

[Translation from the German.]

ORDERS AND ORDINANCES OF THE SENATE (STATE ADMINISTRATION).

Amendment, dated May 6th, 1935, to the Ordinance of March 12th, 1934, concerning Schoolpupils' Membership of Associations within and outside the School (Staatsanzeiger, page 90)

The Ordinance of February 16th, 1932, concerning schoolpupils' membership of associations within and outside the school (*Staatsanzeiger*, page 83), as amended by the Ordinance of March 12th, 1934 (*Staatsanzeiger* page 90), is amended as follows:

I. Paragraph 2 (a), second part, to read as follows: " unless the supervisory scholastic authority considers that such associations give their members an education in conformity with the conceptions of the State "

II. Paragraph 2 (c) is omitted.

III. Paragraph 4, first sentence, to read as follows: " Pupils of school age of all categories of schools are forbidden to take part in public political demonstrations except with the permission of the supervisory scholastic authority "

Danzig, May 6th, 1935.

The Senate of the Free City of Danzig:

(Signed) GREISER.
(Signed) Dr. WIERCINSKI-KEISER.

II. PETITIONS FROM THE CENTRE PARTY OF THE FREE CITY
OF DANZIG.

C.197.1935.VII.

1. LETTER, DATED MAY 9TH, 1935, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL, TRANSMITTING PETITIONS FROM THE CENTRE PARTY OF THE FREE CITY OF DANZIG, DATED DECEMBER 17TH, 1934, AND APRIL 18TH, 1935, RESPECTIVELY TOGETHER WITH THE OBSERVATIONS OF THE SENATE OF THE FREE CITY ON THE FIRST PETITION.

Danzig, May 9th, 1935.

I have the honour to enclose herewith a petition from the Centre Party, dated December 17th, 1934, regarding alleged infringements by the Government of the Constitution, together with an Addendum dated April 18th,¹ and a copy of the observations of the Senate which was received by me to-day²

This petition was mentioned at the session of the Council of the League of Nations held in January³ when reference was made to a proposal by the Senate that the matter should be discussed between the Centre Party and the Government with a view to settlement. It appears that agreement has not been found and I shall be glad if you will be good enough to request the Council of the League to consider the question at its next session. Any observations by the Senate regarding the Addendum will, of course, be forwarded.⁴

I may add that I received on May 3rd a petition from the Social-Democratic Party which also raises a number of the questions dealt with in the Centre Party's petition as well as other matters. This petition has been forwarded to the Senate for observations, but there has not yet been time to receive a reply

In this connection, I may refer to the letter approved by the Council on June 10th, 1925,⁵ and subsequently addressed to the High Commissioner regarding the procedure to be followed on the subject of petitions which relate to the danger of infringement of the Constitution of Danzig guaranteed by the League of Nations.

(Signed) Sean LESTER,
High Commissioner

¹ See page 806.

² See page 810.

³ See *Official Journal*, February 1935, page 139.

⁴ See page 817.

⁵ See *Official Journal*, July 1925, page 950.

(a) PETITION OF DECEMBER 17TH, 1934.

[Translation from the German.]

Centre Party of the Free
City of Danzig.

To the High Commissioner of the
League of Nations at Danzig.

Danzig, December 17th, 1934.

I have the honour to transmit, appended hereto, a petition from the Centre Party of the Free City of Danzig, in which exception is taken to a series of legislative and administrative measures of the Senate of the Free City of Danzig, and to various incidents connected with the last election. With a view to rectifying the conditions which, in the matters dealt with in the petition, are, in its opinion, contrary to the Danzig Constitution, the Centre Party brought forward a number of legislative proposals which, however, were rejected at the instance of the Senate of the Free City of Danzig by the National-Socialist majority in the Danzig Popular Assembly.

I should be grateful if you would take cognisance of the present petition, and in the name of the Centre Party of the Free City of Danzig, I appeal to your good offices, while at the same time requesting you, should the Danzig Government not be disposed to abandon its present attitude, to lay the petition before the Council of the League of Nations for the decision of the questions therein raised.

(Signed) Dr. R. STACHNIK,

Chairman of the Centre Party of the
Free City of Danzig.

To the High Commissioner of the
League of Nations, Danzig.

Danzig, December 17th, 1934.

The elections to the district and communal councils, held in November last, in the two rural districts of Gross Werder and Danziger Niederung, have resulted in a situation, the foundations of which were in the belief of the Centre Party of the Free City of Danzig laid in the main by the Danzig Senate in a series of legislative and administrative measures, the application of which was contrary to the intention, purport and terms of the Danzig Constitution. The Constitution of the Free City of Danzig is guaranteed by the League of Nations, and in Article 87 of that Constitution it is stated explicitly that it is the duty of every Danzig citizen to protect it.

It would appear as if various legislative and administrative measures of the Government of the Free City of Danzig were designed to place the National-Socialist Party and its supporters both *de jure* and *de facto* in a privileged position as compared with all other parties and organisations—a position which it is impossible to reconcile with the democratic constitution of the Free City. Almost all sections of the population are compelled, through one administrative measure or another, to belong to an organisation in which, regardless of whether it is a purely party organisation or some other organisation or a corporation in public law, propaganda is nevertheless conducted on behalf of the National-Socialist Party and National-Socialist ideals, as a result of the supervision exercised by the leaders of the National-Socialist Party or the Government. The activities of all other parties, on the other hand, are slandered almost daily in the basest possible manner, and are even described as treasonable, whenever any attempt is made to safeguard the position established by law. The supporters of the other parties are described as standing outside the national community and through threats of moral and economic injury are subjected to a pressure which in the long run cannot be resisted without all kinds of sacrifices. As a result of this all-pervading intimidation, it is often impossible, among large sections of the people, to confess openly to support other parties. The experiences of the recent electoral campaign have shown that as the result of moral and economic pressure, numerous supporters of the Centre Party dare not work on its behalf or attend its election meetings, through fear of material or moral injury.

Being convinced that if the present position is maintained it will be impossible in the future as well to obtain through the elections an undistorted view of popular opinion and being anxious to perform the duty incumbent upon every Danzig citizen to protect and uphold the Danzig Constitution, the Centre Party of the Free City of Danzig appeals to the High Commissioner of the League of Nations for his good offices in the questions dealt with below with the further request that, should the Danzig Senate not be disposed to depart from its present attitude, the petition may be submitted to the Council of the League of Nations for decision.

I.

Under the Ordinance of October 10th, 1933, for the protection of the good name of national associations (reproduced textually in Appendix 1) the associations supporting the Government receive a measure of protection which amounts to a privilege. Not only are their uniforms and the

possession and sale of such uniforms placed under specific protection, but, paragraph 4 also embodies special rules for the protection of the good name of the associations in question. In the regulations for the execution of this Ordinance, for which provision is made in paragraph 5, the Senate of the Free City has laid it down that, with the exception of a few specified associations, which are under National-Socialist control, only the National-Socialist German Workers' Party, together with its various subordinate organisations and the associations affiliated to it, are to be recognised as associations supporting the Government. None of the other existing Danzig parties enjoys any such protection for its good name as that afforded to the National-Socialist Party, through the aforementioned Ordinance. Under the Danzig Criminal Code, it is indeed, to all intents and purposes, impossible to prosecute for libels or slanders uttered against the other parties, with a few exceptions immaterial to the present issue since the law only protects the honour of individuals. Knowing the inequalities of the law leading members of the National-Socialist Party did not shrink during the past election campaign, as well as at other times, from repeatedly traducing the other parties and, in particular, the Centre Party in the most outrageous manner. scarcely a day passed without the opposition parties, including the Centre Party, being accused of treason either in the Press or at the meetings of the National-Socialist Party. As an example, we may mention a speech by the most highly placed National-Socialist leader in Danzig, Prussian State Councillor Forster, National Socialist "Gau" Leader for the Gau of Danzig, who, at a meeting called for public officials and State employees publicly spoke of the treason of the Centre Party as is proved by Appendix 2 hereto. The Chief of the Danzig Branch of the semi-official German Information Bureau, sums up the repeated vilifications of other parties, which go unpunished by the law in a particularly tense formula, which, however, describes the intolerable position in Danzig extremely well. By way of conclusion to his remarks, as published in the *Danziger Vorposten* and *Danziger Neuesten Nachrichten*, he wrote:

"The question next Sunday (election day) will be: Are you a separatist or a German, a traitor to your country or a National-Socialist voter?"

Of these or similar utterances, countless examples can be found at any time. It will suffice, however, to refer to a statement by M. Greiser, the present President of the Senate who, in speaking of the members of the Social-Democratic Group in the Popular Assembly at the last session of that body, said.

"In my eyes, they are still the same traitors as their predecessors in 1918."

In discussing M. Greiser's speech, the *Danziger Vorposten* extended what he had said to the opponents of the National-Socialist Party in general, and spoke of deliberate hostility to the State and of treason to the German race (see Appendix 3).

The Centre Party has no intention of employing these methods of electoral propaganda. The fact is, however, that such abusive expressions are used without the Senate taking, upon its own initiative, any steps against such defamation of the other parties, while the courts are not adequately armed by legislation to punish such calumnies. On the other hand, the good name of the National-Socialist Party is protected from any kind of injury by the aforesaid Ordinance, and also in other ways. In this connection, it must be borne in mind that the public activities of the political parties have been severely restricted by the creation of a large number of new criminal offences, which, in practice, operate almost exclusively to the detriment of the opposition parties. The new paragraph 130, sub-paragraph 2, of the Criminal Code, for example, makes conduct calculated to lead to a breach of the peace with the intention of endangering the interests of the State, a criminal offence. As a result of these criminal clauses, any intrinsically permissible activity or any intrinsically permissible speech can be made the subject of criminal proceedings, if National-Socialists choose to take exception to them and to stir up the danger of a breach of the peace. While, on the one hand, this provision is a violation of the right of free speech in the case of all political parties other than the National-Socialist, the other parties are left completely unprotected against the most shocking libels, both in speech and writing, by members of the National-Socialist Party.

To make special provision for protecting the good name of a single party, is a patent violation of the principle of equality before the law.

With a view to restoring the constitutional situation, the Centre Party introduced a Bill into the Popular Assembly for the protection of the good name of associations (see Appendix 4), the result of which would have been to protect all parties, including the National-Socialist Party, from slander.

Through the mouthpiece of President Greiser, however, the Government of the Free City expressed its hostility to this Bill in no doubtful terms, and rejected the principles on which it was based. At the instance of M. Greiser, moreover, the bill was thrown out by the National-Socialist majority in the Danzig Popular Assembly. In this way the Senate made it absolutely clear that it fully approved of the legal inequalities created by the Ordinance of October 10th, 1933, as regards protection against defamation. Such differential treatment is, in the long run, intolerable from the point of view of the political parties and their activities. It is contrary to the unmistakable purport and terms of the Democratic Constitution of the Free City of Danzig.

We ask that the Senate of the Free City of Danzig be required to afford the same protection to the good name of the other parties, as is already enjoyed by the National-Socialist Party, or, alternatively, that the Council of the League of Nations be requested to decide that the Legislative Ordinance for the protection of the good name of the national associations, of October 10th, 1933, is contrary to Article 73 of the Danzig Constitution.

II.

The Senate of the Free City of Danzig has issued a series of legislative provisions which, by reason of their actual content and the manner of their administration, prove to be nothing but special laws for the protection of the institutions and associations of the National-Socialist German Workers' Party. In this connection, a group of three legislative enactments or ordinances may be quoted:

(1) Section 132 (a) of the Criminal Code, as revised by the Legislative Ordinance on Measures for increasing Public Security and Order, dated June 30th, 1933 (Appendix 5).

(2) Legislative Decree concerning the Wearing of Uniforms, dated April 4th, 1934 (Appendix 6).

(3) Decree of the Senate concerning Schoolchildren's Membership of Associations inside and outside the Schools, dated March 12th, 1934 (Appendix 7).

The effect of these three measures has been to give the uniformed associations of the National-Socialist German Workers' Party—that is, the S. A., the S. S., the Hitler Youth and certain other organisations—the position of a monopoly. All three ordinances have this in common that, whilst the form of words used is one applying equally to all citizens, the manner of their administration as shown by the authorisations granted is such that they must be regarded as designed exclusively for the protection of the institutions of the National-Socialist German Workers' Party. In this way in the opinion of the Centre Party, these laws conflict with Article 73 of the Danzig Constitution, for, according to Article 71 of the Danzig Constitution, legislation and administration are both guided and circumscribed by the fundamental rights. In its capacity as an administrative authority the Senate of the Free City of Danzig is therefore also compelled to respect the principle of equality of all citizens; this principle is contravened by these ordinances and by the manner in which they are applied.

1. Section 132 (a) of the Criminal Code threatens with punishment those who are members of an association of persons organised for the purpose of protecting the institutions and activities of a political organisation, in so far as such an association of persons has not been recognised by the Senate. The only associations of persons so recognised by the Senate have been those of the National-Socialist German Workers' Party.

2. In the Legislative Ordinance concerning the Wearing of Uniform, no clothing which denotes membership of some association or union may be worn outside of private premises without the authorisation of the Senate. Permission to wear uniform within the meaning of this clause has been granted only to the associations of the National-Socialist Party, if we disregard the fact that Polish organisations are to be given such permission.

3. Under the terms of the Ordinance concerning Schoolchildren's Membership of Associations inside and outside of Schools, boys and girls are not allowed to join associations having other than exclusively scholastic objects, unless such associations educate or influence their members on the lines of the National-Socialist State. Except for the Volksbund für das Deutschtum im Ausland, the only associations thus approved by the Senate are National-Socialist Organisations—namely, the Hitler Youth, Bund Deutscher Mädchen and the Jungvolk.

In consequence of these provisions, only the associations of the National-Socialist Party can appear in uniform in public. The members of the Catholic Church associations are unable to appear in public in uniform as they were often permitted to do in the past, and this prohibition applies even more strictly to the political parties. It looks as though the purpose of these provisions has been from the outset to secure for the associations of the National Socialist German Workers' Party their present position—a purpose which cannot be brought into harmony with the provisions of the Constitution. If the Government has chosen for its laws a form of words applicable to all and against all, this cannot conceal the fact that these laws appear to have been enacted merely in order to afford the Government a formal legislative means of taking action against like or similar associations having a different general outlook or political views.

Such special and preferential treatment of the associations of the National-Socialist German Workers' Party conflicts with the principle of equality laid down in Article 73 of the Danzig Constitution, irrespective of whether the said principle is infringed by the laws or by the Government's administrative measures.

We therefore request that the Senate be required to grant the authorisations and recognition referred to in the three ordinances to other associations outside the National-Socialist Party, or, alternatively that a decision be obtained from the League of Nations Council to the effect that the three laws or ordinances in question are contrary to Article 73 of the Danzig Constitution.

III.

The Legislative Ordinance of December 16th, 1933, concerning the provision of representation for the Danzig teaching profession defined the Danzig National-Socialist Teachers' Union as the only professional representative body for Danzig teachers. All teachers at public schools using the German language as well as all other teachers who are either retired or are candidates for posts, belong to this union by law (see Appendix 8). This ordinance also is, in the opinion of the Danzig Centre Party contrary to the Danzig Constitution and, in particular, Article 93 thereof. Under the terms of that article, officials, who according to Article 95 include teachers, are servants of the community and not of a party. They are entitled to freedom of political opinion and of association. Their rights under this heading must not be infringed. The Government of the Free City of Danzig

is wrong in pleading Article 94 of the Danzig Constitution, which lays down that the officials shall have their own representation in accordance with more detailed provisions to be determined by law and argues that the representation thus contemplated in the Constitution is, for the teaching profession, the Danzig National-Socialist Teachers' Union. Such an argument, in the opinion of the Centre Party misses the essential point. The Danzig National-Socialist Teachers' Association is a "Gau" of the National-Socialist Teachers' Union of Germany, as appears from Section 3 of the Ordinance, which refers expressly to the "Gau" Leader, who must be confirmed in office by the Danzig Senate. This Association, as its name indicates, is avowedly a National-Socialist Party organisation. The instruction of its members in the National-Socialist philosophy is carried out regularly. No teacher can resign his membership of the Union, since he is a member by law. In this way, the official's freedom of association, as provided by the Constitution, is infringed, for the principle of freedom of association also implies, negatively that no one may be compelled to belong to an association. The principle of freedom of political opinion is also infringed. For, in accordance with the principle of leadership, the teachers are under the "Gau" Leader and his sub-leaders, and are compelled to obey his directions. They are instructed in the National-Socialist philosophy and the official organ of the union is the *Nationalsozialistische Erzieher*, in which purely National-Socialist propaganda is conducted.

If, in these circumstances, it is urged that freedom of political opinion is safeguarded, then, in practice, nothing of this principle is left, since in its practical application, it is turned into its very opposite.

If the Government of the Free City of Danzig is required, constitutionally, to provide special representation for officials, this must not be done to the detriment of the rights provided in Article 93.

The same applies to the Union of Danzig Officials set up under the Ordinance of August 14th, 1933. All officials of the Free City of Danzig, with the exception of the schoolteachers, belong to this union by law (see Appendix 9). It is the professional representative organisation of the Danzig officials. Here again, the right of association as provided in Article 93 is infringed. Although the Senate, in this particular case, has avoided giving the Officials' Union the outward characteristics of a National-Socialist association, there can be no doubt that the Union of Danzig Officials presents in fact the appearance of having been created for the sake of spreading National Socialism among officials. The training of officials in political science, which is indicated as one of the objects to be promoted by the Officials' Union, consists essentially in the inculcation of National-Socialist ideas. The official journal of the Danzig Association of Officials, which is at the same time the organ of the Officials' Bureau of the Danzig "Gau" of the National-Socialist Party, propounds in every number exclusively National-Socialist views (see Appendix 10). During the election, in particular, it placed its services exclusively at the disposal of the National-Socialist German Workers' Party as can be seen in particular from the issue of November 10th, 1934.

The confidence of the whole population in the impartiality of officials is bound to be undermined if it sees that such officials are exclusively trained on National-Socialist lines and are compelled to promote the interests of that Party in every possible way. The Union of Danzig Officials has been granted the status of a public law corporation. It is entirely incompatible with the nature of such a corporation that exclusively National-Socialist propaganda should be made in it. Numerous officials who do not belong to the National-Socialist Party are compelled to support by their contributions an organisation which, jointly with the National-Socialist Party, is conducting a vigorous campaign against the parties with which these officials sympathise or to which they belong, and this despite the fact that the Constitution guarantees them freedom of opinion and freedom of association.

We therefore request that the Senate of the Free City of Danzig be required to abrogate these ordinances and to provide in some other way for the representation, under the law, of officials and teachers, or, alternatively that a decision be obtained from the Council of the League of Nations to the effect that the aforesaid Ordinances are contrary to Article 93 of the Danzig Constitution.

IV

The increasing identification of Senate and party is most strikingly expressed by the manner in which the highest administrative positions in Danzig are filled. All three Landräte of the three Danzig districts are at the same time district leaders of the National-Socialist Party, while the State Commissioner of the largest urban commune of the town of Zoppot is also the leader of the Zoppot district of the National-Socialist Party. Their office premises are in the offices of the Landrat or in the City Hall. In this connection, it may be pointed out that M. Greiser, the present President of the Senate, is at the same time deputy leader of the Danzig "Gau" of the National-Socialist Party. As a result of these circumstances, many officials are no longer able to distinguish between their duties as State officials and as party leaders. In November of this year, the present President, in his capacity as Vice-President of the Senate, stated at a meeting of the technical group of the police administration within the Danzig Association of Officials that he would not rest until the last official of the Free City had become a National Socialist. This statement

was made by the former Vice-President of the Senate in his official capacity as will be seen from the official journal of the Danzig Association of Officials. At a meeting of the Danzig teaching staff of the Kreis of Gross Werder, Senator Boeck stated that every teacher who was a member of the Centre Party thereby made himself intolerable to the people and State (see Appendix 11).

If the highest officials of the Free City of Danzig make such remarks and statements in public, it is not surprising that the officials under their orders should carry out their official duties accordingly. For instance, M. Busch, the recently appointed provisional Landrat of the Kreis of Danziger Höhe made a speech in December this year to the officials of that Kreis, to the district and communal heads and to the party officials of the National-Socialist Party in the Kreis of Danziger Höhe; according to the *Danziger Vorposten*, the organ of the National-Socialist Party (see Appendix 12), he said: "The district heads must do their share of the party spade work. The State official must in the first place be a National Socialist. Whatever he does from morning to night he must do as a National Socialist."

In the view of the Centre Party, such statements are in contradiction with Article 93 of the Danzig Constitution which states that officials are servants of the community and not of a party. The National-Socialist Party is still merely one of several parties in the territory of the Free City of Danzig, and it is incompatible with the duties for which the officials are sworn in that they should regard their service to the community as service for the National-Socialist Party.

The Senate of the Free City of Danzig takes no action against this serious violation of official duties but promotes such views among the officials with all the means in its power. This is unequivocally proved by the above-mentioned statements by the former Vice-President Greiser and Senator Boeck.

In addition, many officials are members of the uniformed formations of the National-Socialist Party and in many cases hold office in the party. All these officials have been obliged to swear fidelity and obedience to the leader of the National-Socialist Party who, at the same time, is the German Chancellor. They are also pledged to obedience to the assistant leaders and their superior officers. In the view of the Centre Party, such a pledge must cause the most serious conflicts of conscience on the part of the officials who have sworn to maintain the principles of the Danzig Constitution. It is unnecessary to stress the point that the principles on which the leader of the National-Socialist Party in Germany carries on the business of government cannot be brought into harmony with the principles which have found expression in the democratic constitution of the Free City of Danzig. As members of the formations of the National-Socialist Party or as office holders of the party they are always bound by their pledge in all cases to promote the interests of the National-Socialist Party. This pledge is generally regarded as a binding oath the terms of which are scarcely compatible with the principles on which constitutional life and constitutional official duties are based.

It is therefore requested that the Senate of the Free City of Danzig be required to adopt the strictest measures to ensure that the officials of the Free City of Danzig fulfil their official duties in accordance with the sworn principles of the Danzig Constitution and to take steps against officials who violate these duties; finally to desist from the constant direct and indirect influence brought to bear upon the officials in favour of the National-Socialist Party and their philosophical conceptions.

V

The last electoral campaign showed that many State organs were no longer in a position to observe the impartial conduct to which they were bound. Before the elections, the Senate of the Free City of Danzig installed State Commissioners possessing the confidence of the National-Socialist Party in nearly all the rural communes in place of the heads of the communes and the elected communal representatives. In some instances, these commissioners considered it to be compatible with their duty to threaten persons who were economically dependent, thus causing them to desist from standing for election to communal or district councils, or in other ways to display activity in favour of the Centre Party during the elections. A number of teachers in the country behaved in a similar manner. Even the police authorities failed in many cases to take effective steps against the adherents of the National-Socialist Party. Such steps were particularly necessary, as supporters of the Party assaulted members of the Centre and other parties during the preparations for, and on the actual day of, the elections, while the necessary police protection was not everywhere available in time. The fact that only formations of the National-Socialist Party were in uniform and, in addition, mostly armed with a dagger or pistol, involved permanent pressure upon, permanent intimidation of, and a permanent threat to, all sections of the population, especially in the smaller towns and the thinly populated country districts. These threats had a particular effect during the electoral period, when the election canvassers of the Centre Party were threatened and attacked by adherents of the National-Socialist Party and their election placards forcibly torn from them, etc. During the electoral campaign, supporters of the National-Socialist Party in uniform used such expressions as: "Blackguards, swine, traitors; we will show you what a dagger of honour looks like; if you do not vote for us you will feel this", pointing to the pistol in their belt; it is therefore easy to imagine how thoroughly the population was intimidated by such

pressure. In addition, in almost all communes, the houses of persons belonging to the Centre Party were placarded with inscriptions such as: "Here lives a traitor" Another inscription read, "Anyone who votes for the Centre is guilty of treason." The Centre Party is not aware of a single case in which the political authorities took steps against such public abuse of its members.

Enclosed (Appendix 13) is a statement of a number of such cases regarding which the Centre Party presented a complaint to the Senate.

In order to prevent—at least partly—a repetition of these and similar occurrences and to release the population to some extent from the pressure brought to bear upon them, at all events during the electoral campaign, the Centre Party of the Popular Assembly submitted two draft laws to that body. The first law was intended to prohibit meetings and processions and the wearing of uniforms during the electoral campaign. The second law provided for punishment for threats and attempts at coercion during the electoral campaign. On the proposal of M. Greiser, President of the Senate, the majority of the Popular Assembly consisting of National Socialists, rejected these laws (see Appendices 14 and 15).

Various occurrences during the elections themselves caused wide sections of the population to fear that there was no longer adequate guarantee for the proper conduct of the election procedure. For instance, it was observed that in the polling-booth of the commune of Wotzlaff a woman of Swiss nationality voted in spite of the fact that the official in charge of the elections was informed of her foreign nationality. The official explained his conduct by stating that one vote more or less did not matter. In the polling-booth of the commune of Scharfenberg no voters were allowed in the room when the votes were counted, although there was sufficient space for this purpose. While the district group-leader of the National-Socialist Party was allowed to remain in the polling-booth, the other members of the public were excluded on the ground that the election officials did not wish to be disturbed when counting the votes.

Such occurrences were only possible because various members of the Centre and other parties did not dare to confess their allegiance to those parties openly before the election on account of the pressure which was everywhere exerted. It was therefore not always possible for the Centre and other parties to appoint representatives on the various election committees of the constituencies. Consequently, in many communes, the election committee consisted entirely of members of the National-Socialist Party.

In order to avoid such occurrences, the Centre Party of the Popular Assembly submitted a draft law to the Assembly with the object of enabling all parties to appoint representatives to the election committees in all constituencies. This law was also rejected on the proposal of M. Greiser, President of the Senate, by the majority of the Danzig Volkstag consisting of National Socialists.

It is requested that the Senate of the Free City of Danzig be required to take immediately appropriate steps and measures to guarantee freedom of voting and to prevent any direct or indirect influence being brought to bear on the voters by official persons, and also to take steps to guarantee the security and trustworthiness of the vote.

Lastly it may be pointed out that the efforts of the Centre Party and its members in the Popular Assembly to bring measures taken by the Senate as described in the petition into harmony with the spirit of the Danzig Constitution have been fruitless.

In addition to the appendices mentioned in the text of this petition, we also enclose copy of an application to the Senate of March 13th, 1934, for the suspension of the Decree regarding the Provision of Representation for the Danzig Teachers (Appendix 16).

We would also point out that, for instance, a small question concerning insults directed against our Catholic priests by the Hitler Youth was rejected by the President of the Popular Assembly as out of order. We sent Your Excellency at the time a copy of the correspondence on the subject for your information.

(Signed) Dr. R. STACHNIK.

Appendix 1.

LEGISLATIVE ORDINANCE FOR THE PROTECTION OF THE GOOD NAME OF NATIONAL ASSOCIATIONS, DATED OCTOBER 10TH, 1933.

In virtue of Article 1, paragraphs 9 and 28, and Article 2 of the Law to relieve the Distress of People and State, dated June 26th, 1933 (*Gesetzblatt*, page 273), the following is hereby enacted with force of law:

Article 1.

Any person who has in his possession the uniform of an association which supports the Government of the Free City of Danzig, without being authorised therefor as a member of that association or otherwise, shall be punished with imprisonment for a period not exceeding two years.

Any person who wears the uniform or distinctive badge of membership of an association of the kind mentioned in the preceding paragraph without being a member of that association shall be punished with imprisonment for a period of not less than one month.

Article 2.

Any person who, by sale or in any other manner, supplies another person for his use with a uniform or distinctive badge of membership of an association of the kind mentioned in the first paragraph of Article 1, although he knows or ought to know that such other person is not a member of that association, shall be punished with a fine not exceeding 300 gulden, or with arrest.

Article 3.

Any person who commits or threatens to commit a punishable act against persons or property, and in so doing wears or carries on his person the uniform or distinctive badge of membership of an association of the kind mentioned in the first paragraph of Article 1 without being a member of such association shall be punished with penal servitude, or, in cases of extenuating circumstances, with imprisonment for a period of not less than six months.

A Danzig national may be prosecuted under the present stipulation even if he has committed the act abroad.

Article 4.

Any person who intentionally makes or spreads an untrue or grossly distorted statement as to facts calculated to do serious injury to the good name of the associations mentioned in the first paragraph of Article 1 shall be punished, in so far as a severer penalty is not elsewhere provided, with imprisonment for a period not exceeding two years, and if he made or spread the statement publicly with imprisonment for a period of not less than three months.

Any person committing this offence in a culpably negligent manner shall be punished with imprisonment for a period of not more than three months, or with a fine.

Article 5.

The Senate shall specify in regulations issued for the execution of the present ordinance the associations which are to be regarded as supporting the Government of the Free City of Danzig within the meaning of Article 1.

Article 6.

The present Ordinance shall enter into force on October 25th, 1933.

Danzig, October 10th, 1933.

The Senate of the Free City of Danzig:

(Signed) GREISER,
(Signed) Paul BATZER.

Appendix 2.

[Extract from the *Danziger Vorposten* of September 22nd, 1934.]

Danzig is German—if it is National Socialist!

We all know what the Centre Party in Danzig has done to maintain the German character of the City. That Party has never shrunk at decisive moments from working hand in hand with disruptive Marxism in activities traitorous to Fatherland and people. Its ultimate aim is as well known to us all as the aim of the Marxists.

That means you, ladies and gentlemen of the civil service!

Whether you work in the Education Department, in the Treasury in the Tax Department, in the Police Department or elsewhere, you civil servants must be indissolubly identified with the State and with the National-Socialist philosophy which supports the State. This identification with the National-Socialist philosophy need not be external, but should answer to an inward urge. It will not do for officials, however high or low their rank, to think that it does not matter who governs the State and whether it is the Social Democrats, the Centre, the German Nationalists or the National Socialists. Any person who thinks this is not worthy to be a servant of the State and of an organised human community.

Patriotism, the collective spirit, the spirit of self-sacrifice, courage and fidelity are fine virtues which every German must practise without doing violence to his own personality. Had the other parties made the same demand on their supporters and on the population, instead of promising them castles in Spain, everything would now be different. But instead of patriotism they have preached internationalism, instead of the collective spirit, the class spirit and snobbery; instead

of courage, cowardice and pacifism, and instead of fidelity perfidy Parties, organisations or individuals who preach vices and wickedness will harvest vices and wickedness.

Neither Danzig officials nor any other German citizens of Danzig must regard Danzig as German when it is governed by Social Democrats or by a coalition of all other parties, or by the Centre, but every one of you must feel it as your deepest conviction that Danzig can only be German and remain German for ever and ever if it is National Socialist.

Appendix 3.

[Extract from the *Danziger Vorposten*, of November 29th, 1934.]

The next speaker was President Greiser, who said that the remarks of the Opposition obliged him to define his attitude. He once more gave an assurance, in reply to the reproaches of the Social Democrats, that the Government had ensured the freedom of voting with an absolutely self-sacrificing impartiality. What had struck him again and again, said President Greiser with emphasis, were the threats that lay behind all the reproaches levelled against the Government. In reply to an interruption by the Deputy Mau, who is known to have been an active Spartakist in Danzig at the time of the revolution, he called out to the latter, "I can give you sufficient proofs, and in my eyes you are the same kind of traitor as those of 1918", whereupon a great sensation was observable on the Nazi benches, while the Marxists at first broke out into abuse and then, as they were unable to find a reply to this reproach, some of them left the House.

Appendix 4.

LAW TO AMEND THE CRIMINAL CODE: ORIGINAL PROPOSAL.

I.

The following paragraph shall be inserted in the Criminal Code after Article 187 as Article 187 (a)

"The term slander within the meaning of Articles 185 to 187 shall be deemed to include the slander of a group of persons under a joint or collective name or description, even where such slander cannot be shown to be directed against the individuals."

II.

The following paragraph shall be inserted in the Criminal Code after Article 194 as Article 194 (a)

"Where the slander is directed against a group of persons (Article 187 (a) of the Criminal Code), any person belonging to such group shall be entitled to make application for criminal proceedings."

(Signed) Dr. R. STACHNIK
(and the other Members of the Centre Party).

Appendix 5.

[Extract from the *Gesetzblatt für die Freie Stadt Danzig*, No. 36, July 5th, 1933.]

Section II, Article 17

The following paragraph shall be inserted in the Criminal Code after Article 132 as Article 132 (a)

"Any person participating in associations of persons as a member thereof, where the purpose of such association is the protection of institutions or manifestations of a political organisation, shall be liable to imprisonment not exceeding three months and to a fine or to one of the said penalties, if the association of persons is not approved by the Senate."

Appendix 6.

DECREE OF APRIL 4TH, 1934, CONCERNING THE WEARING OF UNIFORMS.

In virtue of Article 1, paragraph 9, of the Law of June 26th, 1933, to relieve the Distress of the People and State, the following provisions having the force of law have been enacted:

§ 1.

The wearing of uniforms indicating membership of an association or union elsewhere than on private premises is permissible only by authorisation of the Senate. Authorisation may be made subject to certain conditions or charges. For the purposes of the present provisions, uniform shall also include uniform equipment and headgear.

§ 2.

Authorisation as provided for in § 1 shall not be required for the wearing of clothing customarily worn by athletic societies or students' clubs.

§ 3.

Offences against the present Decree shall be punishable by a maximum of three months' imprisonment and a maximum fine of 1,000 gulden, or by either of these penalties.

§ 4.

The Decree of June 30th, 1931, concerning the Wearing of Uniforms by Members of Foreign Political Organisations (*Gesetzblatt*, page 613), is abrogated.

§ 5.

The present Decree shall come into force on the date of its publication.

Danzig, April 4th, 1934.

Appendix 7

DECREE CONCERNING SCHOOLPUPILS' MEMBERSHIP OF ASSOCIATIONS WITHIN AND OUTSIDE THE SCHOOL.

The Decree of February 16th, 1932, concerning Schoolpupils' Membership of Associations within and outside the School (*Staatsanzeiger*, 1932, page 83) is hereby amended to read as follows:

1. Schoolpupils of either sex of any school may, with the consent of the supervisory scholastic authority found school associations for school purposes under the supervision and with the co-operation of the school (for example, stenographic associations, gymnastic clubs, boat clubs, etc.). The statutes of these school associations shall be approved by the supervisory scholastic authority. Should a school association be engaged in activities other than those laid down in the statute, or should it offend against public order or public morals, it may be suppressed temporarily or permanently by the school.

2 (a) Pupils of either sex of school age of all schools, including special and vocational schools, may not be members of associations not covered by paragraph 1 above unless the supervisory scholastic authority considers that such associations give their members an education in conformity with the conceptions of the National-Socialist State or that they exercise an influence over them on those lines.

(b) Pupils may however, become members of religious associations, if the latter confine themselves to giving their members religious teaching and if their activities are limited to matters of religion (Bible study devotional exercises, etc.).

(c) Membership is prohibited more particularly in the case of associations which are not authorised, under the terms of paragraph (a), by the supervisory scholastic authority if the members of the said associations wear uniform (or cross-belt), march in rank, or engage in physical training of any sort. This rule applies also to the activities of associations of which pupils may become members under the terms of paragraph (b).

3. The supervisory scholastic authority shall have the right to forbid pupils of either sex to belong to any of the associations mentioned under 1 or 2, if such membership has an unfavourable influence on the conduct and work of the pupil or interferes with the school's mission of instruction and education.

4. Pupils of school age of all categories of schools are forbidden to take part in public political demonstrations, except in the case of demonstrations organised or approved by the Government. In case of doubt, the supervisory scholastic authority shall decide whether the demonstration is of a public political character.

5. As regards the wearing of badges of political parties in class or during school activities, the previous provisions shall remain in force (see *Amtl. Schulblatt* of September 1st, 1933, No. 9, page 36. "Badges").

6. The present Decree shall come into force immediately

Danzig, March 12th, 1934.

The Senate of the Free City of Danzig, Division of
Public Education, Science, Art and Public Worship.
(Signed) BOECK.

ORDER.

In virtue of paragraphs 2 (a) and 2 (c) of the foregoing Decree of March 12th, 1934, schoolchildren of either sex are authorised to belong to the following associations only: Hitlerjugend (H.J.), Bund Deutscher Mädchen (B.d.M.), Jungvolk, Volksbund für das Deutschtum im Ausland (V.D.A.).

Danzig, May 12th, 1934.

Senate of the Free City of Danzig, Division of
Public Education, Science Art and Public Worship:
(Signed) BOECK.

PROPOSAL MADE BY THE CENTRE PARTY.

Danzig, Neugarten, March 24th, 1934.

To the Senate of the Free City of Danzig.

The Centre Party of the Popular Assembly begs to bring to the notice of the Senate the following considerations.

On March 12th, Senator Boeck issued an Order with regard to schoolpupils' membership of associations within and outside the school.

This Order constitutes an exceptional law for non-National-Socialist associations, and for the Catholic Youth associations in particular, inasmuch as, whereas schoolpupils are permitted to join the National-Socialist associations which have uniform and hold public demonstrations, they are forbidden to belong to the Catholic associations which have uniform or hold public demonstrations or engage in physical exercises.

Article 73 of the Danzig Constitution says that all nationals shall be equal before the law, and that exceptional laws shall be inadmissible.

Articles 84 and 85 give all nationals the right to assemble peaceably without permission and to form unions or associations.

We regard the Order of Senator Boeck as a violation of this article and petition for the rescission thereof.

Appendix 8.

ORDINANCE CONCERNING THE INSTITUTION OF REPRESENTATION FOR THE DANZIG TEACHERS,
DATED DECEMBER 16TH, 1933.

[Extract from the *Gesetzblatt für die Freie Stadt Danzig*, No. 3, January 17th, 1934.]

In pursuance of Article 1, paragraph 21 (f), and Article 2 of the Law to relieve the Distress of People and State, of June 24th, 1933, (*Gesetzblatt*, pages 273 ff.) the following Ordinance is hereby issued with force of law

Article 1.

The Danzig National-Socialist Teachers' Association (D.N.S.L.B.) is the sole body representing the Danzig teachers' profession within the meaning of the Constitution.

The representative of the organisation is the National-Socialist Teachers' Association (N.S.L.F.).

Article 2.

All teachers in public schools with German as the language of instruction, including ordinary and extraordinary professors at the Danzig Technical High School, are members of the Danzig

National-Socialist Teachers' Association. The membership further includes retired teachers, candidates for the office of teacher, referenders and assessors, and all teachers having a commission to teach in a public school.

Teachers in schools other than those specified in the preceding paragraph may, on application, be accepted as members of the Association by the district head of the Danzig National-Socialist Teachers' Association.

Membership begins when the teacher's occupation begins or, in the case of candidates for the office of teacher, when they are entered in the list of candidates. It ceases with the termination of the members' services in connection with the schools, but not when they are placed on half pay or retired.

Article 3.

The appointment of the district head of the Danzig National-Socialist Teachers' Association, who must be a person actually employed in the teaching service of the Free City of Danzig, requires the approval of the Senate of the Free City.

Article 4.

The Danzig National-Socialist Teachers' Association shall give itself a constitution, which must be based on the conception of leadership and national community. The constitution requires the approval of the Free City.

Danzig, December 16th, 1933.

The Senate of the Free City of Danzig:

(Signed) Dr. RAUSCHNING,
(Signed) GREISER,
(Signed) BOECK.

Appendix 9.

**ORDINANCE REGARDING THE INTRODUCTION OF REPRESENTATION FOR OFFICIALS,
OF AUGUST 14TH, 1933.**

In pursuance of Article 1, paragraph 21 (f), and Article 2 of the Law to Relieve the Distress of People and State of June 24th, 1933, (*Gesetzblatt*, page 273 *et seq.*) the following is hereby enacted with force of law.

Article 1.

The Danzig Association of Officials is, within the meaning of the Constitution, the representative for professional purposes of the Danzig corps of officials, with the exception of the teaching corps, which is represented for the present by the Danzig Association of Teachers, a body having definite contractual relations with the Danzig Association of Officials.

Article 2.

All officials appointed for life or with terminable contracts and retired officials, as also aspirants to official posts (*Beamtenanwärter*) and employees entitled to a pension or not falling under Article 1 of the Employees' Insurance Law, belong to the Danzig Association of Officials as individual members.

Membership begins upon appointment and, in the case of aspirants, upon their entering on their duties, and is terminated when the person ceases to be an official, but not when he is placed on the available list or retired.

Article 3.

The leader of the Danzig Association of Officials, who must be a Danzig State or municipal official, requires the approval of the Senate of the Free City of Danzig.

Article 4.

The Danzig Association of Officials shall give itself a constitution, which shall be based on the conception of leadership and national community.

The constitution requires the approval of the Senate of the Free City of Danzig.

Danzig, August 14th, 1933.

The Senate of the Free City of Danzig:

(Signed) Dr. RAUSCHNING,
(Signed) GREISER.

Appendix 10.

GAULEITER FORSTER AND HERR GREISER, VICE-PRESIDENT OF THE SENATE, SPEAK TO THE DANZIG POLICE OFFICIALS.

[Extract from the newspaper *Für Volk und Staat* (official organ of the Danzig Association of Officials and of the Bureau for Officials of the Danzig Gau of the National-Socialist Party, of November 10th, 1934.)

Every official should, therefore, for reasons of gratitude and decency, serve this State faithfully, and he (the speaker), would not rest until the last official of the Free City had become a National Socialist.

Appendix 11.

THE TIME FOR NATIONAL SCHOOL REFORM HAS ARRIVED.

Extract from the *Danziger Vorposten*, of June 28th, 1934.]

Senator Boeck and Professor Kade spoke to the teachers of Werder.

After a few questions of organisation had been settled by Party-Member Kasten, the Senator again spoke on the question of priests engaging in politics.

“ Every teacher who follows a priest engaging in politics—that is to say, every adherent of the Centre Party—makes himself intolerable to the people and State. The Old Testament, the history of the Jewish people, must as far as possible disappear from the curriculum [loud applause from the teachers]. As National-Socialist teachers, we have no time for it. Anyone who knows the obscenity of the Old Testament will have had enough of it without teaching it. We want clean textbooks. In so far as the Old Testament is necessary as a basis for the New Testament, I have no objection to its being studied. The children should learn real Christianity and, in particular, how to live as Christians. ”

Appendix 12.

LANDRAT BUSCH EXPLAINS HIS PROGRAMME OF WORK: THE NEW LANDRAT OF THE KREIS OF DANZIGER HÖHE SPEAKS TO HIS FELLOW-WORKERS.

[Extract from the *Danziger Vorposten*, December 13th, 1934.]

We reported only a few days ago that a new Landrat, Herr Busch, had been appointed to the Kreis of Danziger Höhe. This morning, Party Member Busch convened his officials, the district and communal heads, and the competent leaders of the Party in order to fix the future programme of work in principle.

He said the working relations in the Party between the head of the Kreis and his local group leaders must not be cold, but must be based on comradeship and confident co-operation. The new Landrat desired that this spirit of comradeship should also unite him with his new fellow workers, the district and communal heads. The views and the desire for effective work which the National-Socialist leaders derived from the Party must never be abandoned when they are in office. The Party bound them permanently to the people so that they knew what the people required. An enormous number of impulses which could never result from formal discussions were derived from this co-operation between the Party and the administration. Party Member Busch informed his local heads in unmistakable terms that they must participate in the training work of the Party. The National Socialists never placed anyone in a position so that he might have a quiet time. The State official must in the first place be a National Socialist. Whatever he did from morning to night he must do as a National-Socialist. He must become the central point of his commune and he could only do so if the Party was a constant source of strength for his work.

Landrat Busch then dealt with the political and economic tasks which awaited him and his fellow-workers in the coming months and years. The main task at all times was the winning of the 34,000 inhabitants of the Kreis of Danziger Höhe for the National-Socialist idea and the permanent advancement of German nationalism. In recent weeks, the National-Socialist Party had held 160 meetings in the Kreis of Danziger Höhe and this means of educating the population must be further increased.

The high aims of National Socialism could only succeed if the necessary economic basis was created. That was very difficult in this poor district, but it must be achieved. For instance, the dismissal of our countrymen in the Praust sugar factory could not be prevented. But the Kreis immediately set to work. New positions were created in order to help in particular the heads of families to pass the winter. There was much work to be done in the Kreis of Danziger Höhe. Most of the streets and roads were in an unsatisfactory condition and must be repaired or replaced by new roads in the interest of the population. During this winter, road-building must be energetically taken in hand, and this would give work to a considerable number of the unemployed. Landrat Busch concluded his remarks by stating that we must successfully pass the winter, we must be industrious and, as leaders of the people, we must do our work in a proper manner and then the population would understand us and we should overcome the difficult times by our joint efforts.

Appendix 13.

December 4th, 1934.

To the Senate of the Free City of Danzig.

Attached we submit a summary of the illegal proceedings which have been reported to us as having taken place during the election period, including polling-day, in the rural districts of Gross Werder and Danziger Niederung.

A series of incidents is described in the summary which, in our opinion, go to prove that a great many State Commissioners and police officials did not observe the non-party attitude which is required of them in the public interest. We further consider that the summary demonstrates that the protective measures taken by the police were not sufficiently thorough to guarantee order and security throughout the territory. As a result of the many examples of economic and moral threats proffered by officials and others and the inadequacy of the protection afforded by the police, the elections were attended by such pressure that, according to reports to the same effect from all sections of the community, there was a widespread feeling that the freedom of voting was not guaranteed as it should have been.

We are convinced that it is entirely in the interests of the Senate of the Free City of Danzig itself that there should be no grounds for such complaints in future.

We therefore request that:

- (1) Police protection in country districts should be appreciably strengthened,
- (2) Those police officials who have not done their duty should be removed;
- (3) Everything should be done to prevent the use of economic, moral and other forms of pressure in any circumstances whatsoever;
- (4) The police should deal energetically with all reported cases of aggression;
- (5) Persons having suffered injury either to their property or health through acts of terrorism should receive appropriate compensation;
- (6) Legal and administrative measures should be taken in order to make all such proceedings impossible in future.

We request the Senate to inform us, at the earliest possible date, of the measures which it proposes to take—our own original proposals having been rejected in the Popular Assembly—to make the repetition of such proceedings impossible in future.

(Signed) Dr. R. STACHNIK,
Chairman of the Danzig Centre Party.

I hereby associate myself with the foregoing observations and proposals.

Danzig, December 5th, 1934.

(Signed) WEISE,
Leader of the German National People's Party.

Appendix 13 a.

SUMMARY OF ILLEGAL PROCEEDINGS IN THE RURAL DISTRICTS OF GROSS WERDER AND DANZIGER NIEDERUNG DURING THE ELECTION PERIOD, INCLUDING POLLING-DAY.

I. *Conduct of the State Commissioners.*

(a) On November 2nd, State Commissioner Baumgardt held a meeting of the National-Socialist Party in Kunzendorf at which he announced that a workman named Mertins, whose name appeared as one of the candidates on the election list of the Christian National Workers' Union, would lose his situation and receive no relief after dismissal. Mertins is employed on drainage work for the commune and is, therefore, dependent upon the latter. As the result of this economic pressure, Mertins was obliged to withdraw his name from our list of candidates.

(b) Difficulties were often made by the State Commissioner in regard to the legislation of signatures. The following are a few examples of what took place:

Early on the morning of November 1st, the above-mentioned candidate Mertins went to State Commissioner Baumgardt in Kunzendorf and asked for his signature to an official certificate which was necessary for the nomination list. Baumgardt declared, however, that his office was not open for official purposes that day, and only arranged to see Mertins at 3 p.m. on the following day.

When submitting the necessary certificate, a fisherman named Gottlieb Kuhl, of Schöneberg, one of our candidates, was asked by the local State Commissioner Schürmann whether he realised what he was doing, and in such a manner that Kuhl took it as a veiled threat.

(c) In Tiegenhof, Goldschmidt, the local agent of the National-Socialist Party kept the Christian National Workers' Union list of candidates for the communal election, in order to copy the signatures.

(d) In Tiegenhagen, the Deputy Mayor threatened members of our Union with the loss of their pensions if they voted for our list.

(e) Through the premature communication of our lists by State Commissioners to members of the National-Socialist Party pressure was brought to bear with a view to the withdrawal of signatures in Kunzendorf, Berendt, Tiegenhagen and other places. We take the view that even although already handed in, electoral lists could not be published until the closing date for the submission of nominations. In certain cases in which the lists were handed in before the closing date, the names of the candidates and signatories were known to the National Socialists within a few hours, whereupon the usual terror set in against the candidates and those who had signed their nomination papers.

II. *Assaults.*

(a) A murderous assault was made on farmer Gamm of Nickelswalde, whose name appeared at the head of our Danziger Niederung district list. During the night, two shots from a sporting-gun were fired through the bedroom window at the bed occupied by Gamm and his wife, which stood about two metres from the window. Some of the buck-shot passed within no more than ten centimetres of the sleepers' heads and buried itself in the wall and a panel of the door. The window panes and window frame showed that some 40 to 50 pieces of shot had either passed through or remained embedded. There are also holes in part of the beds. Numerous shot-marks are visible in the wall and door opposite the window. Gamm himself was slightly wounded by a piece of shot in the head. His wife suffered a serious nervous shock and is at the moment under medical treatment. Their assailants have not yet been discovered.

(b) On the evening of November 6th, one of our candidates, Josef Daniels, of Klein Lichtenau, was set upon and severely maltreated when delivering copies of the *Danziger Volkszeitung* by two individuals (one of whom is believed to be a farm labourer of the name of Otto Schwarz). Streaming with blood and with wounds in the head and hand, Daniels had to be taken to a doctor.

(c) National Socialists forcibly seized copies of the *Danziger Volkszeitung* from the sixteen-year-old daughter of Deputy Günther, of Prinzlaff, when she was delivering them to subscribers; the papers were burnt.

(d) In the night of November 6th and 7th, a motor-car drove past the house of a retired schoolmaster named Wronski, in Tiegenhagen, and pulled up some distance farther on. Three persons got out and smashed three windows to atoms with large stones which they had ready. Wronski is one of our candidates.

(e) In Ladekopp on polling-day (Sunday) the election placard was forcibly taken from our election workers by Storm Troopers and destroyed. There was only one policeman in the place and he was unable to maintain order.

(f) On the Sunday of the poll, a number of our election workers were in Neuteich. In the morning, they were received by Storm Troopers with such terms of abuse as "blackguard",

“ traitor ” “ swine ” “ we will show you what a dagger of honour looks like ”, etc. In the afternoon, when five of our workers were going to the station, they had to call for police protection, and when in the evening our workers were on their way to catch a train to Danzig, they were surrounded by some forty Storm Troopers and, in spite of the presence of a policeman, beaten and ill-handled. One Storm Trooper even drew his dagger. All that the policeman could offer by way of protection were soft words and an attempt to disperse the aggressors by flicking them with the gloves which he carried in his hand. As a result of this brutal terrorism on the part of the Storm Troopers, only three of the election workers reached the station, where they managed to jump into the train just as it was moving out. Two other members of the same group, finding themselves outnumbered by Storm Troopers, were obliged to escape to Dirschau in a taxi.

(g) In Liessau and Kalthof, Storm Troopers made constant attempts to seize the election placards and manhandled our election workers; early in the afternoon they forced the latter to leave the polling-booth. The police were helpless.

(h) In Schewenhorst and Nickelswalde, shop-windows and window-panes of persons who were expected not to vote for the National-Socialist list were broken.

(i) Deputy Klein had parked his motor-bicycle with side-car in the yard belonging to Herr Wiese, the Catholic priest in Gemlitz. When he wished to return home, he found that all his tyres and inner tubes had been slashed. The damage amounted to about 200 gulden. Police investigation on the spot has shown that the cuts were made with a dagger.

(k) On the evening of November 6th, an assault was committed on the Catholic priest in Schöneberg, Herr Wysocki. Stones were thrown into his study, where he was sitting at his desk, and a number of windows were broken. A similar assault took place in Kunzendorf, where stones were thrown into the house of the priest, Herr Masiak. The stone which broke the window-pane only very narrowly missed its mark.

(l) At the Schönbaum Ferry a number of our election workers, who were distributing handbills, were severely maltreated by the occupants of a motor-car, the number of which had been made indistinguishable, but which was carrying the National-Socialist Party emblem. We shall go more closely into the conduct of the ferryman elsewhere.

(m) In Neuteich, a Storm Trooper attempted to snatch the handbag from a man who was distributing bills. Our election workers asked the Storm Trooper to go with them to the police station, which he did. Strangely enough, as soon as they arrived at the police station, two high officers of the local Storm Troops put in an appearance and attempted to defend their fellow-Nazi. As a result, the police did not even take his name and address.

III. Causes of the Assaults.

We consider that the causes of the above-described assaults, which are only some of those that have taken place, are to be sought in the inflammatory speeches and writings of leading National Socialists. In our opinion, the National-Socialist Party's election appeal published in the *Danziger Vorposten* of October 29th, 1934, was tantamount to an incitement to violence, as, for example, in the following passages: “ Our opponents shall feel the impact of our movement's elemental force ” Citizens not belonging to the National-Socialist Party are stigmatised as “ drones ” and “ parasites ” who must be “ exterminated ” Leading National Socialists who, in addition to their party offices, also hold positions in the public services, have not shrunk from influencing electors by means of threats and intimidation. Expressions such as “ These traitors can die in a ditch ” or, with reference to the pistols in the speakers' belts, “ If you don't vote for us you will get a taste of this ”, are merely a few examples. These and similar utterances are bound to have an inflammatory and inciting effect.

In many places, banners were hung out bearing the following provocative text: “ Whoever votes Centre or German National is a traitor ” On windows, doors, sides of houses and fences belonging to our supporters placards were stuck with the words “ Here lives a traitor ” These placards were particularly inflammatory in effect when posted up outside the houses of Catholic priests.

On the street front of a barn belonging to the Catholic parish in Ladekopp, a National-Socialist schoolmaster, named Kluge, of Ladekopp, wrote up the above tag about traitors in big letters.

In Wernersdorf, two Customs officers, Heinrichs and Ziesmer, and the postman Kullik put up a banner with the same statement about traitors in the street opposite the house of Herr Knitter, the Catholic priest.

No case is known to us in which the public authorities have taken action against such overt abuse, calumny and incitement.

IV Conduct of the Police.

It is impossible for the Centre Party to be satisfied with the conduct of the police during the election period in the two rural districts. We admit that the attitude of a number of police officers was unexceptionable, though the same cannot be said of a great many of their colleagues. On

the contrary it is our impression that numerous officers did not show the necessary impartiality and failed to take energetic action against offenders who belong to or sympathise with the National-Socialist Party

That is proved by the assault in Neuteich described above, in which the policemen concerned attempted to break up a crowd of forty people, who were in the act of maltreating other citizens, merely by using the gloves he carried in his hand. During the same incident, two election workers who had been separated from their comrades asked for protection as far as the police station. The policeman refused on the grounds that he could not "take them for a walk round the town", and that it was not his job to provide protection for "party small-fry"

When an election worker in Tiegenhof was hard pressed outside a polling-booth and went to a policeman for assistance, the latter declined to do anything, on the grounds that all he was concerned with was keeping order in the streets.

We also consider it surprising that the person responsible for the murderous assault on Herr Gamm in Nickelswalde has not yet been traced. We know for a fact that, on this occasion, there were many clues which the police might have used.

It is indeed quite impossible to speak of adequate police protection during the election period and on polling-day. Had the country roads been effectively watched by the police, the numerous assaults on private persons and the occupants of motor-cars, which we have described above, could never have occurred. The protection afforded on polling Sunday was completely inadequate.

In Neuteich, there was only one policeman on duty in the market place throughout the day. In other large communes where forty or fifty Storm Troopers were standing about outside the polling-booths and letting fall sneering remarks about many of the voters, there was only one policeman present, and as soon as he turned his back the Nazis resumed their abusive comments. In Kalthof and Liessau, the police were not in a position to afford our election workers protection.

V Electoral Influence.

A special part was played by many teachers who, contrary to Article 107 of the Constitution, placed themselves entirely in the service of their party—the National-Socialist Party—in their school work. One teacher in Nickelswalde informed the scholars that children whose parents voted for any other party than the National-Socialist Party would no longer receive any food at school.

A teacher named Behrendt at Barendt, went from house to house and threatened the occupants that the head of the commune would take steps against them if they did not vote for List 1.

Many employers also threatened their employees with dismissal if they did not withdraw their signatures. In most cases, these employers received the names of persons who had signed the nomination lists from agents of the National-Socialist Party, and even from State Commissioners.

VI. Miscellaneous.

(a) The Senate published the statement that the culprits would be brought before the courts. We do not know what progress has been made with the various proceedings reported to the police on the spot. We hope that something is really being done.

A bad impression was created by the attitude of the magistrate of the summary court a few days before the elections in the proceedings against S.A. men who were accused of having broken the windows of inhabitants of Wossitz. According to the newspaper reports of these proceedings, the matter was cleared up to the extent that the S.A. men admitted having broken the windows and having received an order to this effect from a S.A. leader. In spite of this clear position, no judgment was pronounced, but the case was transferred to the ordinary courts and the warrant for the arrest of the culprits was withdrawn.

(b) It should also be mentioned that, during the election campaign, an extraordinary number of postal packets (letters with newspapers and pamphlets) were lost.

(c) We must also express our surprise that the substance of telephone conversations between our representatives in the country districts and ourselves were known to the National Socialists of the district a short time afterwards.

(d) At the Schönbaum ferry, which is open for public traffic, the following occurrence took place:

A motor-car (taxicab) was driving with election workers who were going to distribute bills. It was followed by a motor-car containing National Socialists. When the taxicab, coming from the direction of Fürstenwerder, was approaching the Schönbaum ferry, the son of the ferryman was about to lift the barrier in order to allow our car on to the ferry-boat. The National Socialists in the other car shouted to him not to allow our car on to the boat. The son of the ferryman obeyed this command and the pursuers, who were armed with rubber truncheons, attacked our election workers and severely ill-treated them. The ferryman, who was standing on the opposite bank, egged the attackers on with the words, "Drown these black pigs! Throw them in to the Vistula!" This ferryman, whose duty it is to look after the general traffic, thus contributed to the election terrorism.

(e) The fact that improper use was indirectly made of public funds for the election campaign of the National-Socialist Party is proved by the following example:

In a number of communes—*e.g.*, Letzkauerweide, Schönbaum, Prinzlaff, Nickelsweide, etc.—the workmen engaged on communal work were collected together in working-hours and taken to a hall or open field, where they listened to an election speech delivered by an agitator of the National-Socialist Party. After the speech, the workmen were again taken back to their work in a body. No wages were deducted for the time of the speech, the workmen received their pay in full. Thus the communes paid out money which really should have been paid by the party in whose interest the meeting was held. It need not be pointed out that other parties were not granted the right to speak to bodies of workmen. This is a further example of the fact that all possibilities were open to the National-Socialist Party and that communal and State Commissioners abused their public functions in order to agitate quite openly in favour of a party. A further example may be quoted.

(f) At the beginning of the election campaign, the Acting President of the Senate, Herr Greiser, made a political speech from the Danzig Broadcasting Station in favour of the National-Socialist Party. The applications of other Parties to use the broadcasting service were refused.

Appendix 14.

ORIGINAL PROPOSAL BY THE CENTRE PARTY OF THE POPULAR ASSEMBLY. LAW AMENDING THE LAW REGARDING ASSOCIATIONS AS DRAWN UP ON JUNE 30TH, 1933.

(*Gesetzblatt*, No. 36. Ordinance regarding Measures for increasing Public Security and Order, of June 30th, 1933.)

Article I.

In the Law regarding Associations as drawn up on June 30th, 1933, a new paragraph § 7(a) is inserted after § 7.

“ § 7(a). — In elections to the Popular Assembly, Kreistag and communes and in voting for a referendum, meetings in the open air and processions shall be forbidden from the time when the date is fixed for the election or voting until the actual date of the election or voting inclusive.

“ During the same period, it is forbidden to wear uniforms or to wear special uniform articles of clothing showing membership of a formation or association.”

Article II.

The following paragraph § 20(a) is inserted after § 20:

“ § 20(a). — Any person organising a meeting or a procession which is forbidden under § 7(a) shall be punished by imprisonment for a period of not less than six months.
“ Any person taking part in a meeting or procession prohibited by § 7(a) or wearing uniforms or special uniform articles of clothing in violation of the provisions of § 7(a) shall be punished by imprisonment for a period of not less than three months.”

Danzig, November 24th, 1934.

(Signed) Dr. R. STACHNIK,
and the other members of the Centre Party

Appendix 15.

ORIGINAL PROPOSAL OF THE CENTRE PARTY IN THE POPULAR ASSEMBLY. ACT TO AMEND THE CRIMINAL CODE.

Article I.

The following provisions shall be introduced into the Criminal Code as § 109(a):

“ 1. Any person who attempts by force or threats to compel another person to take or permit or refrain from taking any action in connection with elections to the Volkstag or to district or communal councils or elections to public bodies, or in connection with the preparations for such elections, shall be sentenced on conviction to not less than three months' imprisonment, or, if there are extenuating circumstances, to not less than one month's imprisonment.

"2. If the intimidation as defined in paragraph 1 has led to the intended result, the term of imprisonment shall be not less than four months."

Article II.

This Act shall come into force immediately

Danzig, November 24th, 1934.

(Signed) Dr. R. STACHNIK,
and the other members of the Centre Party

Appendix 16.

March 13th, 1934.

To the Senate of the Free City of Danzig.

The Centre Party in the Volkstag begs to communicate the following to the Senate of the Free City of Danzig:

The Legal Ordinance regarding the establishment of a representative body for the teaching profession in Danzig was promulgated on December 16th, 1933 (*Gesetzblatt der Freien Stadt Danzig*, 1934, No. 3, of January 17th).

This Ordinance appears to us to be incompatible with the Constitution of the Free City of Danzig on certain points.

The Ordinance provides in Section 1 that: "The Danzig National-Socialist Teachers' Union (D.N.S.L.B.) shall be the sole representative professional association of the teachers of Danzig within the meaning of the Constitution. The organisation shall be in the hands of the National-Socialist Teachers' Front (N.S.L.F.)" and in Section 2 that: "All teachers in official schools in which German is the language of instruction, including the professors ordinary and extraordinary in the Danzig Technical College, shall belong to the Danzig National-Socialist Teachers' union. Retired teachers, candidates for appointment as teachers, assessors and candidates for Assessorships, and all teachers who have been appointed to teach in an official school, shall also belong to the Union."

It appears from these passages that the D.N.S.L.B. is "the sole representative professional association" to which "all teachers in official schools in which German is the language of instruction" must belong. On the other hand, the Constitution, in Article 85, specifically secures to all nationals "the right to form unions or associations, provided their objects are not in contravention of the penal laws", while Article 93 expressly emphasises the "freedom of association" of officials, to which class teachers of both sexes belong (Article 95).

Furthermore, the D.N.S.L.B., which is established by the Ordinance as the teachers' sole representative professional association, is a party organisation, whereas, under Article 93, already quoted, officials are entitled to freedom of political opinion.

We beg to draw attention to these inconsistencies between the Ordinance and the Constitution, and request that the Ordinance be brought into line with the Constitution.

(Signed) Dr. R. STACHNIK,
and the other members of the Centre Party

(b) PETITION OF APRIL 18TH, 1935.

[*Translation from the German.*]

Danzig, April 18th, 1935.

Your Excellency

The elections to the Popular Assembly held on April 7th, the preparations for these elections and the days which ensued were marked by a series of incidents which have confirmed once more the necessity for the petition submitted to you by the Centre Party on December 17th, 1934.

In the attached document, I venture to draw your attention to a series of particularly striking occurrences which clearly reveal the arbitrary character of the acts complained of.

(Signed) Dr. R. STACHNIK,
Chairman of the Centre Party

I. In the petition of December 17th, 1934,¹ it was first of all pointed out that the National-Socialist German Workers' Party enjoyed under the Ordinance of October 10th, 1933, for the protection of the good name of national associations a protection which is not granted to any

¹ See page 789.

other party We also pointed out that the National-Socialist Party had taken advantage of this state of affairs to heap the most serious insults and calumnies on the other parties, and particularly the Centre Party While the accusation of high treason had already played a certain part in the electoral campaign for the district councils, the National-Socialist Party adopted the slogan "High Treason and Separatism" as its watchword in the campaign for the elections to the Popular Assembly M. Albert Forster, District Leader and Prussian Councillor of State, in an article published on April 2nd, 1935, in the *Danziger Vorposten*, the official organ of the National-Socialist Party on the significance of the elections, said: "The representatives of the two parties (Socialist Party and Centre Party) have always been and still are deliberate traitors and enemies of the German cause"

Albert Forster also stated that M. Weiss, member of the Popular Assembly, Dr. Ziehm, former President of the Senate and the head of the Ex-combatants Association, were still greater enemies of the German cause.¹

In the first electoral proclamation of the National-Socialist Party, M. Forster spoke of the separatist activities of the Centre and the Socialists and of the other parties which are not National-Socialist; he ended this proclamation with the slogan, "War on the Separatists" This proclamation was posted on all the hoardings of the Free City

In the last days before the elections, banners with the gravest insults against the non-National-Socialist parties were placed in nearly all the streets of Danzig and in all the other rural and urban communes of the territory of the Free City In every possible form, it was alleged that the fact of voting for the Centre or any other non-National-Socialist party was an act of high treason, treason against the German cause, a proof of separatism, and so on. Ten photographs are attached in the annex¹ reproducing some of the most serious libels exhibited on these banners.

The reproach levelled by the National-Socialist Party against the Centre Party for having submitted a petition to the High Commissioner also played a great part in the electoral campaign. Although it had already been clearly established at the Council's previous sessions that any Danzig citizen was entitled to submit a petition to the High Commissioner or to the Council of the League of Nations, every opportunity was taken of publicly stigmatising this attitude of the Centre Party as separatism and high treason. The President of the Senate, M. Greiser, went so far as to say at an election meeting on March 24th at Meisterwalde: "Now they go and complain to the Jewish organisation at Geneva. Such action is un-German." In the same way, a banner was put up bearing the following inscription. "The Separatists appeal to the League of Nations and thus show what sort of people they are"

Moreover, during this election campaign the walls of a large number of houses occupied by supporters of the Centre Party both in the town and in the country districts had notices affixed to them such as the following: "Here lives a traitor", or "A Separatist of the Centre is no better than a dung-heap"

Lastly a notice with the words "This is a traitors' paper" was posted on all the hoardings over a Centre Party poster announcing the forthcoming appearance of a series of articles in the *Danziger Volkszeitung* on the petition submitted by the party.

All these incidents show once more that the present laws are incompatible with the principles of Article 73 of the Danzig Constitution, under which all nationals of the Free City of Danzig are equal before the law and which prohibits such special measures in favour of a particular party It is obvious that the protection granted by measures of this kind exerts on the election campaign an influence which is intolerable to the non-National-Socialist parties.

The Centre Party has never had any intention of using such methods in conducting the election campaign; but it must insist that the same law should be applied to the National-Socialist Party for the conduct of the electoral campaign in order that that Party should not enjoy a privileged protection in no way justified by the Constitution.

II. Furthermore, our previous petition dealt with the legislative measures which give the members of the National-Socialist Party exclusive right to wear uniform.² These decrees, the validity of which we contested in our petition, have continued to be applied during the campaign for the elections to the Danzig Popular Assembly and have had particularly unfavourable effects for the non-National-Socialist parties. During the last days preceding the elections, all the members of the National-Socialist Party and all the associations affiliated thereto received orders to appear in public only in uniform. Thus many officials were obliged to wear uniform even during office hours. On the actual day of the elections, many of the officials at the ballot offices were in uniform. All these measures naturally reinforced the pressure exercised on the population. As no other party is allowed to wear uniform, only the uniforms of the National-Socialist Party and the associations affiliated thereto were to be seen in public.

III. The third part of our petition referred to the activities of the National-Socialist Teachers' Union and the Association of Danzig Officials.² In this respect, too, the election period has shown that both these unions which are public law associations, placed themselves at the

¹ Note by the Secretary-General. — The petitioners attach to their petition documentary material which is kept in the archives of the Secretariat, and which may be consulted by the Members of the Council.
See page 791.

exclusive service of the election propaganda of the National-Socialist Party. In its issue of March 1st, 1935, the *Nationalsozialistische Erzieher*, the organ of the National-Socialist Teachers' Union of the Danzig district, reported, in an article entitled, "The Separatism of the Socialists, the Centre and the German Nationalists" a speech delivered on February 13th, 1935, by the District-Leader Albert Forster in the Sports Hall. In an article of its own entitled, "The Danzig Popular Assembly is dissolved", this paper carries on propaganda exclusively in favour of the National-Socialist Party, declaring that only a National-Socialist vote can show truly German sentiments, and that the members of the Centre and of the other parties are separatists. An article by M. Boeck, Senator in charge of the Department of Public Worship, head of the District Bureau and also publisher of the *Nationalsozialistische Erzieher* makes propaganda on behalf of the *Danziger Vorposten* as a paper for the National-Socialist teachers. All the March meetings of the National-Socialist Teachers' Union are cancelled owing to the political meetings which the National-Socialist Party intends to hold and which, according to the writer, must be attended by all the members of the teaching profession. In the same article, it is also stated that the "sacred symbol of the National-Socialist movement", the swastika flag, must of course be in every German house and be flown on all dwellings where German teachers reside. Lastly, in the same publication, there is a detailed account of the second week's training given to women teachers, largely consisting of propaganda in favour of the National-Socialist movement.

The members of the National-Socialist Teachers' Union received special invitations urging them to attend election meetings of the National-Socialist Party.

The Association of Danzig Officials, like the National-Socialist Teachers' Union, placed itself at the service of the election propaganda of the National-Socialist Party. In a special number, dated March 13th, 1935, the head of the Association of Officials published an appeal calling upon the members to take part in the procession of the National-Socialist Party on March 16th, 1935. In this article, he asked all the officials to attend the demonstration, even if they were not members of the party.

In a large number of administrations, election meetings of the National-Socialist Party were held in the course of the election campaign, sometimes even during office hours. On a number of occasions, the Association of Danzig Officials called upon its members to participate.

The Association of Officials also organised during the election campaign a course of instruction for Danzig officials, during which intensive propaganda was carried on in favour of National Socialism, sometimes with the assistance of speakers from Germany.

All these occurrences show that the National-Socialist Teachers' Union and the Association of Danzig Officials by no means behaved with the impartiality which must be required of public law associations.

IV During the election campaign, the growing identification of the State with the party was displayed in a particularly striking manner, always to the detriment of the non-National-Socialist parties.

A large number of State administrations placed themselves at the National-Socialist Party's service during the election campaign. It has already been mentioned that, in nearly all the administrations, meetings were held, sometimes during office hours, at which speakers of the National-Socialist Party gave election addresses. This occurred in particular at the Finance Department, the Department of Justice, the police headquarters, in the Wiebenkaserne and in many other administrations.

When the National-Socialist Party's procession was held on March 16th, 1935, all the officials and employees were allowed to leave their work at midday before the close of office hours, in order to take part in the procession. During the election campaign, the authorities granted a great deal of leave to the leaders of the National-Socialist Party and to the members of the S.A. and S.S. in order to enable them to work for the party. A manifestation particularly striking to the public was the fact that, in the last few days before the elections, the buildings of the State and City administrations were decorated with garlands and emblems of the National-Socialist Party. This occurred in particular at the Danzig Town Hall, the post offices, the schools, the Senate, the Palace of Justice and all the other administrations.

The post-office authorities of the Free City of Danzig behaved in a particularly astonishing manner.

On two occasions, the National-Socialist Party had printed matter for general distribution placed in the letter-boxes by the postal services—namely a pamphlet by M. Batzer, Senator in charge of propaganda, entitled, "Make Way for True Socialism", and an illustrated paper with the title: "Christianity in the Third Reich". These two publications were distributed by the postmen of the Danzig postal administration in all the households of the Free City.

On April 4th, 1935, the Centre Party asked the Post Office to authorise a distribution of pamphlets for the Centre Party also. This request was rejected by the Post Office on the same day, on the ground that, according to the postal regulations of the Free City of Danzig, dated November 1st, 1933, pamphlets of a political or religious character could not be distributed by the Post Office. The pamphlets of the National-Socialist Party attached in the annex are quite obviously of a purely political nature, for electoral use.

In the same way, the Centre Party's request for permission to broadcast was also rejected. During the whole electoral campaign, the broadcasting station was placed exclusively at the disposal of the National-Socialist Party and the organisations affiliated to it. A large proportion of the speeches of District-Leader Forster, and of the Deputy-Leader and President of the Senate,

M. Greiser, as well as the election speeches made by speakers from Germany, such as District-Leader Bürkel, and the Ministers Göring, Hess and Göbbels, were broadcast by the Danzig station. In addition, so-called Hitler Youth dialogues were broadcast, the purpose of which was to prevent young Catholics from joining the Catholic Youth associations.

On February 22nd, 1935, the Centre Party asked that the meeting which it was to hold on March 4th in the Sports Hall should be broadcast. This request was refused by M. Batzer, Senator in charge of propaganda, on the ground that the wireless programme had already been arranged and that it was too late to alter it.

On February 28th, the Centre Party submitted a fresh application to the Senate of the Free City of Danzig for permission to use the Danzig broadcasting station. This time the elections for the Danzig Popular Assembly were still five weeks ahead, so that there was plenty of time to arrange the programme. The Centre Party at first received no reply to this request.

On March 30th, 1935, the Centre Party again asked the Senate of the Free City of Danzig to authorise a representative of the Youth organisation of the Centre Party, the Windthorstbund, to speak on the wireless. Senator Batzer replied that he would submit these requests to a plenary meeting of the Senate. The Centre Party is still waiting for a decision on the requests.

The attitude of the Danzig Chief of Police also gave repeated cause for complaint during the election campaign. As soon as the date of the elections was announced, the Centre Party approached the Danzig City Advertisement Company, which lets advertisement space on the hoardings. The Centre Party took the hoardings on three different occasions for advertisement purposes. The first draft for a poster was prohibited by the Chief of Police. At an interview with the representatives of the Centre Party, he gave as reasons for the prohibition that the text was too long, that it really contained an election speech and that, in any case, posters should not be more than notices or advertisements.

The second draft submitted by the Centre Party was also forbidden. All that was allowed was a third draft, the text of which was useless for electoral purposes and confined itself to advertising the *Danziger Volkszeitung*.

In contrast to this, the National-Socialist Party was allowed to engage in the most extensive propaganda by the display of its election posters. We may mention as an example the first proclamation of the District-Leader Forster, and another poster published by the *Danziger Vorposten* on March 23rd, 1935. Both these posters were definitely much more than notices or advertisements. While the Centre Party was forbidden to make use of posters, even to a limited degree, the Chief of the Danzig Police did not place the slightest difficulty in the National-Socialist Party's way as regards the publication of its posters.

In connection with the election campaign, several authorities penalised members of the Centre Party on account of their political activities. A workman named Kahs, of Pietzkendorf, was transferred to a workshop where he only earns half his previous wages because he did not take part in a National-Socialist procession. The Mayor of Praust dismissed without notice a locksmith named Landsberg of that locality because he did not give the "German greeting". A workman, Skibba, of Pietzkendorf, father of eight children, was transferred to a workshop where he earns less than half his previous wages, and the overseer remarked that he might ask the Centre Party to pay him the difference.

On April 8th, 1935, forest-ranger Schumann dismissed five workmen at Obersommerkau on the pretext that they were not true Germans and told them they could now go to their "padre". On March 26th, 1935, five workmen were dismissed without notice on the pretext that they exercised a disturbing influence in the workshop. These workmen had signed the electoral lists of the Centre Party or were candidates of that party. They had not committed any offence which could justify their dismissal. The Centre Party complained to the Senate regarding all these occurrences, but the Senate has not yet vouchsafed any reply.

M. Thiede, an employee of the Senate in the Fiscal Department and a Centre Party member of the Municipal Council, was dismissed without notice on April 13th, 1935. M. Thiede had spoken several times on behalf of the Centre Party during the election campaign and was described in the *Danziger Vorposten* as a "violent agitator". Following upon the false reports given in the *Vorposten*, a meeting of employees of the Fiscal Department was held in Thiede's office during which threats and insults were uttered against Thiede.

The elections to the Popular Assembly were marked, like the elections to the district councils, by a series of assaults on members of the Centre Party. National-Socialist supporters attacked a large number of Catholic Youth hostels, such as the Kolpings- und Josefsheim at Schidlitz, and the Youth hostels at Oliva, Brösen and Praust. Several members of the Centre Party had their windows broken. Dean Gehrman's house at Tiegenhagen had seventy-five panes and eight shutters broken. A large number of persons attending our party meetings, as well as candidates and members of the party, were attacked and mishandled. Particulars can be supplied if desired.

Insulting inscriptions were written on several churches, particularly the cathedral at Oliva, the Church of Our Lady at Danzig and the Chapel of St. Mary's Hospital at Danzig. Several acts of violence were also committed after the elections. Special mention may be made in this connection of the assaults on the pastor Neuteich and on Bishop Sirigk, whose house was broken into by Nazis. Details are given in an annex.

Mention should also be made of the case at Gemlitz, in the district of Danziger Niederung, when members of the Centre Party were fired at and driven out of their houses in their underclothes.

As a consequence of these incidents, the feeling of insecurity daily increased during the election period in all circles of the population. Police protection was in most cases inadequate and belated, and proved unable to prevent the most serious outrages and the worst insults. It should be added that the official organ of the National-Socialist Party, the *Danziger Vorposten*, did all it could to inflame the feelings of the population, even after the elections. In its issue of April 12th, 1935, this paper states that it is the duty of National Socialists in Danzig to seek out their opponents and persuade them of the error of their ways, and if all else fails to destroy them. This declaration by the *Danziger Vorposten*, taken in conjunction with the numerous outrages committed just previously, constitutes nothing less than a clear incitement to fresh violence. Up to the present, the authorities of the Free City of Danzig have not found it necessary to take public proceedings against such incitements.

On many occasions, persons in official positions endeavoured to deter members of the Centre Party from carrying on their activities in favour of that party. For example, the Mayor of Altweichsel exercised pressure on one of our supporters to induce him to withdraw his acceptance of nomination to serve on the Ballot Committee. At Stangenwald, the gendarme and the Mayor endeavoured to induce members of the party to withdraw their names from a list of candidates for the Centre Party. In this connection, mention should also be made of the statements by District-Leader Forster at a meeting of Danzig officials, in which he threatened that they would be dismissed without pensions if they did not vote for the National Socialists.

Another point of interest is that, at the labour camp of the Danzig State auxiliary service at Prausterkrug, no one was allowed to take in the *Danziger Volkszeitung*, the organ of the Centre Party. This paper was treated as hostile to the State, while everyone was allowed to take in the

Danziger Vorposten and the *Danziger Neueste Nachrichten*.

The *Volkszeitung* itself was seized several times during the election campaign by the Chief of Police, particularly the last issue before the election, in which the Centre Party intended to make a final appeal to its constituents. In this way, the freedom of electoral propaganda was seriously infringed.

On the day of the election itself, a series of arbitrary acts were committed, some of which are still being investigated. In a large number of constituencies, the presidents of the ballot committees infringed the regulation laid down in the election decree by refusing to admit assessors nominated by the Centre Party and, contrary to the law, only accepted assessors of the National-Socialist Party.

In many constituencies, the principle of the secret ballot laid down in the Danzig Constitution was evaded or violated. In many areas, voting was public, since voters were called upon to hand in their votes publicly at the election table. The Centre Party intends to make a special complaint to the Supreme Court on these grounds, and it remains to be seen what the result of this complaint will be.

A large number of arbitrary acts, assaults and other acts of violence have only been mentioned briefly in the present petition, owing to the fact that the available material is very voluminous and could not be fully dealt with in the time at our disposal. We are nevertheless prepared to supply further details if requested to do so.

Chairman of the Centre Party

(c) OBSERVATIONS OF THE SENATE OF THE FREE CITY ON THE PETITION FROM THE CENTRE PARTY, DATED DECEMBER 17TH, 1934.

[Translation from the German.]

Danzig, May 7th, 1935.

To the High Commissioner

On December 17th, 1934, the Centre Party of the Free City of Danzig submitted to you a petition in which it calls in question the constitutionality of a series of measures which have been adopted by the Government of the Free City of Danzig in legislative and administrative matters. Without admitting the justification of the objections raised, I announced in January 1935 before the Council of the League of Nations our willingness to seek an agreement with the Centre Party by negotiation. It was clear from the outset that the Danzig Government, which is in no case conscious of having committed a breach of the Constitution, could only make concessions within the limits laid down by its conscientious judgment and the wishes of the majority of the population. In the course of the negotiations, however, the representatives of the Centre Party made demands which, in the Senate's opinion, would prove unacceptable to the overwhelming majority of the population. As this view was not shared by our opponents, the Senate considered it necessary, in order to prevent a breakdown of the negotiations, to elicit a clear expression of the population's opinion. This was given by means of the new elections to the Popular Assembly held on the Government's initiative on April 7th, 1935. The elections led to a considerable strengthening of the National-Socialist Party forming the Government, which was supported by approximately 60% of the Danzig population instead of by 51% as previously. The Government Party rejects a considerable number of the concessions demanded by the Centre Party as incompatible with the requirements of proper administration. Regardless of the results of the elections, the Centre Party has not diminished its demands. The negotiations resumed since the elections have therefore not led to an agreement.

In spite of this negative result of the negotiations, the Government has on its own initiative taken steps to meet two of the essential points of the Centre Party's complaint. The decrees of December 16th, 1933, concerning the provision of representation for the Danzig teaching profession (*Gesetzblatt*, 1934, page 9) and of March 12th, 1934, regarding pupils' membership of associations within and outside the school (*Amtl. Schulblatt*, page 26) complained of by the petitioners have been amended in such a way as to leave no doubt as to their being in accordance with the Constitution. Further details in this connection are given in the remarks on II, 3, and III.

I give below my views on the observations made in the petition of December 17th, 1934.¹ The supplementary petition of April 18th, 1935,² regarding occurrences at the recent elections to the Popular Assembly which was submitted to you by the Centre Party on April 18th, 1935, is not dealt with here, as all the necessary material is not yet at my disposal. I shall revert to the matter in a few days,³ and in any case before the session of the League Council.

I. The *Legislative Ordinance of October 10th, 1933, for the Protection of the Good Name of National Associations* (*Gesetzblatt*, page 502) is wrongly challenged by the petitioners as being unconstitutional. None of its provisions contain any breach of the principle of equality laid down in Article 73 of the Danzig Constitution.

The principle of Article 73 is only infringed if a law or administrative measure fails to deal equally with matters in regard to which such unequal treatment would, in the opinion of all right-thinking and reasonable people, constitute arbitrary action (see REISS, Commentary No. 3 on Article 73, paragraph 3). For any right-thinking and reasonable man, however, it goes without saying that national associations which support the State and Government and which in their turn have behind them the great majority of the population ought to enjoy a privileged position as compared with other associations. Such a privileged position is completely justified from the point of view of the maintenance of public order and security. A malicious disparagement of such associations has an indirect effect on the Government, whose members belong to them or sympathise with them, and thus at the same time works to the detriment of the State. It is further likely to cause agitation amongst the great majority of the population and thus directly to endanger public order and security. All these considerations do not apply to other associations, so that a similarity of circumstances which, under Article 73, would call for equality of treatment does not exist. It is for this reason that the independent Danzig courts, among whose functions is the examination of the constitutionality of the laws, have always applied this Ordinance without raising any objection.

It should be pointed out that the protection of the good name of the national associations provided for in Article 4 of the Ordinance is confined within very narrow limits. It does not cover every insult, but refers simply to the intentional making or spreading of an untrue or grossly distorted statement as to facts—*i.e.*, to calumny.

Nor has there been any inequality in the application of the Ordinance of October 10th, 1933. The executive regulations number among the associations supporting the Government, not only the National-Socialist Party and its organisations, but also, for example, the German Aero Club (*Luftsportverband*) the Voluntary Labour Corps, the Danzig Air Protection League (*Luftschutzbund*) and the regional association of the Reich Ex-Combatants (*Kyffhäuser*) Union. The scope of application of the Ordinance therefore transcends the National-Socialist movement and is extended wherever possible to the national plane.

Equally incorrect is the petitioners' assertion that special protection is afforded to the National-Socialist movement by Article 130, sub-paragraph 2, of the Criminal Code. This provision, which makes conduct calculated to lead to a breach of the peace with the intention of endangering the interests of the State a criminal offence, is directed equally against all citizens and provides equal protection to all. It can just as well cover agitation against the opposition parties or against the Jews. It is untrue to say that any intrinsically permissible activity can be made the subject of criminal proceedings if National Socialists choose to take exception to it and to conjure up the danger of a breach of the peace. The courts have in each case to examine whether the offender's intention was to create a breach of the peace and to endanger the interests of the State. It should be observed that the clause contained in Article 130, sub-paragraph 2, was inserted in the Criminal Code in virtue of the Ordinance of June 30th, 1933 (*Gesetzblatt*, page 287 *set seq.*), with the approval of the Centre Party which was, at that time, participating in the Government.

II. The Centre Party's petition further complains of the following provisions, also from the point of view of the infringement of the principle of equality laid down in Article 73 of the Constitution.

- (1) The criminal clause contained in Section 132(a) of the Criminal Code put into force by the Legislative Ordinance of June 30th, 1933 (*Gesetzblatt*, page 287);
- (2) The Legislative Ordinance of April 4th, 1934, concerning the Wearing of Uniforms (*Gesetzblatt*, page 221)
- (3) The School Ordinance of March 12th, 1934 (*Amtl. Schulblatt*, page 26).

I. Article 132(a) of the Criminal Code refers to the protective associations of all political organisations. They are all subject to approval by the Senate. The law does not restrict the possibility of such approval to any particular associations, but leaves the decision to the

¹ See page 789.

² See page 806.

³ See page 817.

conscientious judgment of the Senate. The fact that, in choosing which associations should be approved, their attitude to the State is taken into consideration, is the more comprehensible inasmuch as an orderly exercise of such "protective" activity is of the greatest importance from the point of view of the police.

Here, too, it must be pointed out that the Centre Party raised no objection to the adoption of this Ordinance when it formed part of the Government.

2. *The Ordinance of April 4th, 1934, concerning the Wearing of Uniforms*, also applies equally to all associations, since it makes the wearing of uniforms in general subject to the approval of the Senate. The application of this Ordinance, in regard to which the Senate has always to act according to its conscientious judgment, is as little contrary to Article 73 or any other provisions of the Constitution as is its text.

I would further refer you to the remarks which I submitted to you on November 15th, 1934, in reply to the petition of the Catholic priests, and particularly to headings II and III of the letter in question.

3. *The School Ordinance of March 12th, 1934*, is objected to by the petitioners because, under 2(a), pupils are not allowed to join associations "unless the supervisory scholastic authority considers that such associations give their members an education in conformity with the conceptions of the National-Socialist State or that they exercise an influence over them on those lines". It must be admitted that this wording—although it really says nothing more than that Danzig has a National-Socialist Government—can give rise to objections from the constitutional point of view. The Senate has remedied this in the new text of the Ordinance given in Appendix 1. The second half-sentence of 2(a) of the School Ordinance now reads: "unless the supervisory scholastic authority considers that such associations give their members an education on State lines". The same opportunity has been taken of altering the School Ordinance in regard to two other points which the Catholic priests complained of as unconstitutional in their petition (deletion of the former 2(c) and alteration of 4).

III. *Professional Representation of Officials and Teachers*. — The grouping together of all Danzig officials and of all Danzig teachers by the Legislative Ordinances of August 14th, 1933 (*Gesetzblatt*, page 382), and December 16th, 1933 (*Gesetzblatt*, 1934, page 9), does not affect the freedom of association guaranteed to officials (including teachers) by Article 93 of the Constitution. It relates to the formation of bodies to represent professions for public law purposes, which it was the right and duty of the State to set up under Articles 46 and 94 of the Danzig Constitution. These representative bodies do not possess the character of unions, but, in accordance with their functions, have been declared public law corporations (cf. Legislative Decree of March 9th, 1934, *Gesetzblatt*, page 199). The grouping together of the members of a profession into a public law corporation does not involve any inadmissible compulsion to become a member, since here in the nature of things there can be no question of freedom of association. The right of officials and teachers to join associations and also to form associations among themselves is not affected by their membership of the professional representative bodies.

The Legislative Ordinance of August 14th, 1933, under which the Association of Danzig Officials was set up, was enacted at a time when the Centre Party was still participating in the Government and met with no opposition from that party. The Association of Danzig Officials is not a body serving party interests, as is clear from the legislative ordinance itself, from its constitution and also from its composition—since it embraces all officials without distinction of party religion or race. The Association is in no way dependent on the Officials' Bureau of the Danzig "Gau" of the National-Socialist Party. The reasons for which the Association of Danzig Officials and the party organisation use the same journal for their announcements are purely technical. If the direction of the Association of Danzig Officials is in the hands of National Socialists, this corresponds to the wishes of the overwhelming majority of its members. In this connection, it should be mentioned that the first President of the Association, the former National-Socialist Senator Hohnfeldt, was unanimously elected by a free vote of the official associations existing at that time, before the National-Socialist Party came into power. No compulsion as regards opinions is exercised in the Association of Danzig Officials. Every official is free as regards his political opinions. No official is obliged to attend a course of instruction organised by the Association, let alone to adopt the National-Socialist theories propounded at these courses.

In the same way, the body representing the Danzig teaching profession set up by the Ordinance of December 16th, 1933, does not deprive its members of their freedom of political opinion. This is shown by the fact that, despite their membership of the Danzig National-Socialist Teachers' Union, a number of teachers do active work for parties other than the National-Socialist Party, without suffering any disabilities in consequence. A sufficiently convincing example is that of the Studienrat Dr. Stachnik, who is Chairman of the Centre Party. At the same time, the Senate does not deny that certain constitutional objections on the basis of Article 93 of the Danzig Constitution may exist against the Legislative Ordinance of December 16th, 1933, which adopts the title "Danzig National-Socialist Teachers' Union" for the professional representative body of the Danzig teachers, and which designates the National-Socialist Teachers' Front as the representative of the Organisation. The Danzig Government has therefore promulgated the Legislative

Ordinance (Appendix 2), which adopts the same rules for the representation of the Danzig teachers as those enacted by the Legislative Ordinance of August 14th, 1933, for the Danzig officials.

IV The reproach of increasing identification of State and Party made by the petitioners is unjustified.

State and Party are by no means identical in the Free City of Danzig. As the Centre Party must be aware, the Government has repeatedly emphasised that there can be no question of such an identification, which would be incompatible with Danzig's constitutional position. In Danzig, there is no totalitarian National-Socialist State, but a party Government as heretofore. This, of course, does not preclude the party in power, which possesses an absolute majority in Parliament, from endeavouring to further the aims of the National-Socialist cause *within the limits of the Danzig Constitution*. In your last annual report, you yourself, Mr. High Commissioner, did not question this right. The fact complained of by the petitioners that members of the Government, and to some extent also leading officials, at the same time hold party offices, is in keeping with the usual practice in States possessing parliamentary Government. That this principle has only been applied to a very limited extent in Danzig is, however, shown by the fact that a number of the most important official positions—I need only mention the position of Chief of the Danzig Police and that of President of the Court—are in the hands of persons who do not belong to the party. The Government's right to give its officials, within the limits of the Constitution, directions for the discharge of their official duties goes without saying, nor can any objection be raised if it endeavours to instil its political views into the minds of the officials. The freedom of political opinion guaranteed to the officials by Article 93 of the Constitution is not thereby prejudiced. No official can be punished because he does not join the National-Socialist movement.

Precisely because the officials possess freedom of political opinion and freedom of association they cannot be forbidden to act as officers of the National-Socialist Party or to become members of the uniformed organisations of the movement. They are also absolutely entitled to signify their loyalty to the Leader of the movement. By so doing they do not, in carrying out their official duties, become the servants of a party but remain servants of the community, as prescribed in their official oaths. If, for reasons of party politics, they neglect their official duties, they are called to account regardless of any "conflict of conscience" which may have arisen. In any case, such conflicts of conscience as those referred to by the Centre Party are much less likely to arise among the members of a party which exercises the predominant influence on the conduct of affairs, than among officials who belong to the Opposition parties.

V The petitioners' statement that, at the district and communal elections held in November 1934, State organs were no longer in a position to observe the impartial conduct to which they were bound must be energetically repudiated. The cases communicated to the Senate by the Centre Party have been officially investigated. The results of the investigation justify neither the accusations made against the persons responsible for the preparation and conduct of the ballot nor the serious reproaches made against the police.

The findings of the official investigations regarding the occurrences mentioned in the Centre Party's petition to the Senate of December 4th, 1934, are attached in Appendix 3.

It is quite true that a series of incidents occurred during the elections to the district assemblies. They assumed no greater proportions, however, than the incidents which usually occur during elections fought out under the influence of political passions. As soon as the first transgressions came to the Senate's knowledge, it immediately intervened energetically by means of strict injunctions to the executive organs and by strengthening the police. In this way, the incidents were kept within reasonable bounds and, in fact, the election day passed off almost without friction. This success could not have been achieved if the police had neglected their duties. As was to be expected, they showed themselves in every way an efficient instrument of State authority. For further details, I would refer you to the communications I have already submitted to you regarding the November elections.

There can be no question of anything having happened during the elections which could justify any doubt as to the regularity of the election proceedings. As regards the two occurrences mentioned in the Centre Party's petition at Wotzlaff and Scharfenberg, these matters have been completely cleared up. The State Commissioner at Wotzlaff only learned several days *after the election* that Frau Schneider, who had taken part in the election, was really of Swiss nationality. It is not true that Frau Schneider had previously informed the State Commissioner of the fact. It is therefore also untrue that the official told her that she could vote because one vote more or less did not matter. As regards the second case, an official enquiry has elicited the fact that after the end of the voting at Scharfenberg anyone was free to remain in the polling-booth. It is not true that the public were excluded on the ground that the election officials did not wish to be disturbed when counting the votes.

The Danzig Popular Assembly refused a series of Bills brought in by the Centre Party in order to safeguard the freedom of voting at the forthcoming elections from alleged dangers, for the reason that the freedom of voting at the November elections was never, as a matter of fact, in any actual danger. It is significant that the Centre Party has not made use of the right given to it by the Constitution to challenge the validity of the election.

(Signed) GREISER.

Appendix 1.

AMENDMENT, DATED MAY 6TH, 1935, TO THE ORDINANCE CONCERNING PUPILS' MEMBERSHIP OF ASSOCIATIONS WITHIN AND OUTSIDE THE SCHOOL, DATED MARCH 12TH, 1934
(*Staat Anzeiger* page 90).

The Ordinance concerning Pupils' Membership of Associations within and outside the School, of February 16th, 1932 (*Staat Anzeiger* page 83), in the text of the Ordinance of March 12th, 1934 (*Staat Anzeiger* page 90), is amended as follows:

I.

Ad 2(a). — The second half of the sentence should read as follows: " unless the supervisory scholastic authority considers that such associations give their members an education on State lines "

II.

Ad 2(c). — Delete.

III.

Ad 4. — The first sentence shall read as follows: " Attendance at public political manifestations is only permitted to children of all classes of school age with the consent of the supervisory scholastic authority "

Danzig, May 6th, 1935.

The Senate of the Free City of Danzig:

(Signed) GREISER,

(Signed) Dr. WIERCINSKI-KEISER.

Appendix 2.

AMENDMENT, DATED MAY 6TH, 1935, TO THE LEGISLATIVE ORDINANCE OF DECEMBER 16TH, 1933, CONCERNING THE INSTITUTION OF REPRESENTATION FOR THE DANZIG TEACHING PROFESSION.

In pursuance of Article 1, paragraph 21, and Article 2, of the Law to relieve the Distress of People and State, of June 24th, 1933 (*Gesetzblatt*, page 273), the following is hereby enacted with the force of law:

The Legislative Ordinance of December 16th, 1933 (*Gesetzblatt*, 1934, page 9), shall read as follows:

Article 1.

The Danzig Teachers' Union (D.L.B.) represents the Danzig teaching profession within the meaning of the Constitution.

The Danzig Teachers' Union is a public law corporation.

Article 2.

All teachers in public schools with German as the language of instruction, including ordinary and extraordinary professors at the Danzig Technical High School, are members of the Danzig Teachers' Union. The membership further includes retired teachers, candidates for the office of teachers, referendars and assessors, and all teachers having a commission to teach in a public school.

Teachers in schools other than those specified in paragraph 1 may, on application, be accepted as members of the Union by the leader of the Danzig Teachers' Union.

Membership begins when the teacher's occupation begins or, in the case of candidates for the office of teacher, when they are entered in the list of candidates. It ceases with the termination of the members' services in connection with the schools, but not when they are placed on half pay or retired.

Article 3.

The appointment of the leader of the Danzig Teachers' Union, who must be a person employed in the teaching service of the Free City of Danzig, requires the approval of the Senate of the Free City

Article 4.

The leader of the Danzig Teachers' Union shall promulgate the Constitution of the D.L.B., which must be based on the conception of leadership and national community. The Constitution requires the approval of the Senate of the Free City.

Danzig, May 6th, 1935.

For the Senate of the Free City of Danzig:

(Signed) GREISER,

(Signed) DR. WIERCINSKI-KEISER.

Appendix 3.

Danzig, May 7th, 1935.

REPLY OF THE SENATE TO THE STATEMENT MADE BY THE CENTRE PARTY OF THE FREE CITY OF DANZIG REGARDING ILLEGAL ACTS COMMITTED DURING THE ELECTION CAMPAIGN AND ON POLLING-DAY IN THE RURAL DISTRICTS OF GROSS WERDER AND DANZIGER NIEDERUNG.

Ad I. Conduct of the State Commissioners.

(a) The workman Mertins, of Kunzendorf, according to the official enquiries, was not engaged during the election period on drainage work for the commune and was therefore not in a state of dependence on the latter. Both before and after the election, he worked for the landowner Wiebe, at Kunzendorf. No economic pressure was either threatened or exercised in his case by the State Commissioner or anyone else.

(b) The State Commissioner Baumgart, at Kunzendorf, has his office hours as mayor only on certain days and at certain times, as may be seen from an official notice on the communal notice-board. Although Mertins must have been aware of this circumstance, he came out of office hours and was simply told to come back at the proper time. Equally untenable is the complaint of the fisherman Kuhl, of Schöneberg. It has been ascertained that the State Commissioner of that place made no remark which could even remotely be construed as a veiled threat.

(c) The chancery assistant Goldschmidt named in the Centre Party statement, who works at the Tiegenhof law court, often has to make official enquiries, in this capacity, of the Town Council at Tiegenhof. The investigations made into the case have not, however, given any reason to suppose that he wrongfully obtained the names of the election candidates or used these names for other than official purposes.

(d) First Alderman Mecklenburger is the Deputy Mayor of Tiegenhagen. As the present Mayor, Pelz, was not replaced by Mecklenburger during the period before the election, the latter cannot have made *officially* the remarks referred to in the petition. Mecklenburger denies that he made any statements of the kind even privately. As details of the circumstances in which they were made have not been supplied, there is no reason to doubt his word rather than that of the anonymous informant.

(e) The official investigation into the complaint regarding the premature disclosure of the election nominations by State Commissioners to members of the National-Socialist Party has shown this accusation to be entirely unjustified. The duty of secrecy in this connection was in all cases observed by the responsible officials. On the other hand, it has been established on the basis of impartial evidence that, in the commune of Kunzendorf, candidates for nomination for the Centre Party publicly revealed the names of the candidates or signatories of the nomination list before it was handed in.

Ad II. Assaults.

(a) As regards the assault on Gamm at Nickelswalde, whose name appears at the head of the party list, extensive enquiries were undertaken immediately after the occurrence, the most modern detective methods being used and an expert on fire-arms being called in. Gamm himself has stated through his legal representative and in public that these investigations have been carried out with admirable energy and thoroughness. The legal proceedings in the case are still in progress.

(b) The case of Daniels at Klein Lichtenau was made the subject of judicial proceedings after the conclusion of the police investigations. The proceedings had to be discontinued, however, as Daniels was unable to maintain his suspicions against the persons accused of being the assailants.

(c) No information regarding the case of Günther at Prunzlaff was lodged at the police station. The investigations set on foot as a result of the Centre Party's representations were naturally rendered more difficult by this circumstance. Frieda Günther's father has not made any complaint to the police; he told the competent gendarmerie officials that he took no further interest in the matter.

(d) In the case of Wronski, at Tiegenhagen, investigations were made immediately after the event. The judicial proceedings had, however, to be dropped owing to the failure of the efforts made to find the offenders, regarding whom the victim was also unable to give any useful information.

(e) The alleged violent removal and destruction of an election placard at Ladekopp did not in fact take place. An abandoned Centre Party placard was, however, found by members of the National-Socialist Party in a ditch. On the instructions of the police constable who was present, the placard was immediately returned to members of the Centre Party. It is not true that the police were unable to maintain order.

(f) The statements made on this point must be described as exaggerated. The canvassers at Neuteich were immediately given adequate protection by the police on their request. The quarrels which broke out with canvassers of other parties owing to their own fault were nipped in the bud by the police.

(g) The official investigations have not shown that any hindrances were placed in the way of voters at Liessau and Kalthof. The statements appear to refer to the fact that canvassers of the Centre Party who were hindering free access to the polling-booth with their election posters were asked to stand in a more suitable place in front of the polling-booth.

(h) Contrary to the Centre Party's statement, no shop windows or other window-panes were broken at Nickelswalde. The criminal proceedings instituted by the local public prosecutor's office in connection with the breaking of a shop window at Schiewenhorst had to be dropped, as it proved impossible to identify the offenders.

(i)-(l) The proceedings brought by the local public prosecutor's office with regard to the damaging of the motor-bicycle of Deputy Klein, the throwing of stones at the dwellings of the clergymen Wisotzki and Masiak, and the alleged ill-treatment of canvassers at the Schonbaum ferry had to be dropped, as the offenders, regarding whom no particulars were available, could not be discovered.

(m) The bill-distributor at Neuteich certainly notified the Neuteich police of the occurrence, but definitely refused to institute proceedings, on the ground that he did not regard the incident as of any importance.

Ad III. *Causes of the Assaults.*

The suggestion that the hindrances placed in the way of voters were due to the political activities of members of the National-Socialist Party is not supported by the evidence and must therefore be regarded as unfounded. As in all electoral periods, posters were put up during these elections by *all* the parties and canvassing speeches were made at election meetings. In no case were any posters found the contents of which endangered public order and security or justified police intervention. If officials put up banners canvassing for the ideas of their party—in this case the National-Socialist Party—this occurred out of office hours, in the exercise of their rights as citizens, any restriction of which would have been unconstitutional.

Ad IV. *Conduct of the Police.*

It has in no case been established that the conduct of the police in connection with the elections could justify any complaints of partiality. All the information received in this connection has been examined, and it has been found that the increased police protection provided in connection with the elections was everywhere adequate and that the officials completely fulfilled their duties.

Ad V. *Electoral Influence.*

The official investigation has not elicited any confirmation of the accusations made against the schoolteachers. At Nickelswalde, eighty-six to ninety children were given free meals daily. Now about 200 children are given free meals every day out of a total of 226. The head master energetically denies that either he or his colleagues made any remarks of the kind suggested. The increased number of children given free meals since the elections confirms the truth of his statements.

It is also impossible to describe the activities of the schoolteacher Behrendt at Barendt as illegal. All that he did was to canvass other residents in the commune on behalf of the National-Socialist Party outside his hours of work, in exercise of his rights of citizenship and in his capacity of member of that party. He did not go from house to house endeavouring to influence the inhabitants by threats.

Ad VI. *Miscellaneous.*

(a) The Senate's order regarding the bringing of offenders before the magistrates was observed in all cases where this was necessary. It is for the competent magistrate of the summary court to decide whether he considers it desirable to refer a case to the ordinary court.

(b) There is no evidence to confirm the statement that during the election campaign a large number of postal packets were lost. No complaints to this effect were made either to the Post Office or to the police.

(c) Here, too, no complaints were lodged. The accusation that officials or Post Office employees failed to observe official secrecy must be repudiated. The fact that telephone conversations were overheard in some of the very primitive rural post offices may be explained by the fact that the public telephone offices are sometimes situated in the entrance halls and premises which are also used for the despatch of other public business, and that private telephone boxes are not always available.

(d) Legal proceedings were instituted regarding the matter of the canvassers at the Schönbaum ferry but had to be discontinued as the information showed that neither the ferryman's conduct nor any other circumstance justified disciplinary measures.

(e) The statement that public funds were indirectly misused for the purposes of the National-Socialist election campaign by the holding of meetings of the communal and emergency workers in working-hours is incorrect. The investigations have shown that the communes suffered no loss through the holding of short meetings of this kind. It has, on the contrary, been shown that the work of those concerned has improved both in quantity and quality, seeing that the workers have become more contented as a consequence of the atmosphere of confidence created by the holding of these meetings.

(f) The broadcast speech in question consisted of a declaration by the Acting President of the Senate and not of a speech on party politics.

C.213.1935.VII.

2. LETTER, DATED MAY 15TH, 1935, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL, TRANSMITTING THE OBSERVATIONS OF THE SENATE OF THE FREE CITY ON THE PETITION FROM THE CENTRE PARTY OF THE FREE CITY, DATED APRIL 18TH, 1935.¹

Danzig, May 15th, 1935.

I have the honour to refer to my letter dated May 9th 1935,² forwarding the observations of the Senate of the Free City of Danzig³ regarding the petition presented on behalf of the Centre Party

I now beg to enclose herewith the comments of the Senate with regard to the addendum to that petition concerning incidents during the recent election for the Volkstag.

(Signed) Sean LESTER,
High Commissioner

OBSERVATIONS FROM THE PRESIDENT OF THE SENATE OF THE FREE CITY.

[Translation from the German.]

Danzig, May 15th, 1935.

With reference to my letter of May 7th, 1935, containing my observations on the Centre Party's petition of December 19th, 1934, I have the honour to communicate to you the opinion of the Danzig Government on the Centre Party's supplementary petition of April 18th, 1935.

I. It is not correct that the Centre Party was prejudiced in its election campaign by the Legislative Ordinance of October 10th, 1933, on the preservation of the good name of the national associations (*Gesetzblatt*, page 502). In my letter of May 7th, 1935, I have already pointed out that that Ordinance afforded *only a very limited measure* of protection for the national associations; all that it did was to threaten with punishment persons guilty of defamation—that is to say, persons deliberately making untrue or grossly distorted assertions relating to those associations on *matters of fact*. The National-Socialist Party and its groups enjoy no greater measure of protection than other parties against adverse *criticism*, even if of a defamatory character in other words, the protection against libel afforded by the Criminal Code is denied to them in precisely the same circumstances as it is to the other parties. It is therefore quite incorrect to infer that the election campaign only bore harshly upon the Opposition parties. That the same methods of conducting the campaign were employed by all parties is shown by the sometimes very offensive allegations against the N.S.D.A.P. which appear in the pamphlets and newspapers of the Opposition. The Centre Party, in particular, was not at all backward in this respect, as may be seen from a glance at the issues of its Press organ, the *Danziger Volksstimme*, which appeared during the election campaign.

I attach hereto a number of pamphlets and newspapers.⁴

That the indignation felt by the overwhelming majority of the population of Danzig against the attitude of the Opposition, and particularly of the Centre Party, should find expression in

¹ See page 806.

² See page 788.

³ See page 810.

⁴ Note by the Secretary-General. — These documents are preserved in the archives of the Secretariat, where they may be consulted by the Members of the Council.

posters and banners is not an unusual phenomenon for an election campaign. The words attributed to myself when speaking at an election meeting at Meisterswalde were never uttered at all.

II. How far the wearing of uniform by National-Socialist associations may have exerted pressure upon the population during the election campaign, I am not in a position to say

The assertion that the N.S.D.A.P. and its groups in Danzig had the sole right to wear uniform does not correspond to the facts. This right has been granted, not only to certain Polish associations (Polish scouts, Polish Academic Athletic Association), but also to a number of other bodies (e.g., the Danzig National Combatants' Association, the Master Mariners' Union, the Naval Union, etc.). If the Catholic Youth organisations have not received permission to wear uniform—and in this they share the same fate as other associations, such as the Good Templars and the Polish National Socialists—the refusal was justified by considerations of public safety. On this point, I would refer to my observations in reply to the petition of Catholic priests in my letter of November 15th, 1934. These reasons still held—they were particularly cogent, in fact—during the election campaign. If permission to wear uniform had been granted to associations which did not support the present Government and which the overwhelming majority of the population regarded with mistrust or open hostility political divergencies would have been intensified to an intolerable degree and there would have been a constant danger of clashes.

The assertion made in the Centre Party's petition that all the other parties too were refused permission to wear uniform is misleading inasmuch as it might be taken to infer that those parties used to wear uniform. In point of fact, the adherents of the Centre Party had never worn uniform nor had they ever applied for permission to do so.

III. On what grounds the Government of the Free City may be held responsible for propaganda alleged to be carried on in favour of the N.S.D.A.P. by the Association of Officials and the Union of Teachers is not very clear, since both those bodies conduct their affairs autonomously

The very large majority of members of both bodies belong to the National-Socialist movement, and only a negligible fraction to the Opposition parties. It is only natural that this situation should sometimes be taken for granted in articles appearing in the organs of information of these bodies, and it is not a ground for complaint. Such articles are not addressed to officials or teachers who stand outside the National-Socialist movement, and they are in no way committed by them.

Moreover, there is no question of these two organisations placing themselves exclusively at the service of the National-Socialist Party for purposes of propaganda.

The Association of Officials never summoned officials, including those who were not members of the N.S.D.A.P., to take part in the N.S.D.A.P.'s procession on March 16th, 1935, or in the election meetings of that party. These notices were sent out, as their headings and signatures show, by the Bureau for Officials of the Danzig District of the N.S.D.A.P. Canvassing of this kind by the party is quite legitimate.

It is also incorrect to say that the Association of Officials instituted a course of training for officials during the election campaign. This course, which no official needed to attend against his will, was conducted by the District Office for Communal Politics—in other words, by a party organ.

As regards the National-Socialist Teachers' Union, I would refer to the new arrangement for the representation of the teaching profession, which was introduced by the Ordinance of May 6th, 1935, and by which the Union of Teachers was wholly separated from the movement in externals as well as otherwise.

IV. The following observations relate to the individual cases cited in the Centre Party's petition to prove the alleged identification of State and Party

1. The attitude of the Post Office has been unobjectionable. The refusal of an application by the Centre Party for the acceptance of circulars was in accordance with the law. The publications "Make Way for True Socialism!" and "Christianity in the Third Reich" were not circulars within the meaning of the postal regulations. Incidentally these circulars were not distributed at the instance of the National-Socialist Party, but at the instance of the National-Socialist Popular Welfare Organisation, which had obtained special permission from the Senate for the purpose.

2. The wireless was not placed at the Centre Party's disposal for the reason that, in the Senate's conscientious judgment, the proposed addresses gave reason to apprehend danger to public peace and safety. It cannot be admitted that there is any obligation to allow a party in opposition to the Government to make propaganda by wireless. It may be seen from the note in the *Danziger Volksstimme* (No. 47, of February 25th, 1935), a copy of which is attached, that the Swiss Government took the same line in a similar case.¹

3. The Danzig Chief of Police acted in accordance with the law in forbidding the posting-up in public of a Centre Party poster, having regard to its subject. The Centre Party's application for police permission to display the poster was made at a date when the election of the Popular Assembly had not been officially made public and the date of the election had not yet been decided. There was no ground at the time for the more liberal enforcement of the Regulations with regard

¹ Note by the Secretary-General. — Preserved in the archives of the Secretariat, where it may be consulted by members of the Council.

to the Press, which the Chief of Police later agreed to during the election campaign, without making any distinction between the parties.

A copy of the Senate's reply to the Centre Party's protest against the action of the Chief of Police is attached.¹

The repeated confiscation of the *Danziger Volkszeitung* against which the Centre Party protests was rendered necessary for the maintenance of public peace and order. I need only refer to the Senate's decisions with regard to the protests in question, which I have already transmitted to you.

4. It has not been shown that members of the Centre Party have been penalised for their political opinions. The transfer of the workers Kass and Skubba to other posts was necessary according to official statements by the competent Landrat, for the maintenance of industrial peace, and the dismissal of the locksmith Landsberg was due to the same reasons. The dismissal of five forest workers, to which objection is taken, was due to restriction of the work. The official authorities concerned vigorously deny that the dismissals were based on the considerations put forward in the Centre Party's petition.

The dismissal of the Senate official Thiede, employed in the Revenue Administration, was withdrawn when it was proved that the charge on which it was based—that Thiede had agitated against the Government in a manner inconsistent with his duties as an official employee—was untrue.

5. It is not a fact that official authorities endeavoured before the election to prevent members of the Centre Party from engaging in party activities. The master-saddler Klein, who is referred to as assessor to the returning officers in Alt-Weichsel, was not (according to his own explicit statement taken when he was examined on May 3rd, 1935) forced by the head of the commune to resign his office of assessor. Similarly, the charges made against the Amtsvorsteher in Stangenwalde have been proved to be unfounded.

V The incidents during the election campaign are being carefully examined by the police and by the courts. Until they have been completely cleared up, it is not possible to pronounce on particular cases. That no election campaign in which political passions are aroused is without excesses goes without saying. I might refer in this connection to the incidents which, according to Press reports, have just taken place in Czechoslovakia. In the elections to the Danzig Popular Assembly so far as can at present be ascertained, no really serious incidents occurred.

The Centre Party's assertion that their adherents in the campaign were not afforded adequate police protection must be rejected as inconsistent with the facts. The excesses, which, in certain cases, were directed against members of the Centre Party, are being vigorously enquired into. In all cases which have come to the knowledge of the authorities, criminal proceedings of enquiry have been set on foot with the object of ascertaining and punishing the offenders. Some of these enquiries have already been concluded and the papers of the cases have been handed over to the Public Prosecutor. Up to the present, it has been possible to determine the offender or the parties suspected of the offence in seventeen cases. If, on various occasions, there were excesses directed against the person of Catholic clergy, or damage done to Catholic Homes for Young Persons, or posting of insulting inscriptions on Catholic churches, these are cases which the Senate very greatly deplures. But it must not be forgotten that certain Catholic clergy have not known how to draw the line between their pastoral office and their political activities, and that very intelligible indignation has been induced in the population thereby. A great deal of material on this subject is in the possession of the Senate.

In conclusion, I may point out that it is not reasonable to make the members of the National-Socialist Party responsible, without further enquiry, for all incidents directed against members of the Centre Party. In many cases, there is no indication whatsoever as to the person of the offenders. It may be observed in this connection that there were also a number of excesses in the course of the election campaign directed against members of the National-Socialist movement. In particular, a large number of election posters of the National-Socialist Party on the kiosks were damaged and smeared with dirt again and again. The manner in which this was done will be seen from two photographs which I attach.¹

I must not make any observation on the Centre Party's assertion that irregularities occurred in connection with the actual voting, as the matter is under consideration by the Danzig Supreme Court. The high impartiality and acknowledged expert attainments of this independent body, the highest judicial authority of the Free City, affords an unquestionable guarantee that a just decision will be given with regard to the charges made against the validity of the election under Article 10 of the Danzig Constitution..

(Signed) GREISER.

III. ELECTIONS TO THE POPULAR ASSEMBLY OF THE FREE CITY OF DANZIG, HELD ON APRIL 7TH, 1935.

C.205.1935.VII.

LETTER, DATED MAY 6TH, 1935, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF
NATIONS AT DANZIG TO THE SECRETARY-GENERAL.

Danzig, May 6th, 1935.

I have the honour to report for the information of the Council of the League of Nations that the Volkstag of the Free City of Danzig was dissolved on February 21st and the polling took place on April 7th.

¹ Note by the Secretary-General. — Preserved in the archives of the Secretariat, where they are at the disposal of the members of the Council.