



Deutscher Bundestag

**German history in a document –  
The Frankfurt Constitution  
of 28 March 1849**

**Verfassung**

des

**D e u t s c h e n R e i c h e s .**



# Reichs-Gesetz-Blatt.

16<sup>tes</sup> Stück.

Ausgegeben Frankfurt a. M., den 28. April.

1849.

Inhalt:  
Verfassung des deutschen Reiches.

## Verfassung des deutschen Reiches.

Die deutsche verfassunggebende Nationalversammlung hat beschlossen, und verkündigt als Reichsverfassung:

### Verfassung des deutschen Reiches.

#### Abschnitt I. Das Reich.

##### Artikel I.

###### §. 1.

Das deutsche Reich besteht aus dem Gebiete des bisherigen deutschen Bundes. Die Festsetzung der Verhältnisse des Herzogthums Schleswig bleibt vorbehalten.

###### §. 2.

Hat ein deutsches Land mit einem nichtdeutschen Lande dasselbe Staatsoberhaupt, so soll das deutsche Land eine von dem nichtdeutschen Lande getrennte eigene Verfassung, Regierung und Verwaltung haben. In die Regierung und Verwaltung des deutschen Landes dürfen nur deutsche Staatsbürger berufen werden.

Die Reichsverfassung und Reichsgesetzgebung hat in einem solchen deutschen Lande dieselbe verbindliche Kraft, wie in den übrigen deutschen Ländern.

###### §. 3.

Hat ein deutsches Land mit einem nichtdeutschen Lande dasselbe Staatsoberhaupt, so muß dieses entweder in seinem deutschen Lande residiren, oder es muß auf verfassungsmäßigem

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On 28 March 1849, a year of deliberations reached its conclusion when 405 members of the first freely elected parliament for the whole of Germany, gathered in St Paul's Church, Frankfurt am Main, appended their signatures to a modern, liberal constitution – the Frankfurt Constitution. It was far ahead of its time. Although it proved impossible to enforce against the power of the old elites, it has profoundly influenced the constitutional history of Germany.

Its resonance was also felt abroad. John F. Kennedy said of the Frankfurt Parliament, "No assembly ever strove more ardently to put perfection into practice". On his visit to Germany sixty years ago, President Kennedy addressed Members of the Bundestag and Bundesrat in St Paul's Church, hailing it as the "*cradle of German democracy*".

## **Foreword by Bärbel Bas, President of the German Bundestag**

So, indeed, it is – and the Constitution adopted in St Paul’s Church is one of the key documents in Germany’s democratic and parliamentary history.

There, for the first time, the freedoms of the individual citizen were formulated as a catalogue of fundamental rights and enshrined in a Constitution for the whole of Germany: personal liberty, freedom of expression, freedom of belief and conscience, freedom of assembly and association, equality of all Germans before the law, freedom of movement within the imperial territory, freedom to choose and practise an occupation, inviolability of property. The death penalty was to be largely abolished, as were all class privileges.

Women, too, fought with self-assurance in the Revolution for their place, even though in St Paul’s Church at that time only the visitors’ gallery was opened to them. Nevertheless, the Frankfurt Constitution was not only one of the most progressive constitutional documents of its time but also became the model for all subsequent German democratic constitutions. In later times, both the constituent National Assembly of the Weimar Republic and the Parliamentary Council in Bonn consciously drew on the regulatory framework of 1849.

The rights of freedom of the press and freedom of expression and assembly that were later enshrined in the Basic Law were to be found in the Frankfurt Constitution as achievements of the entire state, as were elements such as the separation of powers and the budgetary sovereignty of Parliament. The progressive liberal thinking and the democratic ideas of the “forty-eighters” have left an indelible mark on our present-day democracy.

That is what the Bundestag is commemorating in this 175<sup>th</sup> anniversary year of the Revolution of 1848/49 with a special exhibition that presents a “different” history of the Constitution. It centres not only on the content of the Constitution and its legacy but also, and above all, on the fantastic biography of the original constitution document, which mirrors, often in surprising ways, the history of Germany since 1849. I am delighted that the Bundestag is able to exhibit this precious and unique historic document, the oldest symbol of Germany’s modern constitutional history. I thank the Deutsches Historisches Museum for loaning it to us.

My wish for the exhibition itself is that it will enable fascinated visitors to visualise the turbulent fate of this key document of our parliamentary system. I warmly invite you to witness its journey.



zelstaates für einzelne Bezirke zeitweise ausser Kraft gesetzt werden; jedoch nur unter folgenden Bedingungen:

- 1) die Verfügung muß in jedem einzelnen Falle von dem Gesamtministerium des Reiches oder Einzelstaates ausgehen;
- 2) das Ministerium des Reiches hat die Zustimmung des Reichstages, das Ministerium des Einzelstaates die des Landtages, wenn dieselben zur Zeit versammelt sind, sofort einzuholen. Wenn dieselben nicht versammelt sind, so darf die Verfügung nicht länger als 14 Tage dauern, ohne daß dieselben zusammenberufen und die getroffenen Maaßregeln zu ihrer Genehmigung vorgelegt werden.

Weitere Bestimmungen bleiben einem Reichsgesetz vorbehalten.

Für die Verkündigung des Belagerungszustandes in Festungen bleiben die bestehenden gesetzlichen Vorschriften in Kraft.

Zur Verkündung:

Frankfurt den 28. März 1849.

Martin Eduard Simon, Minister des Reiches  
 Carl Störtebeker aus Wittenberg i. Z. II. *Abgeordneter des Reichstages*  
 Friedrich Tugend junger aus Frankfurt am Main, *Abgeordneter des Reichstages*  
 Carl August Tugend aus Frankfurt am Main, *Abgeordneter des Reichstages*  
 Anton Rittel aus Bonn, *Abgeordneter des Reichstages*  
 Karl Lindner aus Wittenberg, *Abgeordneter des Reichstages*  
 Gustav Robert Wulfsberg aus Wittenberg, *Abgeordneter des Reichstages*  
 Max Münnich aus Wittenberg, *Abgeordneter des Reichstages*  
 X<sup>te</sup> oberbayerische *Abgeordneter des Reichstages*  
 Eduard Ludwig Häpke, *Abgeordneter des Reichstages*  
 Franz Wenzel, *Abgeordneter des Reichstages*  
 Justus Tafel aus Wittenberg, *Abgeordneter des Reichstages*  
 Wulfsberg, *Abgeordneter des Reichstages*  
 D. Alex Boeckh, *Abgeordneter des Reichstages*  
 Fischrowitz in Wittenberg.



**The original of the Frankfurt Constitution of 28 March 1849:  
an object biography**

*Essay by Klaus Seidl*

At first sight, it is an inconspicuous document. Anyone who sees it might well be reminded of a simple antiquarian pamphlet that can scarcely hide its age – rather battered and tattered, curled and stained. Its dimensions are not very impressive either; at about 36 by 25.5 centimetres, it is only a little larger than A4 size. So is it just a simple sheet of paper? In the lower middle part a faded stamp is recognisable, showing an eagle with the circumscription *Reichstag Bibliothek* (Reichstag Library). It might be assumed that we were looking at an ordinary library copy. Anyone touching it, however, would perhaps realise that it is not paper at all but fine parchment. But there are neither ornate lettering nor grandiose wax seals to convey its historical importance.

The fact is that this document is the original charter setting out Germany's first democratic constitution – drafted, adopted and signed by freely elected representatives of the people. It is not only a key document of the Revolution of 1848/49 but also a milestone in the development of German parliamentarianism and in the democratic and constitutional history of our country. "A democratic state as envisaged in St Paul's Church", wrote historian Dieter Langewiesche, "did not exist in Europe then, or for a long time thereafter". It proved impossible to fulfil the hopes that were placed in the Constitution adopted by the National Assembly in St Paul's Church, Frankfurt, in 1849. Not until three wars had been fought was a German nation state with a single head of state and a national parliament achieved in 1871, and it took far longer to establish a liberal democratic system of government. Yet many of its articles substantively prefigured what the Weimar *Reich* Constitution and later – in the light of bitter experiences of war and dictatorship – the Basic Law were able to implement. The Frankfurt Constitution, which devised a federal state that was ground-breaking in its day, granted extensive fundamental rights, from freedom of assembly and freedom of the press through religious equality and minority rights to free schooling. The catalogue of fundamental rights would have bound all state activity and would even have been enforceable through a supreme court.

## A "different" history of the Constitution

It is worthwhile, 175 years after the German Revolution, to refocus on those traditions that are still all too frequently underestimated. The revolutionary developments that began in Paris in 1848 and soon engulfed all of Europe had diverse causes. In Germany, which was then a confederation of dozens of separate sovereign territories and free cities, those causes were political and social in nature. They related to the claims to power and leadership of rival member states of the German Confederation and demands from society for a political voice. They related to how the Germans saw themselves as a nation and to the rights of minorities, to ethnic origins and to religious affiliations. They related to the geographical shape of the future state, that is to say the choice between *Grossdeutschland*, which would include the German-speaking parts of the Habsburg monarchy, and *Kleindeutschland*, from which Austria would be excluded. This was a long list of issues for Germany, which is commonly summed up as the challenge of creating freedom and unity simultaneously – a challenge which, as we know with the benefit of hindsight, overstretched the liberal and democratic forces in 1848/49, when they set about resolving these issues by parliamentary means.

The anniversary of the Revolution in 2023/24 therefore provides many points of contact. One might, for example, focus on the first democratically legitimised head of state of Germany, the Habsburg Archduke John of Austria, elected as Imperial Regent by the National Assembly, on the first German government ministers, on major debates in the rapidly burgeoning press and in St Paul's Church or on the emergence of parliamentary groups and political parties. And, of course, on the barricade battles and bloody uprisings of those two tumultuous years with their unprecedented impact on politics and society.

In this brochure another approach has been chosen for the 175<sup>th</sup> anniversary. The focus here is on the fruit of those parliamentary debates – the Constitution. But we present a “different” constitutional history, centred on the biography of the constitution document.

Page 6:  
First signature page of the Imperial Constitution of 28 March 1849

Inside front cover:  
Imperial Law Gazette, 16<sup>th</sup> volume, dated  
28 April 1849

The history of that historically important document mirrors, often in surprising ways, Germany's history of the last 175 years, the changing attitudes to parliamentary, liberal and democratic traditions, their marginalisation, their assimilation and, at the same time, their instrumentalisation.

A few years ago, when the British Museum implemented its highly successful project *A History of the World in 100 Objects*, it sought to make the history of the world come to life through a host of objects. Compared with that venture, the biography of the Frankfurt Imperial Constitution offers only a small national fragment. But it, too, links various eras and historical episodes – from the controversies over the legacy of the St Paul's Assembly in the years of conservative reaction that followed the collapse of the Revolution in 1849 through the era of the Weimar Republic and National Socialism, the post-war period and the division of Germany to the present day. The constitution document has truly outlived monarchies and republics, dictatorships and democracies. It has moved from place to place, crossed national borders and passed through many hands – not only those of the Frankfurt deputies and politicians but also those of archivists, librarians, exhibition organisers, military personnel, one enigmatic petty criminal and even a schoolboy, who found the unique document in a heap of rubble.

German history has thus left its traces in the truest sense on this document. The search for these traces, which this brochure invites you to join, raises many questions. Who actually signed the Constitution? How did the Reichstag Library stamp come to be on the document – and where do the stains come from? Where is the precious binding, and why is the Imperial Constitution now in the Deutsches Historisches Museum? Not all of these questions can be fully answered. Each of them, however, leads to various stages in German history, and whoever explores them will realise that the memory of the Revolution of 1848/49 was always controversial but that it remained alive, and that it is still valuable, especially at the present time.



## The adoption of the Imperial Constitution

The German National Assembly had been meeting in St Paul's Church, Frankfurt, since 18 May 1848. The deputies' aim was to satisfy the revolutionary demands of the time in a constitution. Given the deep divisions which existed, even within the forces that carried the Revolution, this was an immensely difficult undertaking. Their contemporaries were already accusing the Frankfurt Assembly, branded the "professors' parliament", of losing itself in lengthy academic discussions instead of achieving tangible results. The poet Georg Herwegh, exiled in Paris, wrote the following lines in the summer of 1848: *Im Parla- Parla- Parlament. Das Reden nimmt kein End!* ("In Parlia-, Parlia-, Parliament, the talking has no end!")

The case for this verdict, which is still widely shared, is weakened by the catalogue of fundamental rights adopted in December 1848, with which individual and civil liberties attained the force of law in Germany for the first time. And it is contradicted, above all, by the debates on the Constitution at the end of March 1849, which testify to the deputies' ability to learn and their political maturity, for within a few days, in lengthy sittings and without any long-winded debates, the Parliament completed the second reading of the Imperial Constitution. A political compromise had paved the way for this accelerated procedure. It was forged by the liberal deputies under Imperial Minister-President Heinrich von Gagern and a small group of moderate democrats headed by Henrich Simon from Breslau (Wrocław). With a view to achieving their respective principal aims, they exchanged written assurances of mutual support. They agreed on the issue, which had been a bone of contention from the outset, of who should become head of the nation state by opting for a hereditary Prussian emperor, which reflected the wishes of the majority of the liberals, agreeing at the same time on a strong role for the parliament and equal universal manhood suffrage, which was the ideal of the democrats.

“The German constituent National Assembly has adopted, and promulgates as the Imperial Constitution”: fruit of parliamentary debates

This deal, regarded at the time by many on both sides as a monstrous betrayal of principles, can be more easily understood today. It was an objectively essential parliamentary compromise for all sides, hammered out laboriously and even sealed by a kind of “coalition agreement”. The deputies, as historian Wolfram Siemann emphasises, amassed “seminal experience of modern parliamentary working practice and, in spite of huge difficulties, showed themselves astonishingly equal to their task”.

### More than a question of form

In spite of the compromise having delivered a breakthrough in the constitutional deliberations, new challenges arose. Although by 27 March 1849 the content of the Imperial Constitution with its 197 sections was finalised, in the hustle and bustle of those frenetic days of groundwork and negotiation, no decisions had been reached on the next steps or on the formal structure of the Constitution. Both raised quite fundamental questions. It is therefore no coincidence that the Constitution begins with the brief opening formula “The German constituent National Assembly has adopted, and promulgates as the Imperial Constitution” rather than an emotively worded preamble, for example, or that the document is printed on parchment and signed by the deputies. It is a consequence of the debates that took place in St Paul’s Church on 27 and 28 March 1849.

Once the Constitution had been adopted at second reading and the Elections Act had also been passed, the deputies engaged in lively discussions on the ways in which the Constitution should be publicised. There was initially no consensus on this point in the Chamber. Eduard Simson, the prudent President of the Assembly, therefore referred the issue without further ado to the Constitution Committee.

The proposal was that the normal legislative procedure established by the National Assembly be applied, that is to say that the parliamentary decision be signed by the Imperial Regent and a minister and promulgated in the Imperial Law Gazette. The majority of the deputies on the committee, however, felt that this procedure was inappropriate for a “fundamental law” as it would undermine the claim of the Frankfurt Parliament to be an independent constituent assembly. The majority of the committee preferred to be guided by the historical examples of the Belgian Constitution of 1831 and, above all, the American Constitution of 1787. In both cases, the Secretariat or President and the members of the respective assemblies jointly signed the document. It thus immediately became legally valid. The reason why the deputies or delegates signed the constitutions was rooted in power politics. The aim was to maximise their public impact. The numerous signatures were intended to demonstrate broad, cross-party consensus. What is more, it would not be easy for anyone who had personally signed the charter to subsequently disown the decisions that had been made.

On the afternoon of 28 March, deputy Carl Mittermaier, a professor of law from Heidelberg, presented a committee motion in the chamber, proposing, among other things, that the Assembly have the Constitution printed “as a special document”. Mittermaier explained in detail why the National Assembly itself had to promulgate the Constitution, spoke of the comparatively staid form in which that should be done and emphasised the legal and emotional significance of the signing of the “original document”:

Carl Mittermaier, the professor of law at Heidelberg who tabled the Constitutional Committee’s motion on 28 March 1849

Page 10:  
The deputies of the preliminary Parliament process ceremonially into St Paul’s Church in Frankfurt. From 18 May 1848 the first German National Assembly sat here. Within less than ten months the deputies produced Germany’s first democratic constitution: the Imperial Constitution of 28 March 1849.



*“For us there could only be one single way, and that is the way we are proposing to you, namely the National Assembly itself promulgating the Constitution; we had to remain true to the character of the National Assembly, true to our role as a constituent assembly. This constituent assembly [...] will proclaim this outcome of our deliberations to the people who appointed us. [...] We must take the Constitution in its entirety; we must consider that, from that moment yesterday when your President announced, ‘The Constitution is adopted’, it has applied among us, and we have submitted to it. More is needed, however, for it to take effect externally. What is necessary to this end is simply for our Assembly to initiate the printing of multiple copies in the form of a self-contained document reproducing the original charter. The original will then be stored in the Imperial Archives; that original constitutional charter will be signed by the President, the Vice-Presidents and the deputies acting as secretaries and by the members of the National Assembly. It is our consent, our declaration, and indeed, gentlemen, let us hope that in subsequent dark hours we shall feel in our hearts the glowing pride that we, with God’s blessing, have created a great work for our Fatherland. The introduction that this document will bear is simple; the proposal made to you is that it should bear the words:*

*‘The German constituent National Assembly has adopted, and promulgates as the Imperial Constitution:’ and then the heading ‘Constitution of the German Empire’.*

*The Constitution is then promulgated in its entirety and will henceforth be effective, in so far as its provisions permit.”*

Should the Constitution be preceded by introductory words that give solemn expression to the motives, purposes and intentions of the work? Mittermaier recalled the preambles of the Swiss Federal Constitution of 1848 and the Constitution of the United States of 1787 (“We the People...”), which had always inspired him. “The People, with the intent of forming a firmer and stronger Federation and consolidating the Unity, Strength, Honour and Welfare of the Nation, have united”: such words, however, were not needed, said Mittermaier, as they were also tacitly “the guiding star of our deliberations”. “Such words and the feelings that inspire them”, he added, “live in our breast, and we shall act in accordance with them”. Since the National Assembly possessed only “moral power”, he relied on the sagacity of the ruling princes. Mittermaier concluded by saying that Parliament commended the Constitution “to the strength of the German people, the people who are invincible as soon as right is on their side.”

On this point, unlike many other issues, the vast majority of the deputies were in agreement. Mittermaier’s remarks met with cross-party approval in the chamber, and those present greeted the speech with “loud applause”. This was reflected in the result of the vote on the committee’s recommendation: “The great majority on all sides rose”, according to the verbatim record of proceedings. Since it was also decided to begin immediately the process of electing the Emperor, President Simson stated that he would have the constitution document amended accordingly following the decisions on the introductory wording and the attestation and then have it laid out for signature by the Bureau – that is to say the Presidium and the deputies acting as secretaries – and by the deputies. Since the election of the Emperor could only take place on the basis of a constitution having the force of law, he noted that “The Assembly will now agree with me that, with our declaration, the Constitution in question, as it has emerged from the decisions of the past few days, is hereby adopted as promulgated”. Then came the vote. By 290 votes, with 248 abstentions, the deputies elected the Prussian King, Frederick William IV, as Emperor.



The binding of the “Kassel original” was produced by the Krebs-Schmitt printing firm. The leather binding is edged with a double gold line and adorned with a hand-painted double-headed eagle on a gold background.

Right:  
Imperial Minister-President Heinrich von Gagern presented the representatives of the German states with an official copy of the adopted Imperial Constitution. Eduard Simson, President of the National Assembly, and Secretary Friedrich Jucho certified “the word-for-word concordance of the present copy of the German Imperial Constitution with the original of the same which is deposited in the archives of the constituent Imperial Assembly”.



On the following afternoon, after the sitting had closed, President Simson, his Vice-President and the deputies acting as secretaries were first to sign the constitution document, which had been delivered by then. The President dated it 28 March 1849 and had it “deposited on a table in the House [...], so that the honourable Members could append their names on the accompanying parchment sheets”.

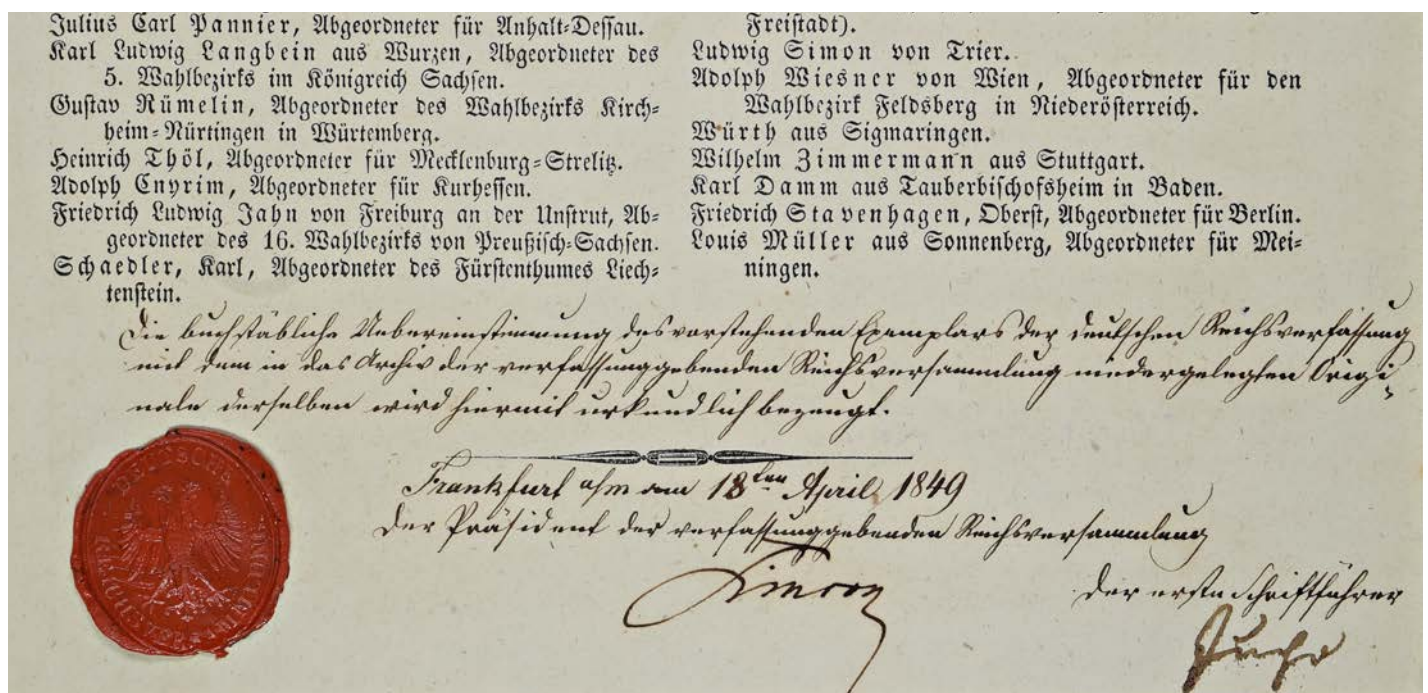
### One constitution – three documents?

The printing on the rear of the title page shows that the Frankfurt printing firm of C. Krebs Schmitt had produced the document. In actual fact, it not only printed the original parchment charter and, from it, an “official edition” with a print run of 50,000 copies but also produced another charter. This is known today as the “Kassel original” and has lain well guarded and undamaged since June 1849 in the Murhard Library and State Library in Kassel.

Why in Kassel? The head librarian Carl Bernhardi, who himself was a deputy in the National Assembly until 21 May 1849, took it with him from Frankfurt and put it into the library collection. The undated document is printed on paper and was signed by 212 deputies, but only after 13 April 1849. A note made by Bernhardi even refers to a third, unsigned example. That is said to have been the one that the so-called *Kaiserdeputation* presented to the Prussian King on 3 April 1849 when they vainly offered him the imperial crown. It is regarded as lost. Whether the Kassel document was intended as a memento or was perhaps meant to serve as a second original remains uncertain.

The precious parchment document served as the model for the official editions and was reproduced for publication in the 16<sup>th</sup> volume of the Imperial Law Gazette dated 28 April 1849. That volume allows us to identify all the signatures, even those that are partly bleached and washed out today.

The document is a unique piece of history that recounts many great and small tales. Surely no constitution, and certainly no German constitution, has been signed by more Members of Parliament. A total of 405 members of the National Assembly voluntarily appended their names to the Frankfurt Imperial Constitution. However hard-fought and controversial the preceding individual decisions had been, 75% of those present accepted the outcome of the parliamentary negotiations by affixing their signatures. Who had refused to sign? The *Oberpostamtszeitung*, a semi-official Frankfurt newspaper, reported that most of the non-signatories were to be found among the deputies from the Austrian provinces, which were not to belong to the *kleindeutsch* Empire. On the other hand, the paper emphasised, “Otherwise we do find among the signatures [...] all parties and parliamentary groups in the Imperial Assembly from the extreme Right to the extreme Left represented by their well-known leaders”. The names cited by the newspaper as the most significant were those of Joseph Maria von Radowitz, the conservative adviser to the Prussian King, of August Friedrich Gfrörer from Tübingen, a champion of the *grossdeutsch* cause, Carl Vogt from Giessen, who had succeeded Robert Blum as head of the left-wing *Deutscher Hof* group, and republican Ludwig Simon from Trier.



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Weitere Bestimmungen bleiben einem Reichsgesetz vorbehalten.

Für die Verkündung des Belagerungszustandes in Festungen bleiben die bestehenden gesetzlichen Vorschriften in Kraft.

### Zur Beurkundung:

Frankfurt am 28. März 1849

Dr. Martin Eduard Simon von Königsberg <sup>Präsident</sup>  
 s. J. Präsident der Versammlung der Provinzialparlamentarier.

Carl Kirchgessner aus Würzburg s. J. <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Abgeordneter d. Provinzialparlamentarier in Bayern

Ernst Dingeldey aus Frankfurt am M. <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Carl August Schlegel aus Nürnberg, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Anton Riebel aus Chemnitz, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Karl Lindemann aus Leipzig, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Gustav Robert <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Meißner aus Königsberg s. J. <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Max <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Köhler aus Meissen, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Dr. Heinrich von Gagern aus Mainz, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Abgeordneter der Provinzialparlamentarier in der Provinz Rheinl. u. Westph.

Dr. Conrad <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Dittmar aus Ulm, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Jean <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Wignacourt, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Judith <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Tafel aus Nürnberg, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Dr. Alois <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>  
 Buchner, <sup>Präsident</sup> <sup>Präsident der Provinzialparlamentarier</sup>

Joseph Carl Christian Magnus, Abgeordneter für den Wapflbezirk  
Ciryentz = Lüben.

Lorenz Goetz, Abgeordneter aus Neuwied, für den  
Wapflbezirk Neuwied in Rheinprovinz

Gustav August von Ahlfeldt, für den Wapflbezirk  
Ludwig = Sorkenau.

Friedrich Wilhelm von Bülow, Abgeordneter  
für Lauenburg - Ortelsburg Nr.

Carl v. Bredow, Abgeordneter für Land Preuß  
Havel - Gollubken

Christian Heilmann, Abg. für den Wapflbezirk Kietz in Pommern

H. R. Clausen, Abg. für den Wapflbezirk Wapflbezirk

L. G. Gier, Abgeordneter für den Wapflbezirk Mühlhagen in Pommern

Friedrich Mölling, Abgeordneter aus Elmberg.

Carl Grosse, Abgeordneter aus Marstall.

Gustav Blumröder, Abgeordneter des Wapflbezirks Mühlhagen.

Carl Degeatort, aus Gollubken, Abgeordneter für den Wapflbezirk  
Delitzsch Bitterfeld

Hann, Abgeordneter aus Wittenberg in Mark Brandenburg.

H. Sauer, Abgeordneter für Meiningen

J. B. Hagenmüller, Abgeordneter des Wapflbezirks Dreyden.

H. Loebe, Abg. für Wapflbezirk Calbe in Sachsen

Christian von Bülow, Abgeordneter aus dem Gauen  
Langensalza in Thüringen.

Ernst Tafel aus Meiningen, Abgeordneter für den Wapflbezirk in Meiningen

Norward Eisenstuck, Abgeordneter des Wapflbezirks Wapflbezirk

Ernst von Bülow, Abgeordneter des Wapflbezirks bei Gollubken

Carl Friedrich von Bülow, Abgeordneter des Wapflbezirks Wapflbezirk

Carl von Bülow, Abgeordneter des Wapflbezirks Wapflbezirk

## The signatories

The pages bearing the signatures illustrate several striking facts. First of all, it is noticeable that a signature is evidently missing in the second place from the top, for President Simson's name is followed immediately by his second deputy, Carl Kirchgessner. The Vice-President, Wilhelm Beseler, would surely have signed the Constitution but was no longer staying in Frankfurt on 27 and 28 March. A few days beforehand, the Imperial Regent had appointed him Governor of Schleswig-Holstein, where war with Denmark was brewing again.

In a prominent position, after the deputies acting as secretaries – Friedrich Sigmund Jucho, Carl Fetzer, Anton Riehl, Carl Biedermann, Gustav von Maltzahn and Max Neumayr – and before the members of the editorial committee, which was responsible for the publication of the speeches, motions, resolutions and petitions recorded by the shorthand writers, comes the name of Heinrich von Gagern. He was Eduard Simson's predecessor, having served as the first elected President of the National Assembly from May to December. Significantly, he did not sign as Minister-President of the Empire but as a simple deputy for the constituency of Bensheim an der Bergstrasse. The order in which the remaining deputies' signatures are listed seems purely random and is based neither on political criteria nor on the influence or personal standing of the parliamentarians. Of the deputies who were particularly well known at the time, only the name of Adam von Itzstein has already been encountered by the end of the second page. The names of other luminaries of the unity and freedom movement of the *Vormärz*, the period preceding the Revolution of March 1848, such as Georg Waitz, Carl-Theodor Welcker, Julius Fröbel, Sylvester Jordan, Carl Mathy, Ernst Moritz Arndt and Friedrich Ludwig Jahn, are widely scattered among the pages. Even Friedrich Christoph Dahlmann, who, as one of the famous "Göttingen Seven", had fought for the liberal constitution in the Kingdom of Hanover in the *Vormärz* period and who was regarded, on account of his essential groundwork, as the "father of the Constitution", only signed on the penultimate page.

These illustrious names can easily obscure the fact that the Imperial Constitution was not in any way the product of the *German* unity and freedom movement alone. The signature of Alois Boczek from Tischnowitz (Tišnov) in Moravia may be cited to emphasise the European dimension of the German National Assembly. The fact is that it included deputies from what were then Prussian and Austrian territories but now belong to Poland, Lithuania, Russia or the Czech Republic. It is true that most of these deputies came from the German-speaking population. And what remained uppermost in the memory were the nationalist voices that found a forum in St Paul's Church too. A low point in this respect was the hate-filled speech on Poland delivered by deputy Wilhelm Jordan in July 1848. In a speech steeped in racist stereotypes, Jordan rejected any consideration of the desire for an independent Poland. Instead he called for the pursuit of a "healthy national egotism". It is also true, however, that the constitutional provisions tell a very different story, with section 188 in particular providing extensive safeguards for ethnic minorities. Those provisions, as legal historian Jörg-Detlef Kühne emphasises, sets "standards that remain valid today, which have still not been achieved in many cases in Europe today". On this basis it was also possible for members of ethnic minorities to sign, men such as Cyprián Lelek, a leading representative of the Czech national movement in Silesia. A Catholic priest who had only become a deputy on 12 March 1849, succeeding the representative for Ratibor (Racibórz) in Silesia, Lelek wrote his colleagues an optimistic yet cautionary message in the Parliament Album, a kind of communal record book maintained by the deputies: "It has now been concluded that all nations must join forces to promote jointly the purposes of humanity and human happiness. This is all the more essential in cases where two or more nationalities are united in one state. In such situations, the stronger does not have the right to inflict injustice on the weaker". The Imperial Constitution was also signed by two French-speaking deputies, Charles Munchen and Emmanuel Servais from Luxembourg.

"The collective development of the non-German-speaking peoples of Germany is guaranteed, particularly the equal status of their languages, within the bounds of their territories, in church matters, education, internal administration and the administration of justice."

*Section 188 of the Frankfurt Imperial Constitution*

Man ist nun zu der Überzeugung gekommen,  
daß alle Nationen sich verbinden müssen, um die Freiheit der Nationen,  
nicht nur der Menschheitsliebe gemeinschaftlich zu fördern. Dem es nicht  
müß die der Aufklärung, wo zum ersten Mal die Freiheit der Nationen zu  
nimmern Rechte vereinigt sind. Hier ist nun die Freiheit nicht der Kraft,  
der Aufklärung der Menschheit zugänglich. Die in der Jubeljahre mehrerer  
jüngeren Nationen ist die Kraft der Menschheit nicht, die auf nicht einen einfachen  
Weg der Bildung steht zu sich herauszubringen, vereinigt ist nicht gefunden in der  
Welt zu werden.

Frankfurt am Main den 27<sup>ten</sup> April, 1849.

C. Lelek,

Abgeordneter für Pralibor  
in Ober-Schlesien.

Czech deputy Cyprían Lelek placed his hopes  
in a German state based on the rule of law  
that would protect ethnic minorities too.

Pages 16/17:

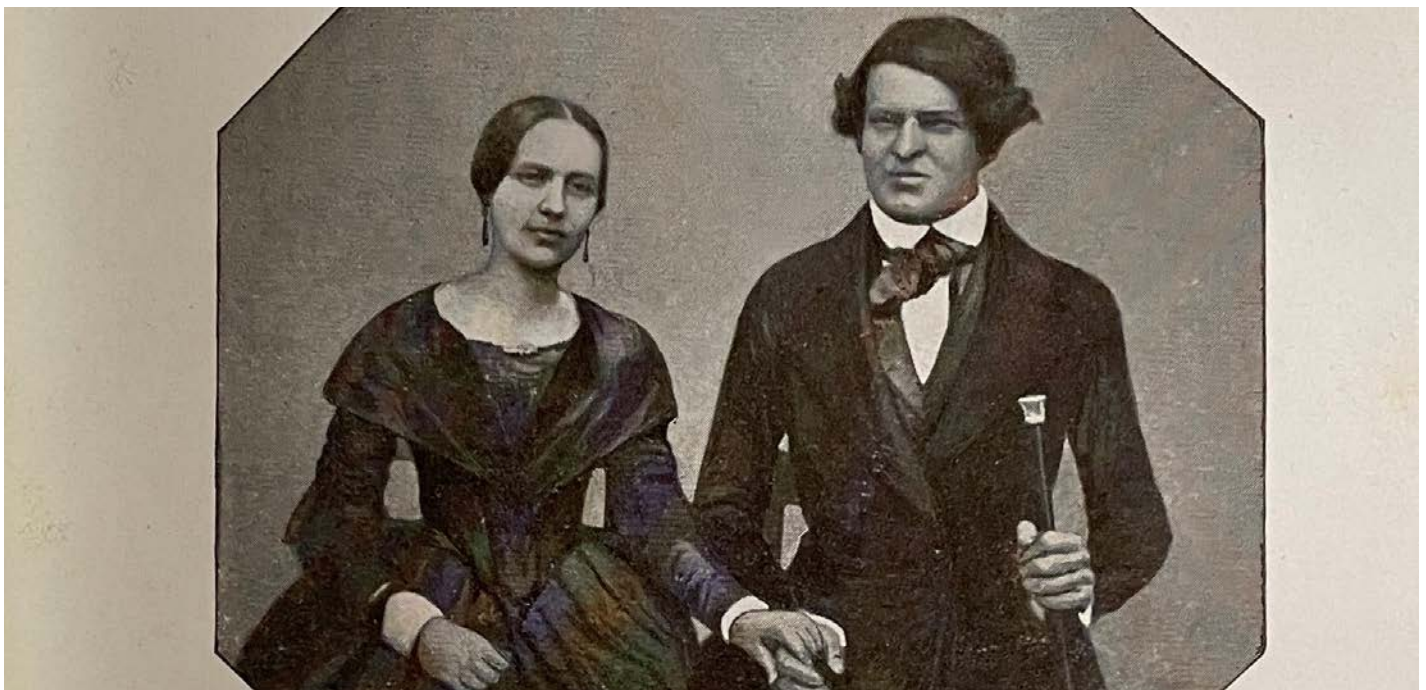
This historical photograph from 1928 shows  
the first and third (!) signature pages of the  
Constitution – the publishers had evidently  
placed a sheet back to front when producing  
the facsimile. The first signatory is Eduard  
Simson from Königsberg (now Kaliningrad).

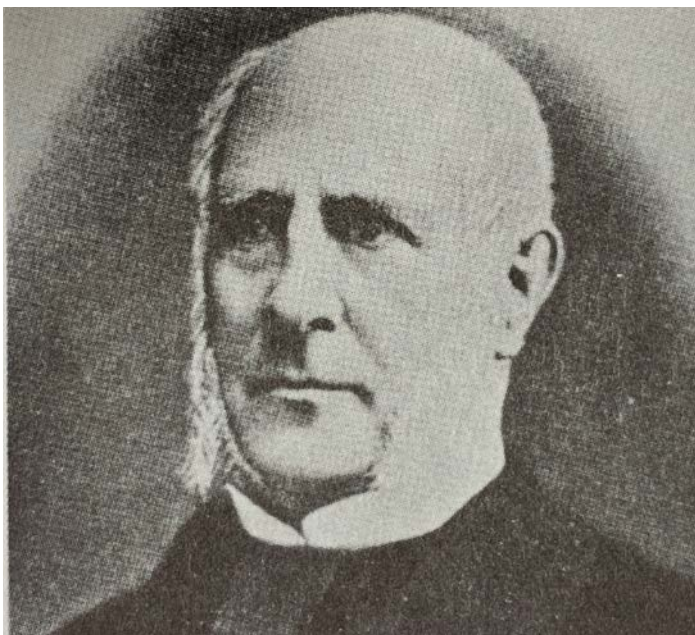
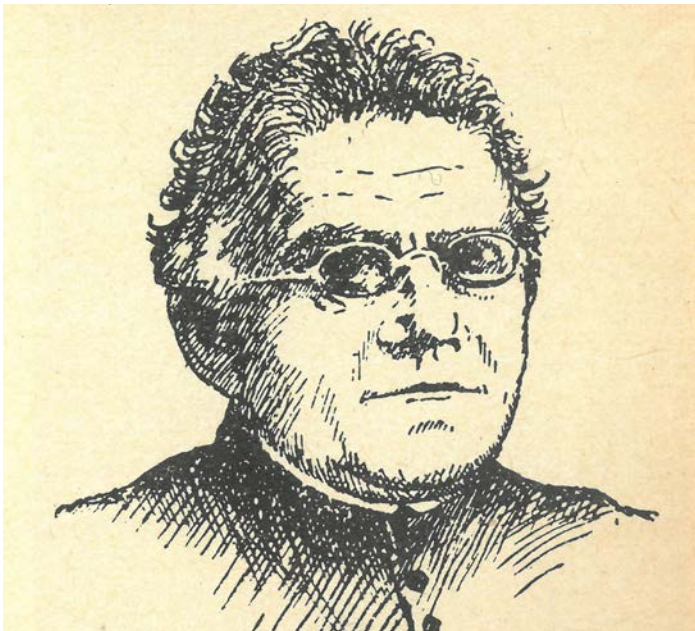
The Grand Duchy had belonged to the German Confederation since 1815, and Servais, as Mayor of the City of Luxembourg and President of the Council of State, was to become one of his country's most eminent politicians. A representative of the Netherlands duchy of Limburg, Jan Lodewijk Scherpenzeel-Heusch, was also among the signatories.

It was not only with regard to ethnic minorities that the Imperial Constitution set new standards. In a similar way, section 146 promised equality for all faiths and confessions, which meant in particular the emancipation of the Jews for which many had long been yearning: "The enjoyment of civil and citizenship rights shall be neither determined nor enhanced by religious affiliation. The latter must not prejudice civic duties." Gabriel Riesser, a Jewish lawyer from Hamburg, who later became Germany's first Jewish judge, made especially vigorous efforts during the debates to ensure that the Constitution guaranteed Germans of Jewish faith a legal entitlement to equal participation in public life. For the Jewish deputies and those with Jewish family backgrounds, this promise of equality may well have played an important role. The primary reason why they approved the Constitution, however, was because the final product matched their political convictions. Besides Riesser and the Berlin publisher Moritz Veit, who, as Gagern loyalists, supported a hereditary emperorship, author Moritz Hartmann from Bohemia and bookseller Wilhelm Levysohn from Grünberg (Zielona Góra) in Silesia also signed the Constitution – even though both of them, as staunch leftists, actually rejected the idea of an emperor.

In a letter to her husband, Levysohn's wife, Philippine, praised him for accepting the constraints of parliamentary life: "How you finally decided seems quite justified to me. You upheld the principle until the last moment, and then you yielded to the majority – God grant that it may be for the good of the Fatherland." Other deputies of Jewish origin whose names are on the document were Heinrich Simon and his cousin Max Simon from Breslau (Wrocław), Wilhelm Stahl from Nuremberg, Adolph Wiesner from Feldsberg (Valtice) in the Austrian Empire and Georg Bernhard Simson from Stargard. The signature of the most prominent deputy from a Jewish background was at the very top of the list, namely Eduard Simson. Elected President of the National Assembly in 1848, he headed the deputation that vainly offered the imperial crown to King Frederick William IV at the beginning of April 1849. Until the German Empire was established in 1871, he presided over numerous parliaments, and in the Empire he became the first President of the Reichstag and ultimately president of the newly established Imperial Court of Justice in Leipzig.

Would the German nation state have honoured the great promises of equality and inclusion on the basis of the Imperial Constitution of 28 March 1849? One can only speculate. The signatories certainly pinned all their hopes on such an outcome.





The signatories of the Constitution came from areas such as Silesia, Limburg and Luxembourg

Left:  
Spouses Philippine and Wilhelm Levysohn  
(c. 1839)



*Eduard Simson*

Eduard Simson



*Carl Kirchgeßner*

Carl Kirchgeßner



*Friedrich Jucho*

Friedrich Jucho



*Karl Biedermann*

Karl Biedermann



*Heinrich v. Gagern*

Heinrich v. Gagern



*Adam v. Itzstein*

Adam v. Itzstein



*Jan Scherpenzeel Heusch*

Jan Scherpenzeel Heusch



*August Gfrörer*

August Gfrörer



*Ernst Moritz Arndt*

Ernst Moritz Arndt\*



*Cyprián Lelek*

Cyprián Lelek



*Gabriel Riesser*

Gabriel Riesser

## Einige Unterzeichner der Verfassungsurkunde



*Charles Munchen*

Charles Munchen



*Carl Theodor Welcker*

Carl Theodor Welcker



*Wilhelm Stahl*

Wilhelm Stahl





*Joseph v. Radowitz*

Joseph v. Radowitz



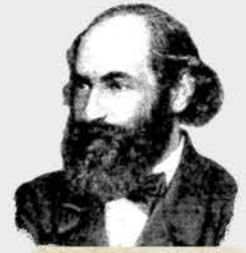
*Karl Bernhardt*

Karl Bernhardt



*Sylvester Jordan*

Sylvester Jordan



*Moritz Hartmann*

Moritz Hartmann



*Heinrich Simon*

Heinrich Simon



*Georg Waitz*

Georg Waitz



*Wilhelm Ad. v. Trützschler*

Wilhelm Ad. v. Trützschler



*Carl Mittermaier\**

Carl Mittermaier\*



*Carl Vogt*

Carl Vogt



*Moritz Veit*

Moritz Veit



*Friedrich Ludwig Jahn*

Friedrich Ludwig Jahn



*Emmanuel Servais*

Emmanuel Servais



*Wilhelm Levysohn*

Wilhelm Levysohn



*Johann Friedrich Kierulff*

Johann Friedrich Kierulff



*Ludwig Simon*

Ludwig Simon



*Julius Fröbel\**

Julius Fröbel\*



*Carl Mathy\**

Carl Mathy\*



*Georg Friedrich Kolb*

Georg Friedrich Kolb



*Friedrich Christoph Dahlmann*

Friedrich Christoph Dahlmann

\*Unterschrift aus dem Kasseler Exemplar, im Berliner Original verblasst



## **The Frankfurt Constitution – a common yet divided focus of remembrance**

In the eyes of the deputies, the Imperial Constitution had the force of law, of which the parchment charter was a tangible attestation. This was probably one reason why the chancery of the National Assembly decided not to entrust the Krebs-Schmitt printing firm but Frankfurt bookbinder Christian Hubaleck with the task of producing a lavish binding. The binding is thought today to be irretrievably lost.

As the preserved invoice shows, Hubaleck bound the Constitution entirely in red velvet with moiré endsheets. The cover and endpapers were richly gilded, and “real black, red and gold ribbons” were also affixed. A gold imperial eagle was emblazoned in the centre, within the circumscription *Deutsche Reichsverfassung* (“German Imperial constitution”). The book came in a case with a lock, the case being covered in morocco leather, gilded and lined with silken material. That certainly reflected the historic importance of the document, but it came at a price, which evidently had not been agreed in advance. Friedrich Jucho, who was responsible, as the first secretary of Parliament, for the financial expenditure of the Bureau, initially refused to release the invoiced amount of 86 guilders. Not until several weeks later did he release funds for payment, but only 60 guilders. Would the penny-pinching Jucho perhaps have turned a blind eye if he had foreseen at that time that he would be facing a court several times on account of that document?

In 1969 a photographer produced this image of the ornate binding of the Imperial Constitution for the Deutsche Fotothek picture library. It is not known whether this is a reproduction of an older picture or whether the binding may still have existed at that time. Today it is thought to be irretrievably lost.

Pages 22/23:

Deputies signed the Constitution for diverse reasons. By signing, they accepted the outcome of the debates and jointly defended the legitimacy of Parliament against the old authorities.

On 3 April 1849, the Prussian King, Frederick William IV, had refused the imperial crown. If he wished to accept the title of Emperor, he stated, then only from his peers, in other words the ruling princes, and not from the hands of democratically elected representatives of the people. The democratic and liberal deputies tried nevertheless to implement their decision – and initially met with some success. No fewer than 30 governments, representing three quarters of the individual German states, recognised the Constitution as legally valid. The same was true of all the parliaments that voted on it. However, the main states which rejected it, besides Austria, were the more powerful kingdoms of Prussia, Bavaria, Saxony and Hanover.

And what of the people? From East Frisia to Bavaria, thousands of petitions and hundreds of thousands of participants in popular assemblies called for the application of the Imperial Constitution. In Dresden, in the Rhineland, in Baden and in the Bavarian Palatinate, peaceful protests developed into uprisings, which were crushed, primarily by the Prussian army. Most of the deputies baulked at the idea of a call to open civil war. And the dimmer the prospects of a non-violent solution became, the greater the number of liberal and moderate democratic deputies who announced their resignation from the National Assembly.

On 23 July, the last revolutionaries capitulated in the fortress of Rastatt. Almost a month before then, the vestiges of the National Assembly, a “rump parliament” which had moved to Stuttgart at the end of May, had been dispersed by the Württemberg army. Even a signatory of the Imperial Constitution was among the victims of the summary courts martial held in Rastatt: Wilhelm Adolph von Trützschler, a Saxon deputy, was sentenced to death and executed. Other deputies were charged with high treason and fled into exile in Switzerland or Britain or crossed the Atlantic to take refuge in the United States.

After the collapse of the Revolution, the Imperial Constitution was not forgotten – on the contrary. It developed into an important common yet divided focus of remembrance, precisely because it offered an alternative to the authoritarian state. The adherents of several political creeds could identify with it: liberals recognised the parliamentary constituent process as a tradition to be cherished, while the social democrats saw in it an expression of the sovereignty of the people. While communists attached little value to the Constitution itself, they held those involved in the struggles for the Imperial Constitution in high esteem. Friedrich Engels, who himself had fought in Baden, coined the term *Reichsverfassungskampagne* (“campaign for the German Imperial Constitution”). Socialist historiography accorded it a place of honour. For a long time, its commemoration by each political movement was accompanied by accusations, each side blaming the others for the collapse of the Revolution. The original document containing the Imperial Constitution in which their memories were crystallised therefore aroused strong emotions. In some cases it was venerated like a relic.

Frankfurt bookbinder Hubaleck charged the National Assembly 86 guilders for the binding. Friedrich Jucho noted below the invoice, “Was there no contractual agreement on the price? Or was the work never submitted to an expert for appraisal? Or is a valuation no longer possible? Until these questions are answered, I cannot issue the payment order.” The National Assembly ultimately paid 60 guilders.

Frankfurt den 26. April 1849.

II Cons. 424-85,  
Kaufung für Lichte Ranzöl der Thiermilch-Verfeinerung  
von Christian Jübeler Kaufmann

1849  
April 11.

Die Lichte Ranzöl Kaufung in 1000  
Kisten Lichteöl mit 10000 Lichten  
Kisten, 10000 Lichten und 10000 Lichten  
nicht mehr 10000 Lichten, 10000 Lichten  
dazu sind Kosten mit 10000 Lichten  
Kisten übergeben und 10000 Lichten  
Kisten

65 -

Für das Gewinnen der Lichte Ranzöl  
Kaufung und das Lichteöl

21 -

7 86 -

Dieses ist ein ungelohnt  
Kaufung

*(Signature)*

Ist über die Kaufung nicht notwendigig  
Kaufung  
Kaufung

Kaufung  
Kaufung  
Kaufung

*(Signature)*

Kaufung  
Kaufung

Kaufung

Kaufung

Kaufung  
*(Signature)*

*Juch*



### The executor and the missing “No 195”

A cartoon produced by Ernst Schalck at the turn of the year 1849/50 vividly illustrates the situation at the start of the Age of Reaction that followed the Revolution. In the foreground is the deputy Friedrich Jucho, standing on a cliff edge. A cold wind from Berlin seems to be blowing him towards the abyss, from where a crab comes crawling up, symbolising the Reaction. In the background the silhouette of St Paul’s Church in Frankfurt is recognisable. While the democrats flee in an upturned Jacobin cap dangling from a hot-air balloon, the left-wing liberal Jucho continues to stand his ground.

The drawing alludes to the political dispute that quickly flared up over the legacy of the first German National Assembly, a dispute in which the original of the Constitution was to play its part. And Jucho? Before the National Assembly moved to Stuttgart at the end of May 1849, Wilhelm Loewe, who was then President of the National Assembly, had appointed him executor of the parliament. The residual assets in Frankfurt ranged from files and the library collection to decorative fittings and furniture. As a secretary, lawyer and notary, the Frankfurt deputy seemed a particularly apt choice to ensure that they were properly safeguarded. After Jucho had spent some time unsuccessfully negotiating with the city authorities to have the items stored in the city archives, the Federal Assembly (*Bundesversammlung*) became involved. That body of delegates was reactivated in the summer of 1851 as the supreme constitutional organ of the German Confederation and immediately began to revise the political and legal legacies of 1848/49.

The “files, documents and other objects” of the former National Assembly were declared to be federal property, and the Frankfurt Senate was given the task of “taking enforcement action where necessary” to make Jucho surrender the items. In spite of house searches and the imposition of fines, Jucho steadfastly refused to comply.

## The persecuted Constitution: Friedrich Jucho, the *Nationalverein* and the legacy of the National Assembly

He had experienced the policies of the German Confederation at first hand, having spent five years in prison in the 1830s for high treason as a participant in the Hambach Festival of 1832 and a political dissident in the *Vormärz* period. What was more important, in his view, was that the Federal Assembly to which the ruling princes sent their delegates simply could not possibly be the legal successor to the democratically elected parliament.

In December 1851, however, he had to admit defeat. As the executor, he released the objects stored in St Paul's Church, albeit under formal protest. He continued to contest the legitimacy of the Federal Assembly and declared, "This submission does not amount in any respect to a recognition of the lawfulness of the adopted procedure [...]; on the contrary, while yielding to the power of the state, I protest against it." The triumph of state power was short-lived, for it quickly emerged that something was missing – nothing less than the *pièce de résistance*, item number 195 on the inventory, namely "The Imperial Constitution printed on parchment with original signatures, richly bound in velvet, with an accompanying case".

### The persecuted Constitution before the courts

A phase of lengthy legal wrangling began for Jucho. The Frankfurt Police Authority ordered him to hand over the document within eight days, imposed a hefty fine and threatened him with more penalties if he did not comply. The experienced lawyer lodged appeals, and more criminal proceedings followed. The charges were based on Article 170 of the *Constitutio Criminalis Carolina*, the criminal code enacted by Holy Roman Emperor Charles V in 1532, which stated that "He who dealeth faithlessly with entrusted goods shall be esteemed as a thief." As historian Christian Jansen emphasises, "Although the choice of a pre-modern provision as the legal basis sheds a revealing light on the way in which the Federal Diet saw itself in the post-revolutionary age, it did not bring back the original of the Constitution."

In fact, even before the accused had to swear before the *Peinliches Verhöramt*, the Frankfurt criminal investigation authority, that he neither possessed the document nor knew where it was, Jucho had already had the unique item taken to a place of safety – in England. Through his friend Eduard Souchay, the Constitution had gone to Manchester and into the vault of the trading firm Schunck, Souchay & Co.

Souchay, who had smuggled the item across the national borders, still took delight in this coup in his autobiographical memoirs: "I thereupon took the Constitution to England and gave it to my brother-in-law Benecke for safekeeping. Jucho stated that the Constitution was with Benecke in London, and the police pulled long faces". By going to England, the document shared the fate of many 1848 revolutionaries who had fled into exile there. While it remained safe from political persecution there, the opposite was true for Jucho back home in Germany, for the court, though not imprisoning him, struck him off the lawyers' register. In his appeal he had had the audacity to suggest that the trial was being conducted not for legal but for purely political reasons. The court regarded that as the criminal offence of insulting holders of public office.

The case of *The Free City of Frankfurt v. Dr Jucho* was not decided until 1854, when the court of final instance, the Higher Court of Appeal of the four free cities in Lübeck, which had jurisdiction for Frankfurt, delivered its judgment. To many people's surprise, the judges overturned the judgment of the lower courts. The court could not find any intent of personal enrichment and held the removal from the lawyers' register to be disproportionate. It merely imposed a fine of 60 guilders – not for the alleged misappropriation of the constitution document but for contempt of the Frankfurt court. The decision in favour of Jucho could be connected with the fact that, since 1853, Johann Friedrich Kierulff had been the presiding judge of the Lübeck court, and he possibly understood Jucho's intentions better than others, for as deputy for Rostock he himself had signed the Constitution in March 1849.





I.  
**U r t h e i l.**

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In Untersuchungs-Sachen wider Dr. jur. Friedrich Siegmund Fuchs zu Frankfurt, wegen angeschuldiger Unterschlagung von Nr. 195 der Akten der ehemaligen deutschen Nationalversammlung, erkennt auf des Angeschuldigten weitere Vertheidigung das Ober-Appellations-Gericht der vier freien Städte Deutschlands für Recht:

Daß das Resolut des Appellations-Gerichts der freien Stadt Frankfurt vom 14. October vorigen Jahres, wie hiemit geschieht, wieder aufzuheben, der auf Grund desselben wider den Angeschuldigten eingeleiteten Untersuchung ein weiterer Fortgang nicht zu geben, und die etwaigen Kosten derselben niederzuschlagen seien.

B. R. W.

Urkundlich unter dem Siegel des Ober-Appellations-Gerichts der vier freien Städte Deutschlands und der gewöhnlichen Unterschrift, gegeben zu Lübeck den 11. Mai 1854.

Zur Beglaubigung

(L. S.)

**J. Bremer**, Secretar.

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Johann Friedrich Kierulff, President of the Higher Court of Appeal in Lübeck, had himself signed the Constitution in St Paul's Church as deputy for Rostock.

Page 28:  
Deputy Jucho was a favourite target for contemporary cartoonists. Ernst Schlack portrays him here "In the storm of the Reaction".

Page 30:  
In his work *Das Parlament. 45 Leben für die Demokratie* ("Parliament – 45 lives for democracy") of 2019, comic-strip artist Simon Schwartz resurrected Friedrich Jucho and the enthralling story surrounding the original document.

Page 31:  
In 1854, the Higher Court of Appeal in Lübeck quashed Jucho's conviction.

## The Frankfurt Constitution as a political programme

From a present-day perspective, more questions arise. Why did the fate of the document actually matter so much to so many people of the time, even though the Constitution had been thwarted? And why did the state authorities try so hard to get the Constitution into their own hands? Jucho, indeed, was by no means the only one who publicly defended the legacy of St Paul's Church. In the 1860s a large percentage of the democrats and liberals could still subscribe to the constitutional compromise of 1849. Amid the dogged piecemeal attempts to reform the German Confederation, the Imperial Constitution seemed all the more dazzling as an alternative. In 1860, for instance, Heinrich Simon, from his exile in Zurich, sent a "Whitsun greeting to Germany", in which he described the Constitution as the aim behind which all friends of the Fatherland should rally:

*"It was achieved at great cost to us over the years 1848 and 1849: the German Imperial Constitution! Adopted by the whole German people! Their first declaration of intent since the beginning of their history and, up to the present date, their last declaration of intent. It is the legitimate flag of Germany, and there will be no other until the German people have spoken in their second Parliament."*

In the autumn of 1862, the *Deutscher Nationalverein* (German National Association) also put the Frankfurt Constitution at the heart of its political programme. The Association, which many former 48ers joined, campaigned publicly for a liberally constituted nation state. On the constitutional issue, it made the following declaration: "Only one thing can satisfy the nation's sense of justice and its desire for power and liberty, namely the implementation of the Imperial Constitution of 28 March 1849, including the fundamental rights and the Elections Act, as adopted by the legally elected representatives of the people. To press with resolve and energy for the realisation of this right, particularly for the convocation of a Parliament elected in accordance with the provisions of the Imperial Elections Act, is the duty of the National party." As had been the case in 1849, some supporters backed the *Kleindeutschland* solution with a hereditary Prussian Emperor, while others set most store by the fundamental rights and the Elections Act. The Association had the Constitution printed in a new edition and published a flysheet explaining its origins and content.

### Imperial Constitution ceremonies, 1863

On 28 March 1863, on the 14<sup>th</sup> anniversary of the Imperial Constitution, ceremonies were held in more than thirty German cities in honour of the “Magna Carta of the German people”. It was evident once again how much importance was attached to the signatures. In many cases old signatories of the Constitution, such as Carl-Theodor Welcker, delivered the ceremonial address. Even 14 years later, those in attendance expected anyone who had signed the Constitution in 1849 to stand by his signature. Some of the signatories of 1849, however, had long since changed their views. These, who included such prominent deputies as Heinrich von Gagern, had come to reject a Prussian-dominated state. Individual speakers at the festivities accused them of betraying the ideals of 1848/49. Deputies such as the *grossdeutsch*-minded republican Julius Fröbel were not prepared to accept such allegations. Fröbel’s justification provides interesting insight into the pressure to which the deputies were exposed in March 1849 to append their signatures to the Constitution against their personal convictions in order to demonstrate the unity of the parliament in the face of state authorities – an almost irresolvable dilemma.

His signature at that time, said Fröbel, was not a “political profession of faith” and had also become obsolete once the Constitution had been thwarted. “As I understood the matter”, he said, “my name beneath the document meant nothing more than my submission to what the Parliamentary Assembly to which I belonged had decided – a submission which did not require me to change my convictions, and in the vote I had opposed the Constitution.” Many southern Germans in particular regarded the commitment of the *Nationalverein* as cynical, for while those who fought for the Constitution in 1849 had risked their lives, all that the *Nationalverein* members did was to drink to the health of the Prussian King.

This type of “living” constitutional tradition had both integrative and divisive effects, but the agitation kept the memory of 1848/49 alive. That applied especially to the Elections Act drafted in 1849. In the process of unification of the Empire, Bismarck adopted it for the elections to the Reichstag. From 1867 Reichstag elections were based on its rules – initially for the North German Confederation and subsequently for the German Empire. The equal, direct and universal manhood suffrage for which it provided meant that it was still far more progressive than the electoral laws of most other countries. The adoption of the revolutionary electoral provisions was not merely the result of Bismarck’s strategic considerations, as is often assumed. Through the link with 1848/49, the Chancellor hoped to win over liberals, while thanks to universal suffrage he could rely on the predominately conservative votes of the peasantry. The electoral law, however, also represented a success for the national movement, which had been persistently urging the Prussian Minister-President to adopt the provisions of the Elections Act.

Deutsche Reichsverfassungskämpfer von 1849.



Stellung der Reichsverfassungskämpfer zu Preußen.

Deutsche Reichsverfassungskämpfer von 1860.



Großes Zweckeßen. Heutige Stellung zu Preußen.

Deutsche Reichsverfassungskämpfer von 1849.



Kasematten von Raftatt.

Deutsche Reichsverfassungskämpfer von 1860.



Der Ausschuß des Nationalvereins beschließt, für die Wiederherstellung der Reichsverfassung einzutreten.

In the view of the Munich satirical magazine *Münchener Punsch*, the pro-constitution activists of 1849 had risked their lives. They are contrasted with the members of the *Nationalverein*, who are shown “fighting” for the Constitution in the 1860s with banquets and toasts.



Eduard (von) Simson, President of the National Assembly in 1849 and first President of the Reichstag. Marble bust attributed to Rudolf Siemering (1835-1905), donated by great-grandson Otto von Simson in 1967.

### **How the document came to be in the Reichstag**

In 1866, Austria lost the war for supremacy in Germany against Prussia. The German Confederation was dissolved, and Prussia, together with its allies, founded the North German Confederation. With the end of the Federal Assembly, Friedrich Jucho no longer had to fear further reprisals and had the constitution document returned from England. As a supporter of Bismarck's unification policy, he decided in March 1870 that the time had come to separate himself from the document. He sent it to the President of the North German Reichstag, who "to a certain extent formed a living bridge between St Paul's Church and the new Berlin Parliament": Eduard Simson.

In the accompanying letter, Jucho stated that, although the "Reichstag of the North German Confederation" was "not the legal successor to the German National Assembly", it was "still undoubtedly the legal representative of the great majority of the German people", and he asked that the Imperial Constitution be taken into the Reichstag archives. Simson, who – as Jucho explicitly recalled – had affixed the first signature to the document, was highly delighted. He informed the Chamber of the handover and thanked the former secretary on behalf of the House for the document, "the safekeeping of which you ensured with such great loyalty and devotion". A few days later, the press and visitors were also able to see for themselves the "magnificent volume" with its impressive golden imperial eagle and the black, red and gold ribbons. The document was on display in the premises of the Prussian House of Lords in Leipziger Strasse, where the North German Reichstag also sat in those years.

Ms. 13. 702  
C. 197 1

K

den Grosspräsidenten des hohen Reichstags des  
norddeutschen Bundes Herrn Dr. Conrad Simon  
Hofverwalter  
z<sup>n</sup>

Berlin.

Hofverwalter Herr Präsident!

Als im Frühjahre 1849 die deutsche National-  
Versammlung Frankfurt zerliess, blieb die Original-  
Entscheidung des deutschen Reichs. Versammlung vom  
28<sup>ten</sup> März 1849 in den Händen des Unterzeichneten  
Sekretärs jener Versammlung, sine am 30<sup>ten</sup> Mai 1849  
von dem Bureau der Versammlung auf mich gestellte  
Hollnuss kommissierte mich für deren Aufbewahrung zu  
sorgen, was möglich im Vernehmen mit dem Bureau  
Frankfurt's. Ich wünschte, das letzteres Sie zur Aufbewahr-  
ung - etwa auf dem Hart. Hofe, oder der Hart. Biblio-  
thek - übernehmen möge, aber es ging auf mein  
Ansuchen nicht ein, und Sie dem vielmehr erstens,  
denn Sie die Sache zu überlassen, dessen Präsidenten  
Sie zu Anfang des Jahres 1852 durch das Frankfurter Polizei-  
amt von mir verlangte, hielt ich mich nicht beauftragt.  
Ich besah sie damals nicht mehr; Sie waren bereits  
nach England geremittirt. Nach mehreren Kämpfen  
mit Polizei und Gerichten meiner Vaterstadt, die bis  
zur Einleitung einer National. Unterzeichnung wegen  
Unterpfändung (auf Grund des Art. 170 des F. O. Kaiser's



Karl I) geführt, aus denen ich aber endlich im  
Jahr 1854 (sic) wieder hervorgegangen, blieb mir die Reichs-  
verfassung, die in England nicht zu erreichen war,  
so wenig ich unbeschäftigt, und schließlich kaputt - ich weiß  
nicht genau, ob noch oder nach dem Ende des Landes.  
Auch - die „Reichsverfassung“ wieder in meine Hände  
kam.

Aber Sie darf nicht in meinen, der Fürstentum,  
nach Händen bleiben, und ich würde unheimlich  
meinem Auftrag gemäß, ich Sorge um das für  
den mir übertragenen sächsischen Verfassung, wenn  
ich Sie dem hohen Reichstage des Norddeutschen Bundes  
übergabe, malgar, wenn auch nicht der Reichsverf.  
folgt der deutschen Nationalversammlung, doch in  
Zweifelhaft der gesetzlich Vertreter des meiste  
größten Theil der deutschen Nation ist.

Au Sie aber, hochverehrtester Herr Präsident,  
dessen Namen der Kaiser der Nation der Reichsverf.  
fassung befindlichen Unteroffizien würdigen, nicht  
ist die ergebene Bitte, die unter folgende Original-  
Reichsverfassung dem deutschen Reichstage zur Verf.  
fassung in diesen Classen übergeben zu wollen,  
und zeigen in vorzüglicher Befugnis

Ihre Hochachtung

Frankfurt den 10. März 1870.

ergebener  
Dr. Fürst von

In der Hoffnung, daß Sie, welcher Ihre Präsidat, Sie  
 mir und freundlich hat willkommen zu sein, dass ich  
 es nicht überlassen, Ihnen bei Überführung der nation.  
 garten Rechte außer der Konstitution mir ein  
 zur Konstitution freigesprochen sein zu sein.

Smolensk den 10ten März 1870.

Her  
 Jünger

Pages 38/39/40:

On 10 March 1870, Jucho sent the constitution document to the President of the North German Reichstag, Eduard Simson. In his accompanying letter he recalled the court proceedings to which he had been subjected in the 1850s. As a fellow parliamentarian of 1848/49, he took the opportunity "besides the assurance of my sincere esteem, to send my warmest wishes" to Simson.

### From the controversial to the fading legacy of 1848/49

The prominent public presentation of the Constitution suggested that Bismarck's unification policy was achieving what the Frankfurt Parliament had failed to do in 1849, but that interpretation did not go unchallenged. For example, Georg Friedrich Kolb, from the Palatinate, a signatory of the Constitution as well as a confirmed opponent of Bismarck, launched a fierce attack on Jucho in the *Frankfurter Zeitung*; a "dreadful irony", he wrote, lay in the fact that a "wayward son of 1849 [...] has surrendered the Magna Carta enshrining the fundamental rights of the German Nation to the federal diet of the North German Confederation". From the perspective of Bismarck's federalist and democratically minded adversaries, Jucho had shown himself to be an accessory after the fact, not only in the "tearing up" of the 1849 Constitution but also in the consequent division of the nation. Jucho, for his part, avenged himself by publicly accusing his critics of acting "unpatriotically". Christian Jansen regards this as a clear indication that in the mainstream political discourse "since 1866 the ideals of 1848 – unity, power and freedom – had been regarded as mutually incompatible". Bismarck, as we know, forged the unity of Germany in 1870/71 with "blood and iron". For many who had committed themselves to the national movement, the freedom they craved had been cast overboard.

In the new Empire, the memory of 1848/49 was marginalised and presented as a footnote in history. In the official founding legend that was cast in monuments and celebrated on anniversaries, Bismarck was the ingenious founder of an Empire which military forces had won on the battlefields of Königgrätz (Sadowa) and Sedan. The revolutionary and parliamentary legacy of 1848/49 was at odds with this narrative and was largely blanked out by the state. This was reflected to a certain extent in the way in which the Reichstag treated the original constitution document in the coming decades. It remained carefully preserved but largely disregarded in the office of the President of Parliament, and even when researchers showed an interest in the precious item, they were mostly rebuffed. Not until Germany became a republic in 1918 did this situation change.



Unlike the Empire, the young Republic explicitly invoked the “heritage of 1848/49”. It associated itself constitutionally, politically and, not least, symbolically with that tradition. This was most clearly expressed in the decision taken by the National Assembly in Weimar on 3 July 1919 to declare black, red and gold, the tricolour of the Revolution, as the new national colours. That, however, was by no means uncontentious. The monarchist opponents of the Republic in particular continued to identify with the black, white and red of the Empire. The struggle for democracy, parliamentarianism and republicanism that characterised the Weimar era was always a conflict over political symbols too, and the “flag war” of the 1920s was a clash of principles.

The exhibited and stolen Constitution: *Pressa* in Cologne in 1928 and theft from the Reichstag Library

The supporters of the Republic set their own tone. In the newly created office of the *Reich* Art Curator, an early form of the Minister of State for Culture, Edwin Redslob looked after national cultural policy and showcasing the state. He was responsible for “giving shape to the *Reich*”, which ranged from the organisation of annual Constitution Day celebrations on 11 August to the artistic design of the *Reich* eagle and of seals, coins and – last but not least – the controversial flags. The colours of the Revolution were a democratic leitmotif, which was nowhere more evident than in the *Reichsbanner Schwarz-Rot-Gold* veterans’ federation.

It was formed in 1924 as an alliance of Social Democrats and Liberals as well as Catholics to defend parliamentary democracy against the internal enemies of the Republic. A year earlier, on 18 May 1923, democratic Germany had commemorated the opening of the National Assembly 75 years before. With a ceremony in the Römer, the medieval city hall of Frankfurt, representatives of the state embraced the tradition of 1848/49. The official address in St Paul’s Church was given by the head of state, President Friedrich Ebert.

Page 42:

On 18 May 1923, Friedrich Ebert delivered the commemorative address in St Paul’s Church at the ceremony marking 75<sup>th</sup> anniversary of the opening of the National Assembly.

### **How the Reichstag Library stamp came to be on the document**

And what about the constitution document? In those years it received its conspicuous stamp from the Reichstag Library. In the context of the clash of principles outlined above, even this purely administrative act reveals a political dimension. Since 1870 the Imperial Constitution had accompanied the Members of the Reichstag from one parliamentary venue in Berlin to another: from the premises of the Prussian House of Lords at number 3 Leipziger Strasse to the House of Representatives building at number 75. From the former porcelain works at number 4 Leipziger Strasse, which had been converted into a provisional Reichstag building, it finally came to rest in 1894 in the Reichstag building designed by Paul Wallot on the square now known as the Platz der Republik. For more than 50 years the document remained in the office assigned to the President of the Reichstag.

Why, then, on 28 October 1924, did Reinhold Galle, Secretary-General of the Reichstag, order the transfer of the Constitution to the Reichstag Library? One can only speculate. The surviving handover list shows that a whole range of other printed matter and books were moved to the library along with the Frankfurt Constitution. So it was possibly a simple tidying-up exercise in the President's office. But even that could have had a political background, because for only a few months, from May 1924 to January 1925, there was a break in the tenure of Social Democrat Paul Löbe as President of the Reichstag, his place being taken by Max Wallraf of the right-wing German National People's Party (DNVP). In contrast to Löbe, the new President was known as an ardent admirer of Bismarck and a professed champion of the black, white and red flag. He presumably attached no particular value to the black, red and gold document in his cabinet. The same applied to some extent to the conscientious but somewhat thoughtless librarian, who simply banged a stamp onto the title page of the new acquisition as though he were dealing with a perfectly normal book rather than a unique historic relic. Nevertheless, shortly afterwards the precious object was back in the public limelight, though not in Berlin this time but in Cologne



Konrad Adenauer, Mayor of the City of Cologne, on his way to the opening of the Pressa exhibition



## The Reich Government's exhibition space

### Culture fest on the Rhine: *Pressa* in Cologne, 1928

After the defeat in the Great War, the young Republic sought ways to rehabilitate itself on the international stage and to allay misgivings about Germany among its neighbours. One visible success of this policy of reconciliation under Foreign Minister Gustav Stresemann was that, in 1926, Germany was able to join the League of Nations, which had been founded in 1919. International understanding was also the theme of the International Press Exhibition (*Pressa*), which attracted no fewer than five million visitors to the Rhine Promenade from May to October 1928. A total of 1,500 exhibitors from 43 countries highlighted widely diverse aspects of the history, the present state and the significance of the press and media. The driving force behind this spectacle was the incumbent Mayor of the City of Cologne, Konrad Adenauer, who later became the first Federal Chancellor.

Among the 43 nations which took the opportunity to present themselves to the public in the newly built *Staatenhaus*, the Soviet Union had the most impressive pavilion. It was largely free of paper exhibits, relying instead on giant montages and an avant-garde filmshow installation, all designed by artist El Lissitzky. By comparison, the *Reich* Government's contribution was downright unassuming. In the special exhibition on *Reich* publicity and press, the *Reich* ministries and the authorities directly accountable to the *Reich* Government primarily offered an overview of their printed products. As art historian Roland Jaeger emphasises, the exhibition space conveyed "rather the impression of a dutiful compulsory presentation, more museum-like than media-based". Nevertheless, it is worth taking a closer look, because this is where the constitution document of 1849 was shown to the public at large for the first time.

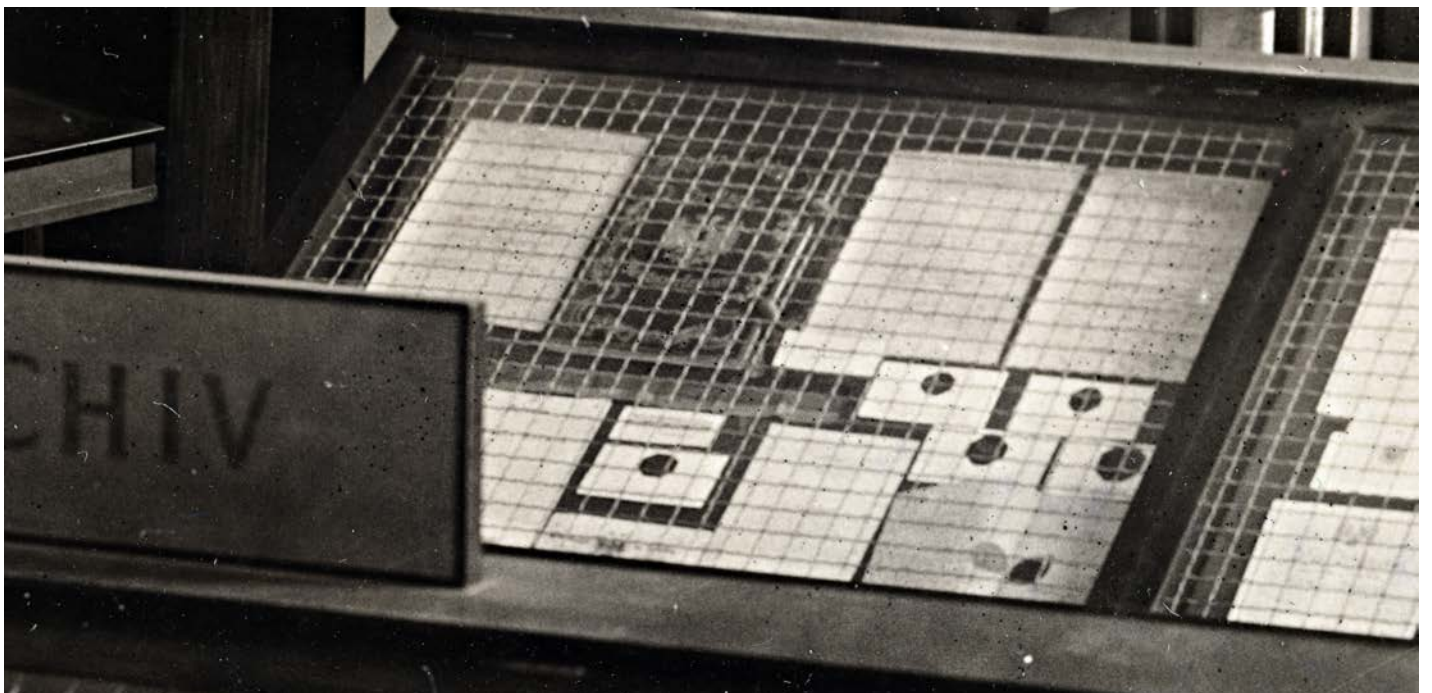
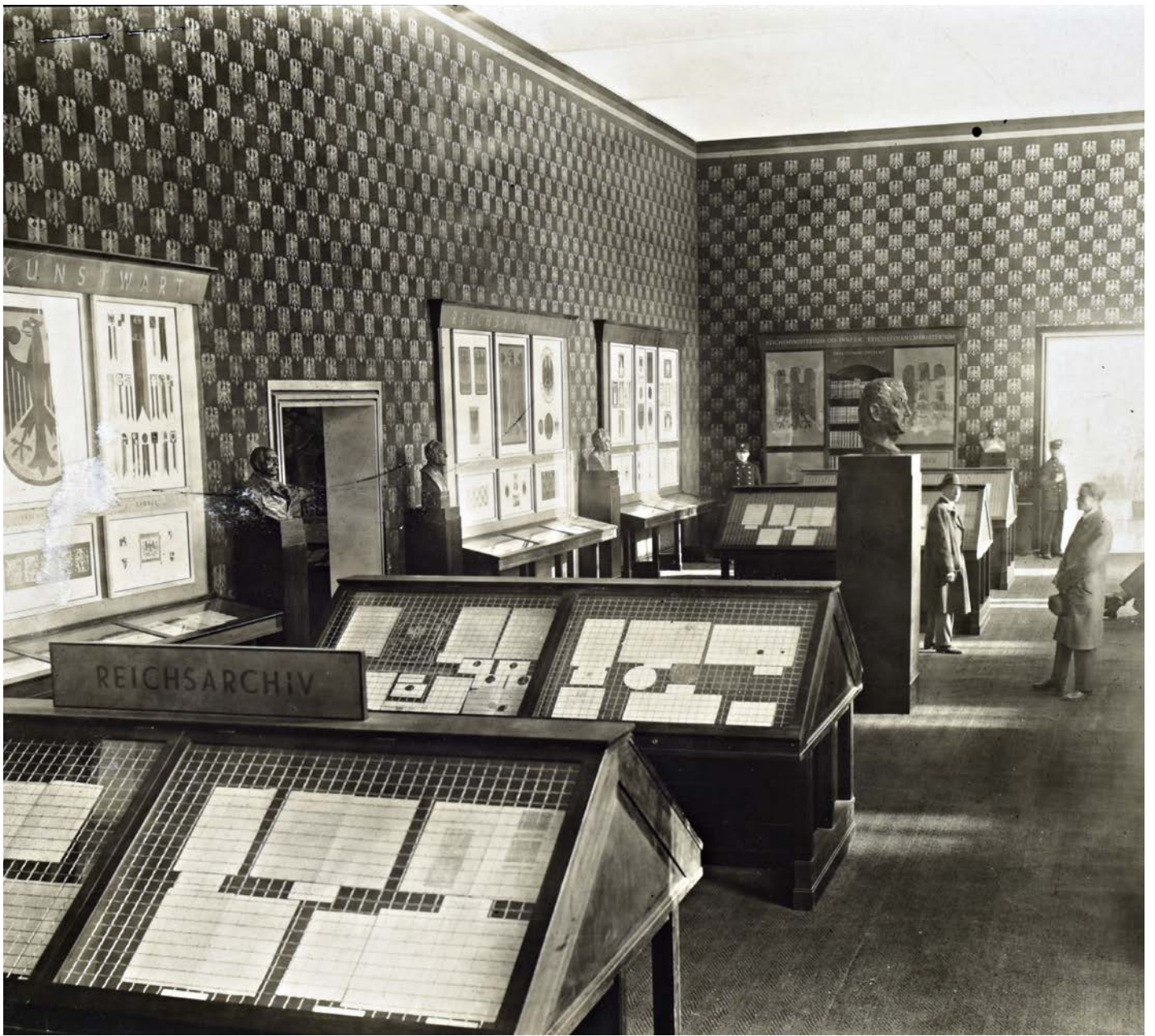
The special exhibition was not accommodated in the *Staatenhaus* but on the second floor of the former cuirassiers' barracks on the bank of the Rhine. The barracks had been converted into a museum building. In the centre of the largest room stood the contribution of the *Reich* archives, which comprised several display cases presenting original documents that traced the development of the German Constitution since 1815. Not only foreign visitors but Germans too were able to see, for the first time, original documents that had been carefully stored in the archives for decades. It is evident from photographs that the magnificent constitutional charter of 1849 played a special role in this layout, even in optical terms, for it stood out strikingly from the other documents.

That historical presentation was framed by busts of well-known figures, each representing a particular period of time: Baron vom Stein for the "wars of liberation" up to 1815, Friedrich Christoph Dahlmann for the National Assembly of 1848/49, alongside Eduard Simson (von Simson from 1888), "who formed the bridge with the years in which the ideal of German unity was realised, when he was President of the German Reichstag". Then came Otto von Bismarck as the founder of the Empire, followed by the leading brain of the National Liberals, Rudolf von Bennigsen, "as the representative of the parliamentary history of the young Empire". Lastly, there was the late President Friedrich Ebert, who had signed the constitution document of 1919. In the middle of the room stood the bust of the current head of state, Paul von Hindenburg, who was also the patron of the *Pressa* exhibition.

The link to the present was also forged by the works and designs for the symbols of the Republic that *Reich* Art Curator Edwin Redslob exhibited in the wall display cases. The room display of exhibits and busts thus sketched out a long historical tradition with which the young Republic associated itself. Even the walls and windows underlined this sense of identity, for the room was far less austere than the black and white photographs make it look.



The exhibition room occupied by the Reich Government was devoted to the theme of Reich publicity and press. Clearly recognisable in the photographs are the busts, the window specially designed by graphic artist Ernst Böhm and the eagles on the walls. The ornate binding of the Imperial Constitution of 1949 is clearly visible in its display case.



The walls were decked in red linen, on which more than 3,000 individually attached gold eagles glinted. Black, red and gold, moreover, was the colour scheme of a window specially designed by graphic artist Ernst Böhm in leaded-glass effect. It showed a *Reich* eagle, surrounded by the words of the preamble to the 1919 Constitution: “The German people, united in all their lines of parentage and inspired by the determination to renew and consolidate their *Reich* in liberty and justice, to promote internal and external peace and to foster social progress, have given themselves this Constitution.”

### Republic or Reich? Reichstag or Reich archives?

A sense of republican identity, parliamentary traditions and a desire for reconciliation: all of these leitmotifs are recognisable in Redlob’s exhibition strategy. But that is not the only way to interpret the layout of this room. The *Reich* Archives, which had loaned out the Frankfurt Constitution for the Reichstag display, pursued a very different aim from the *Reich* Art Curator in their selection of exhibits. Their focus was not on the black, red and gold Republic but on the “idea of the *Reich*”. One of the organisers from the *Reich* Archives, described the desired effect on visitors in the following terms:

*“These are the milestones on the Germans’ thorny path to unity and freedom. From the Vienna Act establishing the Constitution of the German Confederation of 1815, through the constitutional documents of 1848 and 1849, the period of the North German Confederation and the Empire to the Weimar document of 1919 [...], visitors to the exhibition will see the original versions and drafts of the federal and Reich constitutions in their chronological order. [...] The sequence begins with red velvet bindings, gold and silver cases and printed parchment sheets with signatures and seals. [...]*

*The distress of the Reich is eloquently expressed in the unprepossessing constitutional documents of the years 1918 and 1919, their only adornment being the simple but striking signature of the first President of the Reich, Friedrich Ebert. Until the new Reich finally found its external shape too, and the emphatic signature of President von Hindenburg adorns dignified documents.”*

So the paper-heavy and, at first sight, innocuous-looking presentation provided by the *Reich* Archives recounts, through the arrangement of the presented documents, a nationalistically tinged tale of German decline and suffering that does not take a turn for the better until the Field Marshal becomes head of state. Now this narrative not only sat badly with the republican approach of the *Reich* Art Curator but also subtly undermined the ideal of international understanding. What we see here is that exhibits are basically mere objects. The way they are put together is what makes the difference and begins to tell a story. *Pressa* gives some idea of the ways in which exhibits can be differently interpreted within the context of that story and how easily they can be made to serve particular purposes, to convey political messages.

Once the *Pressa* exhibition was over, the Constitution was returned to the Reichstag Library. The exhibition left a lasting impression, for the staff of the *Reich* Archives had now cast their eyes on the unique object which, from an archival perspective, should be in their custody. The staff of the *Reich* Archives, which had only been established in 1919, had learned through the successful Cologne event that they could raise their public profile by means of exhibitions, and so they set about devising a permanent exhibition of their own. Both of these factors led the Potsdam-based archivists to claim custody of the Constitution. And their case was soon strengthened, for in the autumn of 1930 the document suddenly disappeared.

With the aid of the Interior Minister, the constitution document had been obtained on loan from the Reich Archives for the *Pressa* exhibition. Paul Löbe, President of the Reichstag, was reluctant to let the precious item leave the Reichstag building, as is evident from the unusual correspondence concerning the loan. Although Secretary-General Galle had already consented to the loan on behalf of the Reichstag, Löbe wrote personally to the Interior Minister only a few days later to confirm that he was making the original of the Frankfurt Constitution available, adding “on condition that special safety measures are taken for the transport of the precious object”.



**R. M. & Innern**  
- 4 APR. 1928

I 4305/4.4. 10.4.28  
Berlin NW 7, den 4. April 1928.  
Sprechsprecher: Zentrum 9552-9554, 9572-9575, 9592-9599

136

Der Präsident des Reichstags

- I.1205 -

An

den Herrn Reichsminister des Innern

Zu I 4305/15.3. vom 20.3.1928.

hier.

.....

*g/s.*  
*Virtuosenhalle*  
*für Kopie*  
*gegenw.*  
*I 4305/23.3.*  
*GA 4/4*

Für die Urkundensammlung des Reichsarchivs stelle ich zum Zweck der Ausstellung auf der "Pressa" in Köln 1928 gern die im Besitz des Reichstags befindliche Urschrift der Reichsverfassung von 1849 zur Verfügung, unter der Voraussetzung, daß für den Transport des wertvollen Gegenstandes besondere Sicherungsmaßnahmen getroffen werden.

Die Urkunde wird wunschgemäß dem Reichsarchiv in Potsdam unmittelbar zugesandt werden.

*Stk*  
*3. Kgl. 10644*  
*gef. Weg 10/4*  
*gef. 11/4 geb. V.*  
*ab: 1 F.*

*Löh*

Der Reichsminister des Innern:  
I 4305/4.4.

Berlin, den 10. April 1928.

Zu schreiben:

An

das Reichsarchiv  
z.Hd. des Herrn Archivrats Dr. Rogge  
in Potsdam.

Unter Bezug auf meine Mitteilung vom 27.3.28.-I 4305/23.3.- Betr. " Pressa ".

- Unter Abschrift der Vorlage -:  
Abschrift übersende ich erg. zur gef.  
Kenntnis.

I.A.

*GA 5/4*

*GA 5/4*



Interior of the Reichstag Library, c. 1930

# Volks-Zeitung

## Der Diebstahl in der Reichstagsbibliothek



Hier hat der Dieb die alte Verfassungs-  
urkunde herausgeholt

In November 1930, the Berlin press reported extensively on the theft of the constitution document from the Reichstag Library. While the Volks-Zeitung shows its readers the crime scene, Rote Fahne opts for a photo of the first page of signatures.

## Wer hat die 48er Verfassung geklaut?

Die Verfassung  
des Deutschen Reiches

AMT DER VERFASSUNG  
UND DER VERFASSUNGSGESCHICHTE

1. Die Verfassung des Deutschen Reiches ist die Grundlage der staatlichen Organisation und des öffentlichen Lebens des Reiches.

2. Die Verfassung des Deutschen Reiches ist die Grundlage der staatlichen Organisation und des öffentlichen Lebens des Reiches.

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10. Die Verfassung des Deutschen Reiches ist die Grundlage der staatlichen Organisation und des öffentlichen Lebens des Reiches.

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des Deutschen Reiches

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10. Die Verfassung des Deutschen Reiches ist die Grundlage der staatlichen Organisation und des öffentlichen Lebens des Reiches.

Malheur! Malheur! Aus der Bibliothek des Reichstages ist die Urkunde der Verfassung des Deutschen Reiches von 1848 — deren erste und letzte Seite hier wiedergegeben sind — auf bisher ungeklärte Weise verschwunden. Sie befand sich in einem geschlossenen Schrank im Speicher der Reichstagsbibliothek. Demokraten und Sozialdemokraten schreiben, als wenn sie am Spieß steckten. „Nu, wenn schon.“ sagt der Arbeiter, „unsere Verfassung war es nicht! Die Rechte der 48ziger und der Weimarer Verfassung sind den Arbeitern schon längst geklaut, was nützt uns dann noch die Urkunde? Laß ihn glücklich damit werden!“

## Theft in the Reichstag Library

On 25 October 1930, a librarian went to fetch the document, because it was needed for a planned book on the history of the Reichstag. He was quite flabbergasted when he found that the cabinet in which the precious item was stored was empty. The Head Librarian instantly informed the police. A sizeable reward of 1,000 *Reich* marks was offered for information relating to the robbery. The sensational theft of the Imperial Constitution inflamed passions, so much so that *Die Rote Fahne*, the central organ of the German Communist Party, waxed satirical about the reaction of the socialist and liberal newspapers:

*“Oh dear! Oh dear! The document with the Constitution of the German Empire of 1848 [...] has vanished! [...] Democrats and Social Democrats are squealing like stuck pigs. ‘What does it matter?’, says the working man. ‘It was never our constitution anyway! The workers have long since been robbed of the rights of the 48ers and those in the Weimar Reich Constitution; what good is the document to us any more? Let the thief enjoy it!’”*

Even the readers of the London *Times* learned on 3 November 1930 of the theft of the Frankfurt Constitution. Wild theories on the background to the crime were soon sweeping through the Berlin press. One was that the culprit must be an eccentric collector from Switzerland or the United States. At least the unique historic item, as stolen property, would be difficult to sell. When the investigators broadcast an appeal on radio, still in its infancy at that time, some quite different suppositions were mooted to the Berlin police. One witness surmised that his neighbour, who worked in the *Reich* Archives, could have had something to do with it, because he had been acting suspiciously and had set off on a journey in great haste. Another tip-off came from a person who identified himself as “M10”, a former spy. In his “professional” view, a foreign government was most certainly behind the theft.

The police investigations, however, went in another direction and were ultimately successful. On the basis of files in the Berlin *Land* Archives, the case may be reconstructed as follows:

The theft had actually occurred some weeks earlier, on 25 July 1930. Two men had hidden in the Reichstag building and allowed themselves to be locked in overnight, with the aim – as one of the thieves explained later – of obtaining incriminating evidence against the National Socialist Party (NSDAP) for the Communist KPD. The latter, however, vehemently denied that. What is more likely is that the thieves were out for quick and easy booty. In the rooms adjoining the library, they had broken rather randomly into drawers, and most of what they had taken comprised valuables belonging to staff: silver and watches, and even a wedding ring. As for the cabinet in which the constitution document was kept, the thieves did not even need to force it open, because they found the key to it in the next room. Besides, it was not even a safe or anything like that but a perfectly ordinary cabinet. It served the librarians as a kind of “poisons cabinet”, where they kept items which, for conservation reasons or on “moral” grounds, they did not want to display on the publicly accessible shelves of the reading room. Besides the document and photographs of it and a collection of several hundred contemporary images and caricatures from the 1848 Revolution, items such as *Sittengeschichte des Weltkrieges (The Sexual History of the World War)* by sexologist Magnus Hirschfeld were protected there from all-too-inquisitive gazes of library users. The theft had long remained undiscovered, because the cabinet was undamaged and had even been locked again. In the morning hours, the thieves had left the Reichstag building fully laden and unmolested through the north entrance and vanished by way of Lehrte railway station.

The police mounted an international search for the document and the thief. In German and French they notified antiquarians, museums and libraries of the theft of the constitution document.



2967

**Diebstahl eines wertvollen Exemplares der Reichsverfassung von 1849 aus der Bücherei des Deutschen Reichstages.**

**1000 Reichsmark Belohnung.**

In der Zeit vom 24. bis 25. Juli d. J. wurde in der Reichstagsbibliothek eingebrochen und es wurden gestohlen: 1. Die Urkunde der deutschen Reichsverfassung vom 28. März 1849 mit den Originalunterschriften der Abgeordneten. Format etwa 35 zu 23 cm. Einband roter Samt, in der Mitte vorne eingepreßt ein Reichsadler, wahrscheinlich in Gold, innen ein Vorsatzblatt, dann 27 Seiten Text der Verfassung in Antiquadruck, dann 19 Seiten mit eigenhändigen Unterschriften der Abgeordneten. Drucktext und Unterschriften auf weichem Pergament. Randbreite etwa 6 cm. 2. 19 Unterschriften-seiten der vorgenannten Verfassung in photographischer Reproduktion auf einzelnen Blättern. 3. Eine größere Anzahl politischer Darstellungen, meist Karikaturen aus den Jahren 1848/49, verschiedene Formate, lose. 4. Sittengeschichte des Weltkrieges. Herausgegeben von Magnus Hirschfeld. Erschienen in Leipzig und Wien 1930. Illustriert, erster Band 414 Seiten. 5. Bilderlexikon der Erotik. Herausgegeben vom Institute für Sexualforschungen in Wien. Erschienen in Wien und Leipzig im Verlage für Sexualforschung. Band 1 bis 3 Umfang 944, 944 und 916 Seiten. Sämtliche Gegenstände mit Ausnahme von 2 und 3 tragen den Stempel des Reichstages. Vom Gegenstände unter Ziffer 2 ist vermutlich die erste Seite gestempelt. Vom Gegenstand unter Ziffer 3 einige Blätter. Als Täter kommt wahrscheinlich der Maler **Wohlgemut Walter**, geboren am 9. Mai 1892 in Königsberg, zuletzt in Berlin wohnhaft, in Frage. Er hat sich nach Verübung des Diebstahles ins Ausland begeben, wo er versuchen wird, insbesondere das Verfassungswerk an Althändler, Bibliotheken, Museen usw.

2967

(Fortsetzung.)

preiswert zu verkaufen. Er ist 171 cm groß, hat schräge Schultern, ist untersetzt, hat dunkelblondes Haar, ist glattrasiert, hat blaue Augen, trägt ständig Brille. Für die Wiederherbeischaffung ist im Ausschlusse des Rechtsweges eine Belohnung von 1000 RM. ausgesetzt. Verbreitung in der Tages- und Fachpresse, bei Althändlern, Bibliotheken, Museen usw. erwünscht.

Kriminalpolizei in Berlin. 9398 IV K 13 30 (B 8).

**Vol d'un exemplaire précieux de la constitution du Reich de 1849 commis dans la bibliothèque du Reichstag (parlement) allemand.**

**1000 marcs de récompense.**

Du 24 au 25 juillet a. c. on a pénétré par effraction dans la bibliothèque du „Reichstag“ et les objets suivants y furent volés: 1. Le document de la constitution du Reich allemand du 28 mars 1849 avec les signatures originales des députés. Format à peu près 35 sur 23 cm. Reliure velours rouge, au milieu, devant, imprimé l'aigle du Reich, probablement en or, à l'intérieur une feuille de protection, puis 27 pages de texte de la constitution imprimées en romain, puis 19 pages avec les signatures autographes des députés. Texte imprimé et signatures sur parchemin mou. Largeur de la marge environ 6 cm. 2. 19 pages avec signatures de la constitution susmentionnée en reproduction photographique sur feuilles isolées. 3. Un nombre assez important d'images politiques, pour la plupart de caricatures des années 1848/49, divers formats, volantes. 4. Histoire des moeurs de la guerre mondiale. Editée par Magnus Hirschfeld. Parue à Leipzig et à Vienne 1930. Illustrée, premier volume, 414 pages. 5. Lexique illustré des choses de l'amour. Edité par l'institution pour les recherches sexuelles à Vienne. Paru à Vienne et à Leipzig et publié par l'établissement pour recherches sexuelles. Volumes 1 à 3, de 944, 944 et 916 pages. Tous les objets, exceptés ceux indiqués sous 2 et 3, portent le timbre du Reichstag. L'objet mentionné au No. 2 est probablement timbré sur la première page. L'objet dont au No. 3 porte le timbre sur quelques feuilles. Comme auteur du vol entre probablement en considération le peintre **Wohlgemut Walter**, né le 9 mai 1892 à Königsberg, ayant eu son domicile en dernier lieu à Berlin. Après avoir

(Continue.)

commis le vol il s'est rendu à l'étranger, où il essayera de vendre à un prix convenable à des antiquaires, bibliothèques, musées etc. surtout l'ouvrage de la constitution. Il a 171 cm de taille, épaules obliques, est trapu, a cheveux blond foncé, est rasé complètement, a yeux bleus, porte toujours des lunettes. Une récompense de 1000 marcs est promise, à l'exclusion des voies légales, à qui récupérera les objets volés. Prière de communiquer à la presse quotidienne et spéciale, aux antiquaires, bibliothèques, musées etc.

Police criminelle à Berlin. 9398 IV K 13 30 (B 8).



**I. Maler Walter Wohlgemuth ist wegen Einbruchs  
festzunehmen.**

**Siehe Nummer 727 (2).**

### “Reichstag robber” Walter Wohlgemuth

The investigators soon had a prime suspect. The man in question had tried to sell silver from the booty to a pawnbroker. The suspected culprit was an old acquaintance of the Berlin police, namely Walter Wohlgemuth, a 39-year-old artist from Königsberg (now Kaliningrad), who, according to the wanted notice, was 1m71 in height, stocky with light brown hair, clean-shaven and with spectacles. The smartly dressed man shown in the police photo had only recently been released from prison. For a spectacular break-in to the Königsberg Castle gallery, small-scale robberies and handling stolen goods, he had spent several years behind bars. By the time the authorities were on his trail, however, Wohlgemuth had already left the city and was in Switzerland, trying to find a buyer for the constitution document.

In the hunt for the stolen items, officers searched the home of his common-law wife in Charlottenburg and did find some of the booty there. The constitution document, however, had been deposited by Wohlgemuth in the dwelling of a landlady at number 2 Wilhelmstrasse, where Wohlgemuth had pretended that he wished to rent a room. On 28 March 1931, officers impounded the document there. They found it in a suitcase covered in dust and junk and tucked away in an attic. As the supposed new tenant had not reappeared, the landlady had stowed the abandoned suitcase there.

Wanted for burglary at the Reichstag Library:  
artist Walter Wohlgemuth

During the searches, the police impounded more stolen goods. It turned out that Wohlgemuth had not only committed robbery in the Reichstag. He had also purloined two typewriters from *Gegen Einbruch*, a firm that specialised in anti-burglary protection, of all things! That news caused great amusement among Berliners. He had also stolen the identity documents of a church secretary and assumed his identity. Wohlgemuth, moreover, had handed over several books containing erotic images in payment to the tavern that was home to one of the notorious criminal “ring clubs” (*Ringvereine*), because he was unable to settle his account. After his return, the police arrested the petty criminal. He confessed to the deed but never revealed the name of his accomplice. The newspapers reported extensively on the trial before the *Schöffengericht*, a court with an adjudication panel comprising one professional judge and two lay judges, for the district of Berlin-Mitte, which took place on 28 June 1931: “Tale of the constitution document thief. Artist, gold-digger, anarchist and preacher/five times married” ran the headline in the *Hamburger Anzeiger*, which reported with obvious relish what Wohlgemuth had recounted about his chequered life over several hours in an overcrowded courtroom. Some spectators suspected that the defendant was deliberately trying to have himself judged mentally incompetent so as to avoid a sentence. The court finally convicted the “Reichstag robber” of burglary and two counts of aiding and abetting, jailing him for one year and seven months. The public prosecutor had requested a sentence of three years.

## Repercussions

The theft put the constitution document in the public spotlight – along with the history of the document itself. *Die gestohlene Verfassung und ihre Schicksale* (“The stolen constitution and its twists of fortune”) was the heading under which former Reichstag deputy Ludwig Bergsträsser wrote an article recounting the bizarre tale of Friedrich Jucho and the constitution document. As head of the Frankfurt branch of the *Reich* Archives, which held the files from St Paul’s Church, Bergsträsser took the opportunity to further his own cause. He reported that the committee files, petitions to the National Assembly and deputies’ bequests had been lost in some cases and, above all, were dispersed among many archives. Some, moreover, were in private hands. He therefore appealed to readers to contact him with information, adding by way of explanation that “Only systematic work will achieve this goal; if it also resulted in all the parliamentary files being reunited, in the individual items being transferred to Frankfurt, that would certainly be of benefit to research.” As a former Reichstag deputy (for the German Democratic Party (DDP) at that time) and a Social Democrat, in April 1933 Ludwig Bergsträsser became one of the first civil servants to be dismissed from public service by the National Socialist regime as “politically unreliable”. After the Second World War, Bergsträsser was one of the “fathers” of the Basic Law. As a member of the Parliamentary Council, he was committed to ensuring that the Federal Republic also drew on the preparatory work performed by the National Assembly exactly one hundred years earlier.

After the robbery, the archivists increased their pressure on the Reichstag. Prussian senior archivist Heinrich Otto Meisner published an article in the *Deutsche Allgemeine Zeitung* entitled *Odyssee eines Dokuments* (“Odyssey of a document”) and combined his hope for the return of the document with an unmistakable demand: “Let us hope that the oldest symbol of modern German constitutional history remains protected from any new odyssey and is soon back in public hands. Then, however, that it goes to the *Reich* Archives, where it belongs by right and where it can be better protected against theft.” The President of the *Reich* Archives adverted to that article when the constitution document had indeed returned to the Reichstag after the robbery. The document, he said, should now go to Potsdam for safekeeping. The archivists’ offensive, however, was unsuccessful. In a statement, the head of the Reichstag Library, Eugen Fischer, pointed out that the library possessed a “fine collection of literature and flysheets relating to the year 1848, into which the constitution document fits organically”. As a result, Reichstag President Paul Löbe subsequently rejected the archivists’ request. The library did, however, acquire a theft-proof and fireproof cabinet. The precious item thus remained in the hands of Parliament – for the time being.

Far beyond Berlin, newspapers carried reports on the theft of the precious document and the trial of the “Reichstag robber”

**„Einbruch in die Reichstagsbibliothek.**  
Wie die Verfassung von 1849 gestohlen wurde.  
Der eiserne Tresor auf dem Bibliotheks-Speicher.  
Fanatischer Sammler oder Spekulant.“  
(Berliner Allgemeine Zeitung, 2.11.1930)

**„Diebstahl in der Reichstagsbibliothek.**  
Wer interessierte sich für die 1848er-Verfassung?“  
(Berlin am Morgen, 3.11.1930)

## **„Die Irrfahrt der Urkunde“** (Der Tag 31.3.1931)

**„Ein Dieb beseitigt die Verfassung.**  
Aber nur die von 1849.“  
(Neue Zeit, 2.11.1930)

**„Wohlgemuth stiehlt die Verfassung**  
Kunst- und Religionsmaler klaut im Reichstag“  
(Die Welt am Abend, 28.7.1931)

**„Reichstags-Einbruch aufgeklärt**  
Ein Maler verhaftet“  
(Vossische Zeitung, 30.3.1931)

**„Der Diebstahl der Verfassungsurkunde vor Gericht**  
Wieder einer, der durch die ‚bösen Kommunisten‘ verführt sein will  
(Rote Fahne, 29.7.1931)

**„Der Reichstagsdieb**  
Und wie man ihn nach monatelanger Suche endlich erwischte.“  
(8 Uhr Abendblatt, 30.3.1931)

**„A German Constitution Stolen.**  
Robbery in Berlin“  
(Times, 3.11.1930)

**„Der Einbruch in die Reichstagsbibliothek**  
Außer der Verfassungsurkunde noch andere Dokumente gestohlen“  
(Vorwärts, 2.11.1930)

**„Ein Einbrecher der Bibelunterricht erteilt.**  
Überraschende Aufklärung des Einbruchs in das Reichstagsgebäude“  
(Berliner Börsen-Zeitung, 29.8.1930)

**„Der Einbruch in den Reichstag**  
Gefängnisstrafe für den Täter“  
(Vossische Zeitung, 28.7.1931)

**„Die wiedergefundene Verfassung**  
Der Reichstagsdieb verhaftet“  
(Welt am Abend, 30.3.1931)

**„Die Verfassungsurkunde im Koffer.**  
Aus dem Verhör des Dokumentendiebes.“  
(Vorwärts, 31.3.1931)

**„Die Verfassungsurkunde als Mietpfand.**  
Wer ist der geheimnisvolle Max?“  
(Neue Zeit, 31.3.1931)

**„Dem Dieb der Verfassungsurkunde auf der Spur“**  
(Hallische Nachrichten, 5.11.1930)

**„Roman um den Dieb der Verfassungsurkunde.**  
Kunstmaler, Goldgräber, Anarchist und Prediger/ Fünfmal Bräutigam“  
(Hamburger Anzeiger, 29.7.1931)

*Quittung*  
K1-BE.

*Freunde Bücher erhalten*

*130*

*Berlin 10. 5. 31*

*D. Fischer  
Direktor der Reichsbibliothek*

1. Verfassung des Deutschen Reiches von 1849, Original in Pergament, Sant mit photographischen Reproduktionen und einem Stück dunkelblauen Sant,
2. eine grössere Anzahl von Karikaturen aus den Jahre 1848 in zwei Mappen, lose,
3. P a j o l , Atlas de Guerres 1836
4. R o s s i , Plante iconographique , Roma 1879,
5. Das Deutsche Buchgewerbehaus und der Deutsche Buchgewerbeverein, ohne Verfasser und Jahr.
6. "Die Laterne;" Herausgeber F. Goetschalck, 1879 Nr.13-26 ein Band,
7. Hans L i c h t , "Sittengeschichte Griechenlands", 2 Bände, ein Ergänzungsband,
8. Johann Christian L ü n i g , "Selecta Scripta Illustrata", Leipzig 1723,
9. Mallius Maleficarum , Strassburg 1493, ,
10. Bilderlexicon der Erotik, Band I,

*J. J. J. J.*

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On 30 March 1931, the police returned the seized stolen items to Chief Librarian Eugen Fischer. Besides the original 1849 document, the returned works included books dating from the 15<sup>th</sup> century and an “illustrated dictionary of the erotic”.

A new request, from the Minister of the Interior this time, had greater prospects of success, coming as it did after the Reichstag fire of 27 February 1933. This was not because the document had been exposed to particular danger during the fire, which had not spread to the library. Besides, ever since the start of the year the document had been on display as an exhibit in the permanent exhibition of the *Reich* Archives, located on the Brauhausberg in Potsdam. But since 1932 Paul Löbe, who had repeatedly demonstrated his affinity with the document, had no longer been President of the Reichstag. Now the post was held by National Socialist Hermann Göring. Head librarian Fischer, who was asked for another statement and now made a different recommendation from the one he had just recently delivered, implicitly referred to the personal connection:

*“I admit, however, that the document, from a purely formal perspective, is indeed out of place in the Reichstag Library and that the wish of the Reich Archives [...] is well founded. To be honest, I resisted the release of the document on the last occasion because I wanted to keep the precious object for the Reichstag. The President of the Reichstag shared that wish at the time. In response to the new request from the Reich Archives, which shows that paramount value is attached to the document there, I recommend that it now be transferred to the Reich Archives.”*

On 20 May 1933, Göring also declared his consent to the handover of the Constitution. In spite of that handover “for safekeeping”, however, the Reichstag did retain ownership of the document.

## The lost Constitution: *Deutsches Volk – Deutsche Arbeit* in Berlin in 1934 and loss of the document during World War II





Conceived as an entrance area to a “showcase for the achievements of German labour”, the “Hall of Fame” (Ehrenhalle) designed by Bauhaus architect Sergius Riegenberg led visitors through sections labelled Das Reich der Deutschen (“The Realm/Empire of the Germans”) and Das Deutsche Volk (“The German People”). The central stained-glass window by César Klein showed a stylised Reich eagle.



## The propaganda exhibition *Deutsches Volk – Deutsche Arbeit*

Even though Hermann Göring clearly set less store than the Social Democrat Paul Löbe by the cultivation of the St Paul's Church tradition in the Reichstag, the National Socialists also hijacked the legacy of 1848/49. This was demonstrated by the exhibition entitled *Deutsches Volk – Deutsche Arbeit* ("German People – German Labour") with which the regime put itself in the limelight with great pomp and splendour in April 1934. Held in the large exhibition halls on Kaiserdamm in Berlin, the event was one of the first large-scale propaganda exhibitions mounted by the regime. One year after the NSDAP had come to power, its purpose was to consolidate National Socialist rule. Accordingly, the Ministry of Propaganda defined the aim of the exhibition as "to support, by appealing and admonishing, the nascent rise of Germany. It will promote the protection and recognition of German labour, which seeks to present itself through top achievements and material output. Awareness of the mutual determination of people and race, of state and people, is to be given particular emphasis through the exhibition. It will also focus on care of the genetic health of the nation". The entrance area to a "showcase for the achievements of German labour" was a huge "Hall of Fame" (*Ehrenhalle*) divided into sections labelled *Das Deutsche Volk* ("The German People") and *Das Reich der Deutschen* ("The Realm/Empire of the Germans"). Here the exhibition organisers presented a National Socialist version of German history, which was inextricably bound to the eugenic and racist "blood and soil" ideology of the NSDAP.

The Imperial Constitution was shown in the area devoted to the 1813 "Wars of Liberation" and presented as a milestone for the national movement. The photograph below shows the Minister of Finance of the time, Lutz Graf Schwerin von Krosigk (DNVP), being shown round by exhibition organisers Albert Wischek and Bruno Gebhard.

At that time, there were still contributions from numerous artists from the modernist Bauhaus school who were not convinced National Socialists. For example, architect Sergius Ruegenberg designed the Hall of Fame, the centre point of which was a stained-glass window by César Klein. Herbert Bayer designed the catalogue and the posters, while many more, such as Walter Gropius and Mies van der Rohe, worked on other sections. Optically, the presentation was even clearly modelled on the approach adopted by avant-gardist El Lissitzky. Indeed, links with the *Pressa* exhibition in Cologne were certainly recognisable in several places. President von Hindenburg was the patron once more, and the responsible desk officer in the Ministry of Propaganda, Wilhelm Ziegler, had been on the team preparing the contribution of the *Reich* Government in 1928.

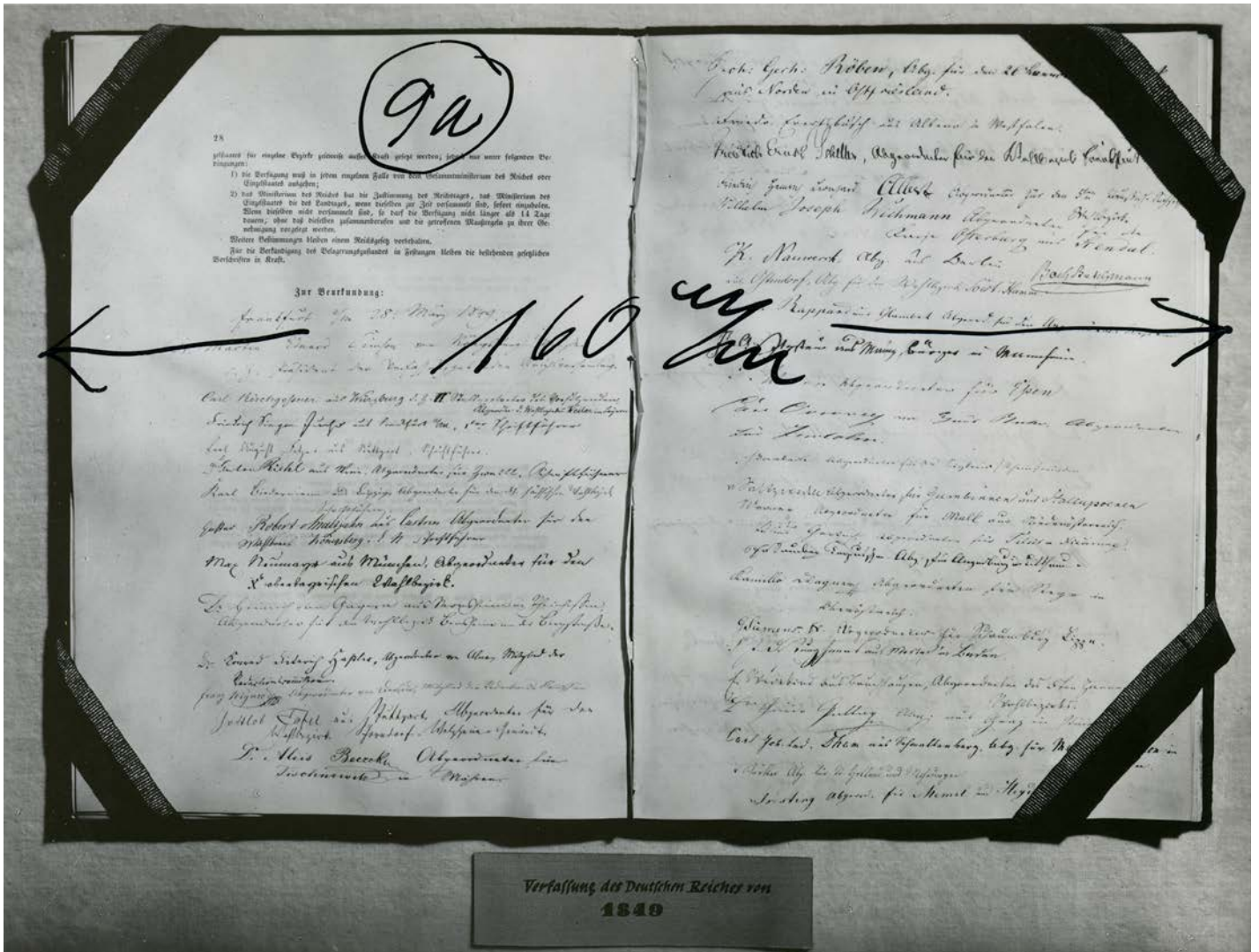
In terms of content, the "*Reich* idea" now entirely took centre stage, this time in the form of a historical narrative covering a long period of time from the defeat of Varus in the Battle of the Teutoburg Forest in 9 AD through the medieval Holy Roman Empire and the Hanseatic League, Martin Luther, Frederick the Great and Bismarck to the "Third *Reich*". From this historical presentation visitors moved directly into the section devoted to "German bloodlines and cultural heritage". As the head of the research department of the exhibition, Bruno Gebhard, explained in the exhibition guidebook, the study of history should not be an "end in itself". "From the diverse events of past ages in our national history," he wrote, "emphasis has been placed on what may have a significant influence on the future development of current events and present generations." Later, in his autobiography, Gebhard, who was actually close to the SPD in his political views and emigrated to the United States in 1937, disclosed a quite different criterion on which the countless exhibited objects had been selected: "For the first time, that exhibition provided an opportunity to show hundreds of thousands of records and formal documents. Everything marked with an asterisk in Baedeker could be seen in the original, in authentic reproductions or in large photographs".

## The presentation of the Imperial Constitution of 1849 in the propaganda exhibition

At first sight, it is not apparent from the exhibition guide-book how the German Revolution fits into the National Socialist view of history. In the accompanying brochure, Gebhard merely explained that “The German customs union (*Zollverein*) was the first step towards a new unity of the *Reich*. A special document in this respect is the Constitution of the German Empire of 1849 (*Reich Archives*). Only by foregoing Austria could the Second *Reich* be established.”

In terms of spatial design, it is instantly noticeable that the display case with the Constitution is free-standing, whereas even the most priceless exhibits, such as the Golden Bull of 1356, are presented in wall cabinets. To a great extent, the constitution document probably owed its place in the exhibition to its particular visitor appeal. Another possible reason is the fact that the Secretary-General of the Reichstag had made the loan contingent on special security arrangements. Surprisingly, the Imperial Constitution was shown in the thematic context of the Wars of Liberation. That is illustrated by the sign on the wall, which read *1813 – Das Volk steht auf* (“1813 – The people rise up”), words borrowed from a poem by Theodor Körner. The painting by Arthur Kampf that hung in the background shows the “consecration of the volunteers” and depicts the marksmen of the Lützow Free Corps in 1813. The constitution document shared its display case with artefacts from that period, such as an Iron Cross decoration. The intention was clearly to present the Constitution as a milestone for the national unification movement in the first half of the 19<sup>th</sup> century, while leitmotif-wise the main emphasis was on the concept of the *Reich*. This is borne out by the information board on the “Second *Reich*” that followed the display case and made the transition to the Wilhelmine Empire. “In the Wars of Liberation”, it read, “there was a growing yearning for the unity of all Germans. The *Grossdeutschland* ideal foundered on the internal strife between Prussia and Austria. Bismarck succeeded in restoring the unity of Germany by renouncing the inclusion of Austria.”

The exhibition, then, did not portray the Constitution as a democratic or parliamentary model. It remained embedded in the *Reich* narrative and served as a symbol of the nationalist and particularly the *Grossdeutschland* tradition. In a similar way, in 1938 Hitler presented the annexation of Austria to the German *Reich*, the *Anschluss*, as the culmination of the Revolution of 1848/49. Objects, however, always retain their “inherent meaning”. Exhibitions may link them together into a specific narrative but cannot entirely exclude other interpretations. The same applied to the *Deutsches Volk – Deutsche Arbeit* exhibition in which the Weimar Republic, pilloried as the *Systemzeit* (“time of the System”), as Gebhard later recalled, “[had to be] passed over in silence”. Anyone taking a close look at the 1849 Constitution would not only notice the black, red and gold of the decorative ribbons, a colour combination that was banned from the rest of the exhibition, but could also read the signatures of the parliamentarians. At the top of the list was the name Eduard Simson, which the regime had purged entirely from the public memory because of his Jewish background. A contemporary photograph shows the Finance Minister of the time, Lutz Graf Schwerin von Krosigk of the German National People’s Party (DNVP), examining the constitution document. Was he aware of these contradictions? We do not know, but it would at least have been possible.



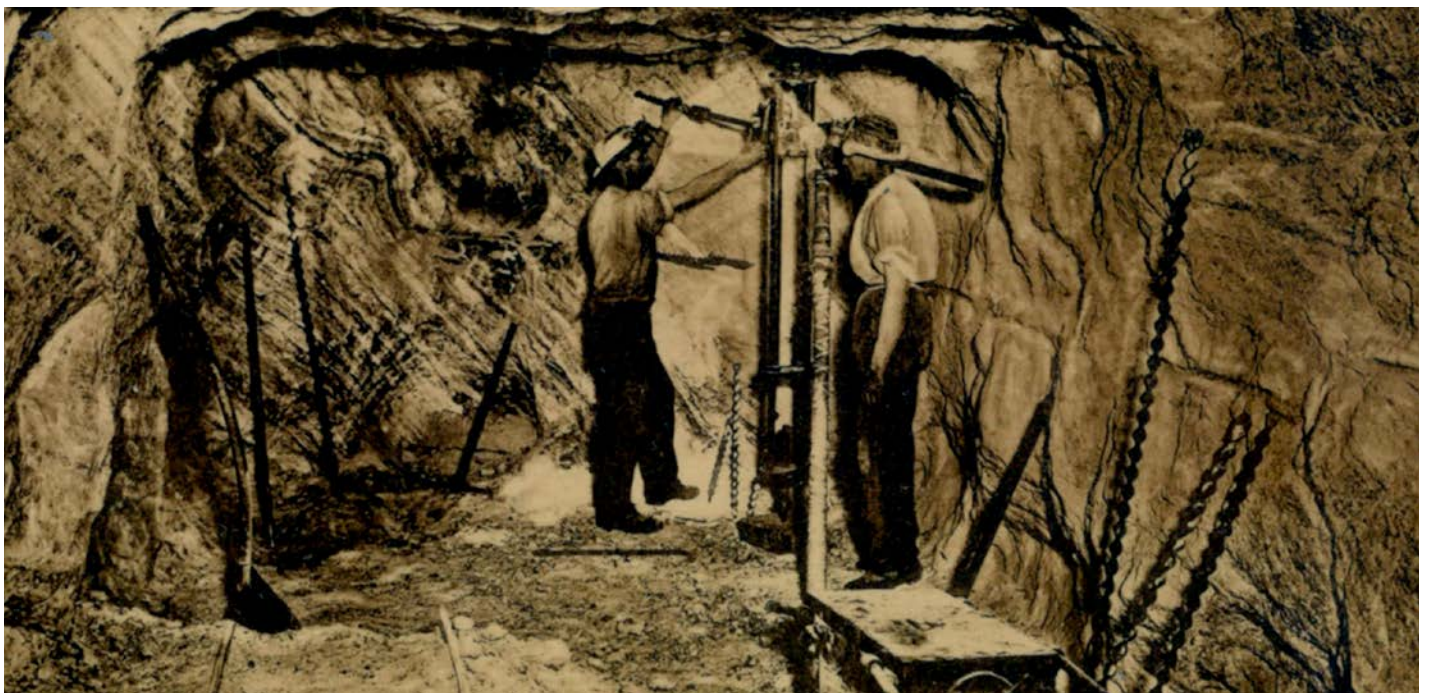
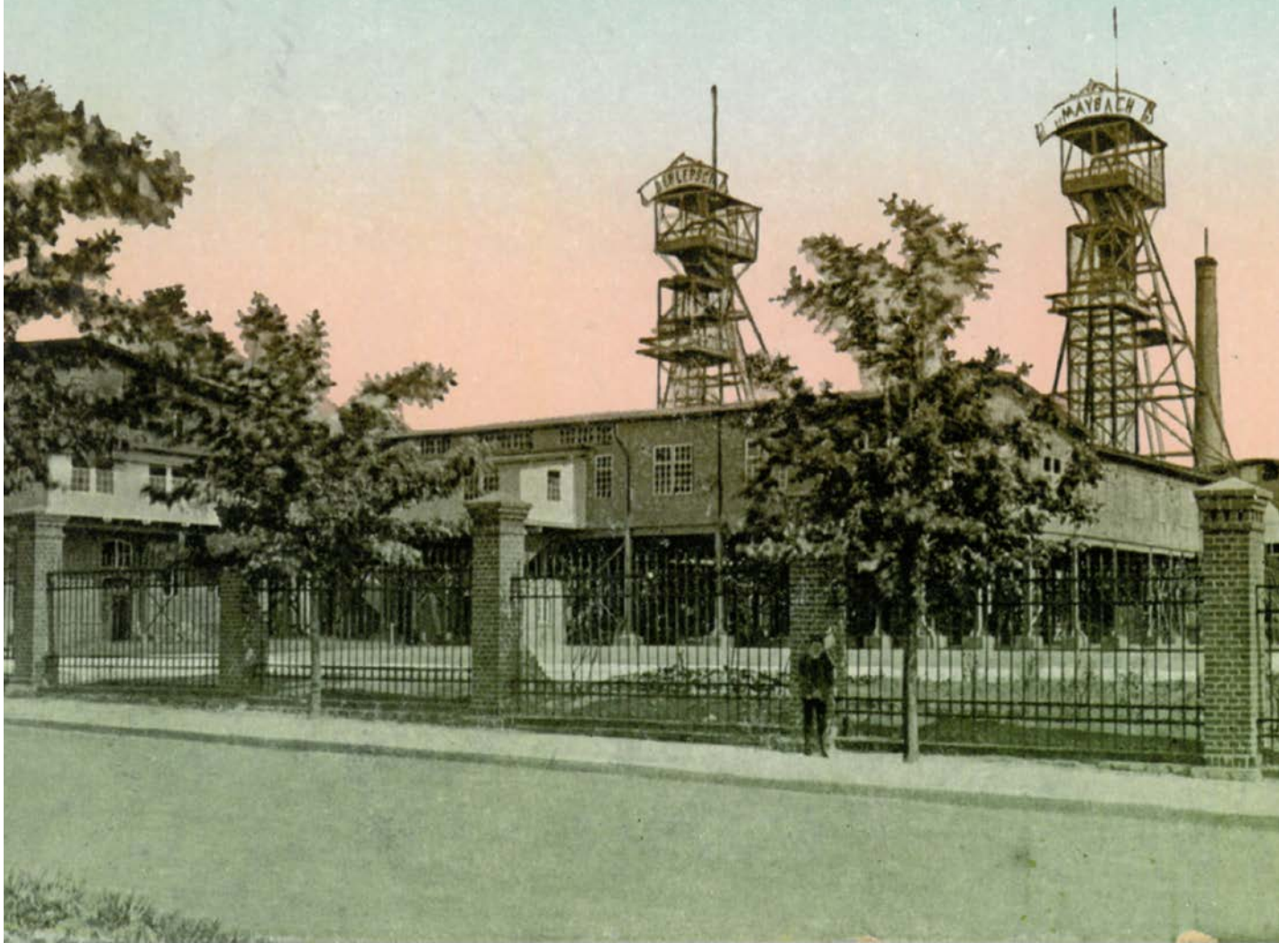
The presentation of the constitution document set its own tone – no doubt unintentionally: the ribbons are black, red and gold, a colour combination that was actually supposed to be banned from the exhibition. The signature of Eduard Simson, President of the National Assembly, is also clearly recognisable. On this photograph the exhibition organisers have indicated the section of the exhibition (9a) and the envisaged breadth of the display case.

Staßfurt.

Königl. preuss. Salzbergwerk

v. Berlepsch

v. Maybach



## On the Brauhausberg in Potsdam and safekeeping in Stassfurt

After the end of the propaganda exhibition the Imperial Constitution returned to Potsdam – and into the permanent exhibition of the *Reich* Archives. The “safeguarding” cited by the President of the *Reich* Archives to justify the transfer from the Reichstag Library was evidently not his only consideration. The particular visitor appeal of the document also played a part, otherwise the exhibit would surely have gone to Frankfurt to join the rest of the archives relating to the National Assembly of 1848/49. Ludwig Bergsträsser’s wish, in fact, was never fulfilled.

The subsequent fate of the document was determined by the World War, towards the end of which the destruction that had emanated from Germany was now visited on German cities. When the Allied forces stepped up their bombing raids in 1943, the archives in Berlin and Potsdam were no longer considered safe. From August, the *Reich* Archives and the Prussian Secret Archives began to evacuate their holdings. Disused potash and salt mines were particularly suitable for this purpose because of the dry atmosphere inside them. They were also deep underground and far from cities and large towns. For the period until June 1945, we know pretty well exactly what happened to the Frankfurt Constitution. On 6 January 1944, it was transported as part of the law collection from Potsdam to Stassfurt in Saxony-Anhalt and deposited in the Berlepsch shaft of the potash mine. In the fifth gallery, located 335 metres underground, in section 1, row 4, it was stored inside a sizeable wooden crate marked *Reichsarchiv G.S.* as part of collection G.S. I, Archive II, No 564. Besides the “Constitution document of 1849”, the crate also contained other items which had little in common in terms of content: two official documents certifying the laying of the foundation stones for the Reichstag building in Berlin and the Imperial Court of Justice building in Leipzig, one document from the Imperial Ministry of Justice and a copy of the Weimar Constitution printed on parchment for its tenth anniversary in 1929. These may have been hurriedly packed exhibits from the permanent exhibition.

The holdings of the Reich Archives were evacuated during World War II to the Berlepsch shaft of the mine in Stassfurt, Saxony-Anhalt, where they were stored underground at a depth of some 335 metres.

Here it was, in the darkness deep below the earth, that the document spent the last year of the war. What happened to it in the months immediately after the war is revealed by a US Army report.

On 8 May 1945, the High Command of the Wehrmacht surrendered, and so ended the Second World War in Europe. A few days later, American and British troops came across the evacuated files in the mines and reported their find to their superior authorities. Members of the Monuments, Fine Arts and Archives Section (MFA&A), a special unit of the Western allied armies, thereupon inspected the mine on 23 May. The sphere of responsibility of this unit, whose members had become known as the “Monuments Men”, covered not only the impounding of precious cultural assets; they also took care of the holdings of libraries and archives, partly because these could contain militarily valuable information. Many places and storage sites examined by the experts in those days had already been looted by locals or troops. That, however, was definitely not the case for the Berlepsch shaft of the Stassfurt mine. At least the report drawn up by US philologist Major Mason Hammond and British archive specialist Major Michael Ross noted that “No looting has taken place”. They recommended that the security arrangements be maintained, as the hundreds of crates could not be transported away very quickly. At that point in time, then, the constitution document was most likely still lying unscathed in Stassfurt.





	1047	KA V	885 1884	KA III	693   692	KA II	246   245	KA I	1	370	197						
1	1048	KA IV	1088	1088	KA V	1267   1268	KA VI	1404   1405	KA VII	1750	1920	1921	KA VIII	2014	371	725	
2	86	Gen. III	1229	1272	1114	1031	578	864	1	371	I 2	I 4	100	81	109 - 117 - 131 - 1	1	
	87	192	1500/2	1354	1315	1278	1271	1113	863	865	702	409	I 3	I 4	10	11	
3	Zoll III	1522	1528	1026	873	1	50	101	201	301	401	400	D Hauptk.			Maffinno Prisala	
4	2858	Midy. Poligen III	2586	25	1	9. r.	1801	1900	2100	2001	2294	2201					
	2296		2585	26	53	609	512	1701	1800	1901	2001	2101	2200				
5	132	Maffinno IV	559	Confidate IV	256	VIII a					1500	1451	1600	1551	1699	1651	
	133		255	560	866						1401	1450	1501	1550	1601	1650	
6	185	Confidate XII	1	106	XI					1	D Hauptk. Aufsicht			C			
	186		370	107						204							

Raffine Box 5.

Storage plan for the Reich Archives' holdings in the fifth gallery of the Berlepsch mine – the constitution document was located in the “law collection” (G.S.).

Left:

Does this list possibly provide a clue as to what exactly happened to the constitution document in the immediate post-war years? The whereabouts of the other listed items have never been ascertained.



### Whereabouts unknown

Under an agreement reached among the victorious powers, the Western Allies soon evacuated the area, and with effect from 1 July 1945 the Soviet Armed Forces seized the remaining material. What happened next to the document we do not exactly know. Whatever its intervening fate, it did not re-emerge until 1951, when it was found in Potsdam. In 1950, a West German historian reported on the whereabouts of the Stassfurt files, stating that the holding of the *Reich* Archives had been “brought by the Soviet Russians, together with other files located there, into the open air, where it was exposed for quite a long time to the rigours of wind and weather. Whereabouts unknown.” The deposited files were indeed transported from Stassfurt in July 1945 and stacked in industrial sheds and warehouses, where specialists from the Soviet Academy of Sciences examined them. A few records disappeared at this stage. For example, an interpreter seized the opportunity to steal valuable items, particularly from the Prussian holdings; these were then sold on to collectors by a friend of his who was an autograph dealer and bookseller. Both men were convicted, and a total of some one hundred kilograms of archive material were seized. Some of the Stassfurt files were taken to the Soviet Union, and the remainder were handed over to the state of Saxony-Anhalt at the end of 1948 and taken to Merseburg for storage. From March to July 1950, the holdings from the potash shafts were then transferred from Merseburg to Potsdam, where the German Central Archives, later to become the Central State Archive of the German Democratic Republic, had been established on 8 May 1946, just a year after the end of the war. The Central Archives were based in the Neuer Marstall (New Royal Stables), not far from the New Palace in Sanssouci Park. The holdings brought from Merseburg remained temporarily housed in the East Hall of the Orangery. Once again, no one spotted that the constitution document of 1849 was missing. Did it vanish in Stassfurt, in Merseburg or not until the complex operation of transporting the archives to Potsdam? Its disappearance can probably never be reconstructed.

The rediscovered Constitution: from a rubble heap in Potsdam to the Museum for German History

## From a rubble heap to the Museum for German History

The tale of how the document was rediscovered sounds downright fantastic. Klaus Trieglaff, a 17-year-old schoolboy, discovered it in 1951 on a heap of rubble in the New Garden in Potsdam. As the finder recounted 50 years later in the *Märkische Allgemeine*, he had gone swimming with a few friends in the Jungfernsee. From the Bertini landing stage they swam in the direction of the New Garden. When one of the youths began to falter, the others pulled him for about 50 metres and brought him ashore beside the Old Dairy. That was where Trieglaff spotted a conspicuous object in a pile of building rubble. It was the Imperial Constitution of 1849! By this time the magnificent binding was already very much the worse for wear, but it was still there. At least the finder explicitly mentioned that the parchment had been left in tatters by the elements and that the “leather binding with black, red and gold ribbons had suffered too”. The source of the building rubble might have been the nearby Marmorpalais, or Marble Palace, which was being reconstructed at that time. Until the early 1950s, the entire grounds were used by Soviet troops as an amusement park. Whether one of the soldiers had something to do with it remains pure speculation.

Trieglaff took the document home to Nauener Vorstadt, a suburb of Potsdam, and kept it in his room for two whole years. On the advice of his old history teacher, he took the Constitution to East Berlin in 1953, to the newly created Museum for German History. The staff of the Acquisitions Department evidently did not immediately recognise the historic significance of the document, for Trieglaff had to travel several times from Potsdam to Berlin before he finally received a reward of 25 marks and a certificate of appreciation. In the view of media theorist Wolfgang Ernst, the mysterious journey taken by the document from Stassfurt to Potsdam epitomises the post-war turmoil: “Thus,” he writes, “the archive record embodies the German destination [!], particularly in the discontinuity of 1945.”

The Museum for German History (*Museum für Deutsche Geschichte*) was founded in 1952 by the Central Committee of the Socialist Unity Party (SED) and developed into the central historical museum of the German Democratic Republic. In the renovated Armoury Building on Unter den Linden, it presented an official party version of German history for almost four decades with a view to the “enlightenment and political education of the broadest masses”. The presentation of the exhibits was determined by Marxist-Leninist materialism; in other words, history there was one of class struggles and progressed through various stages in an inexorable historical process. What was conveyed was an ideology of history whereby society had moved from a primeval community through slavery, feudalism and capitalism to socialism and communism. Whatever did not fit into that model was either cut out or branded “reactionary”. Although the displays presented history through a narrow ideological lens and hijacked it for political purposes, the museum won widespread plaudits from Eastern and Western visitors alike, and the design and presentation even met with a favourable reception in the academic press in Western Europe. British museum expert Kenneth Hudson included it in his list of the world’s most innovative museums, calling it “professionally, and irrespective of its politics, an excellent museum”. In the intra-German feud waged by the Federal Republic and the GDR, within the inter-system conflict of the Cold War, over the historical succession, many in the West cast almost envious glances at the success of the Museum for German History in East Berlin. The initial West German response was the permanent exhibition *Fragen an die deutsche Geschichte* (Questions on German History), which generations of school classes visited in the Reichstag building from the 1970s and which was followed later, under the Government of Helmut Kohl, by the establishment of the *Deutsches Historisches Museum*.

Page 72:

The files from the Stassfurt mines were initially taken to Merseburg. From there they were transported to Potsdam from May to June 1950. The files were temporarily housed in the East Hall of the Orangery in the grounds of Sanssouci Palace.

# 20 Mark Fahrgeld für die Reichsverfassung

Der Potsdamer Klaus Trieglaff fand das Dokument 1951 tatsächlich im Neuen Garten

**NEUER GARTEN** ■ Es war ein Schutthaufen, kein Gebüsch. Doch sonst stimmt, was selbst Potsdams lebendes Geschichtsllexikon Hartmut Knitter für eine Legende hielt: Der damals 17-jährige Klaus Trieglaff war 1951 mit ein paar Freunden im Jungfernsee baden. Von einem Steg in der Bertinistraße schwammen sie in Richtung Neuer Garten. Plötzlich machte einer schlapp. Die Kumpels bugsierten ihn ans Ufer, rund 50 Meter von der Alten Meierei entfernt. Dort, in einem Haufen Bauschutt, sah er sie: die Urkunde der Paulskirchenverfassung von 1849.

Heute ist Trieglaff 72 Jahre alt und wohnt noch immer in der Nauener Vorstadt. Der Artikel in der MAZ vom Sonnabend ließ ihn zum Telefon greifen – und seine Geschichte

erzählen. Hätte sein Freund nicht geschwächelt, wer weiß, was aus dem wertvollen Dokument geworden wäre. Denn eigentlich wollten die Jungs dort nicht an Land gehen. Im Neuen Garten vergnügte sich damals bekanntlich die Sowjetarmee.

Als geschichtlich interessierter Bursche habe er gleich erkannt, was das für ein Schatz war, sagt Trieglaff. Wenn auch ein lädierter: das Papier schon zerfleddert von der Witterung, der Ledereinband mit schwarz-rot-goldenem Bändchen in Mitleidenschaft gezogen. Man habe ge-

munkelt, der Schutt stamme von einer Wand im Marmorpalais, die für eine Tagung sowjetischer Marineoffiziere entfernt worden sei. Zwei Jahre

bewahrte er die Urkunde zu Hause auf. „So ein Dokument hatte ja nicht jeder“, schmunzelt der gelernte Autoschlosser. Doch auf Rat eines Lehrers brachte er die Reichsverfassung schließlich doch nach Berlin, ins Museum für Deutsche Geschichte. „Dort schien man aber keinen großen Wert darauf zu legen“. 20 Mark Fahrgeld gab es immerhin. Und eine Dankesurkunde.

Von dem Dokument hörte Trieglaff erst wieder nach der Wende. Ein Geschichtsstudent wollte seine Doktorarbeit darüber schreiben, wandte sich an den Finder und verewigte ihn in seiner Dissertation. Zur Eröffnung der Schau im Deutschen Historischen Museum, wo die Urkunde jetzt zu sehen ist, war Trieglaff nicht eingeladen. *pee*



„Hier drüben lag die Verfassungsurkunde“, erinnert sich ihr Finder Klaus Trieglaff.

Klaus Trieglaff, pictured in 2006 by the spot in the New Garden where he had found the document on a heap of rubble in 1951

### 1848/49 in the permanent exhibition

In 1962, as the first part of the new permanent exhibition in the Museum for German History, a section entitled *Deutschland 1789-1871* was opened. The exhibition organisers devoted a remarkable amount of space to the Revolution of 1848/49. In the foreground were the labour movement and above all Karl Marx and Friedrich Engels as agents and interpreters of the Revolution. Visitors learned in great detail about their activity in the Communist League, about the influence of the *Neue Rheinische Zeitung* and about Engels' involvement in the 1849 campaign for the Imperial Constitution. The installation of huge billboards showing quotations from the "greatest sons of the German people" set the tone. The exhibition presented the revolutionary years as a class struggle waged primarily by the working class and the lower middle classes against the forces of the "counter-revolution". In this narrative, the predominantly liberal National Assembly, not surprisingly, came off badly and played only a marginal role in terms of both content and spatial allocation. An explanatory text affixed to the wall delivered a harsh verdict: "The National Assembly did not accomplish its task. Its liberal majority paralysed its ability to act and prevented revolutionary measures".

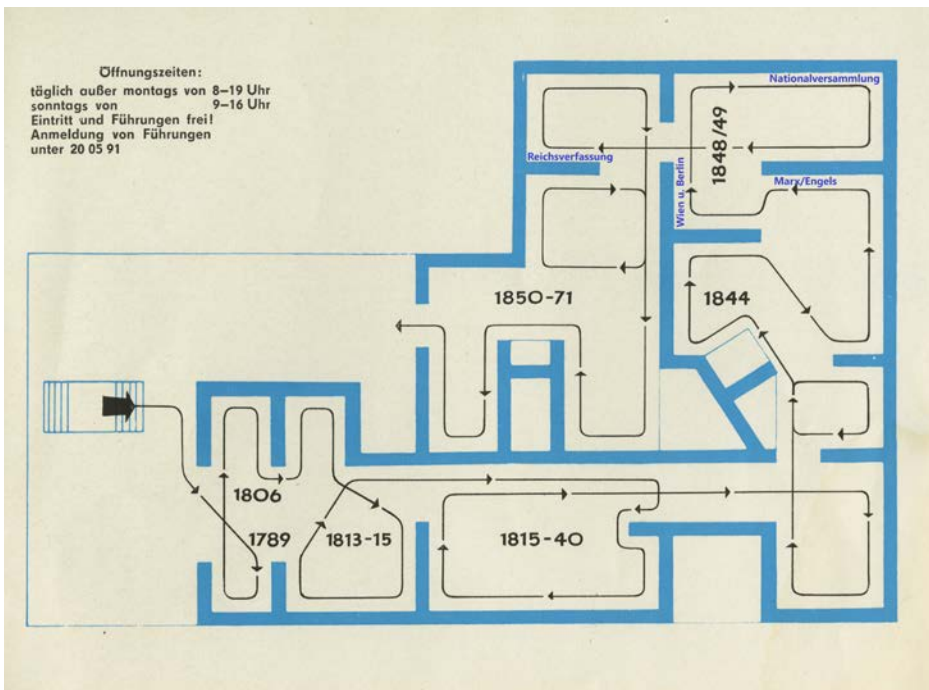
An entire room, on the other hand, was devoted to the campaign for the Imperial Constitution. Its displays contained documents and objects from the uprisings in Dresden, in the Prussian Rhineland, in the Bavarian Palatinate and in Baden: exhortations, lithographs, uniforms and weapons. The focus was very much on the armed struggles, as emphasised by the massive howitzer positioned in the centre of the room. Several paintings highlighted the importance of the insurgents to the present socialist era. These did not date from the revolutionary period but were the work of contemporary GDR artists. How did the constitution document fit into this picture? Sadly, none of the extant photographs of the exhibition room depict the display case in which the Constitution was on show. However, the exhibition plans – the "stage directions", as it were – do provide some clues. The exhibition guide seems to indicate that the museum staff in 1962 had little awareness of the historic importance of the document, because the "special exhibits" that were listed for each section did not include the document but did comprise items such as a voting slip from the Frankfurt National Assembly.



In the renovated Armoury Building on Unter den Linden, the Museum for German History presented an official Socialist Unity Party version of German history for almost four decades.

The exhibition organisers presented the Imperial Constitution – lying open – in the first display case, together with a map showing which states had adopted and which had rejected the Constitution. There was also a depiction of the *Kaiserdeputation* that offered the imperial crown to the Prussian King and a cartoon of his rejecting the offer. The wall text gave the following explanation about the “liberal bourgeois constitution”: “The National Assembly declined to put itself at the head of the battle-ready masses to fend off the assaults of the counter-revolution”. The lower middle classes, but first and foremost the workers, were presented as the only ones who had fought for the achievements of the Revolution. The presentation was essentially designed to embody an interpretation that Friedrich Engels had set out back in 1849 in his book *Die deutsche Reichsverfassungskampagne* (*The Campaign for the German Imperial Constitution*), written in the light of his experiences in Baden. Without any recognisable reference to parliamentarianism, the Imperial Constitution was presented merely as the spark that set off the armed battles, which had quite different aims. As the exhibition guidebook emphasised, the bourgeoisie had then betrayed the revolution and stabbed the people in the back. Accordingly, that section closed with displays devoted to “lessons from the bourgeois democratic revolution”. They stressed, with didactic intent, that the bourgeoisie had failed but that the Revolution had reinforced the “class consciousness” of working people. Marx and Engels, so the message went, had learned the lesson that only under the leadership of the working class could “a united democratic Germany be created”.

The Museum for German History updated this official party interpretation of history with constant revisions. This, as historian Ute Frevert stresses, had a twofold effect: “Because the exhibitions were constantly revised and adapted to changes in political and museo-educational principles, the Museum developed into a repeatedly rejuvenated centre of history learning. This happened all the more sustainably because no substantive alternatives were available.” And so the constitution document was displayed in several versions of the permanent exhibition until 1990, always in the context of the crushed uprisings and, of course, never as the masterpiece of a freely elected parliament.



The exhibition plan shows the recommended visitor path through the area devoted to 1848/49. The central focus was on Karl Marx and Friedrich Engels and the workers' "class struggle". While the work of the National Assembly was largely marginalised, a separate room was dedicated to the campaign for the Imperial Constitution.





The exhibition showed contemporary accounts, exhortations, lithographs, uniforms and weapons. These were put into context by means of “lead texts”, many of which were quotations from Marx and Engels, but also through paintings by GDR artists. In the very centre of the room where the constitution document was displayed stood a massive field howitzer.





IM BANNE DER PAULSKIRCHENVERFASSUNG (v. l.): Prof. Neumann und Hartmut Broszinski (Kassel) sowie Judith Uhlig und Prof. Herbst (Berlin / DDR). (Foto: hajoj)

## Frankfurter Paulskirchen-Verfassung in Kassel

# Ost und West vereint

Begonnen hatte alles als ein schlichter editorischer Akt: Die junge Kasseler Gesamthochschule wollte sich der Tradition würdig erweisen, die sie mit den Beständen der ehemaligen Landesbibliothek und einer hochrangigen Handschriftenabteilung als Kern übernommen hatte. So wurde eine Buchreihe gestartet, in der glanzvolle Schätze als Faksimiledrucke zugänglich gemacht werden sollen. Als drittes Projekt war die Herausgabe der Frankfurter Paulskirchenverfassung von 1849 geplant. Die Verfassung war dank des Paulskirchen-Abgeordneten Karl Bernhardt nach Kassel gekommen, der dort als Nachfolger von Jacob Grimm als Bibliothekar arbeitete.

Bei dem Versuch, dieses Exemplar der ersten deutschen demokratischen Verfassung, die niemals Wirklichkeit wurde, zu bewerten und einzuordnen, stießen die Kasseler Wissenschaftler darauf, daß eine weitere Fassung zum Bestand des Museums für Deutsche Geschichte in Berlin (DDR) gehört. Bald stellte sich heraus, daß das Berliner Exemplar mit seinen 405 Unterschriften das eigentliche Ori-

ginal ist. Aufgrund von starken Wasserschäden befindet es sich allerdings in einem äußerst schlechten Zustand. Die Kasseler Fassung ist zwar unbeschädigt, enthält aber nur 212 Unterschriften der Paulskirchenabgeordneten. Es ist davon auszugehen, daß Bernhardt die Abgeordneten nachträglich unterschreiben ließ, aber nicht mehr alle erreichte und dann unter dem Druck der Reaktion die Verfassung in der Bibliothek „verschwinden“ lassen mußte.

Je länger die Kasseler Wissenschaftler nachforschten und je mehr sich ihre Kollegen am Ostberliner Museum für Deutsche Geschichte gefordert fühlten, desto klarer wurde die Zielvorstellung: Es sollte eine Faksimile-Ausgabe angestrebt werden, in der das Kasseler Exemplar um die Berliner Unterschriftenliste ergänzt wird. Gleichzeitig sollte versucht werden, beide Fassungen in einer Ausstellung wieder zusammenzuführen.

Gestern nun war der historische Augenblick da: Die gemeinsam erarbeitete, in Kassel herausgegebene Faksimile-

Ausgabe konnte vorgestellt werden und bis 8. November werden im Handschriften-Tresor der Murhardschen Bibliothek die beiden Exemplare der Paulskirchenverfassung nebeneinander präsentiert.

Sowohl Prof. Neumann, der in seiner Zeit als Präsident der Gesamthochschule dieses Vorhaben mit besonderem Nachdruck verfolgt hatte, als auch Prof. Herbst, der Direktor des Museums für Deutsche Geschichte, würdigten die kollegiale und fruchtbare Zusammenarbeit. Noch mehr: Beide priesen den progressiven Charakter der Paulskirchenverfassung; die Bewahrung dieser Dokumente beinhaltet im Blick auf die politische Gegenwart eine hohe Verantwortung. Für Prof. Herbst haben sowohl das Bonner Grundgesetz als auch die 1949 geschaffene DDR-Verfassung aus dem Geist der Frankfurter Reichsverfassung geschöpft.

Es war, wie Gesamthochschul-Präsident Prof. Brinckmann meinte, ein symbolkräftiger Vorgang: In der Zusammenarbeit wurden die gemeinsamen Wurzeln freigelegt.

Dirk Schwarze

In 1989, before the fall of the Berlin Wall, a remarkable cross-border initiative took place. At its heart was the Imperial Constitution of 1849. The Gesamthochschule Kassel, now the University of Kassel, and the Museum for German History published a joint facsimile of the two constitution documents still in existence. Professor Franz Neumann, President of the Gesamthochschule Kassel, had personally championed this unusual intra-German cooperation. In his contribution to the facsimile edition, Neumann stressed that the cooperation could “be termed extraordinary” and expressed gratitude for the “generous authorisation by the German Democratic Republic, which, of course, is the custodian of one of the most important constitutional documents of modern German history”. Normally, the story behind a publication project might be something for librarians and book lovers but few others. This was a different matter, not least because cooperation between institutions from the Federal Republic and the GDR was politically sensitive. It is no coincidence – albeit diametrically opposed to the West German principle that the GDR was not a foreign country – that the related records were archived, and are still archived today, under “international relations”.

The origins of the project date back to the autumn of 1987, when Franz Neumann visited Berlin State Library and took the opportunity to cast an eye over the document in the museum. A short time later, Hartmut Broszinski, head of the Manuscripts Department of Kassel Library, also went to East Berlin to see the Berlin version for himself. The friendly reception they received led to the proposal for joint publication of a facsimile of both documents.

## The double Constitution: East and West united

## Political implications

In March 1988, Neumann officially informed the Museum for German History of the Kassel plans for a facsimile edition. He thought it wise to include the deputies' signatures from the Berlin version and proposed "collegial cooperation". Director-General Herbst had to obtain political clearance for this venture and informed the competent Ministry of Higher Education about the offer. In June 1988, Neumann, Broszinski and Bernt Armbruster, head of public relations, went to the Armoury Building in East Berlin to discuss details with Herbst and Judith Uhlig. With them in the room sat a man who listened attentively but said nothing. Were the Stasi perhaps interested in the project? The delegation from Kassel could not escape that impression. The truth is surely less dramatic, for the silent listener was a representative of the export office at the Ministry who simply kept out of the discussion. The representatives of the Gesamthochschule were surprised by the political dimension of the cooperation. For example, Armbruster, as the coordinator on the Kassel side, asked whether the GDR museum could send the Berlin document to the West by way of a normal interlibrary loan for photographing. This was impossible without extensive preliminary formalities, and so the photographs were taken in East Berlin. Because the films in use did not meet the high standards required for reproduction, a staff member from Kassel even made a special journey to bring extra-high-grade celluloid films across the border. The closer it came to the publication date, the more the continuing absence of official approval by the Ministry was becoming a major obstacle. Ms Uhlig therefore asked the head of the Central Institute for History at the Academy of Sciences for his appraisal. Walter Schmidt strongly advised that the cooperative venture be implemented. The fact that this renowned expert in the history of the German Revolution supported the project was probably what ultimately persuaded the Ministry – and the reason he gave quite openly over the telephone underlines that the dispute between the two Germanies over the legacy of 1848/49 had also played its part: "We must become fully involved, otherwise the Kassel people will take all the glory, even though we possess the more complete version".

While the men from Kassel were abundantly aware of the provenance of their version, an extensive research process began in the Museum for German History. Its Director-General, Wolfgang Herbst, delegated this task to one of his staff, Judith Uhlig. She succeeded, by dint of painstakingly detailed examination of the Potsdam Central Archives, in retracing the journey of the Berlin document to Stassfurt in particular. Ludwig Bergsträsser's article of 1930 uncovered its earlier history from 1849. There was very little in-house groundwork that Ms Uhlig could use in the course of her research – a sign of limited real awareness, even in the 1980s, of the particular historical value of the original document. By this time the binding was probably long gone and had been replaced by a purely functional red suede binding.

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This newspaper article from the Hessische/  
Niedersächsische Allgemeine is devoted to  
the joint exhibition of the two originals of  
the Frankfurt Constitution which was held in  
Kassel in the autumn of 1989.

### Exhibition in Kassel

Both sides ultimately benefited from the exceptional cooperation, thanks to which the histories of both documents could be comprehensively recorded for the first time. The cooperation culminated in the exhibition of both originals in Kassel. To mark the publication of the facsimile edition, the Murhard Library presented the two documents to the public; this was the first time they had been exhibited together. By the time the exhibition opened, on 10 October 1989, mass protests in the GDR were already challenging the SED regime. It came only one day after thousands had gathered for the first time on the streets of Leipzig. With the slogan *Wir sind das Volk!* (“We are the people!”), the Monday demonstrators were even implicitly invoking the Revolution of 1848/49, for the poet Ferdinand Freiligrath had used the expression in his poem *Trotz alledem*, an adaptation of Robert Burns’s *A Man’s a Man for a’ That*.

Wolfgang Herbst and Judith Uhlig travelled specially from East Berlin with the document for the opening of the exhibition. It was a small gesture, which, in the context of the time, became hugely symbolic. “East and West united” ran the headline of one article, referring to both sides of the story – that of the two Imperial Constitution documents and that of the unique cooperation. Those who were involved still have vivid memories of the unparalleled project, of the camera films smuggled across the border, of waiting with bated breath for the consent of the responsible government ministry and of the joint exhibition in Kassel.

It was pure chance that lent another remarkable symbolic facet to the biography of the constitution document: to be there for the opening of the exhibition, the Imperial Constitution still had to overcome the Iron Curtain that had cleaved Germany and Europe apart for decades, but by the time the Imperial Constitution was back in Director-General Herbst’s luggage for his return to Berlin, the Wall had already fallen and had itself become history.

Gesamthochschule Kassel  
Referat für Öffentlichkeitsarbeit  
Herrn Dr. Armbruster  
Mönchebergstraße 19  
D-3500 Kassel

30. Mai 1989

Werter Herr Dr. Armbruster,

mit großer Freude kann ich Ihnen heute nach intensiven und aufregenden Recherchen der letzten Wochen den endgültigen Beitrag zum Abdruck schicken. Die Originalurkunde ist praktisch wiederentdeckt!

Nunmehr können Sie davon ausgehen, daß die gesamte Legende auf festen Füßen steht. Im Unterschied zur ersten Fassung ist es gelungen, durch Verfolgen der von Bergsträsser angedeuteten Spuren alle Angaben durch gedruckte und archivalische Quellen zu belegen. Eine große Entdeckung sind dabei die 405 Unterschriften gewesen.

Das Nachforschungsergebnis hätte in so kurzer Zeit ohne die Kooperation mit der Gesamthochschule nicht erreicht werden können. Insbesondere die zügige Zusendung der Kopien hat das Tempo mitbestimmt und ermöglicht, auf rationellste Weise zu ermitteln. Daher möchte ich auch meinerseits auf keinen Fall versäumen, für das kollegiale Zusammenwirken, das der Sache außerordentlich dienlich gewesen ist, vielmals und aufrichtig zu danken.

Der Charakter der beabsichtigten Publikation schien es mir nicht zu erfordern, den Beitrag mit einem Apparat von Verweisen zu versehen, weshalb die formale Seite wie gehabt gehalten ist. Selbstverständlich wäre es jederzeit möglich, dies einzufügen, obwohl für die Mitteilung solcher Fakten das geplante Forum zur Vorstel-

## In the unification process

The Peaceful Revolution brought about the collapse of the 40-year rule of the SED. Among the main milestones in that democratisation process were the first free elections to the GDR People's Chamber (Volkskammer) on the highly symbolic date of 18 March 1990 – the anniversary of the outbreak of the March Revolution in Berlin in 1848. The election result endorsed the policy for the future of Germany that Federal Chancellor Helmut Kohl had outlined in a ten-point programme. The reunification of Germany was to be achieved gradually and as part of a European unification process. To name only a few of the historic events that followed, on 28 April the Member States of the European Community approved the unification of the two German states, 5 May marked the start of the Two-plus-Four talks with the victorious powers of the Second World War, and from 11 May the committees on German unity in the Bundestag and the Volkskammer discussed the path to unity. On 1 July the Treaty establishing a Monetary, Economic and Social Union entered into force. On 23 August the Volkskammer voted for the accession, on 3 October, of the GDR to the Federal Republic of Germany, and on 31 August 1990 the Unification Treaty was signed.

These great historical upheavals are linked by a highly symbolic but largely unknown little episode concerning the constitution document. It mainly resulted from the fact that the Berlin museum landscape was also reshaped as part of the reunification process. On the basis of a “mini-Unification Treaty”, as *Der Spiegel* wrote at the time, the Museum for German History, the “Propaganda Institute of the GDR”, was dissolved in September 1990. The Armoury Building and the collections were taken over by the Deutsches Historisches Museum.

On 30 May 1989, Judith Uhlig of the Museum for German History was able to tell her contact in Kassel that “The original document has effectively been rediscovered!”

The latter had been founded in West Berlin in 1985 on the initiative of the Federal Chancellor, more or less as the Federal Republic's answer to the GDR museum across the River Spree. During the transitional phase after the Wall had come down, the two museums worked together for the first time, with personal contacts between Director-General Herbst and Christoph Stölzl, founding director of the Deutsches Historisches Museum, playing an important part. For the major exhibition on *Bismarck – Prussia, Germany and Europe*, which had long been planned and which the Deutsches Historisches Museum staged in the Martin-Gropius-Bau from 26 August to 25 November 1990, the East Berlin museum provided some of the exhibits.

The fragile original of the Imperial Constitution of 1849 was not initially in the exhibition. With an unerring instinct for political symbolism, however, the exhibition organisers pulled off a coup. They managed to enlist Federal President Richard von Weizsäcker as patron of the exhibition; the Deutsches Historisches Museum thought up something special for his visit and obtained from East Berlin for three days the Constitution signed by the St Paul's Church deputies. When President von Weizsäcker was escorted through the exhibition on 6 September, Christoph Stölzl was able to show him the unique historic item. The key document of the German unity and freedom movement that had foundered in 1849 assumed particular importance and topicality on that sixth day of September because, after visiting the exhibition, the Federal President went straight from the Gropius-Bau to East Berlin to attend a sitting of the Volkskammer. Greeted by standing ovations, the President followed the first reading of the Unification Treaty from the visitors' gallery. There is an obvious parallel here, for freely elected deputies were debating once more on unity and freedom – this time with a successful outcome. On 3 October 1990, the Germans celebrated their reunification.

*2815/90*  
**VS-NUR FÜR DEN  
DIENSTGEBRAUCH**

**P r o g r a m m**

für den Aufenthalt des Herrn Bundespräsidenten  
in Berlin  
vom 5.- 6. September 1990

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Donnerstag, 6. September 1990

- 08.20 Uhr Abfahrt des Herrn Bundespräsidenten vom  
Schloß Bellevue zum Martin Gropius-Bau
- 08.30 Uhr Eintreffen  
Telefon: 030/254860
- Begrüßung durch den Direktor des Deutschen  
Historischen Museums, Herrn Professor  
Dr. Stölzl
- Besuch der Ausstellung "Bismarck-Preußen,  
Deutschland und Europa"
- 09.30 Uhr Verabschiedung des Herrn Bundespräsidenten  
Fahrt zur Volkskammer
- 09.40 Uhr Eintreffen  
Telefon: 030/3918003
- Begrüßung durch die Präsidentin der  
Volkskammer, Frau Dr. Bergmann-Pohl
- Der Herr Bundespräsident wird in das  
Amtszimmer der Präsidentin geleitet
- Kurzes Gespräch
- gegen  
10.00 Uhr Der Herr Bundespräsident begibt sich auf die  
Ehrentribüne der Volkskammer
- 10.00 Uhr Beginn der Sitzung

...

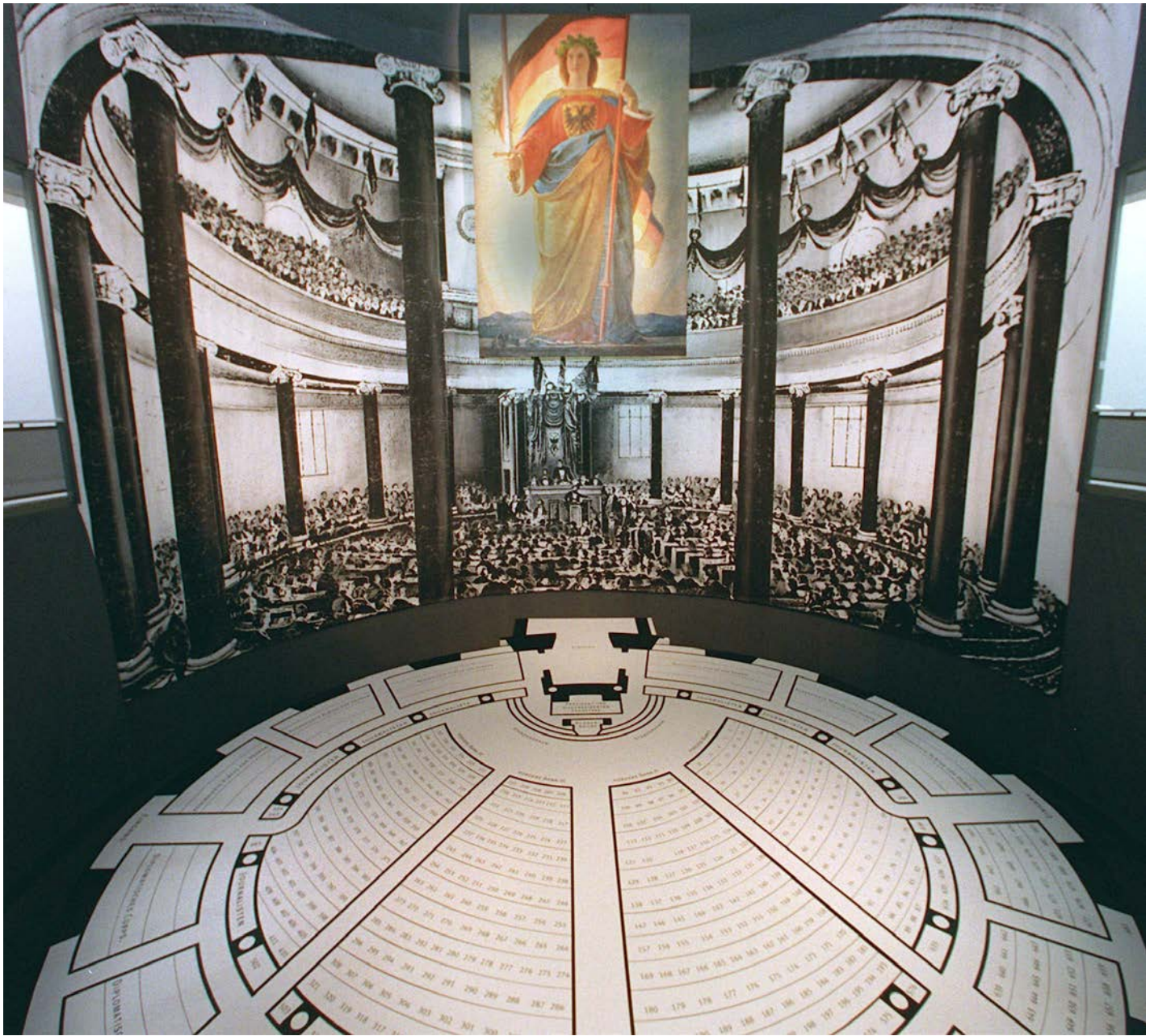




Federal President Richard von Weizsäcker on his guided tour of the Bismarck exhibition and in the Volkskammer

Left:  
On the programme for the Federal President's visit to Berlin on 6 September 1990 was a guided tour of the Bismarck exhibition in the Gropius-Bau, followed directly by attendance at a sitting of the Volkskammer in East Berlin







The constitution document had its fixed place in the permanent exhibition of the Deutsches Historisches Museum. Two slide-out boards provided visitors with additional information on the extraordinary history of the exhibit.

Left above:

For the 1848 – Aufbruch zur Freiheit exhibition staged in Frankfurt am Main in 1998, the rotunda of the Schirn art gallery was turned into a virtual St Paul's Church.

Left below:

In the special exhibition Im Namen der Freiheit!, held in the Pei building of the Deutsches Historisches Museum, an entire room was devoted to the Imperial Constitution of 1849 as a milestone in Germany's constitutional history.

The third of October 1990 marked the end of the bitter strife between the two German states over the “legacy of 1848/49”. Did the memory of the Revolution also fade with the end of the battles fought over the right to interpret it? It certainly changed. On the one hand, many found it easier after 1990 to consider the diversity of events and individuals, accomplishments and effects of the Revolution. That was apparent in 1998, on the first round anniversary of the Revolution after the end of Germany’s division, when many observers wondered at the astonishing popularity of the revolutionary Friedrich Hecker, even among conservatives. “The anniversary of the Revolution was always a controversial occasion until the most recent decades,” wrote historian Manfred Gailus in connection with the 150<sup>th</sup> anniversary, “it has now become an altogether positively loaded quantity in the collective memory of the nation.” On the other hand, the focus clearly shifted away from the national picture and the Parliament to long-neglected aspects of the Revolution. The regional and local revolutions in people’s home areas, the involvement of women and young people or 1848/49 as a pan-European experience – all of these aspects had long been overshadowed by the national traditions and now received greater attention.

## Reunited Germany and the Constitution as tradition

In that jubilee year the constitution document returned to its home city of Frankfurt am Main for the first time since Friedrich Jucho had had it taken to England for safekeeping. The Deutsches Historisches Museum presented it as part of the main jubilee exhibition, entitled *1848 – Aufbruch zur Freiheit* (“1848 – Striking out to freedom”), held in the Schirn art gallery. On the perimeter of the Schirn rotunda, which was inspired by the architecture of St Paul’s Church, the Imperial Constitution and the Fundamental Rights of the German People pointed far beyond the failure of the Revolution. That reflected the approach to the content of the exhibition, which was intended not only to recount an episode from national history but also to interpret the Revolution of 1848/49 as a “decisive stage on the way to a Europe of civil and human rights”.

For the 60<sup>th</sup> anniversary of the Basic Law in 2009, the document was on display in a special exhibition entitled *Im Namen der Freiheit* (“In the name of freedom”) in the Pei building of the Deutsches Historisches Museum, this time as a milestone in Germany’s constitutional history, while also surrounded by parliamentary exhibits and objects from the history of the campaign for the Imperial Constitution. It also had its fixed place as a special exhibit in the permanent exhibition of the Deutsches Historisches Museum in the Armoury Building until the exhibition was revamped in 2022. Two slide-out boards provided visitors with additional information on the extraordinary history of the object, explaining both the convoluted “paths of the Constitution” and the continued validity of its individual sections in the Weimar *Reich* Constitution, the Constitution of the GDR and the Basic Law. Until the new permanent exhibition is completed, the Imperial Constitution is also playing an important role in the *Roads not taken* exhibition as the symbol of a key moment in German history when many things could have taken a different course. The chequered biography of the constitution document conveys an impression of the course that German history actually took. At a time when, despite all the crises, democracy is widely taken for granted, it provides a reminder of the “milestones, setbacks and sidetracks” encountered by the Germans on their path to a united, liberal and democratic state.



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“We have the greatest of tasks to accomplish. We are to create a Constitution for Germany, for the whole Empire. Our calling and the authority to proceed have their origin in the sovereignty of the Nation. [...] Germany wishes to be one, one Empire, governed by the will of the People with the co-operation of all of its constituent parts.”

*Heinrich von Gagern*