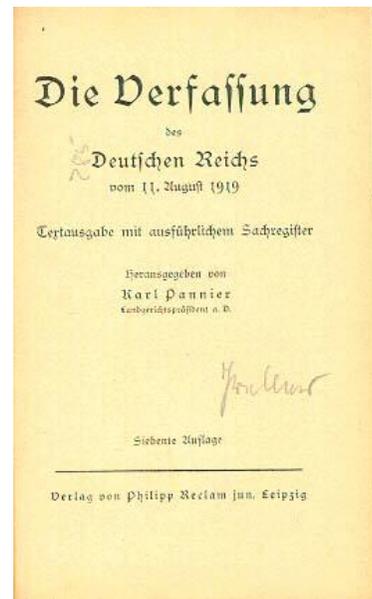


# The Reich Constitution of August 11th 1919 (Weimar Constitution) with Modifications (1)

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



## First Part

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

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

##### Article 1

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

##### Article 2

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

##### Article 3

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

##### Article 4

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

##### Article 5

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

## **Article 6**

The Reich exclusively exercises legislation in the following areas :

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

## **Article 7**

The Reich is responsible for legislation in the areas

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

## **Article 8**

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

## **Article 9**

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

over

1. welfare system
2. protection of law and order

### **Article 10**

The Reich may, via legislation, establish principles for:

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

### **Article 11**

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

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

### **Article 12**

As far and as much the Reich does not make use of its right to legislate, the states are entitled to legislate. This does not apply to the areas in which the Reich has the exclusive right to legislate. When it comes to state laws pertaining Article 7 Number 13, the Reich government, insofar the welfare of the Reich is concerned, has the right to object.

### **Article 13**

Reich law breaks state law.

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

### **Article 14**

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

### **Article 15**

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

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

The state governments are obliged, at the request of the Reich government, to eliminate problems

which have occurred when Reich laws were executed. In case of conflicting opinions both Reich government as well as state government may request the decision of the supreme court, inasfar Reich law does not specify another court as responsible.

#### **Article 16**

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

#### **Article 17**

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

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

#### **Article 18**

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

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

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

Three fifth of the votes handed in, and at least the majority of the population are necessary in order to decide on the alteration of territory. Even if only the separation of a part of a Prussian administration district, a Bavarian circle or a respective territorial unit in another state is concerned, the will of the population of the entire unit has to be determined. If the concerned area is not geographically connected with the remainder of the respective administrative unit, the will of the area to be separated may, based on a special Reich law, be regarded as sufficient.

After approval of the population has been established, the Reich government has to present a respective law draft to the Reichstag (4) to decide upon. If, during separation or integration, a dispute arises over matters of treasury or debts, the Reich state court will decide for the Reich, at the request of any party involved.

#### **Article 19**

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

Reich court is responsible.

The Reich president executes decisions of the Reich state court.

## **Second Chapter : The Reichstag**

### **Article 20**

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

### **Article 21**

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

### **Article 22**

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

Further details are determined by the Reich election law.

### **Article 23**

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

Reichstag has its first meeting, at the latest, on the 30th day after the election.

### **Article 24**

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

Reichstag decides on the end of the debate and on the day the members reassemble.

### **Article 25**

The Reich president has the right to dissolve the Reichstag, but only once for the same reason.

New elections, at the latest, are held 60 days after the dissolution.

### **Article 26**

Reichstag elects its president, his vice-president and his secretaries.

Reichstag establishes its rules of procedure.

### **Article 27**

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

### **Article 28**

The president exercises domestic right and police authority within the Reichstag building. He is responsible for the house's administration; he disposes over revenues and expenses, in

accordance with the Reich budget, and he represents the Reich in all legal transactions and disputes concerning its administration.

#### **Article 29**

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

#### **Article 30**

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

#### **Article 31**

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

Outside of the procedures in the Election Investigation Court, the matter will be handled by a Reich Commissioner, appointed by the Reich President. Further, the procedure will be regulated by the Election Investigation Court.

#### **Article 32**

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

#### **Article 33**

Reichstag and its committees can demand the presence of the Reich chancellor as well as that of every individual Reich minister.

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

#### **Article 34**

Reichstag is entitled to, and in case a fifth of its members move for it, is obliged to establish inquiry committees. Such committees collect, in public sessions, evidence they or the movers regard necessary. The inquiry committee can exclude the public if two thirds of its members vote for doing so.

Committee procedures are regulated by the rules of procedure, which also fixes the number of its members.

Courts and administrations are obliged to answer the committee requests; administration records have to be presented to them upon request.

The committee investigations as well of the administration as requested by the committees, underlie the specifications of the code of criminal procedure; however, secrecy of mail, telegraphs, telephone calls remain untouched.

### **Article 35**

Reichstag establishes a standing committee for foreign affairs, which also meets when Reichstag is not in session, after the term is expired or after Reichstag has been dissolved, until a new Reichstag meets for the first time. Their sessions are not public, unless two thirds of its members vote to hold a public session.

Reichstag furthermore establishes a standing committee to safeguard the rights of parliament juxtaposed Reich government, for the time when parliament is not in session [or], after a term has expired or Reichstag has been dissolved, until a new Reichstag has assembled. (6)  
These committees have the status of inquiry committees.

### **Article 36**

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

### **Article 37**

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

Any criminal procedure against a Reichstag or Landtag member, any detention or otherwise limitation of his personal liberty will be, at the house's request, suspended for the duration of the legislative period.

### **Article 38**

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

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

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

### **Article 39**

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

### **Article 40**

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

**Article 40 a (7)**

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

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

If article 37 stipulates the participation of Reichstag or Landtag, the committee, to safeguard the interests of parliament, takes the place of Reichstag and, if Landtag committees continue, the committee established by Landtag takes the place of Landtag.

The persons listed in paragraph 1 enjoy the rights described in article 40 also in the time between two legislative period.

**Third Chapter : The Reich President and Reich Government****Article 41**

The Reich President is elected by the entire German nation.

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

**Article 42**

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

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

The addition of a religious formula is acceptable.

**Article 43**

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

**Article 44**

The Reich President may not simultaneously be member of Reichstag.

**Article 45**

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

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

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

**Article 46**

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

**Article 47**

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

**Article 48**

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

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

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

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

**Article 49**

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

**Article 50**

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

**Article 51 (9)**

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

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

**Article 52**

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

**Article 53**

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

**Article 54**

The Reich chancellor and the Reich ministers, in order to exercise their mandates, require the confidence of Reichstag. Any one of them has to resign, if Reichstag votes by explicit decision to withdraw its confidence.

**Article 55**

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

**Article 56**

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

**Article 57**

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

**Article 58**

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

**Article 59**

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

**Fourth Chapter : The Reichsrat (11)****Article 60**

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

**Article 61**

Every state has minimum one vote in the Reichstag. In case of larger states, they have one vote for every 700.000 inhabitants. If there is a surplus of 350.000 inhabitants, they are calculated as 700.000. No state may have more than two fifth of all votes. (12)

Deutschösterreich (13) is entitled, after its integration into the German Reich, to send the number of delegates to the Reichsrat which corresponds to its population. Until then, the representatives of Deutschösterreich have only advisory vote. (14)

The number of votes will be newly established after every general census.

**Article 62**

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

**Article 63**

In the Reichsrat, the states are represented by members of their respective governments. However, half the number of the Prussian delegates will be sent by the Prussian provincial

administrations, in accordance to a Prussian state law.

The states are entitled to send as many delegates to the Reichsrat as they have votes.

#### **Article 64**

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

#### **Article 65**

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

#### **Article 66**

Reich government and every individual member of Reichsrat are entitled to propose a move in the Reichsrat.

Reichsrat regulates its course of business by its rules of procedure.

Plenary assemblies are public. According to the rules of procedure, in case certain topics are discussed, the public may be excluded.

Simple majority of the voters decides a vote.

#### **Article 67**

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

### **Fifth Chapter : Reich Legislation**

#### **Article 68**

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

#### **Article 69**

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

#### **Article 70**

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

#### **Article 71**

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

### **Article 72**

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

### **Article 73**

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

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

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

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

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

### **Article 74**

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

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

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

### **Article 75**

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

### **Article 76**

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

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

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

### **Article 77**

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

## **Sixth Chapter : Reich administration**

### **Article 78**

Foreign relations are a matter of the Reich exclusively.

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

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

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

### **Article 79**

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

### **Article 80**

Colonial affairs are exclusively Reich responsibility.

### **Article 81**

All German merchant vessels form a uniform merchant fleet.

### **Article 82**

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

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

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

Certain areas may be excluded from the customs territory, if certain special conditions apply.

Concerning free ports, this exclusion can only be lifted by a constitution amending law.

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

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

### **Article 83**

Customs and consumption taxes are managed by the Reich administration.

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

#### **Article 84**

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

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

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

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

The budget is determined before the financial year begins. Under normal circumstances, the expenses are approved for one year; under extraordinary circumstances they can be approved for a longer period. Otherwise, regulations within the budget extending over the period of one year, or which do not deal with the Reich's revenues or expenses, are not permissible. In the budget, Reichstag may not raise expenses in the budget without the approval of Reichsrat. Reichsrat approval may be replaced by the specifications in Article 74.

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

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

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

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

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

#### **Article 88**

Post and telegraph service is to be administrated exclusively by the Reich.

Within the entire Reich, uniform postage stamps are used.

The Reich government establishes, with Reichsrat approval, regulations which fix principles and fees for the use of public infrastructure. It may transfer this authority, with Reichsrat approval, to the minister of posts and telegraphs.

In order to consult it in postal, telegraph and telephone affairs, the Reich government, with Reichsrat approval, establishes an advisory council.

Treaties concerning the communication with foreign countries are exclusively concluded by the Reich.

#### **Article 89**

It is the Reich's task to take over the property of those railroads which serve public

transportation, and to administrate them jointly. State claims to acquire private railroads are to be transferred to the Reich on demand.

#### **Article 90**

Together with the transfer of railroads in state property, the Reich claims the authority of expropriation and the state sovereignty rights concerning railroads.

In case of disagreement the supreme court will decide the extent of these rights.

#### **Article 91**

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

#### **Article 92**

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

The size of downpayment rates and of the railroad fund, as well as the utilization of the latter have to be determined by a separate law.

#### **Article 93**

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

#### **Article 94**

If the Reich has taken over the railways serving general transportation in a certain area, only the Reich may construct new railways serving general transportation. If the construction of new railway lines or the alteration of existing railway lines interferes with state authority, the Reich railway administration has, before making a decision, to consult the state authorities.

In areas where the Reich has not yet taken railway lines serving general traffic under its administration, it may, even against the objection of those states whose territory is crossed, but without violating state sovereignty, construct railways at its own expense or have the railway construction to a third party, if necessary granting it the right to expropriate.

Every railway administration has to accept the connection of other railways, at the latter's expense.

#### **Article 95**

Railways serving general transportation, which are not administrated by the Reich, are subject to Reich supervision.

Railways under Reich supervision have to be constructed and equipped according to the same principles. They have to be maintained, to meet safety standards, and they have to be expanded if necessary. Persons and goods have to be transported in accordance with demand.

When it comes to the supervision of tariffs, emphasis is to be laid on uniform and low railway tariffs.

### **Article 96**

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

### **Article 97**

It is the Reich's task to take waterways serving general transportation into Reich property and administration.

After the Reich has taken them over, new waterways may be constructed, and existing ones expanded, only by the Reich or with its approval.

When it comes to the administration, expansion or new construction of waterways, requirements state culture and water administration have to be considered, in communication with state authorities. The progress of state culture and water administration has to be considered.

Every waterway administration has to accept the connection of other inland waterways at the expense of the connecting entrepreneur. The same obligation is valid concerning the connection of inland waterways and railways.

Together with the transfer of the waterways the Reich claims the authority to expropriate, the authority to regulate tariffs and river police.

The Strombauverband (18) responsibilities in the Rhine, Weser and Elbe areas are to be taken over by the Reich.

### **Article 98**

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

### **Article 99**

On natural waterways, fees may only be collected for works, institutions and installations which facilitate traffic. In case of state or communal installations they may not exceed the costs for construction and maintenance. In case of installations which do not exclusively serve traffic purposes, may only cover the proportionate fraction of their costs by fees on shipping. Interest and downpayment on debts taken on to cover construction expenses are to be regarded as construction expenses.

The aforelisted regulations apply to fees collected on artificial waterways, on installations adjacent to them and in harbours.

In inland navigation waterway usage fees may be calculated on the basis of an individual waterway, a river basin or a network of waterways.

These regulations also apply for log drifting on navigable waterways. Only the Reich is entitled to establish a set of fees which impose higher fees on foreign ships than those taken from German ships.

In order to acquire the means to maintain and extend the German network of waterways, the Reich may, by the means of a law, ask those concerned with the navigation to contribute in other ways.

### **Article 100**

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

### **Article 101**

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

## **Seventh Chapter : Jurisdiction**

### **Article 102**

Judges are independent and subject only to the law.

### **Article 103**

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

### **Article 104**

Judges serving ordinary jurisdiction are appointed for lifetime.

Against their will they can only be suspended temporarily or forced into early retirement or transferred to another location if a judge decided so, based on reasons and according to procedures determined by law. Legislation may establish an age limit, at which judges retire. Preliminary suspension conform with the law will not be affected.

In case of a change in the institution of courts or their districts the state administration of justice may order the involuntary transfer of judges to another court or out of office, but only under the condition that their salary will be paid continuously.

These regulations do not affect commercial judges, lay assessors and jury members.

### **Article 105**

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

### **Article 106**

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

### **Article 107**

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

### **Article 108**

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

## **Second Part**

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

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

**Article 109**

All Germans are equal in front of the law.

In principle, men and women have the same rights and obligations.

Legal privileges or disadvantages based on birth or social standing are to be abolished.

Noble titles form part of the name only; noble titles may not be granted any more.

Titles may only be granted, if they indicate an office or occupation; academic degrees are not affected by this regulation.

The state may no more bestow orders and medals.

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

**Article 110**

Nationality in the Reich and in the states is acquired and lost according to the specifications of a Reich law. Every state national simultaneously is Reich national.

Every German, in every state, enjoys the same rights and obligations as the respective state nationals.

**Article 111**

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

**Article 112**

Every German is entitled to emigrate into non-German countries. Emigration can only be limited by a Reich law.

All Reich Germans are entitled to Reich protection against foreign administrations, within and outside of the Reich.

No German may be extradited to a foreign country.

**Article 113**

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

**Article 114**

The rights of the individual are inviolable. Limitation or deprivation of individual liberty is admissible only if based on laws.

Persons deprived of their liberty have to be notified, at the next day on the latest, by which authority and based on which reasons the deprivation of their liberty has been ordered; immediately they have to be given the opportunity to protest against the deprivation of liberty.

**Article 115**

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

### **Article 116**

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

### **Article 117**

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

### **Article 118**

Every German is entitled, within the bounds set by general law, to express his opinion freely in word, writing, print, image or otherwise. No job contract may obstruct him in the exercise of this right; nobody may put him at a disadvantage if he makes use of this right.

There is no censorship; in case of the cinema, other regulations may be established by law. Also in order to combat trashy and obscene literature, as well as for the protection of the youth in public exhibitions and performances legal measures are permissible.

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

### **Article 119**

Marriage, as the foundation of the family and the preservation and expansion of the nation, enjoys the special protection of the constitution. It is based on the equality of both genders. It is task of both the state and the communities to strengthen and socially promote the family. Large families may claim social welfare.

Motherhood is placed under state protection and welfare.

### **Article 120**

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

### **Article 121**

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

### **Article 122**

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

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

### **Article 123**

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

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

#### **Article 124**

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

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

#### **Article 125**

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

#### **Article 126**

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

#### **Article 127**

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

#### **Article 128**

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

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

#### **Article 129**

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

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

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

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

#### **Article 130**

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

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

#### **Article 131**

If a Beamter, in exercise of public authority entrusted on him, violates his obligation of office toward a third person, responsibility falls fundamentally upon the state or the corporation in the

service of which the Beamte acts. Recourse against the Beamte is reserved. The course of law may not be excluded. Further details are to be provided by competent legislation.

#### **Article 132**

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

#### **Article 133**

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

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

#### **Article 134**

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

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

#### **Article 135**

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

#### **Article 136**

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

Nobody is obliged to profess his religious confession publicly. Public authority may only ask for religious affiliation as far as rights and obligations derive or an officialy decreed census requires. Nobody may be forced to participate in a religious act or festivity, to join in religious practices or to swear a religious oath formula.

#### **Article 137**

There is no state church.

Freedom to form religious communities is guaranteed. Regarding the unification of religious communities within the Reich territory there are no limitations.

Every religious community administrates its own affairs without interference of state or community.

Religious communities acquire legal capacity according to general specifications of civil law.

Religious communities, as far as they have been, remain public corporations.

Other religious societies have to be granted the same rights on application, if they, by the means of their number and constitution, indicate to be lasting. If several religious communities with the status of public corporations form a confederation, the status of public corporation is extended to this confederation.

Religious communities with the status of public corporations are entitled to raise taxes based on

fiscal records and in accordance with state regulations.

Religious communities are given equal status with civic organizations which cultivate a philosophy of life.

Inasmuch as the application of these regulations requires further details, these have to be established by state legislation.

#### **Article 138**

State contributions to religious communities, inasmuch they are based on law, treaty or specific legal claim, are to be handled by state legislation.

The Reich provides the principles herefor.

The religious communities' and organization's right to own institutions serving public welfare, education and religious service, to own respective endowments and other property are guaranteed.

#### **Article 139**

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

#### **Article 140**

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

#### **Article 141**

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

### **Fourth Chapter : Education and School.**

#### **Article 142**

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

#### **Article 143**

The education of the youth has to be provided by public institutions. In their establishment, Reich, states and communities cooperate.

The training of teachers has to be regulated uniform for the Reich, according to principles applying generally for higher education.

Teachers at public schools enjoy the rights and share the duties of state Beamte.

#### **Article 144**

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

#### **Article 145**

Schooling is obligatory. This obligation is served by the Volksschule (20) with at least 8 school

years and the school for further instruction, following on the former, until the completed 18th year. Instruction and learning aids are, at Volksschule and at schools for further instruction, free of charge.

#### **Article 146**

Public schooling has to be organized organically. Middle and high schools are based on an elementary school common for everybody. For the organization of the school system the variety of occupations, for the acceptance of a child into a school his talent and inclination, but not the economic and social position nor the religious confession of his parents are authoritative. Within the communities, at the request of Erziehungsberechtigten (21), Volksschulen of their confession or world outlook have to be established, if this does not obstruct the regular operation of the school.

The wish of those Erziehungsberechtigter has, when possible, to be considered. Further details are specified by state legislation, according to principles laid down in a Reich law.

Reich, states and communities have to provide funds to allow poor children access to middle and high schools, to grant financial aid to parents, whose children are regarded qualified for the education on middle and high schools, until their education is ended.

#### **Article 147**

Private schools in lieu of public schools require state approval and are subject to state laws. Approval has to be granted, if the private schools do meet the standards of public schools in their educational goals as well as in their installations and in the qualification of their staff, and if they do not promote any differentiated treatment of children according to the wealth of their parents. Approval has to be withheld, if the financial security of the teaching staff is insufficiently guaranteed.

Private primary schools are to be approved only, if there is no public primary school for a minority of persons with educational power which have applied for a school of their confession or world outlook according to Art.

146 Par. 2, or if the community recognizes a special educational interest.

Private preschools are to be abolished..

Private schools not competing with public schools continue under existing law.

#### **Article 148**

All schools have to work towards ethical education, patriotic spirit, personal and occupational fitness in the spirit of German nationality and international understanding.

In the instruction at public schools it has to be taken into consideration not to hurt the feelings of dissenters.

Civics and teaching by doing are school subjects. Every pupil, upon graduation, will be given a copy of the constitution.

Secondary education, including Volkshochschulen (22) have to be promoted by Reich, states and communities.

#### **Article 149**

Religious instruction is a regular subject at schools, except at schools without confession. Its instruction will be regulated by school legislation.

It will be taught in accordance with the principles of the respective religious community,

notwithstanding the state's right of supervision.

Religious instruction and participation in religious activities remains a willful activity of teachers; in case of the children participation in religious instruction and ceremonies is left to the decision of those who have to decide over their religious education.

Theological departments at universities continue to operate.

#### **Article 150**

Artistic, historical and natural monuments and the landscape enjoy state protection and care.

It is task of the Reich to prevent the export of German cultural property into foreign countries.

### **Fifth Chapter : The Economy**

#### **Article 151**

The economy has to be organized based on the principles of justice, with the goal of achieving life in dignity for everyone. Within these limits the economic liberty of the individual is to be secured.

Legal force is permissible to realize threatened rights or in the service of superseding demands of public welfare.

Freedom of trade and industry will be realized according to a Reich law.

#### **Article 152**

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

#### **Article 153**

Property is guaranteed by the constitution. Laws determine its content and limitation.

Expropriation may only be decreed based on valid laws and for the purpose of public welfare. It has to be executed with appropriate compensation, unless specified otherwise by Reich law.

Regarding the amount of the compensation, the course of law at general courts has to be kept open in case of a controversy, unless Reich laws specify otherwise.

Expropriations by the Reich at the expense of the states, communities or charitable organizations may only be executed if accompanied by appropriate compensation.

Property obliges. Its use shall simultaneously be service for the common best.

#### **Article 154**

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

#### **Article 155**

The distribution and usage of real estate is supervised by the state in order to prevent abuse and in order to strive to secure healthy housing to all German families, especially those with many children. War veterans have to be given special consideration in the homestead law to be written.

Real estate, the acquisition of which is necessary to answer the demand for housing, to promote settlement and cultivation of the soil and to elevate agricultural cultivation, may be expropriated. Fideicommissa are to be abolished.

The owner of the soil is obliged to the community to cultivate and exploit the soil. Any increase

in the value of the real estate which does not result from the investment of labour or capital has to be made utilizable to the community.

All mineral wealth and all economically utilizable natural energy sources are under state supervision. Private rights are to be transferred into state property by the means of legislation.

#### **Article 156**

The Reich may transfer economic enterprises suited for nationalization into common property, if the regulations for expropriation are obeyed and if compensation is not violated. It may join in the administration of economic enterprises or syndicates or may order the states or communities to do so, or it may otherwise assure decisive influence.

In case of urgent demand the Reich furthermore may enforce the merger of economic enterprises and syndicates for the benefit of public welfare with the aim to assure the cooperation of all producing sections of the people,

in order to participate employers and employees in the administration, in order to regulate production, distribution, usage, pricing, im- and export of wares according to principles of the social economy.

Consumer and economic cooperatives and their federations are, upon their request and in consideration of their constitution and character, to be included in the social economy.

#### **Article 157**

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

#### **Article 158**

Intellectual creation, the rights of authors, inventors and artists enjoy protection and care of the Reich.

The achievements of German science, art and technology have to be given recognition and protection abroad by the means of international treaties.

#### **Article 159**

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

#### **Article 160**

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

Insofar as he is entitled to continue to receive his pay will be determined by law.

#### **Article 161**

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

### **Article 162**

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

### **Article 163**

Notwithstanding his personal liberty, every German is obliged to invest his intellectual and physical energy in such a way as necessary for public benefit.

Every German shall be given the opportunity to earn his living by economic labour.

In case appropriate job openings can not be provided, he will receive financial support. Further details are specified by Reich law.

### **Article 164**

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

### **Article 165**

Workers and employees are called upon to participate, on an equal footing and in cooperation with the employers, in the regulation of wages and working conditions as well as in the economic development of productive forces. The organizations formed by both sides and their mutual agreements are recognized.

Workers and employees are granted, in order to represent their social and economic interests, legal representations in Enterprise Workers' Councils as well as in District Workers' Councils, organized for the various economic areas, and in a Reich workers' council.

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

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

Basic law drafts of social-political and economic character are to be presented by the Reich government to the Reich economic council for approval, before they are presented to Reichstag.

The Reich economic council is entitled to propose such law drafts. If the Reich government does not approve to such a draft, it has to present the draft to Reichstag, accompanied by an explanation of its diverting position. The Reich economic council is entitled to have one of its members represent the draft in the Reichstag.

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

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

## **Transition and Final Decrees**

### **Article 166**

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

### **Article 167**

The regulations of Article 18 Paragraphs 3 and 6 will take force only 2 years after the proclamation of the Reich constitution.

In the Prussian province of Upper Silesia, within two months after the German administration will have taken control of the currently occupied area, a plebiscite will be held according to article 18 paragraph 4.1 and paragraph 5, answering the question if a separate state of Upper Silesia shall be formed.

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

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

### **Article 168**

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

### **Article 169**

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

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

### **Article 170**

The Bavarian and Württemberg postal and telegraph services will be transferred to the Reich, on April 1st 1921 at the latest.

If no agreement over the conditions of the transfer have been made by October 1st 1920, the Reich supreme court will decide.

Until the transition Bavaria's and Württemberg's traditional rights and obligations remain in force. Postal and telegraph connections with foreign countries are to be handled by the Reich exclusively.

### **Article 171**

State railways, waterways and navigational aids are transferred into Reich property by April 1st 1921, at the latest.

Unless no agreement has been achieved regarding the transfer, the supreme court will decide.

**Article 172**

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

**Article 173**

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

**Article 174**

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

**Article 175**

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

**Article 176**

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

**Article 177**

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

**Article 178**

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

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

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

**Article 179**

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

The authority hitherto of the state committee regarding the right to sign decrees is transferred to the Reich government; Reich government decrees require the approval of Reichsrat, in accordance with this constitution.

## Article 180

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

## Article 181

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

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

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

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

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

(5) Landtag = state parliament.

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

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

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

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

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

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

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

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

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

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

(16) see footnote on article 85

(17) see footnote on article 85

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

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

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

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

(22) Volkshochschulen = these indicate not just any adult education courses, but such courses organized on a non-profit bases in communities throughout

the country, founded by non-profit organizations intending to provide secondary education for everybody, disregarding his personal wealth.

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

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

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

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