

The U.S. Ambassador in Berlin Praises the Constitution of the North German Confederation (November 1, 1867)

Abstract

This document is a transcription of a handwritten report by the U.S. ambassador to the North German Confederation, George Bancroft (1800–1891). Bancroft is better known as one of nineteenth-century America's most accomplished historians, but he was also very familiar with Germany. Bancroft had received a doctorate from the University of Göttingen in 1820 and served as a diplomat in Berlin from 1867 to 1874. In this letter, he praises the constitution of the North German Confederation, which he compares to that of his own country. He highlights the two constitutions' similarities, comparing the U.S. Senate to the German Federal Council [*Bundesrat*] and the U.S. House of Representatives to the German Reichstag. Bancroft notes, and rightly so, the large amount of legislation the Reichstag was able to pass in 1867. His admiration for the Germans' accomplishments sometimes clouds his judgment, however. Here, for example, he fails to mention Prussia's *de facto* hegemony in the Federal Council or the German constitution's lack of a bill of rights. He also overlooks fundamental differences when he compares the position of the Prussian king to that of the U.S. president.

Source

Sir,

The interest of a residence at Berlin at this time is immeasurably increased by the opportunity of watching the progress of the greatest European revolution of this century. The victories of Napoleon, preceding the peace of Tilsit can alone be compared with the successful celerity of the short Prussian campaign of 1866. The political system which Napoleon introduced had no support in the nature of things and wasted away and utterly fell not merely because it was carried out in Germany by worthless persons, but because it was at war with the ever active forces of a vigorous nationality and the freedom of a brave & intelligent people. The present union of German states is the ripened fruit of nineteen generations of continued sufferings and struggles, and is so completely in harmony with natural laws and so thoroughly the concurrent act of government and people, that it is certain to endure and is received with the good will, the consent, or the necessary acquiescence of every power in Europe. The result seems the more wonderful, the more it is considered. A united state, having a seacoast extending from Russia to Holland, a mercantile marine superior to that of any European continental power, inferior only to that of Great Britain and that of the United States, a population of thirty millions of whom more than two thirds are protestants and all are instructed to read and write and all trained to the use of arms, rises up in the centre of Europe, equal in culture, courage and prospective, if not immediate, influence to any government on the continent. This state, whose existence is inspired and guaranteed by a strong and ever increasing sentiment of an ancient and indivisible nationality, is further strengthened by permanent treaties of offence and defence and commerce with principalities inhabited by ten millions more; and the treaties are of such a nature that the armies of these ten millions are to be placed in time of war under the lead of the president of the United States of North Germany, and their representatives are to take their seats in the joint parliament which is to prescribe for all one common system of commercial taxation. Controlling the military resources of forty millions or a warlike people, the German union feels assured of a peaceful neighbor in France; in its compact energy it stands towards the East in an attitude of independence; and is so related to Austria, that that empire, if it regards its own welfare, must seek its friendship.

This wonderful result has a special interest for America, because it has sprung from the application of the principles which guided the framers of the constitution of our United States. The constitution of North Germany corresponds in so many things with ours that it must have been formed after the closest study of our system, or the same imperfections of government have led the two countries, each for itself, to the discovery and application of similar political principles.

As with us there is here a central government while the several states, twenty two in number, retain each for itself, the powers over internal affairs that have not been delegated. The unity of the people for the whole extent of their territory is established as by us by a universal inter-citizenship, giving the rights of a native-born to any citizen of any one of them in any other. The powers conferred on the general government extend, as with us, to naturalization, commerce and navigation, weights and measures, coin, copyrights and patents, army, militia, navy, post office. Some powers are conferred directly about which our constitution is less explicit. The German union has the regulation of the telegraph, of banks and of paper currency, the regulation of railroads for military purposes and in the interest of general commerce. Should any government prove refractory the general government has the amplest power of coercion; instantly by the commander in chief of the union in time of war, after consultation with the council in times of peace. Coercion can extend even to the sequestration of the land and of its local government.

As with us legislation is carried on by a parliament of two houses. The council, as the German senate is called, is composed of forty three members. Each state names at least one councilor, otherwise the distribution of numbers follows the precedent of the late German diet, so that Prussia nominates seventeen. The appointment is made respectively by the executive of the several states. But it is to be remembered that in each state there is a constitutional government, so that the election of councilors is raised above the caprice of the princes of the several states.

The house of representatives, or Imperial Diet as it is called, is composed of 297 members, distributed on the ratio of one to every hundred thousand inhabitants, with a further representative to each state for a fraction of fifty thousand or more, and chosen by universal suffrage with the ballot. No advantage is conceded to rank or privilege or wealth, and accordingly the diet just elected including bankers, large manufacturers, and members of the higher nobility, men of letters, mechanics and laboring men, is a very good representation of the whole country in its present condition. The members of the representative diet are elected for three years; they can be assembled or prorogued by the President of the United States, but they cannot be dissolved without the concurrence of the other branch of the legislature.

Each house, as with us has the right to propose laws, to amend them, to reject them, or to concur in enacting them; but in practice most of the bills are prepared and proposed by the smaller body, representing the several states.

The president of the German United States is the king of Prussia. His powers are very much like those of our president only they are for life and are hereditary; and a greater intensity of executive authority is conceded from the necessity of guarding against restless and susceptible neighbors. He is commander in chief of all land and naval forces; he declares war and restores peace; he directs international relations; but treaties that affect legislation have no validity until they receive the approval of both branches of the legislature. He appoints to offices and has also the power of removal; only the terms in which the power of removal is granted imply that it is not to be exercised capriciously.

Some regulations differ entirely from ours. No members of the diet may as such receive any pay or compensation whatever; but office holders are eligible as representatives, and their pay may continue during the session. There is nothing in the North German constitution which forbids the two houses from sitting separately; but the members of the council may attend and do attend the meetings of the diet;

and though they cannot vote with the diet, they take part in its deliberations. This has led to an opinion, that the council is not a separate branch of the legislature, but the opinion is unfounded; the council has its own meetings, its own deliberations, and its own time and place of voting, and has legislative attributes as surely as the American Senate.

The session of the parliament which has just come to an end has been marked by industry, public spirit and forbearance. Without wasting time in self gratulations [sic] or rhetoric or party feuds, the members have, in about thirty sittings, ratified treaties of the greatest moment and considered and enacted twelve most important measures of immediate necessity. And it is worth observing that the legislation of this parliament for all North Germany is, on the whole, more liberal than that of the separate legislatures.

But while much has been done, much more remains to be done before the German United States will complete their organization.

I remain, sir,

Yours sincerely,

Geo. Bancroft.

Source: George Bancroft to William Seward, November 1, 1867. National Archives and Records Administration (NARA), College Park, Maryland, USA, Record Group 59, General Records of the Department of State, M44, Despatches from United States Ministers to the German States and Germany, reel 14 (1867–1868). Available online at: <https://catalog.archives.gov/id/188816538>.

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