

# Foundation of the FRG Bundesländer in the area of the Second German Reich

MILITARY GOVERNMENT GAZETTE GERMANY

Dedicated to reality.

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## MILITARY GOVERNMENT – GERMANY UNITED STATES ZONE

### PROCLAMATION NO. 2

To the German people in the United States Zone:

I, General Dwight D. Eisenhower, Commanding General, United States Forces, European Theater, do hereby proclaim as Follows: –

#### ARTICLE I

There are hereby constituted within the United States Zone of Occupation the following administrative areas which will henceforth be referred to as states and each of which will have a state government:

GREATER HESSEN – comprising Kurhessen and Nassau (excepting enclaves thereof and the Kreise Oberwesterwald, Unterwesterwald, Unterlahn and Sankt Goarshausen) and Hessen-Starkenburger, Oberhessen, and the part of Rheinhessen east of the Rhine;

WÜRTTEMBERG-BADEN – comprising the Kreise Aalen, Backnang, Böblingen, Crailsheim, Esslingen, Gmünd, Göppingen, Hall, Heidenheim, Heilbronn, Künzelsau, Leonberg, Ludwigsburg, Mergentheim, Nürtingen north of the Autobahn, Öhringen, Stuttgart, Ulm, Vaihingen, Waiblingen, the Landeskommisarbezirk Mannheim, and the Kreise Bruchsal, Karlsruhe Stadt and Land, and Pforzheim Stadt and Land;

BAVARIA – comprising all of Bavaria as constituted in 1933, less Kreis Lindau.

#### ARTICLE II

Except as heretofore abrogated, suspended or modified by Military Government or by the Control Council for Germany, the German law in force at the time of the occupation shall be applicable in each area of the United States Zone of occupation, until repealed by, or superseded by a new law enacted by the Control Council for Germany, or by Military Government or the states hereby constituted or by other competent authority.

#### ARTICLE III

1. Subject to the authority of Military Government, each of the states hereby constituted shall have full legislative, judicial and executive powers except as the exercise thereof would be in conflict with action heretofore or hereafter taken by the Control Council for Germany or by any central German authority established by it.
2. Until such time as it is possible to establish democratic institutions, it will be sufficient for the validity of state legislation that it be approved and promulgated by the Minister President.

## **ARTICLE IV**

The authority is hereby recognized of Regierungspräsidenten, Landräte, mayors and other local officials to enact legislation and exercise other governmental powers, to the same extent to which they had such authority under German law in force at the time of the occupation, as from time to time modified by the Control Council for Germany or by or with the approval of Military Government. They shall have, in addition, all authority necessary or appropriate to carry out the tasks with the performance of which they are charged by Military Government.

DWIGHT D. EISENHOWER

General of the Army, U.S.A. Commanding General, United States Forces, European Theater.

Dated: September 19, 1945.

## **ORDINANCE No. 46**

### **Abolition of the Provinces in the British Zone of the Former State of Prussia and Reconstitution thereof as Separate Länder**

In order to effect the Reorganisation of the former Prussian territories which lie within the British Zone of Occupation IT IS HEREBY ORDERED as follows:-

#### **ARTICLE I**

1. Without prejudice to any reorganisation which may hereafter be ordered, the Provinces of the State of Prussia or part thereof in the British Zone (hereinafter called "the Province") named in Part I of the Schedule to this Ordinance are hereby abolished as such and for the time being shall assume the status of Länder and shall bear the names set out in Part II of the said Schedule.

#### **ARTICLE II**

2. As from the effective date of this Ordinance the Oberpräsidenten of the Provinces shall assume the title Ministerpräsidenten.
3. All officials or employees of the Provinces shall for the time being continue in their present office or employment.

#### **ARTICLE III**

4. Legislation to provide for titular, administrative, financial or other alterations rendered necessary or desirable by reason of the assumption by the Provinces of the status of Länder will be promulgated by Military Government or by the appropriate German authorities with the consent of Military Government.

#### **ARTICLE IV**

5. subject to such alterations as may hereafter be made by any legislation promulgated by or with the consent of Military Government under Article III hereof or otherwise, the assumption by the Provinces of the status of Länder shall not affect:
- a The powers, duties, rights or liabilities of any governmental, administrative or other official bodies or of any officials or employees serving therein, or
  - b the validity of any laws, ordinances, decrees, regulations or other provisions in force in the Provinces at the effective date of this Ordinance which are not inconsistent with the terms hereof.

#### **ARTICLE V**

This Ordinance shall be deemed to have become effective on 23rd August, 1946.  
BY ORDER OF MILITARY GOVERNMENT.

## **The Schedule**

### **PART I**

1. Provinz Schleswig-Holstein,
2. Provinz Hannover,
3. Provinz Westfalen,
4. The Regierungsbezirk of Aachen, Düsseldorf and Köln in Rheinprovinz.

### **PART II**

1. Land Schleswig-Holstein,
2. Land Hannover,
3. Land Nordrhein/Westfalen, comprising numbers 3 and 4 in Part I mentioned above.

## **PART II**

### **MILITARY GOVERNMENT ORDINANCES APPLICABLE TO THE WHOLE OF THE BRITISH ZONE**

## **ORDINANCE No. 55**

### **Creation of Land Niedersachsen**

WHEREAS IT IS EXPEDIENT to re-organise the Länder within the British Zone of Occupation, IT IS HEREBY ORDERED as follows:-

#### **ARTICLE I**

As from the effective date of this Ordinance the Länder specified in the Schedule to this Ordinance shall cease to exist as separate Länder and shall become parts of a new Land which shall be known as Lower Saxony (Niedersachsen).

#### **ARTICLE II**

The capital of Lower Saxony (Niedersachsen) shall be Hanover.

#### **ARTICLE III**

Subject to the provisions of any legislation which may be enacted pursuant to this Ordinance, the executive authority in Lower Saxony shall be exercised by a Cabinet, the Head of which shall be known as Ministerpräsident.

#### **ARTICLE IV**

The Ministerpräsident and the other members of the Cabinet shall, for the time being, be nominated by the Military Governor.

#### **ARTICLE V**

A Land Legislature shall be established in Lower Saxony. As an interim measure, the Military Governor will determine its composition and nominate its members.

#### **ARTICLE VI**

Legislation to provide for such constitutional, titular, administrative, financial or other changes as may be necessary or desirable in order to implement this Ordinance shall be enacted by Military Government or by the Land Legislature with the consent of Military Government.

## **ARTICLE VII**

Subject to the Provisions of this Ordinance and of any legislation which may be enacted pursuant thereto, the loss by the Länder specified in the Schedule thereto of their status as separate Länder shall not affect:—

- a the powers, functions, duties, rights, obligations, or liabilities of any governmental, administrative or other official body or of any official or employee therein, or
- b the validity of any law, ordinance, decree, regulation or other provision in force therein.

## **ARTICLE VIII**

This Ordinance shall become effective on 1st November, 1946.

BY ORDER OF MILITARY GOVERNMENT.

## **THE SCHEDULE**

BRUNSWICK

HANOVER

OLDENBURG

SCHAUMBURG-LIPPE



## **ORDINANCE No. 70**

### **Implementing Military Government Ordinance No. 55 (Creation of Land Niedersachsen)**

In order to impliment Military Government Ordinance No. 55 it is hereby ordered as follows:–

#### **ARTICLE I**

Land Niedersachsen shall be deemed the legal successor of each of the former Länder Brunswick, Hanover, Oldenburg and Schaumburg-Lippe (hereinafter referred to as “the former Länder“).

#### **ARTICLE II**

Pending the enactment of further legislation in pursuance of Article VI of Military Government Ordinance No. 55 to provide for the future status of the former Länder their respective property, asset, powers, rights, privileges, duties, liabilities and obligations shall devolve an Land Niedersachsen.

#### **ARTICLE III**

Emergency Legislation to provide for the administration of Local government in the respective territories of the former Länder shall forthwith be enacted by or under the authority of the Legislature of Land Niedersachsen. No such legislation shall be effective until it has received the assent of the Regional Commissioner.

#### **ARTICLE IV**

Legislation enacted by or under the authority of the Legislature of Land Niedersachsen in pursuance of the foregoing Article or Article VI of Military Government Ordinance No. 55, shall be framed with due regard to the traditional, cultural, architectural and historical interests of the former Länder and shall provide for the control of their respective property and assets in accordance with such interests.

#### **ARTICLE V**

This Ordinance shall be deemed to have become effective on 1st November, 1946.  
BY ORDER OF MILITARY GOVERNMENT.

## **ORDINANCE No. 76**

### **Land Bremen**

WHEREAS it has been agreed that Land Bremen shall consist of Stadt Bremen, Landgebiet Bremen and Stadtkreis Wesermünde, forming two independent municipalities, namely the Hansestadt Bremen and Stadtkreis Wesermünde which will include Bremerhaven; and that the jurisdiction and responsibility of U.S. Military Government shall extend to the whole of Land Bremen which shall be treated for the purpose of Military Government as if it were part and parcel of the U.S. Zone of Occupation;  
NOW IT IS HEREBY ORDERED AS FOLLOWS:—

### **ARTICLE I**

Stadtkreis Wesermünde shall cease to be part of Land Niedersachsen and shall become part of Land Bremen as defined in Article II of this Ordinance.

### **ARTICLE II**

Stadt Bremen, Landgebiet Bremen and Stadtkreis Wesermünde, forming two independent municipalities comprising respectively the Hansestadt Bremen and Stadtkreis Wesermünde which shall include Bremerhaven, are hereby established as a Land to be known as Land Bremen.

### **ARTICLE III**

Pursuant to Article III of Military Government Ordinance No. 46, and notwithstanding anything contained in Military Government Ordinances Nos. 55 and 70, Stadtkreis Wesermünde shall be deemed the legal successor of the former State of Prussia in respect of any property or assets owned by that State within the boundaries of the said Stadtkreis, and in respect of any liabilities incumbent upon the State of Prussia in connection with such property or assets.

### **ARTICLE IV**

This Ordinance shall be deemed to have become effective on the 31st December, 1946  
BY ORDER OF MILITARY GOVERNMENT

**MILITARY GOVERNMENT – GERMANY UNITED STATES AREA OF CONTROL**

**PROCLAMATION NO. 3**

To the German people in the United States Area of Control, including the Bremen Enclave:

WHEREAS an agreement has been reached between the United States and British Military Governments of Germany whereby the areas embraced on 8 May 1945 by Stadt Bremen, Land Gebiet Bremen and Stadtkreis Wesermünde, including Bremerhaven, will for purposes of military government be under the exclusive control of the Commanding General, United States Forces, European Theater, and Military Governor for Germany (U.S.),

NOW, THEREFORE, I, General Joseph T. McNarney, Commanding General, United States Forces, European Theater, and Military Governor for Germany (U.S.), do hereby proclaim as follows:

**ARTICLE I**

There is hereby constituted the following administrative area, which will henceforth be referred to as a State and which will have a State Government:

BREMEN – comprising the Stadt Bremen, Land Gebiet Bremen and Stadtkreis Wesermünde, including Bremerhaven.

**ARTICLE II**

All United States Military Government legislation as published in the Military Government Gazette, Germany, United States Zone, or as heretofore or hereinafter enacted by Office of Military Government for Germany (U.S.) or by Office of Military Government for Bremen (U.S.) is hereby declared effective in and for the new State of Bremen, and all existing British Military Government enactments therein are hereby repealed; provided, however, that criminal offenses committed under British Military Government legislation prior to the date hereof shall continue to be punishable under such legislation, and that rights and liabilities that have accrued under British Military Government legislation shall be continued in force and effect.

**ARTICLE III**

Subject to the authority of Military Government and pending the adoption of a new constitution for the State of Bremen, the existing German government of the State of the Stadt Bremen is hereby recognized as the State Government for the State of Bremen as defined in Article I.

JOSEPH T. McNARNEY

General, U.S. Army Commanding General, United States Forces, European Theater, and  
Military Governor for Germany (U.S.) Dated: 21 January 1947 21. Januar 1947

## **ORDINANCE No. 77**

### **Land Lippe**

WHEREAS IT IS EXPEDIENT to further the reorganization of the Länder within the British Zone of Occupation and without prejudice to any reorganization which may hereafter be ordered in consequence of a referendum to be held within five years of this Ordinance coming into force IT IS HEREBY ORDERED AS FOLLOWS:-

### **ARTICLE I**

As from the effective date of this Ordinance Land Lippe shall cease to exist as a separate Land and shall become part of Land Nord Rhein-Westfalen.

### **ARTICLE II**

Subject to the provisions of any legislation which may be enacted under Article III hereof, Land Nord Rhein-Westfalen shall be deemed the legal successor of Land Lippe.

### **ARTICLE III**

Legislation to provide for such constitutional, titular, administrative, financial or other changes as may be necessary or desirable in order to implement this Ordinance shall be enacted by Military Government or by the Legislature of Land Nord Rhein-Westfalen with the consent of Military Government.

### **ARTICLE IV**

Subject to the provisions of this Ordinance and of any legislation which may be enacted pursuant thereto, the loss by Land Lippe of its status as a Land shall not affect:-

- a the powers, functions, duties, rights, obligations, or liabilities of any governmental, administrative or other official body or of any official or employee therein, or
- b the validity of any law, ordinance, decree, regulation or other provision in force therein.

### **ARTICLE V**

This Ordinance shall be deemed effective from 21st January, 1947.

BY ORDER OF MILITARY GOVERNMENT.

## **CONTROL COUNCIL**

### **LAW No. 46**

#### **Abolition of the State of Prussia**

The Prussian State which from early days has been a bearer of militarism and reaction in Germany has de facto ceased to exist.

Guided by the interests of preservation of peace and security of peoples and with the desire to assure further reconstruction of the political life of Germany on a democratic basis the Control Council enacts as follows:-

#### **ARTICLE I**

The Prussian State together with its central government and all its agencies is abolished.

#### **ARTICLE II**

Territories which were a part of the Prussian State and which are at present under the supreme authority of the Control Council will receive the status of Länder or will be absorbed into Länder

The provisions of this Article are subject to such revision and other provisions as may be agreed upon by the Allied Control Authority, or as may be laid down in the future Constitution of Germany.

#### **ARTICLE III**

The State and administrative functions as well as the assets and liabilities of the former Prussian State will be transferred to appropriate Länder subject to such agreements as may be necessary and made by the Allied Control Authority.

#### **ARTICLE IV**

This law becomes effective on the day its signature.

Done at Berlin on 25 February, 1947.

P. KOENIG, General d'Armee

V. SOKOLOVSKY, Marshal of the Soviet Union

LUCIUS D. CLAY

for Joseph T. McNARNEY, General

B. H. ROBERTSON

for SHOLTO DOUGLAS, Marshal of the Royal Air Force

**MILITARY GOVERNMENT – GERMANY UNITED STATES AREA OF CONTROL**

**PROCLAMATION NO. 4**

To the German people in the United States Area of Control:

WHEREAS, in view of the adoption of democratic constitution by the three States of Greater Hessen, now known as Hesse, Württemberg-Baden and Bavaria, and in contemplation of similar action by the State of Bremen, it becomes advisable to clarify the application of Military Government Proclamation No. 2 by redefining and substantially limiting the broad powers reserved to Military Government and to the Ministers President acting under the authority of Military Government set out in such Proclamation, NOW, THEREFORE, I, General Joseph T. McNarney, Commanding General, United States Forces European Theater, and Military Governor for Germany (U.S.), do hereby proclaim als follows:

**ARTICLE I**

Full legislative, executive and judicial power exist in the respective States of Hesse, Württemberg-Baden and Bavaria in accordance with their constitutions, subject only to the following reservations stated by the Deputy Military Governor in the Respective letters approving the constitutions:

- a International agreements to which the United States is a party,
- b Quadripartite legislation,
- c Powers reserved to Military Government in order to effectuate basic policies of the occupation.

**ARTICLE II**

In the fields reserved to Military Government, as set forth in Article I hereof, and only with respect to such fields, the authority of Military Government and of the Ministers President thereunder continues in force as provided in Military Government Proclamation No. 2.

**ARTICLE III**

Legislation in the fields reserved to Military Government which is approved and promulgated by the Ministers President pursuant to Article II hereof shall require the approval of Military Government in advance of its promulgation in accordance with Article III of Military Government Proclamation No. 2.

#### **ARTICLE IV**

This Proclamation shall become effective as to the State of Bremen upon its adoption of a constitution, subject to the reservations which may be stated by Military Government in approving any such constitution.

JOSEPH T. McNARNEY

General, U.S. Army, Commanding General, United States Forces European Theater, and  
Military Governor for Germany (U.S.)

Dated: 1 March 1947