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The West German States Declare Radicals Unfit for Public Service (January 28, 1972)

Frightened by an increasing number of terrorist attacks, the interior ministers of the West German states resolved to require applicants for the public service to profess allegiance to the “free democratic order” represented by the Basic Law. They screened future applicants and threatened to dismiss those who failed the loyalty test.

The “Radicals Decree”¹

In consultation with the Federal Chancellor on January 28, 1972, the minister presidents of the federal states have resolved the following principles, on suggestion of the standing council of the state ministers of the interior:

1. In accordance with the federal and state laws on civil servants, in order to become a civil servant, applicants are obliged to assure their commitment to the free democratic order in the spirit of the Basic Law. Furthermore, all civil servants are obliged to engage themselves actively both within and outside of their service for the preservation of this basic order. These regulations are binding.

2. Each case shall be examined and decided on an individual basis. The following principles shall be applied:

2.1 Applicants

2.1.1. Any applicant who develops anticonstitutional activities shall not be employed in public service.

2.2 Civil Servants

Should a civil servant, on the basis of actions or membership in an organization with anticonstitutional objectives, fail to fulfill the requirements as laid down in Sec. 35 of the Civil Service Framework Act – according to which he is obliged through his general conduct to demonstrate a commitment to the free democratic basic order in the spirit of the Basic Law and to defend this order – the employer shall decide in each case what measures are to be taken and in particular to review whether removal of the civil servant from public service should be

¹ The official title of the so-called Radicals Decree is: Principles on the Issue of Anticonstitutional Forces in Public Service – trans.

sought.

3. For salaried employees and workers in the public service the same principles apply in accordance with the respective wage agreement regulations.

Source: "Der 'Radikalenerlaß'" ["Radicals Decree"], *Ministerialblatt Nordrhein-Westfalen* [*Ministerial Gazette North Rhine-Westphalia*], 1972, p. 342; reprinted in Eckart Conze and Gabriele Metzler, eds., *50 Jahre Bundesrepublik Deutschland. Daten und Dokumente* [*50 Years of the Federal Republic of Germany. Data and Documents*]. Stuttgart, 1999, p. 65.

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