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POLITICAL INTELLIGENCE DEPARTMENT,
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GERMANY/034.

THE GERMAN CONSTITUTION.

PROFESSOR HUGO PREUSS, the German Secretary of State for the Interior, has been employed for some time in drawing up a scheme for the Constitution of a new German Federated Empire,* and has at last produced the draft of part of the scheme. This part deals (1) with the Empire and the German States; (2) with the fundamental rights of the German people; (3) with the future Reichstag; and (4) with the President of the German Empire and with the Imperial Government. The draft is accompanied by a long introduction, explaining the faults of the former Constitution of the Empire and the reasons for the arrangements which the author of the draft recommends.

The draft has been submitted in Berlin to a conference of representatives of the Federated Governments, and with very important alterations, made at their instance, will be laid before the National Constituent Assembly, which is to meet at Weimar on the 6th February.

The President of the Empire.

Professor Preuss's scheme had proposed that the President of the German Empire or Republican Confederation should be elected directly by universal suffrage. He argued that, in order to give the President of a parliamentary democracy the advantages of the position which a constitutional monarch occupies where there is parliamentary government, he must not be elected by the Parliament, but by the people. Preuss characterises the French system, where the President is elected by a Congress of the two Chambers, as "spurious parliamentarism," whereas "true parliamentarism presupposes two supreme organs of the State essentially on an equal footing." Yet there need be, in Preuss's view, no real opposition between the two. "Parliamentary government constitutes the flexible link between them."

Preuss further proposed that the President should appoint the Imperial Chancellor and the other members of the Imperial Ministry, who should nevertheless be parliamentary Ministers in the sense of being dependent upon the confidence of the parliamentary majority. The ministers were to be chosen by the President on the recommendation of the Chancellor. They need not necessarily be members of Parliament.

It is understood that the Conference of Ministers of the Federal States has declared against this method, for the present at any rate, and that the National Assembly at Weimar will be invited both to elect a President of the German Republic, and to indicate the Ministers it desires to be installed in office. In Preuss's scheme the President of the Empire would be elected for seven years, and would be re-eligible.

The Imperial Parliament.

Professor Preuss's scheme would have set up a two-Chamber system for the Empire: the Popular House and the House of States. The Popular House would consist of the representatives of the whole German people, elected like the present National Assembly, by universal suffrage. The House of States was to be composed

* The "Deutsches Reich" (German Empire), a term used throughout the draft of the Constitution, is defined in Article 1 as follows:—

"The German Empire consists of the States which have hitherto been members of it; and also of the territories whose population by virtue of the right of self-determination desires to be received into the Empire and is so received by an Imperial Law."

The word "Reich" does not convey, and is not intended to convey, the special meaning of the word "Imperial," which implies an Emperor at the head of the State.

The last words in Article 1 are important in their potential application to German-Austria.