

posts of the *administration*, to which Article 61 does not apply. The allegation that the Ordinance is directed against the Jews is erroneous and incapable of proof. If the instructions regarding the selection of future candidates for the higher posts in the State judicial administration are examined, it must be acknowledged that they are framed on wholly *general* lines, and really do not affect Jews alone. The State's requirements as regards its officials are clearly formulated for *all* without discrimination—Christian candidates as well as others—and prescribe strict selection among the Christian candidates themselves. The statement attributed to the senator in charge of the Department of Justice, which is to-day even described as "official", was *never* made at all. That, too, was sufficiently clearly proved in the previous reply

V PETITION FROM THE DIRECTORS OF THE *DANZIGER VOLKSSTIMME*.

C.203.1935.VII.

I. LETTER, DATED MAY 9TH, 1935, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL, TRANSMITTING A PETITION, DATED APRIL 13TH, 1935, FROM THE DIRECTORS OF THE *DANZIGER VOLKSSTIMME*, TOGETHER WITH THE OBSERVATIONS OF THE SENATE OF THE FREE CITY RELATING THERETO.

Danzig, May 9th, 1935.

I have the honour to enclose herewith a copy of a petition, dated April 13th, from the directors of the *Danziger Volksstimme*, the daily newspaper issued here in the interests of the Social-Democratic Party concerning the Press Law of June 30th, 1933, and its application.

I also enclose the observations of the Senate with regard to this petition and other relevant documents¹ which, it seems to me, may be useful to the Council in considering the matter.

In requesting that the matter should be considered by the Council at its approaching meeting, I beg to refer to the letter, dated June 10th, 1925,² approved by the Council and subsequently addressed to the High Commissioner, relative to the procedure to be followed regarding petitions which relate to the danger of infringement of the Constitution of Danzig, placed under the guarantee of the League of Nations.

(Signed) Sean LESTER,
High Commissioner

PETITION FROM THE DIRECTORS OF THE "DANZIGER VOLKSSTIMME"

[Translation from the German.]

Danzig, April 13th, 1935.

On behalf of the publishers and editors of the *Danziger Volksstimme*, I venture to draw your attention to the prohibition of the *Danziger Volksstimme* ordered on April 10th, 1935, by the Danzig Chief of Police and the numerous seizures of the newspaper which preceded that prohibition, and I request you to take steps to ensure that this prohibition, which represents an infringement of the free expression of opinion guaranteed by Article 79 of the Constitution of the Free City of Danzig, be raised and that measures be taken to protect the *Danziger Volksstimme* against the recurrence of such seizures and prohibitions, which are contrary to the Constitution and which prevent the circulation of the newspaper and are causing its financial ruin.

Since the Council's decision of January 18th, 1934, regarding the guarantee of freedom of the Press in Danzig, the *Danziger Volksstimme* has now been prohibited for the sixth time. On June 26th, 1934, it was prohibited for six months on the ground that the column "Streiflichter" in Nos. 141 and 144 of June 20th and 23rd, 1934, contained "statements which, expressed in cautious but unmistakable terms, accused the Danzig Government and its individual members of having violated the Constitution". After an appeal, this prohibition was rescinded by the Senate at the end of sixteen days.

¹ Note by the Secretary-General. — These documents consist of the letters addressed to the High Commissioner by the Senate which are mentioned on page 12 of the Senate's observations, (See page 868 of the *Official Journal*) together with the newspapers and articles in question. They have been placed in the Archives of the Secretariat, where they may be consulted by members of the Council.

² See *Official Journal*, July 1925, page 950.

On November 6th, 1934, during the elections to the Diets of the Kreis of "Danziger Niederung" and the Kreis of "Grosses Werder" the *Volksstimme* was prohibited for four days for reporting obstacles placed in the way of the election campaign. The grounds for the prohibition stated that the *Volksstimme* had used "expressions containing the implication that the State administrative and executive authorities had participated in the alleged incidents" After an appeal by the *Volksstimme*, this prohibition was withdrawn on December 13th, 1934, on the ground that there was no justification for it.

On January 25th, 1935, the *Danziger Volksstimme* was prohibited on account of an article entitled "The Geneva Warning", in No. 16, of January 19th, 1935, on the ground that that article "deliberately and seriously jeopardised the settlement (with the petitioners) which the Government was attempting to reach in agreement with the Council of the League of Nations" The appeal against this prohibition was rejected by the Senate, although the article in question definitely expressed the hope "that these negotiations may have the desired success—that is to say, that they may have the result of securing constitutional conditions in Danzig—and that a satisfactory result can be communicated to the Council of the League of Nations at its May session" I would refer to the petition submitted to Your Excellency on February 1st, 1935, in respect of this prohibition.

After this prohibition had been rescinded at the end of twenty days in view of the elections for the Popular Assembly, the date of which had been fixed in the meantime, the Chief of Police, on February 21st, 1935, again warned the *Danziger Volksstimme* with regard to an article entitled "The watchword is: Back to the Reich!", which was directed against the clearly expressed intention of National-Socialist propaganda to make the election to the Popular Assembly a kind of test plebiscite for the return of Danzig to the German Reich. The warning further referred to an article entitled "The true feelings of the working-class", which described a meeting of dock labourers. In the view of the Chief of Police, this article was "calculated and intended very seriously to endanger peace in the labour world, which had been attained at considerable cost, and to discredit the measures taken by the Government" This warning was followed by a two days' prohibition on March 4th and a four days' prohibition on March 23rd. The reasons for the prohibition of March 4th were that an article entitled "Hitler speaks at Saarbruck—you have to wait for twenty years" contained expressions "maliciously decrying leading statesmen of another State—the German Reich—in such a form that the relations of the Free City of Danzig with that State may be compromised" The article in question was a short report of the speech by Chancellor Hitler on the occasion of his visit to Saarbruck on March 1st, 1935. The prohibition of March 23rd, 1935, was based on three articles, one on "The stopping of a meeting of the Centre Party", one on "The Funeral of Konrad Post" and one entitled "New victims of electoral terrorism" The appeals entered against these two prohibitions have not yet been heard by the Senate. Both prohibitions were ordered in the middle of the election campaign and have thereby most seriously affected the election propaganda of the Social-Democratic Party of the Free City of Danzig.

The issues of the *Danziger Volksstimme* of April 4th, 1935, and April 6th, 1935—i.e., three days before and one day before the election—were seized. The seizure of the issue of April 4th took place at 9 a.m. It was only at 2 p.m. that the editorial office received a written explanation stating that the contents of an article entitled "Schutzbund Trial in Vienna" were "calculated to prejudice the relations of the Free City of Danzig with another State—namely, Austria" The Decree ordering seizures further contains the following passage: "In addition, this issue contains several other articles the contents of which are calculated to affect adversely public security and order in the Free City of Danzig" The *Danziger Volksstimme* has been unable to ascertain from the Chief of Police which articles are referred to.

The issue of April 6th, 1935, was seized on the ground that "several articles contained statements calculated to affect public security and order in the Free City of Danzig" This written statement also only reached the editorial office of the *Danziger Volksstimme* several hours after the seizure had actually taken place. In this case, too, it has been impossible to ascertain from the Chief of Police which articles were regarded as a reason for seizure. The official executing the seizure stated that it was due to the publication of the open letter from the former President of the Senate, Dr. Rauschnig.

The Chief of Police must be aware that the seizures of the leading opposition newspaper in Danzig taking place almost immediately after each other and very shortly before the election resulted in a serious hindrance to, if not a stoppage of, the electoral campaign for the Social-Democratic Party. The obstacles to the electoral freedom of the Social-Democratic Party involved in these prohibitions and seizures were all the more effective and must have been all the more evident to the Chief of Police, as the same means were used at the same time against the publications of all other opposition parties, since the distribution of pamphlets was in many cases seriously hindered and in many places even made impossible.

On the day after the election of April 8th, 1935, the *Danziger Volksstimme* was again seized by officials of the political police. In response to a telephone call, the acting chief of the political police, M. Class, Commissioner of the Criminal Police, stated that he had not ordered the seizure; in fact, he was at that moment examining the service copy delivered in accordance with the law, and ordered the officials of the political police, by telephone, to release the copies seized.

Again, the issue of Tuesday, April 9th, was seized immediately after its appearance. No written communication has been received on the subject. It was stated verbally that this seizure was due to the report given of the arrest of the journalist Cang, correspondent of the *Manchester*

Guardian, under the title "Arrest for Reports of the Election" On being asked whether the newspaper could appear in a new edition with the omission of the article objected to, the Chief of Police said. "That is how the matter stands, and that is how it will remain"

A special edition published on Wednesday morning, April 10th, was again seized. Almost two and a-half hours later, the chief editor of the *Danziger Volksstimme* received a prohibition order, which, however, did not refer to the seizure of the morning edition.

Appeals were made to the Senate in respect of these seizures, but none of them has yet been heard.

I beg to point out that not only in the case of the seizure of April 8th, which obviously took place without the contents of the newspaper being previously known, but also in the case of other measures, especially the seizure of April 4th, there are grounds for suspecting that these measures were ordered before the police could have had any knowledge of the contents of the newspaper. I would also point out that the seizures which took place almost daily during the week before the prohibition are calculated to cause the financial ruin of the newspaper. In all these cases the newspaper was ready for publication. Consequently considerable sums were spent each day in vain. An administrative practice allowing almost daily seizures, which, from the political point of view serve exactly the same purpose as prohibition, represents financially a much more serious prejudice to the newspaper. It must be assumed that the repeated seizures were pronounced instead of a prohibition, in order not to create the impression among the population that an opposition newspaper was being prohibited from appearing immediately before an election.

On April 10th, 1935, the *Danziger Volksstimme* was prohibited for a period of five months—that is to say, almost the maximum period authorised by law. The reasons will be found in the enclosed copy of the order of prohibition, dated April 10th, 1935. These reasons are refuted in the appeal lodged on the same day by the editorial office of the *Danziger Volksstimme* with the Senate, a copy of which is also enclosed. Up to the present, the Senate has not given a decision on the appeal.

In addition to the statements contained in the appeal, I would also point out that the *Danziger Volksstimme* has always been prepared to insert official corrections of its published statements. The editors of the *Danziger Volksstimme*, M. Adomat and M. Brost, when negotiating for the withdrawal of the prohibition of the *Danziger Volksstimme* of June 28th, 1934, made a declaration on behalf of the editorial office to the Chief of Police at his request; the last sentence reads:

"Should reports published in the *Danziger Volksstimme* give rise to objection or misunderstanding, we will at all times place ourselves at the disposal of the competent organs of the Government and authorities in order to discuss and clear up such questions, since we do not close our eyes to State necessities and are desirous of serving State interests."

Neither in this case nor in any of the previous prohibitions and seizures was any resort made by the Chief of Police to the goodwill expressed by the *Danziger Volksstimme* at his explicit request.

To sum up, I venture to emphasise that the *Danziger Volksstimme* was prevented from appearing, in all, nine days during the period of preparation for the elections, as a result of measures taken by the authorities; seven of these suspensions fall in only the last fourteen days before the election, only one number of the paper appeared after the election, and that number, too, was interfered with. I venture further to point out that no decision of the Senate has yet been obtainable with regard to the last three prohibitions and with regard to any of the seizures, and that in the sole case in which the Senate, in response to an appeal, modified a measure taken by the Chief of Police, its decision was issued more than five weeks after the prohibition had expired.

Under such conditions the publication of a political daily newspaper whose views do not coincide with those of the Government has been made impossible in Danzig. It has been proved that the measures adopted by the Danzig authorities against the *Danziger Volksstimme* were without any real foundation. Apart from this, however, it must be observed that there can be no question of freedom of the Press when the publication of a political daily newspaper can be entirely stopped by a constant succession of administrative measures. This is particularly true during the preparation for the election, when the activity of an entire political group to a very great extent depends on the publication of this daily newspaper.

I venture to point out that the measures in question have affected, in particular, the newspaper which, more than any other, has fought for the principles of democracy and for the maintenance of the Constitution of the Free City of Danzig under the guarantee of the League of Nations.

Appendix 1.

Danzig, April 10th, 1935.

Chief of Police.

Against receipt, to the office of the *Danziger Volksstimme*, care of M. Franz Adomat, Editor, Danzig.

In its issue No. 84, of April 9th, 1935, the *Danziger Volksstimme* publishes extracts from an article in the Polish newspaper *Naprzód* regarding the elections held on Sunday in Danzig. There is no truth in the statement contained in that article and reproduced by the *Volksstimme* that

there was no public power behind the Social-Democratic electors who went to the polls, and that they entered the campaign in the knowledge that they were threatened with immediate danger. The publication of this statement constitutes an infringement of Article 93 (a) of the Penal Code. As a result of the steps taken by the entire public authorities, freedom of suffrage and the undisturbed course of the voting operations are guaranteed equally to the voters of all parties. Moreover, the Social-Democratic Party of Danzig has itself informed its voters, in an election pamphlet which it published, that the voting was absolutely secret and that there was no need for anyone to be intimidated.

In the same issue, the *Volksstimme* publishes a report on the arrest of the Polish national Cang, who, it states, was arrested "on account of reports on the election" Presented in that form, the statement gives the impression among the Danzig public and abroad that this correspondent was arrested solely because he had transmitted information regarding the Danzig elections. The facts are that Cang was arrested because, as he himself admitted, he had published incorrect reports (accounts of atrocities) regarding the Danzig elections.

Lastly an article in the same number, "More Riots at Neuteich", gave a distorted account of events at Neuteich. The report would lead any unprejudiced reader to believe that the police, after being called in by the persons who attacked the workman Kitzler, caused him to leave his home solely under the pretext of taking him into protective custody, and so handed him over to his assailants. The report, however, deliberately omits to state that the two police officers did their utmost to protect the victim of the attack.

On account of the above-mentioned statements I have caused No. 84 of the *Danziger Volksstimme* to be seized. This last seizure of the *Danziger Volksstimme* was preceded by a warning on February 21st, 1935, a two days' prohibition on March 4th, 1935, a four days' prohibition on March 23rd, 1935, a seizure on April 4th, 1935, and a further seizure on April 6th, 1935. The two prohibitions were ordered for such a short period only in view of the electoral campaign. As notwithstanding these measures the *Danziger Volksstimme* has not changed its attitude or its methods of reporting, a prohibition of longer duration has proved absolutely necessary

I therefore forbid the printing or circulation of the *Danziger Volksstimme* under paragraph 5, Article II, Section I, of the Decree-Law of June 30th, 1933, regarding measures for increasing public security and order (*Gesetzblatt*, page 287), with immediate effect for a period of five months.

An appeal may be made against this prohibition within two weeks to the Senate, whose decision is final. The appeal does not suspend the effect of the order.

(Signed) FROBÖSS.

Appendix 1(a).

Danzig, March 5th, 1935.

To the Senate of the Free City of Danzig.

By order of the Chief of Police dated March 4th, 1935, the *Danziger Volksstimme* was prohibited for two days with immediate effect.

The undersigned responsible editor, to whom the prohibition is addressed, enters an appeal against this prohibition and requests that the order of the Chief of Police dated March 4th, 1935, be annulled.

The prohibition is obviously based on Article II, section I, § 5, paragraph 1, No. 6, of the Decree-Law of June 30th, 1933 (*Gesetzblatt*, page 287). The prohibition order does not state which observations in the article in question are objected to by the Chief of Police. As the prohibition order mentions a number of statesmen, the second paragraph of the article is obviously referred to.

It is categorically denied that the statements in the article are calculated—still less that they were made with the malicious intent—to bring statesmen of the German Reich into contempt. They were intended merely to emphasise the fact that the result of the plebiscite in the Saar Territory represented a vote in favour of Germany and not a vote in favour of a particular Government or party

For the publishers and editors
of the *Danziger Volksstimme*.

(Signed) FR. ADOMAT.

Appendix 1(b).

Danzig, March 23rd, 1935.

To the Senate of the Free City of Danzig.

By order of the Chief of Police dated March 23rd, 1935, the *Danziger Volksstimme* was prohibited with immediate effect until March 27th.

The undersigned responsible editor ventures to enter an appeal against this prohibition, which is addressed to him, and requests that the order of the Chief of Police dated March 23rd, 1935, be annulled.

The grounds for the prohibition are that the *Danziger Volksstimme* is alleged to have given incorrect reports in three of its issues on three separate occasions. The following observations may be made on these points:

(1) The report on the meeting of the Centre Party was made by an experienced journalist whose reliability we had no reason to question.

(2) The report on the funeral of Konrad Post did not state that the interference of the criminal police officer was *due* to the remark reproduced in the report, but that his action took place *at this passage* in the speech.

(3) The information contained in the article "A new victim of election terrorism" came to us from a wholly reliable source. According to this source an attack was made in the street on Haag, aged 72 years (now deceased), before the elections to the Diet of the Kreis. The article then continues: "This was too much for him, on the Monday after the election he had to take to his bed, which he never left again." The fact that the doctor gave heart weakness and old age as the cause of death is not contrary to the above statement, but rather supports the view that Haag's death was connected with the ill-treatment he had received.

In all three cases mentioned in the prohibition order it is not comprehensible how public opinion could be seriously disturbed or how vital State interests could be endangered. The interests of the police and other parties concerned would have been sufficiently, and, indeed, much better, served by demanding a correction in our newspaper than by ordering the prohibition of the *Danziger Volksstimme*. As this prohibition occurred during the active election campaign, it is calculated to arouse in the minds of the population the very impression which is given as one of the grounds for prohibition in the case of the dissolved meeting of the Centre Party.

As in previous appeals, we again refer to the declaration made by the editor, M. Brost, and myself to the Chief of Police *at his request* on July 10th, 1934. The present case would have been particularly suitable for action in the sense of that declaration.

For the publishers and editors
of the *Danziger Volksstimme*.

(Signed) Fr. ADOMAT.

Appendix 2.

Franz Adomat, Danzig.

Danzig, April 10th, 1935.

To the Senate of the Free City of Danzig, Department of the Interior.

By order of the Chief of Police, dated April 10th, 1935, the *Danziger Volksstimme* has been prohibited with immediate effect for a period of five months.

I hereby appeal against this prohibition, which is addressed to me, and I request the Senate to annul the order of the Chief of Police, dated April 10th, 1935.

The order of prohibition is based on several articles contained in the issue of April 9th, 1935.

I beg to submit the following observations on the various points:

(a) It is part of the duty of a daily newspaper, on an occasion such as the elections to the Danzig Popular Assembly which have aroused interest far beyond the frontiers, to inform its readers as to the views held abroad. This is in accordance with the practice of the entire world Press and is maintained both by the German newspapers and the Danzig bourgeois newspapers.

In accordance with this practice, we published some quotations from an article on the Danzig elections by one of the best-known Polish politicians and publicists, M. Niedzialkowski, deputy in the Sejm.

It is, moreover, not clear why the passages quoted were objected to. It is obvious that the article, in referring to people who have no public power behind them, merely states that the Social-Democrat Party unlike the Government Party, received no support from the State in the electoral campaign, while, to mention only a few examples, the election propaganda of the Government Party was assisted by the State auxiliary services and the municipal fire brigade, State and municipal buildings were placed at its disposal for affixing party emblems, flags and election posters, the wireless was accessible only to the National-Socialist Party, and the Post Office distributed election pamphlets in spite of the postal regulations to the contrary. As regards the further statement in the article that the adherents of social democracy entered the election campaign in the knowledge that they were threatened by immediate danger, reference need only be made to the many occurrences in town and country which were known to and reported to the Senate, in which adherents of the Social-Democratic Party were maltreated. The Social-Democratic

Party in pointing out before the election that the ballot was secret, gave a reminder of the provisions of the Constitution and of the laws and desired to dissipate the existing apprehension on the subject; it certainly did not mean that all that happened before the election did not interfere with the freedom of propaganda, which is part of the electoral freedom.

(b) In the case of the journalist Cang, it cannot be denied that, even according to official statements, his arrest was due to reports which he had transmitted regarding the Danzig elections. The article itself contains a report from IKC accusing Cang of having attempted to transmit incorrect information regarding the course of the Danzig elections.

(c) In the case of Kitzler, the report came to us from a reliable eye-witness. The facts reported, moreover, are not in themselves denied in the prohibition order. We have had no information of any attempt on the part of the police officials to protect Kitzler. The order of the Chief of Police does not contest the fact, which is the sole point of the *Danziger Volksstimme's* report, that Kitzler could not be protected and that he was seriously maltreated by the crowd.

The present appeal also refers to the seizure of the *Danziger Volksstimme* on April 9th, 1935, for which we have hitherto receive no explanation and which, according to the prohibition order, is based on the same grounds.

(Signed) Fr. ADOMAT.

Appendix 3.

Danzig, April 4th, 1935.

To the Senate of the Free City of Danzig, Department of the Interior.

By order dated April 4th, 1935, the Chief of Police has caused No. 80 of the *Danziger Volksstimme*, dated April 4th, 1935, to be seized and confiscated. As responsible editor of the *Danziger Volksstimme*, I enter an appeal against this measure on the part of the Chief of Police. The chief of Police bases the seizure and confiscation of the *Danziger Volksstimme* of April 4th on § 3, Article II, paragraph 1, of the Decree-Law of June 30th, 1933. He adduces as grounds for his decision that the contents of the article entitled "Schutzbund Trial in Vienna" published in the seized issue of the *Danziger Volksstimme* are calculated to compromise the relations of the Free City of Danzig with another State—namely, Austria. The Chief of Police also bases the seizure on the fact that this issue of the *Danziger Volksstimme* contains a number of other articles the contents of which are calculated to affect adversely public security and order in the Free City of Danzig.

It is not clear in what way the article "Schutzbund Trial in Vienna" can compromise the relations of the Free City of Danzig with Austria. The article contains a report which is objective both in form and contents and in no way adopts an attitude inimical to Austria or the Austrian Government. Indeed, the article refrains from expressing any personal opinion whatever on the part of the editors of the *Danziger Volksstimme*, and merely gives an account of the events which led up to the trial and the respective cases of the public prosecutor and of the defendants in the trial in question.

The Chief of Police does not explain in what way other articles contained in the seized issue of the *Danziger Volksstimme* can affect public security and order in the Free City of Danzig. The Chief of Police even refrains from naming the articles in question. It is therefore impossible to enter into this point in the order.

For the reasons given above, I request that the seizure and confiscation of the *Danziger Volksstimme* of April 4th, 1935, be annulled.

Appendix 4.

April 9th, 1935.

To the Senate of the Free City of Danzig.

By an order of April 6th, 1935, the Chief of Police seized and confiscated issue No. 82 of the *Danziger Volksstimme* of April 6th, 1935.

I enter an appeal against this measure. The Chief of Police, in his order of seizure, refers to § 3, Article II, section I, of the Decree-Law of June 30th, 1933. In explanation of the seizure he states that No. 82 of the *Danziger Volksstimme* contained statements in various articles which were calculated to endanger public security and order in the Free City of Danzig.

It is impossible to enter into these reasons, since the Chief of Police refrained from stating which were the statements and articles that endangered public security and order in the Free City of Danzig.

I request that the order of the Chief of Police dated April 6th, 1935, be annulled.

(Signed) Fr. ADOMAT.

OBSERVATIONS OF THE SENATE OF THE FREE CITY.

Danzig, May 8th, 1935.

To His Excellency Mr. Sean Lester,
High Commissioner of the League of Nations,
Danzig.

With reference to the petition dated April 13th, 1935, from the publisher of the *Danziger Volksstimme* transmitted with your letter No. 21/35/11 of April 18th, 1935, I have to make the following statement:

1. With reference to the prohibition of the *Danziger Volksstimme* by the Chief of Police on April 10th, 1935, I beg to refer to the attached order of the Chief of Police of the same date and to the statement of the grounds for his action contained therein.¹ The Senate has rejected the protest made to it by the *Danziger Volksstimme* against this prohibition. A copy of the Senate's negative decision of May 7th, 1935, from which the legal grounds for the decision will be apparent, is attached for your information, together with a copy of the confiscated number of the paper (No. 84) (Appendix 1).

2. With reference to the measures taken against this newspaper to which the petition of April 13th, 1935, refers, I beg to draw your attention to the decisions of the Senate communicated to you in each instance. They are the communications from the Senate dated.

- (a) November 19th, 1934,
- (b) February 21st, 1935,
- (c) March 18th, 1935,
- (d) April 23rd, 1935,
- (e) April 29th, 1935.

The admonition given by the Chief of Police on February 21st, 1935, was justified on the grounds given in the order, a copy of which is attached (Appendix 2). I further attach the articles in the *Danziger Volksstimme* on which the admonition was based (Appendices 3 and 4).

You will see from the material communicated to you by the Senate with regard to the measures in question that the *Danziger Volksstimme* has not changed its tactics of so reporting events as to mislead the population, and attacking the Danzig Government and the Government of other countries, or, alternatively making insinuations against the Danzig Government and its executive authorities, and thereby endangering public safety and order. Accordingly, the impression that remains is that the *Danziger Volksstimme* proposes to continue its activities to the detriment of the State.

3. The assertion in the petition that the prohibition order of April 10th, 1935, constitutes an infringement of the freedom of expression of opinion guaranteed by Article 79 of the Danzig Constitution cannot be accepted. In this as in all other cases the action taken has been based on grounds of fact, and has been in accordance with the current legal provisions with regard to the Press in force in Danzig. As regards the constitutional character of the Legislative Ordinance of June 30th, 1933, concerning measures with a view to increasing public safety and order (*Gesetzblatt*, pages 287 *et seq.*), I venture once more to point out that this Ordinance was issued under the Law of June 24th, 1933, to relieve the distress of people and State, passed by the Popular Assembly (*Gesetzblatt*, pages 273 *et seq.*), and within the scope of the powers conferred on the Senate, so that its provisions are within the limits of the Constitution and have legal force. It determines the legal limits within which Article 79 of the Danzig Constitution accords freedom of opinion.

The Chief of Police was not actuated by any motive of preventing the electoral campaign conducted by the *Danziger Volksstimme* on behalf of the Social-Democratic Party. His action was entirely attributable to the attitude of the paper itself. It was necessary for the reason that the *Danziger Volksstimme* had constantly gone far beyond the limits of freedom of opinion.

The suggestion that measures were taken against the *Danziger Volksstimme* without previous knowledge of the contents of the paper is not correct. The incident that occurred on April 8th, 1935, described in the petition of April 13th, 1935, was due solely to a misunderstanding of which the officials concerned were the victims. They had no instructions immediately to confiscate the *Danziger Volksstimme* without reference to its contents; they were instructed only to procure in the first place a copy of the issue that had appeared on that day and to submit it to the competent experts at the office of the Chief of Police, in order to enable the latter to scrutinise the contents of the paper. The order given to the officials was to the effect that they were not to proceed to immediate confiscation unless they were themselves in a position to ascertain at once, without further reference, that the contents of the number in question were objectionable and such as to call for confiscation. Owing to a misunderstanding in the telephonic communication of their instructions, the official receiving the order erroneously supposed that the expert had already procured from elsewhere a copy of the number appearing on that day and that the contents had been scrutinised and the number was to be confiscated accordingly. This particular instance of a misunderstanding is now distorted by the *Danziger Volksstimme* into a charge that the police took

¹ See page 864.

action without knowledge of the contents of the newspaper, and thereby arbitrarily prevented the appearance of an Opposition paper in order to put difficulties in the way of its electoral campaign.

The Senate must also reject as a malicious representation the further assertion that the police resorted to almost daily confiscations in lieu of prohibition, in order to create the impression that nothing was being done to prevent the appearance of an Opposition paper. The action followed was taken in every case after careful and conscientious scrutiny and only if justified on grounds of fact and law. If there was no resort to more permanent prohibitions during the election campaign, the intention was not to give outsiders the impression that the Opposition Press was not prevented from appearing, but rather to prevent, as far as possible, any restriction of the electoral campaign of the *Danziger Volksstimme* on behalf of the Social-Democratic Party, although the attitude of the paper was such as to justify prohibition over a considerable period.

(Signed) GREISER.

Appendix 1.

SENATE DECISION OF MAY 7TH, 1935.

Danzig, May 7th, 1935.

The protest of the *Danziger Volksstimme*, dated April 10th, 1935, against the order of the Danzig Chief of Police of the same date is hereby rejected as unfounded.

Grounds of the Decision.

By order of the Chief of Police, against which protest has been entered within the time-limit prescribed by the law the issue of the *Danziger Volksstimme*, No. 84, of April 9th, 1935, was confiscated and withdrawn from publication by the police; and, further, by the same order, the production and distribution of the *Danziger Volksstimme* was prohibited for the duration of five months.

The examination of the protest shows that the police action, which was based on Article II, Section 1, § 3, of the Legislative Ordinance of June 30th, 1933 (*Gesetzblatt*, pages 278 *et seq.*), was justified for the reason that the confiscated number contains various articles the contents of which are liable to endanger public safety and order.

The published reports to which objection was taken are untrue or distorted; for details, see the prohibition order. In particular, the reproduction of the article from the Polish paper *Naprzód* on the Danzig elections of April 7th, 1935, comes under the provisions of § 93 (a) of the Criminal Code. Periodical publications the contents of which are liable to the penalties indicated in that paragraph may be prohibited under Article II, Section 1, § 5, No. 1, of the Legislative Ordinance of June 30th, 1933. In the present case, the prohibition is further justified under § 5, Nos. 2 and 4, on the ground that the published reports to which objection is taken are liable to endanger public safety and order, while in the article "More Riots at Neuteich", State authorities—viz., the police—are brought into contempt.

The observations put forward in the protest of April 10th, 1935, are not such as to invalidate the reasons for prohibition.

The action of the Chief of Police was accordingly justified.

The *Danziger Volksstimme*, the reports in which have frequently been the occasion of police action in the form of confiscations and prohibitions for short periods, has made no change in its attitude or its manner of reporting in spite of such action; accordingly, the period of the prohibition is also justified.

The Senate of the Free City of Danzig:

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

Appendix 2.

Chief of Police.

Danzig, February 21st, 1935.

To Herr Adomat, Chief Editor *Danziger Volksstimme*, Danzig.

In No. 43 of the *Danziger Volksstimme* of February 20th, 1935, the assertion is made in the article "The Watchword 'Back to the Reich!'" that the elections to the Popular Assembly are designed and intended by those responsible for the dissolution of the Assembly as a test vote on the question of reincorporation of Danzig in the Reich.

This is the purport of the article; and the polemics of the *Danziger Volksstimme* are also directed against the same alleged intention, though couched in more carefully chosen terms. This is a misrepresentation of the facts, since the dissolution of the Popular Assembly is solely and exclusively determined by Danzig internal politics. The utterances of the *Danziger Volksstimme*, on the other hand, are liable to create difficulties in Danzig's political relations with neighbouring foreign States and in the field of foreign politics.

The same number of the *Danziger Volksstimme* contains, under the headline "The true feeling of the workers", an account of a meeting of dockyard labourers which is not in accordance with the actual facts and is liable and intended to jeopardise the peaceful situation in the labour world, which has been reached as the result of so much effort, and to discredit the action of the Government.

Both articles would in themselves render prohibition of the *Danziger Volksstimme* justifiable and necessary since they are liable to endanger seriously the security of the State. I refrain from issuing such a prohibition solely because, at a moment when a decision is to be taken with regard to the dissolution of the Popular Assembly, the Danzig Government does not want to prevent the appearance of the organ of a particular political group. I expressly draw your attention, however, to the fact that, if the *Danziger Volksstimme* persists in the attitude taken up in No. 43, prohibition will be inevitable, and no further consideration, such as has been granted once before to the *Danziger Volksstimme* by the premature withdrawal of prohibition, would now seem possible.

(Signed) FROBÖSS.

Appendix 3.

(Extract from No. 43 of the *Danziger Volksstimme*, dated February 20th, 1935.)

THE MOTTO "BACK TO THE REICH!"

In connection with the forthcoming elections to the Popular Assembly, there is one question of special interest and importance which is being debated in the most various sections of the population. This question, which is as old as the Free City of Danzig itself, is "Back to the Reich or what other solution?" It is curious that it is being discussed now at a time when it possesses the least actuality and precisely by those people who are least qualified to do so.

Back to the Reich! From the purely national standpoint, this is a motto which has always aroused the keenest interest among the whole German population of Danzig, but never hitherto has its solution depended on the attitude and wishes of the Danzig population itself, and, indeed, when the Free City of Danzig was created, the opinion of the Germans of Danzig was not, of course, regarded as decisive. Everyone knows that at Danzig. The National-Socialist leaders have known it as well as anyone since they have been in power, or rather they have always known it. In spite of this we find, not only in the Press, but also at National-Socialist gatherings, that National-Socialist circles in Danzig are always bringing up the question "Back to the Reich!" in their talk. We are informed that, for the purposes of the election campaign, the situation is represented in certain quarters as if the elections to the Popular Assembly were to be a kind of trial plebiscite on the question whether Danzig should return to the Reich.

Of course, such a representation of the facts is absolutely devoid of foundation. Never has there been less question of a return of Danzig to the Reich than to-day. While until the National-Socialists came into power in the Reich and in Danzig the question of the eastern frontiers and the problem of the Corridor and of Danzig were always regarded as open, and no German Government could bring itself to recognise the Danzig-Polish frontiers drawn at Versailles by concluding special agreements and treaties, Chancellor Hitler and his National-Socialist Government, in spite of the previous National-Socialist watchwords, "Tear up the Treaty of Versailles!", "Away with the Polish Corridor!" and "Danzig must return to the Reich", have recognised, and to some extent guaranteed, the Danzig-Polish frontiers by means of a ten years' treaty with the Polish Republic. When people come along now and cry, "Back to the Reich!" in connection with Danzig—with the idea of catching unwary voters—this is pure demagoguery.

This must be said in the clearest possible manner. It must never be forgotten that it was the National Socialists themselves and no one else who concluded the above-mentioned ten years' treaty with Poland. What, then, is the meaning of the cry of separatism, which seems recently to have become the supreme essence of National-Socialist wisdom at Danzig? Separatism? Danzig's return to the Reich is not to-day a matter of practical politics. The National-Socialist Government in Danzig, as well as the National-Socialist Party leaders in Danzig, have repeatedly declared in an absolutely official manner that they were not thinking of any return of Danzig to the Reich, and that they therefore wished to remain "separate" at Danzig, and the *Vorposten*, which in view of its former agitation in this connection has not yet dared to remove the motto "Back to the Reich!" from its front page, has several times declared quite recently that this motto does not mean what it says on the front page—in fact, this motto does not really mean "Back to the Reich!" at all. The *Vorposten* has made the despairing excuse that the motto is to be explained as referring simply to the spiritual affinities of the German Danzig population with the German Reich. The existence of these affinities is, however, a matter of course.

The present elections have nothing to do with "Back to the Reich!" It is no longer a question of separatism and the like. The National Socialists in Danzig are just as much separatists—if we

must use this word of which they are so fond—as all the other parties. This should, indeed, not be regarded as a term of abuse. It only means that the National Socialists have pronounced officially in the most public manner and with solemn declarations, for the maintenance of the Free City

In conclusion, we do not want any demagogic catchwords in Danzig. They can only lead to unrest and to the weakening of the true German spirit. What we want is the maintenance of the German spirit in Danzig, and a peaceful co-operation with our Polish neighbours in the interests of the German Danzig population. This has been the Social-Democratic Party's solution since the Free City came into existence, and is still its solution to-day

Appendix 4.

(Extract from No. 43 of the *Danziger Volksstimme*, dated February 20th, 1935.)

THE TRUE STATE OF MIND OF THE WORKING CLASSES: THE MEETING OF THE HARBOUR WORKERS.

(Kendzia's Experiences among the Metal Workers.)

The distress of the harbour workers is very great, and is a consequence of the almost complete stoppage of our harbour traffic. Last week the harbour workers went in large numbers to the Public Welfare Office in order to obtain at least a small dole to save themselves and their families from the bitterest want. In previous years—*i.e.*, during the so-called "period of mismanagement"—the harbour workers were undoubtedly in a better position. Not only did they find more work, but they received a dole from the welfare authorities, even when they were only unemployed for short periods. To-day this is no longer the case. We are informed that unmarried harbour workers, for example, have received from the Public Welfare Office as a dole the magnificent sum of two florins.

Naturally the frame of mind of the starving harbour workers is far from a rosy one. In order to allay their discontent, the National Socialists organised a meeting of harbour workers on Monday at Neufahrwasser. It will, of course, be said, as usual, that "irresponsible elements" have been spreading unrest in the ranks of the harbour workers. *But the harbour workers know better and can easily see through such manoeuvres.*

The *Vorposten*, in its report of the meeting, says that its characteristics were "unanimity and solidarity" According to it, the harbour workers listened with bated breath to the words of the speakers, and returned home well pleased. In reality the meeting revealed a good many things about the frame of mind prevailing among the harbour workers, which could hardly have given cause for satisfaction to the organisers or to the leaders of the co-ordinated corporations.

The Chairman, "Gau" Industrial Cell Chief Seeger, who, as the *Vorposten* writes, spoke to the harbour workers "in their own language", naturally wished to explain to those present that they were better off now than they had been before. He only succeeded, however, in arousing a tumult which brought from him the injunction "*Hold your jaws!*"

By speaking in this way to the harbour workers, Herr Seeger got more than he bargained for, however. They told him—also in their own language—whose jaw had to be held, and Seeger was only able to save the situation by calling upon the next speaker, the Labour Trustee and Leader of the Danzig Labour Front, Schorries.

Schorries then proceeded to describe once more the familiar plans of the so-called popular community spoke on all possible and impossible subjects, according to the usual custom at National-Socialist gatherings, and promised to pay the fare of anyone who wished to emigrate to Russia. When someone came forward and took him at his word, however, he failed to produce the fare. He also reproached the harbour workers with the fact that the old trade unions had formerly supported the English miners in their strike. What had the Danzig harbour workers gained by this? Had they ever anything in return? "Yes! Yes!" cried many of those present, "they also stood by us"

Then Senator Huth, in charge of the Department of Economics—they always have a number of party big-wigs at these meetings—spoke to the harbour workers. He said that, in the course of various journeys abroad, he had visited foreign ports and studied the distress of the workers. It could be seen from the worker's face even what was wrong with him, and, if one spoke to him, one's impressions were confirmed. In reply to the question put by one of those present, *Why had the National Socialists not done something for the harbour workers sooner?* Herr Huth said that we were living in a constitutional State, and that we were now obliged to abide by the Constitution signed by the "Reds" His hearers cried, "No! The Reds did nothing of the kind", the Reds would not have signed the Constitution. To the question why the National Socialists had not helped the harbour workers sooner, Senator Huth replied that the foundations had first of all to be laid. It was like when one moved into a new house, when one was not yet familiar with the place and did not even know where the stairs were. The harbour workers think, however, that, in the two years they have been in power, the National Socialists have settled down very comfortably in their new house and have completely occupied all the space at the top of the stairs.

Senator Huth declared that they too, must work, and, if it came to the point, he too was ready to carry a two-hundredweight sack. "Yes, a stuffed and nicely ironed one!" cried one of the hearers. We saw what this meant when the students acted as strike-breakers: "*Four men to a sack!*"

A harbour worker, who asked to be allowed to speak, described the effects of unemployment in the harbour, and the distress of his family. "Gau" Industrial Cell Chief Seeger found this so irritating that he described this worker as a "whiner". The harbour workers were naturally indignant at this, for their mate had expressed what was in all their minds. In order to counteract the impression thus created, a conference was held round the Chairman's table, and the Leader of the Labour Front Schorries then announced that the Labour Front had provided 5,000 florins for the assistance of the harbour workers. It may well be considered surprising that this assistance is only forthcoming now just before the elections to the Popular Assembly. But we think that the Labour Front itself *does not believe that these 5,000 florins will remedy distress among the harbour workers to any appreciable extent.*

There are estimated to be 1,800 harbour workers who, at best, work eight or at most ten days a month. All these workers, who really do not earn enough during the few days they are employed to be able to live after a fashion for a whole month, ought to receive a dole. As we have said, not only were the harbour workers better employed previously, but when they were not able to earn enough they received more adequate assistance. What can the Labour Front do with these 5,000 florins? Even assuming that only 1,000 out of the 1,800 harbour workers need assistance, each worker will only get a sum of 5 florins until March 1st. What an outcry the National Socialists would have made if such miserable doles, for which the harbour workers are now expected to be profusely grateful, had previously been paid by the so-called Reds. But now the harbour workers who complain are called "whiners" and have to be content if they get anything at all.

The meeting must have shown the authorities concerned the feeling which prevails among the harbour workers. For this reason it was considered prudent to close the meeting without singing the usual songs. There were only a few shouts of "Sieg-Heil!" in which many of those present did not join, but pulled their caps over their eyes and went home.

C.212.1935.VII.

2. LETTER, DATED MAY 15TH, 1935, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL, FORWARDING THE TEXT OF A NEW DECREE OF MAY 8TH, 1935, RELATING TO THE PRESS.

Danzig, May 15th, 1935.

I have the honour to refer to my letter, dated May 9th, 1935, forwarding a petition from the directors of the *Danziger Volksstimme* in connection with the application of the Press laws in Danzig.¹

I have to inform you that, on May 8th, a new Decree relating to the Press was issued by the Senate. I attach a copy of this decree, together with a copy of a communication which I made to the Senate on May 11th. I have not yet received an answer from the Senate; but, as the general question of the freedom of the Press is likely to be considered by the Council, I think it desirable that the Council should also be informed of the issue of this latest Decree.

This communication may therefore be regarded as an annex to the documents already forwarded. Should a communication be received from the Senate before the Council meeting opens, I shall of course transmit it to the Council.

(Signed) Sean LESTER,
High Commissioner

LETTER FROM THE HIGH COMMISSIONER TO THE PRESIDENT OF THE SENATE.

Danzig, May 11th, 1935.

I have the honour to refer to a Decree issued by the Senate, dated May 8th and published on May 9th, concerning publications having political contents.

According to this Decree, publication of newspapers and other political issues cannot take place earlier than one hour after the matter has been submitted to the local police officers. The Decree also provides for very heavy penalties for failure to comply with the law.

In this connection, I shall be glad to have at the earliest possible moment the observations of the Senate on this Decree, having regard to Article 79 of the Danzig Constitution, which deals with the freedom of expression of opinion and declares that there shall be no censorship.

(Signed) LESTER.

¹ See page 862.

Translation from the German.]

Legal Gazette of the Free City of Danzig.

Danzig, May 9th, 1935.

LEGISLATIVE DECREE, DATED MAY 8TH, 1935, CONCERNING PRINTED MATTER OF A POLITICAL NATURE.

In virtue of Article 1, No. 9, and Article 2 of the Law of June 24th, 1933, to relieve the distress of people and State (*Legal Gazette*, page 273), the following is hereby enacted with force of law:

Article 1.

A copy of every printed publication of a political nature shall be submitted by the printer to the local police authority before its issue for the purpose of circulation.

The issue of printed publications may not take place earlier than one hour after a copy has been submitted to the local police authority.

Article 2.

All multigraphed documents shall be regarded as printed publications within the meaning of Article 1. In this case, the multigrapher shall be deemed to be the printer.

Article 3.

Infringements of the present Decree shall render the offender liable to imprisonment and to a fine not exceeding 10,000 florins, or to one of these penalties. In addition to the fine, the printed matter shall be confiscated whether it belongs to the person sentenced or not.

Article 4.

The present Decree shall enter into force on the date of its promulgation.

Danzig, May 8th, 1935.

The Senate of the Free City of Danzig:

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

ANNEX 1552.

Series of Publications. 1935.VII.9.

Official No.. C.189.M.106.1935.VII.

REQUEST BY THE YUGOSLAV GOVERNMENT UNDER ARTICLE 11,
PARAGRAPH 2, OF THE COVENANT OF THE LEAGUE OF NATIONS.

OBSERVATIONS OF THE ROYAL YUGOSLAV GOVERNMENT ON THE
COMMUNICATION FROM THE HUNGARIAN GOVERNMENT TO THE COUNCIL
OF THE LEAGUE OF NATIONS, DATED JANUARY 12TH, 1935, CONCERNING
THE MATTER OF THE MARSEILLES OUTRAGE

(Document C.48.M.21.1935.VII).¹

Geneva, May 20th, 1935.

Note by the Secretary-General.

The Secretary-General has the honour to transmit to the Council and the Members of the League a memorandum dated March 21st containing the observations of the Yugoslav Government on the communication from the Hungarian Government of January 12th, 1935 (document C.48.M.21.1935.VII).

In letters dated April 15th, 1935, the Roumanian and Czechoslovak Governments informed the Secretary-General that they were in complete agreement with the remarks that the Yugoslav Government presented in its memorandum of March 21st, 1935.

¹ See *Official Journal*, February 1935, page 277.