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ist vorbeugende Behandlung u. wird an Zähnen und im Mund angewandt, gleich dem alten Sprichwort: „Ein Stich zur rechten Zeit spart neun“, und manchmal noch bedeutend mehr. Prophylaktische Behandlungen entfernen alle Karies — auch Ursachen von Prophylaxis — sie kräftigen den Gaumen — stärken die Zähne — ihnen den Glanz der Hygiene lassen, der den geründen mit natürlicher Energie eignet ist. Prophylaktische Behandlungen sparen Ihnen Geld — sichern Ihre Zahne — und Ihre Gesundheit.

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The Greatest Secret of German Progress.

(In the following article Mr. Koester continues his study of German efficiency.)

II.

The members of the Bundesrat and Reichstag serve without pay. The bodies are co-ordinate branches, but the unique feature of the German government is in the Bundesrat, for the Reichstag does not differ materially from the lower house of other republics. It is elected by districts and the voters must be 23 years of age, but no property qualification is demanded. Bankrupts, incompetents, paupers and those who have forfeited their civil rights are not permitted to vote, and as a precaution against what we term in America "militarism" soldiers in Germany cannot vote during the period of their active service. Thus German officers in service have no votes and they have no power and but little influence outside of the army.

The Great Secret of German Progress

The great secret of German progress is to be found in the powers of the Bundesrat, in which are united the executive, the legislative and the judicial functions.

This is in absolute contradistinction to the American system, and it may seem surprising to an American that a republic can be conducted under such a form of government, the American conception being based upon the distinct division of these functions. The president is the executive, the congress the legislative, and the Supreme Court the head of the judiciary in the United States. It is called a government of checks and balances and this division of functions was particularly devised and elaborated to protect the citizen from official usurpation.

While this result has been attained it has been attained at the cost of division of responsibility, intolerable delays in legislation, long periods of unsettled interpretation of the laws before they are finally passed upon by the Supreme Court and the gradual accretion of the power of the president until he is now the most powerful ruler in any country, with the exception of perhaps the Czar.

How the United States Could Increase Its Efficiency

An American Bundesrat or council of the nation, would consist of the Supreme Court enlarged to 58 members by the inclusion of the most brilliant and gifted of men in all callings throughout the country. It would unite in itself the functions of the Senate, the President and the Supreme Court, and would be limited by the lower house on the one hand and have its policy carried out through the instrumentality of a Secretary of State, on the other, who would have all the cabinet members under him as head clerks and whose policy would always have to conform to that of the Bundesrat and lower house.

There would be no President, as we now know the office, but a commander-in-chief of the army and navy with certain appointive and formal routine functions.

The reason why such a form of government is so vastly superior to the American system of divided functions is that the body which makes the laws puts them into execution and passes upon them judicially.

The absurdity of laws being declared unconstitutional does not exist in Germany, because the Bundesrat is the highest judicial authority. As a rule, few and only the most important judicial cases come before it, but it does not upset laws as do our courts by declaring them unconstitutional. Such an action would be merely repealing the law, and the Bundesrat does not pass laws merely to repeat them again.

The Will of the People Carried Out in Germany

There is no danger of a law not being in accord with the German constitution, because the Bundesrat and Reichstag have the power of altering the constitution by majority vote, and any law passed is of as much effect as any portion of the constitution and would have the effect of repealing any portion of the constitution with which it was not in accord.

In the United States laws passed by Congress are inferior to the laws which are embodied in the form of the constitution. That is, we have two qualities of law, ordinary law and the super-law of the constitution. And the courts have the power of scrutinizing the ordinary laws and determining whether they agree with the super-law or not. Thus the Supreme Court is the final power in the United States. Its members have life tenure of office and are appointed by various presidents from time to time, and though the supreme power in the land, it is removed at the greatest possible distance from the influence of the will of the people.

It would appear, indeed, that the American system, had it been intended to make the ascertainment and carrying out of the will of the people as difficult and tedious a process as possible, could not have been more successfully designed. The returning of the members of the lower house from the states as units makes it impossible for any important third party to exist. There must always be only two really contending political parties. The will of the people can only be expressed in the substitution in power of one political party for the other. Now each political party represents certain things. The Democrats stand for free trade, anti-imperialism and anti-trust conditions, and the Republicans favor protection, imperialism and trusts.

The Paradox of American Legislation

In the last election the Democrats won, principally on the anti-trust issue. The public expressed its will on that point. But in doing so, it committed itself to free trade and to anti-imperialism for the time being, because even the Democrats themselves cannot tell decisively what issue they owe their power, and they assume they won on all planks and attempt to carry them all out.

Now it is likely that the public really prefers high tariff as that has long been the policy of the country. But it swallows low tariff temporarily, if such be the case, in order to smash the trusts. If it desires to return to high tariff, it must relinquish its anti-trust attitude which it probably does not want to do. Therefore, under the American system it is almost impossible for the will of the public to be ascertained on any one

subject. How then can a country effectively govern itself if it cannot find out itself what its own will is?

But Germany can ascertain almost instantly the will of the people. If the Reichstag does not differ materially from the lower house of other republics. It is elected by districts and the voters must be 23 years of age, but no property qualification is demanded. Bankrupts, incompetents, paupers and those who have forfeited their civil rights are not permitted to vote, and as a precaution against what we term in America "militarism" soldiers in Germany cannot vote during the period of their active service.

Thus the Bundesrat has the choice of agreeing with the Reichstag or of dissolving it.

If the Bundesrat believes that it expresses the will of the people, it dissolves the Reichstag. A new election must then be held within sixty days and the Reichstag reconvened within ninety days. The question upon which it is dissolved becomes the political issue upon which the Reichstag members stand for re-election.

The German Way of Obeying the People

The will of the people is thus ascertained within a very short space of time and the Bundesrat, if defeated by the return of Reichstag members opposed to its policy, changes its policies and the members who advocated the defeated policy resign individually or lose their prestige. The new Reichstag and the Bundesrat are then in accord, and represent the will of the people on the question at issue, a condition which can never be achieved under the American system.

It will be noted that the power to dissolve is not the Kaiser's power but the Bundesrat's power. The Bundesrat must dissolve the lower house or agree with it, otherwise there is a deadlock, a condition which involves such censure of public opinion as to be unbearable.

Once the will of the people is ascertained, the Bundesrat proves a marvelous instrument for carrying it into execution. As stated, there is no delay due to questions of constitutionality, deranging commerce and industry in the intolerable manner to which American commerce and industry are subjected by the infinitely tedious processes of the American courts and the closely technical attitude of the Supreme Court upon all questions which are not brought before it in the proper form. Once a law is passed it is of the same quality as the constitution. No laws are passed for the purpose of "putting it up to the Supreme Court." No laws are passed, the execution of which involves political blackmail, that is the "putting of the president in a hole" in carrying them out. No ambiguous laws are passed to "sidestep" official responsibility, because as the Bundesrat must shoulder the responsibility of executing the laws it passes, it cannot escape odium for laws which do not have public approval. There can be no ambiguity in the laws, for the Bundesrat which passes the law must certainly know what it means when it comes to be executed.

Further, there are no delays in passing laws such as are caused by deadlocks between the American president and a Congress of different political complexion, for the Kaiser can veto no bill.

In short, in Germany it works. Here it does not.

The Defect in Our Government

The inflexibility of the American system was devised by its founders under the apprehension that they were wiser than their successors were to be. Therefore, the constitution which they framed was made of a higher quality than any laws to be passed by their successors, except under almost impossible circumstances, the agreement of the legislatures of two-thirds of the states. America has ever since been tripping on this stumbling block. It is time it was kicked out of the way. Why should our early statesmen take such trouble for us. We are as competent to govern ourselves as they were. By denying to our laws equal validity with the ones they framed into a constitution, they assert that we are not.

But if our constitution were capable of amendment by majority vote of Congress, and we suffered by such gusts of popular passion as they feared we would, we would be the sufferers and not they, but we would have the opportunity of righting our mistakes as easily as they were made, which is not now the case.

In the United States laws passed by Congress are inferior to the laws which are embodied in the form of the constitution. That is, we have two qualities of law, ordinary law and the super-law of the constitution. And the courts have the power of scrutinizing the ordinary laws and determining whether they agree with the super-law or not. Thus the Supreme Court is the final power in the United States. Its members have life tenure of office and are appointed by various presidents from time to time, and though the supreme power in the land, it is removed at the greatest possible distance from the influence of the will of the people.

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The same principle is applied in primitive communities of miners, where miners' meeting acts with full powers, and such communities are well governed until the regular system of government is substituted thereto.

There can be no doubt of the superior, and vastly superior benefits of the system over all other forms of republican government. Other nations must give way to Germany until they adopt some equal effective method of ascertaining and carrying out the will of the people.

It is no criticism of the principle to show that Germany on account of gerrymandering and the property qualifications of voters in the kingdom, is not governed so much by universal suffrage as by property.

Even though one million voters be located overbalance 6,000,000 not so well situated, the system is not rendered ineffective. The will of the million is ascertained and carried into effect. The question between the one and the six million is one of the qualifications necessary to enfranchise.

Were the 6,000,000 to gain complete enfranchisement at a stroke, as did the American negroes, the system would still be there to ascertain and carry into effect their will, whatever it might be.

And, incidentally, taxation without representation really demands property qualifications. Personal liberties have long ago been established. Enfranchisement without property qualifications is really taxation (for property owners) without representation, for to overbalance the property owners who are the taxpayers, by the votes of those who have nothing and to impose taxes on them by no means they could oppose, is in truth taxation without representation.

The question of who is to be enfranchised, however, is a different question from the question of the form of government and quite aside from it. It is a matter of purely conflicting interest.

Collective Efficiency

The German system, however, does not end with promptly ascertaining the will of the people. It has a particularly efficient system of carrying it into effect, termed collectively, the bureaucracy.

The Kaiser through the Imperial Chancellor has the appointment of all public officials of the empire. As King of Prussia he appoints all Prussian administrative officials. Other kings similarly appoint the administrative officers of their kingdoms. Thus, a vast body of officials exist, who hold for life or during good behavior, who must be competent, who have every incentive to good public service because their life jobs depend upon it and because they command and receive the respect of the public for honorable service, and who are instantly responsive to the Kaiser and the Bundesrat for their actions. They are protected from interference in the execution of their duties by special courts and they are, so to speak, the fingers of the king, which must be clean and which must, in the case of a constitutional monarch as in Germany, carry out the will of the king which is the will of the people, as constitutional monarchs in modern times are merely hereditary presidents.

With this remarkable and efficient means of carrying out its will, the power of the Bundesrat for national good can be appreciated.

How different is the condition in the United States where even after the will of the people is ascertained, there exists a large body of untrained officials, expecting, especially locally, to hold office for only a few years, during which time they "must get theirs while the getting is good," as the only means of carrying it out.

Can there be any wonder at the dissatisfaction and unrest of the public when their cherished system is the real cause of their chief troubles. Liberty, equality and fraternity are only empty phrases unless those who would destroy them can be brought within the effective displeasure of the state. And this cannot be done under modern conditions in America.

(In the next article Mr. Koester will discuss the responsibility of the press.)

Kriegs-Weihnachten.

Das Fest der Freude und Freude im Heile,

Dresden, 26. Dez. 1914.

Das Fest des Lichtes und der Liebe ist zu uns gekommen mit goldenem Sonnenchein und tiefem Schnee;

Leise Gebüsch und Unterholz hat der Schneefall sein kleineres Gewand gebreitet.

Der leicht gefrorene Haumuskrift unter des Wanderschafts Trittschritten, wo nichts weiter lebt als die Blätter, die den Schneefall auf dem Waldboden verdecken.

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