Rule of Law

Integrity of Court Is People's Protection

By CAPT. CHARLES R. JEFFS (USN)
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AMERICANS PLACE great emphasis on the rule of law to govern our common conduct and relationships, in distinction from arbitrary rule or the practice—in effect in some quarters—of merely indicating what is aimed at for accomplishment by a law, and leaving the administration of that law to the discretion of a designated individual or of a governmental agency made up of a relatively small number of officials. Indeed, we have stated officially here in Germany the American conviction that the "rule of law" is to be recognized as the individual's greatest single protection against a capricious and wilful expression of governmental power.

It follows, of course, that this must be the people's law, formulated in the people's name and with their full knowledge, by their own legislative body, setting forth completely and in positive terms what the people consider to be right in the abstract sense of right and justice for all men without distinction as to sex, race, color, creed—or even position in the government.

If the courts have for their administration a law which states what is right, then we may look to and hold the courts responsible for determining who is right in any specific instance. Obviously there must be integrity in such a court system and the integrity of the courts, it should be equally obvious, is not promoted by considerations of political party politics. The appreciator and love of a people for their political freedom might well be measured by the zeal with which they protect their court system against political influence and by the unwavering strength of their demand for impartiality of judgment under any and all circumstances.

THE REASON we have such confidence in the principle of the rule of law of the people is our abiding faith in the fundamental democratic concept that the majority of the people, well informed, are capable of determining their own destiny wisely. A corollary of this, of course, is that, however capable the people may be of determining their own destiny wisely, they must be politically free to do so. The mere mention of an "iron curtain" should be sufficient reminder of the importance of their being both well-informed and free.

Naturally therefore, freedom of expression, freedom of the press and free access by the press to all sources of official information are of importance to the people's ability to intelligently decide important issues and to appraise the performance in office of their chosen representatives. Privilege-seeking groups are, of course, always to be watched with a suspicious eye.

We read in the newspapers of agitation in certain quarters for a return to the old German civil service system, despite the provisions for liberalization of that system contained in the still-valid Military Government Law No. 15. As of particular interest to this body, you will remember that, among other provisions of the old German civil service law, it provides that no one without legal training may occupy the post of Beamte (permanent official).

Appealing to your sense of what is right and just, as distinct from who—in this case lawyers—might, with legal right, enjoy special privilege, I

This article is a digest abstracted from the text of the speech delivered by Captain Jeffs (standing in above U.S. Army photo) at formal ceremony Oct. 25 for the admission of 95 German lawyers of the State of Bremen to practice before the new US Court for Germany. Presiding Judge Robert W. Guthrie of the First Judicial District, comprising the State of Bremen, presided at the swearing-in ceremony. Other speakers were US District Judge William R. Reichert, Dr. Theodor Spitta, Bremen senator for law and constitution; Robert W. Johnson, chief of the Legal Affairs Division, OLC Bremen, and Dr. Lahusen, president of the Bremen State Court.

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INFORMATION BULLETIN
ask you if, in the present state of the world's scientific development and in view of the many fields of activity in which civil servants today engage, such a provision as this can possibly be in the public interest. Such action in Bonn is discouraging to our local Bremen officials who have a liberalized and modern civil service code for Bremen ready for presentation to the (Bremen) Bürgerschaft (legislature).

IT IS WORTHY of note also, in this connection, that the Hindenburg decree of 1931, the so-called "Insult Law," which provides for more severe penalties in the case of a citizen found guilty of knowingly making incorrect statements about the conduct or personality of a public official than it does in the case of a citizen committing such an offense against another citizen not a public official, is still in effect although, it is to be observed, it is fortunately not as often invoked these days as was formerly the case.

Any law which, either by reason of its content or its manner of execution, discourages healthy criticism of public officials, obviously protects malfeasance in office, especially when it is coupled with a special-privilege civil service law and attended by restrictions on information to be made available to the press.

The newspapers also reported steps being taken by the Bonn government to control information given the press by and relative to governmental agencies, thus making it more difficult for the press to keep the public well-informed. These reported measures would also seem to betray a realization, on part of the authorities ordering them, of the increasing growth in assurance and important effect of German public opinion—when it is well-informed. It is seldom in the public interest to conceal or withhold news of the policies and official activities of the people's elected representatives in office.

THIS INCREASING consciousness of political power on the part of the German people need surprise neither Germans nor Americans. Democratic ideals and understanding are not strangers in Germany, however long and assiduously they have been repressed, imprisoned and rendered impotent by autocratic rulers.

A great deal remains to be accomplished in Germany today. There are few problems of greater magnitude or importance than those having to do with the reconstruction of homes and the rehabilitation of schools. In both of these fields, there is great opportunity for the demonstration of democracy in action, since they importantly affect the individual life and interest of almost every citizen of Germany today.

These problems are not to be solved by the efforts of architects, city planners and governmental agencies alone, no matter how capable they may be, nor no matter how energetically and conscientiously they strive for their solution. Vision and boldness in planning and financing are required, of course.

These can be given proper direction and effect, however, only through frank and complete discussion and exchange of planning and other information between citizen and government; through mutual understanding and confidence, two-directional loyalty and through cooperative effort; in other words, through democratic process and action. Any other course can only result in disappointment and disillusion.

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Plows and Soya Beans Under Study

Six German agricultural machinery specialists are in the United States to make a four-month study of the latest developments in the production and use of agricultural machinery in the United States, and two American agricultural experts are in Germany to advise German agricultural groups on the cultivation and utilization of soya beans.

Making their six-week visit under the ERP technical assistance projects, the two American specialists are George M. Strayer, secretary-treasurer of the American Soya Bean Association of Judson, Iowa, and Dr. J. L. Cater, of the US Department of Agriculture, Urbana, Ill.

German authorities have pointed out that any improvement in current levels of food consumption must come primarily from more intensive use of existing farm land. In addition, extended use of the most efficient agricultural machinery will automatically reduce dependence on animal power and thereby release land now used for growing animal fodder.

As a producer of farm machinery and equipment, Western Germany manufactures wheel and crawler tractors, plows, thresher and fertilizer distributors. However, there has been no significant improvement in design or efficiency of German agricultural machinery in the last 10 years. Further, much of the farm equipment now in use is worn out or obsolete.

The soya bean project was requested as a result of the introduction of various soya bean varieties into western Germany. There is a vital need in Germany for more proteins and fats, and these could be supplied in part through the cultivation of soya beans. In addition, soya beans, a foodstuff with a very high nutrition value, could provide a vegetable supplement to the German food supply.

Kitchen Tours Rhineland

One of the first attempts in Germany to bring the benefits of modern advisory services to small communities has been made by the state ministry for Food, Agriculture and Forestry of North Rhine-Westphalia in the form of a traveling demonstration kitchen.

The teaching staff which accompanies the kitchen has conducted classes in cooking, baking, slaughtering, laundry, health, child care and citizenship.

Before the kitchen leaves a county, a meeting attended by all people who have participated in the classes, the teaching staff, county authorities and representatives of the ministry is held to discuss the work done and to make plans for a "follow-up" program as well as to consider individual problems and their solution.