

The Powers of the Deputy Commanding Generals (1915)

Abstract

This memorandum shows the expansive legal authority that the military gained by virtue of mobilization. The Deputy Commanding Generals were given broad executive powers over the home-districts of their corps. They were empowered to curtail personal liberties, seize property, censor publications, inspect the mail, and imprison opponents. Because these districts transected the jurisdictions of Germany's civilian administrations, they added another layer to an already sprawling bureaucratic system.

Source

According to the opinions of prominent legal scholars, which I am following here, the powers derived from the suspension of constitutional guarantees evolve not only to the military commanding generals but also to the civilian administration. Therefore, I decree the following concerning the jurisdiction of the various authorities, in order to establish uniformity regarding our basic principles for the future:

A.

I reserve for myself all decisions concerning:

- 1) intrusions upon individual freedom, especially the arrest of persons,
- 2) intrusions upon personal property rights, especially as concerns search and confiscation,
- 3) intrusions upon the freedom of the mail through the prohibition of certain publications, the temporary or permanent suppression of newspapers, and the prohibition of books and other printed materials,
- 4) intrusions upon the confidentiality of correspondence through the monitoring and confiscation of letters, telegraphs, and packages,
- 5) intrusions upon freedom of trade (for example, closing businesses, limiting the sale of certain goods altogether or placing them under conditions that limit distribution, limiting the export of goods from certain regions to foreign countries or other regions within Germany),
- 6) allowances to businesses of exemptions from the usual regulations (for example, for grenade factories, machines that make considerable noise at night, and the like), regardless if this is for the whole length of the war or just for a certain period,
- 7) the confiscation of supplies and the closing of businesses, especially pubs and bars, insofar as the police administration does not have jurisdiction according to the *Bundesrat* decree regarding the licensing and selling of alcohol and spirits of March 26, 1915.

B.

- 1) If, in the cases listed under A, it is necessary for police authorities, in accordance with their duty-bound discretion, to intervene immediately in order to uphold the public safety, then the police authorities may undertake on their own initiative the actions that are immediately necessary. They are required, however, to report their activities to me immediately, so that I can decide on further measures.

2) The approval or rejection of the permission to hold a meeting is, as regulated in No. III 1 of the decree of November 27, 1914 – IB No. 37895, transferred to the civil authorities named therein. From this it follows that these authorities are empowered to make this approval contingent upon any sort of condition that appears purposeful to them, especially with regard to surveillance or the lifting of restrictions.

C.

The jurisdiction of the authorities, insofar as they are regulated by the rules of criminal or civil procedure or other laws, especially by the *Bundesrat* decree concerning the licensing and sale of alcohol and spirits of March 26, 1915, is not affected by this decree.

The Commanding General

Freiherr von Gayl

Source: Decree of the Deputy Commanding General of the Seventh Army Corp Regulating the Jurisdiction of the Civilian Authorities, 23. June 1915, Münster, Abt. Ib Nr. 14676 – Staatsarchiv Münster, Zgg. 2/51, Nr. 394, Band 2; reprinted in Wilhelm Deist, *Militär und Innenpolitik im Weltkrieg 1914–1918*. 2 vols. Düsseldorf, 1970, vol. 1, pp. 26–28.

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