<p>Vice Consul Robert Murphy’s Report, “Bavarian Dictator under Martial Law,” Oct. 1, 1923

<p>Coincident with the formal cessation of passive resistance to the Ruhr occupation by decision of the Reich, the Bavarian Cabinet on September 26, 1923, without formal notification to the central government of its intention, proclaimed a state of martial law throughout Bavaria, and under Article 48, Section 4 of the Fede4al Constitution, appointed Dr. von Kahr, former Bavarian Premier, and now President of the District Government of Upper Bavaria, as Commissioner-General (Generalstaatskommissar).

<p>The following is a translation of the official proclamation:

<blockquote>In accordance with Article 48, Section IV of the German Constitution and Par. 64 of the Bavarian Constitution, Dr. von Kahr has been appointed Commissioner General of the State until further notice.

<p>Art. 114, 115, 117, 118, 123, and 124 and 153 of the German Constitution and Par. 14 and 16 of the Bavarian Constitutional Charter have been provisionally abolished.

<p>In consequence the following is authorized:

<p>Restrictions on personal liberty, of the right to freely express one’s opinions, including the liberty of the press, of the right to hold public meetings, of inviolability for letters, telegrams and telephone messages, the issue of search warrants and orders for the sequestration and confiscation of property, also outside the limits otherwise prescribed by law in this connection.

<p>With the proclamation of this decree executive power is conferred on the Commissioner-General.

<p>All the authorities of the Reich, of Bavaria, and of the boroughs will remain in office, but with the exception of the Courts of Justice, the administrative courts and the military authorities – they must obey the instructions of the Commissioner General. He is authorized to perform official acts in their stead. According to Par. 17 of the military law, he is empowered to demand the assistance of the army.

<p>The decrees and orders of the Commissioner General supersede all decrees and orders of all other authorities with the exception of the courts of justice, the administrative courts and the military authorities. Legal appeals against the decrees and orders of the Commissioner General are not admissible unless he himself decides otherwise.

<p>The Commissioner General can issue decrees for the maintenance of public safety and order and threaten with punishment the transgression of the same or any incitement or instigation thereto. He is also empowered to detain in protective custody and to restrict the rights of sejours.

<p>The decree comes into force simultaneously with the proclamation of it. Munich, September 26, 1923. Dr. von Knilling, Gürtner, Dr. Schweyer, Dr. Matt, Dr. Krausneck, Oswald, Wutzlhofer, Dr. v. Meinel.</blockquote>

<p>Article 48 of the German Constitution confers the power upon the state government as it does upon the Federal executive to temporarily waive certain constitutional rights, such as freedom of the press, and others, and adopt all necessary measures to insure the public safety and the maintenance of order should they be threatened or disturbed. Such measures are to be voided upon demand of the President of the Republic, or the Reichstag.

Section 64 of the Bavarian Constitution authorizes the Cabinet ‘in case of threatening danger’ to take all necessary measures to insure peace and order. For this purpose the state executive may temporarily abolish in entirety or partially such constitutional rights and privileges as he sees fit.

Temporarily under the proclamation the Bavarian legislative branch has ceased to function. It will be recalled that the parties of the right have endeavored in parliament to secure by the device of a constitutional amendment providing for the initiative and referendum a provision for a State’s President. The person upon whom support united was Dr. von Kahr who has now received temporarily at least the reins of government untrammeled by constitutional restrictions.

The government’s action, as embarrassing as it may be to Premier von Knilling, was well timed to satisfy public demand for strong action of some kind at the critical moment of surrender in the Ruhr question. It calmed nervous tension and alarm existing among the people and did much to prevent possible violence.

Von Kahr is a member of the Bavarian Mittelpartei (Deutsch Nationalen) was transition Minister President of Bavaria in 1921, and at the time of his appointment occupied the position of President of the District of Upper Bavaria. Of possible local interest is the fact that he is a Protestant. He is an intimate friend of Field Marshall von Hindenburg who enjoyed von Kahr’s hospitality during his two recent visits, and has been closely associated with Ludendorff in the patriotic movement. He is strongly nationalistic and outspokenly royalist. In referring to ex-Crown Prince Rupprecht, von Kahr is reported to have said that what he does, is done with the approval of the ‘King.’ Until recently he was Honorary Presdient of all the patriotic societies in Bavaria. He is reactionary and conservative. He is an advocate of a strong military establishment, and lent vigorous support to the Einwohnerwehr, and the oranizationas resulting from its dissolution. He shares the view of the present Premier that the Versailles Treaty is to be regarded as null and void, and supports the campaign against the so-called ‘lies as to guilt for responsibility of the recent war’ (Kriegsschuldlüge).

Upon his assumption of office as virtual dictator for Bavaria he immediately announced an open fight on socialism declaring that he governed for the Right. The announcement was accompanied by a prohibition against armed protective organizations of the United Socialists and Communist Party and a police raid conducted against the Muenchner Post (official Socialist organ) resulted in the seizure of a quantity of small arms, ammunition and handgrenades. No order was issued against the armed groups of the National Socialists (Hitler).

Strikes and lockouts have also been prohibited. Responsible for this prohibition was the fear that the railroads, posts and telegraph might close down because of a general retaliation strike engineered by the trade unions. The prohibition provided for severe penalties.

The Commissioner-General also issued an order punishing treason with death, and leaving the interpretation of treason vague and indefinite.

Political assemblies and public meetings of a political nature have also been prohibited. Fourteen mass meetings of the National Socialists (Hitler) scheduled for one evening were cancelled. The order was passively received.

Von Kahr’s appointment has caused further dissension among the patriotic groups and a distinct line has appeared between the views of Ludendorff and Hitler on the one side, and von Kahr and the government on the other. Certain of the patriotic groups known as the ‘Kampfbund’ threw their support to the Hitlerites. It is believed that von Kahr may succeed in his aim of consolidating the patriotic movement.

<p>Source: U.S. NARA, M336, R19, pp. 294-298.