Civil Service Reform

— Assurance of Democratic Opportunity

RECENTLY, an order was issued by the Military Governments of the Bizonal German Administration to make certain changes in the laws and regulations governing qualifications for, appointment to, and the holding of, civil office in Germany.

As has been the case with so many Military Government directives in the past and undoubtedly will be in the future, the cry is raised in some quarters that this is an undemocratic and dictatorial procedure, inconsistent with the principles which the occupying powers so often and so widely proclaim in the name of democracy. We have recently heard, too, that democracy is not a thing which can be imposed by an occupying power.

This has been said by certain German individuals as though it were a discovery on their part. I should like to quote a short passage from the United States Government directive to the Military Governor, dated July 15, 1947 which sets forth the basic United States policies with respect to Germany:

"Your government does not wish to impose its own historically developed forms of democracy and social organization on Germany, and believes equally firmly that no other external forms should be imposed. It seeks the establishment in Germany of a political organization which is derived from the people and subject to their control and operates in accordance with democratic electoral procedures and which is dedicated to uphold both the basic civil and human rights of the individual."

Evidently, then, the United States has been under no misapprehension in this respect. Indeed, we might go much further than do these German critics and say that neither can democracy be imposed by a German political party organization nor a German state government. As a matter of fact, democracy cannot be imposed. By its nature, it must be rooted in the convictions of the people themselves and must be learned by experience and practice. It is possible to aid in this process of learning, however, by tactful precept and example and by the extension of encouragement and material aid. In this, the occupying powers and the democratic political governments in office and the democratic political parties can, and do, help.

In this connection, attention is invited to the basic concept upon which all of our democratic institutions are founded, namely, that the majority of the people, well informed, are capable of determining their own destinies wisely. In amplification of this concept, the Military Government Regulations contain seven important tenets of democracy, of which for our purposes, it is sufficient to quote only two.

First, "All political power is recognized as originating with the people and subject to their control" and Second, "Political parties must be democratic in character and must be recognized as voluntary associations of citizens, clearly distinguished from, rather than identified with, the instrumentalties of government."

With these facts firmly in mind, some of the so-called "dictatorial acts of the occupying powers" should be analyzed. The first "dictatorial" act, of course, was the winning of the war, in the process of which all opposition was swept aside, even at the cost of millions of lives on both sides. That probably was the most "dictatorial" act of all but was necessary in order that there might be even the opportunity for the development of democracy within Germany.

However much one, as a German, may disagree with the procedures set up for the implementation of de-nazification, demilitarization, restitution, reparations and other disagreeable measures, I believe that there are few Germans who will today find fault with the spirit in which they were conceived, i.e., fair play and justice to the aggrieved. I think one will also agree that in such matters as decartelization, school reform and Gewerbefreiheit (freedom of trade), the underlying motive has been to distribute throughout the whole number of the people the privileges previously enjoyed by a relatively small number of persons constituting certain privileged groups.

To this extent, then, democracy has been, is being, and will, I am sure, be continued to be imposed on Germany until the common man learns through education and experience to exercise control of government and political parties in his own right. It is for the German people to determine whether that period is to be a long one or a short one. The opportunity for development is being given them, by forceful measures when necessary, and it rests with them to become familiar with the opportunities being afforded them and to take advantage of them. That, the occupying powers cannot do for the Germans. They must do it themselves.

I believe that there is today room for little doubt as to Military Government attitude toward the German civil servant. For years, he has been known as a most efficient, competent and devoted agency of government in Germany, but for years too, Germany has been governed from the top and he has been an agency of government from the top. Because of his traditionally long and faithful service, his (Continued on next page)
studiousness and experience, he undoubtedly feels that he knows more about his special field than any other men not so engaged in Germany, and probably in the world. I, as a naval officer of 38 years experience can sympathize with him. I should be a poor naval officer, indeed, if, with so much specialized study and experience, I did not know more about naval affairs than the ordinary man on the street.

But here let us return to the fundamental concept of democracy; i.e., that the majority of the people, well-informed, are capable of determining their own destinies wisely. When it comes to a matter concerning the good of the whole people, the naval officer and the civil servant are too apt to become so engrossed with the characteristics of certain individual trees in which they have an interest, that they lose sight of the welfare of the whole forest. The naval officer, the civil servants, the elected politician in office, all must be servants of the whole people and subservient to their will.

We do not believe that ideal to be practicable of accomplishment under circumstances where the law-making body of a state is composed in any considerable measure of civil servants who are thus in a position to formulate laws in accordance with concepts which will facilitate execution in the other capacity of the civil servant as an executive. The legislative and the executive functions in a democratic government must be kept separate.

To the extent that a civil servant is permitted to formulate policy in a political party and to advocate its acceptance by the people, the same objection holds. In the matter of political parties, we have a peculiar situation in the state of Bremen. Of a population of some 500,000 people, the total enrollment of members of all parties in the state numbers some 11,000.

These party members make up the list of delegates to represent their parties' proportionate membership of the city council as a result of the elections, and to determine party policies. There are even indications here and there that, after the election, certain parties would like their elected party delegates to the council to consider themselves directly responsible to the party leadership, instead of to the people as a whole.

We hear, from time to time, particularly in public forums, much about the restricted political-party viewpoint of members of the government who are accused of acting in party interests rather than in the interests of the people as a whole. Yet there exists at the same time, a pride in these same quarters in not belonging to any party nor subscribing to any party point-of-view.

These people are not very consistent. They leave the formulation of policy to 11,000 of their fellow citizens and then complain that the actions of these 11,000 are not to their liking. It would seem then, that there exists the possibility in Bremen for the organization of a league of some 499,000 independent voters, or at least the portion of that number eligible to vote.

We often hear of complaints on the part of citizens that they are discourteously treated by some of the officials, usually of lower rank, in the various state and civil administrative agencies. Germans are in a better position to judge the accuracy of such accusations and the extent to which such practices are prevalent.

Certain it is, however, that when an administrative official is made to feel that he is the servant of all of the people, rather than of any political organization, political party or legislatively favored group, an improvement can be expected in his attitude toward the general public. This statement should not be regarded too literally as an attack on civil servants and officials but rather as a recognition of one of the frailties of human nature.

Freedom of Travel for DP's

During December the Military Governors of the three Western Zones of Germany extended to displaced persons the freedom of travel within the three zones. Interzonal changes of residence are not affected and are still subject to approval.

Publishing Ban Upheld

Military Government has denied an appeal by attorneys for the former Ludendorff Verlag from a MG ruling, which banned distribution of Ludendorff publications published prior to May 8, 1945. The ruling was occasioned by the appearance of mail advertising offering these publications for sale. In 1946, Military Government had refused to issue a publishing license to the head of the Ludendorff Verlag, Mathilde Ludendorff, on the grounds that the firm's output was largely devoted to promoting a mystic type of nationalistic racism.

Higher Education Study

A study by Military Government in February indicates that 61,380 students are currently attending institutions of higher learning in the US-occupied Area. Of these 28,147 are enrolled in Bavaria, 15,846 in Wurtemberg-Baden, 11,892 in Hesse, 5,040 in the US-Sector of Berlin, and 455 in Bremen. In the fall of 1948 a similar study showed 59,411 students attending college level institutions.