

II. COMMENTS OF THE ACCREDITED REPRESENTATIVES SUBMITTED
IN ACCORDANCE WITH SECTION (e)
OF THE CONSTITUTION OF THE PERMANENT MANDATES COMMISSION.

A. TOGOLAND UNDER BRITISH MANDATE.

The accredited representative for Togoland under British mandate stated in a letter, dated November 2nd, 1935, that the opening of the school alluded to in the Commission's observations on education is contemplated by the Native Administration and that it will be located at Yendi.

B.

The accredited representatives for Cameroons under British mandate, Cameroons and Togoland under French mandate, Ruanda-Urundi, the Islands under Japanese mandate and Western Samoa have stated that they have no comments to make on the observations contained in the report of the Permanent Mandates Commission.

ANNEX 1582.

C.18.1936.VII.

FREE CITY OF DANZIG.

REPORT BY THE PRESIDENT OF THE SENATE OF THE FREE CITY ON THE
MEASURES TAKEN IN ACCORDANCE WITH THE COUNCIL'S RECOMMENDATION
OF SEPTEMBER 23RD, 1935.¹

LETTER, DATED DECEMBER 30TH, 1935, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF
NATIONS AT DANZIG TO THE SECRETARY-GENERAL, FORWARDING THE REPORT OF THE PRESIDENT
OF THE SENATE, AND A DECLARATION MADE BY HIM BEFORE THE POPULAR ASSEMBLY ON
NOVEMBER 27TH, 1935.

Danzig, December 30th, 1935.

The report adopted by the Council on September 23rd, 1935,¹ regarding petitions from various sections of the Danzig population concluded with a request that the President of the Senate should submit, through the High Commissioner, at the next session of the Council a report on the action taken by the Senate in accordance with the Council's recommendations. I have the honour to enclose herewith the report which I have now received from the Senate.

On November 27th, the President of the Senate addressed a meeting of the Popular Assembly when he outlined, *inter alia*, the manner in which he proposed to deal with the Council's recommendations. This declaration indicating the ideas and motives which have led the Senate to reach its conclusions, I enclose also a copy of it, which the Council will no doubt wish to consider simultaneously with the report.

As the general policy of the Senate regarding the League of Nations is raised by these documents, I may also associate with them my annual report, which will have been circulated for the information of the Council.²

(Signed) Sean LESTER.

REPORT BY THE PRESIDENT OF THE SENATE.

[Translation from the German.]

Danzig, December 18th, 1935.

At its meeting in September, the Council of the League of Nations took exception to certain legislative measures which had been introduced in Danzig on the grounds that they were contrary

¹ See *Official Journal*, November 1935, page 1191.

² See Annex 1584, page 202.

to the Danzig Constitution, and recommended that they be brought into consonance with constitutional law. In accordance with my undertaking, I have duly laid these recommendations before the Senate of the Free City of Danzig for any necessary action. The Senate has given them careful and serious consideration.

I have the honour hereinafter to inform you of the views of the Danzig Government and the measures which it has taken.

1. § 132a of the Penal Code,¹ which was enacted by a Legislative Decree of June 30th, 1933 (*Legal Gazette*, page 287), and which made membership of unrecognised political protective associations a punishable offence, was criticised by the Council of the League of Nations² as being not in harmony with the constitutional principle of freedom of association (Article 85).

The Senate has, in fact, repealed this clause, as will be seen from reference to Article I of the Legislative Decree of November 30th, 1935, amending the Legislative Decree of June 30th, 1933, regarding measures to enhance public security and order and the Legislative Decree of April 4th, 1934, concerning the wearing of uniforms (*Legal Gazette*, page 221).

2. The Legislative Decree concerning the Wearing of Uniforms of April 4th, 1934,³ (*Legal Gazette*, page 221), which made the wearing of uniforms subject to the authorisation of the Senate, was found by the Council of the League of Nations to be incompatible with the principle of equality laid down in Article 73 of the Danzig Constitution. This attitude was based upon the conviction that the decisive criterion in the Senate's decisions was "whether and to what extent an association agrees with the conceptions of the majority of the population"⁴

Article II of the above-mentioned Legislative Decree of November 30th, 1935, now clearly lays down that the decisive criterion shall no longer be the one mentioned above, henceforth the paramount consideration shall be the maintenance of public security and order. It is expressly stated that authorisation for the wearing of uniforms may only be refused if its granting might endanger public security and order. The desires of the associations seeking permission to wear uniforms have been met in yet another respect. Whereas formerly decisions in these matters were taken by the Senate alone, the Danzig Chief of Police has now also been authorised to deal with the matter so as to permit of an appeal procedure. The original decision will henceforward be taken by the Chief of Police, from whom an appeal will lie to the Senate in the event of authorisation's being refused.

I venture to point out that authorisation for the wearing of badges and uniforms is also subject to official authorisation in the Republic of Poland, among other countries, and such authorisation can be withdrawn if, in the opinion of the authorities, the safeguarding of public peace and order make this necessary (Decree of the President of the Republic of October 2nd, 1935).

3. The Legislative Decree for the Protection of the Good Name of National Associations of October 10th, 1933 (*Legal Gazette*, page 502), as amended by the Legislative Decree of March 6th, 1934,⁵ (*Legal Gazette*, page 132), is also, in the opinion of the Council of the League, contrary to the principle of equality laid down in Article 73. In particular, the report mentions the following provisions as being unconstitutional:⁴

(a) The provisions of § 1, Section 1, sentence 2 (text of March 6th, 1934), to the effect that dealers in, and manufacturers of, uniforms and badges are only permitted to have such articles in their possession or keeping if authorised thereto by the association concerned;

(b) The stipulations of § 4, which provide for the more extensive protection of the good name of the associations concerned.

In both cases, the Danzig courts, in particular the Supreme Court, which is the Free City's highest independent tribunal, have, after very careful consideration, confirmed the constitutionality of the rule in question (judgments of the Supreme Court in the criminal proceedings against Lilienthal and others of October 23rd, 1934, and in the criminal proceedings against Haltner and others of June 30th, 1935). In view of these judgments, the Senate is not in a position to adopt any other point of view.

In its desire to comply with the Council's recommendations in so far as its responsibilities allow the Government has, however, decided to repeal the provision mentioned under (a) above. This decision was made possible by the fact that the purpose of the law, which was to prevent unrestricted and unsupervised trade in uniforms and consequently the improper use of uniforms, could be attained by other means. In the Legislative Decree of November 30th, 1935, which makes it necessary to obtain an authorisation for the manufacture and sale of uniforms (distinctive costumes), parts of uniforms, badges of honour and emblems (*Legal Gazette*, page 1121), a general rule is laid down to the effect that an authorisation must be obtained from the Danzig Chief of Police for the manufacture and sale of uniforms and badges of all kinds. Such authorisation may only be refused on the grounds that the applicant is deficient in the necessary special knowledge or not of good character, or that there is no necessity for such articles. In the event of authorisation's being refused, the person concerned has two weeks in which to appeal to the Senate. This rule applies equally to all uniforms and badges, to those of State authorities and State formations no

¹ See *Official Journal*, June 1935, page 796.

² See *Official Journal*, November 1935, page 1189.

³ See *Official Journal*, June 1935, page 762.

⁴ See *Official Journal*, November 1935, page 1188.

⁵ See *Official Journal*, June 1935, page 836.

less than to those of associations and unions. The associations protected by the Legislative Decree of October 10th, 1933, therefore no longer enjoy preferential treatment. More particularly, the granting of authorisation, even in the case of such associations, is no longer subject to their own consent.

The Senate could not see its way to taking responsibility for the abolition of the more extensive protection of the good name of the national associations (§ 4 of the Decree of October 10th, 1933), as it regards the maintenance of public order and security in the State as its paramount duty. Such order and security would, however, be imperilled if, through the withdrawal of the protection in question, impetus were given to the unrestricted agitation, which though directed in the first place against the national associations, is in reality aimed at the Government itself. When, in May 1935, I said that "the Senate of the Free City of Danzig would modify its opinion on the basis of the Council's interpretation and would take appropriate measures"¹ my statement was subject to the obvious reservation that the Senate would naturally only be obliged to take such measures as would not endanger the welfare or security of the State. Furthermore, the judgment passed by the Supreme Court on July 30th, 1935, in the criminal proceedings against Haltner and others, by which the protection of the good name of the associations in question was recognised as constitutional, had not then been delivered. The assumptions on which my statement on the above-mentioned occasion were based therefore no longer hold good.

4. In the last place, the Council of the League recommended that compensation be paid to two former municipal employees, Luck and Schmode,² on the grounds that their dismissal had been illegal. This recommendation also has been carefully considered by the Senate, which however cannot see its way to comply with it. The appeal of the two employees has been rejected with force of law by a judgment of the District Labour Court, which is the final authority in such cases. The legal position as between them and the Senate has thus been cleared up beyond all doubt, it having been decided that their dismissal does not entitle them to make any kind of claim. It is a fundamental principle of all law and legal security that the law created *inter partes* by a valid judgment should continue to apply in all circumstances, even if the Courts adopt different views in subsequent judgments. Were the Government to refuse to recognise the judgment delivered in the proceedings between itself and the two employees Luck and Schmode, it would not only be discrediting the judicial system but directly weakening the authority of the State itself. The public courts of law exist to restore legal peace between litigants. They cannot perform this duty unless the recognition of their legally valid judgments, whether right or wrong, is guaranteed. It is in virtue of this principle that—leaving out of consideration the limited possibility of retrial, which does not exist in the present case—the Constitution and laws of Danzig do not provide for any authority which is empowered to nullify the final decisions of the courts of law.

The Government of the Free City of Danzig believes that it has complied with the recommendations of the Council of the League of Nations in so far as is possible, having regard to its responsibility towards the State and the people. It hopes that the two Legislative Decrees issued on November 30th, 1935, will conduce to a greater tranquillity among the people of Danzig. The extent to which it has such peace at heart is demonstrated by the Amnesty Law—very liberal in the matter of political offences—which was passed at its instance by the Popular Assembly at its meeting on November 27th, 1935.

I append the copies of the *Legal Gazette*, in which are reproduced the Decree of November 30th, 1935, and the Amnesty Law.³

(Signed) GREISER.

Appendix.

[Translation from the German.]

LEGISLATIVE DECREE OF NOVEMBER 30TH, 1935, AMENDING THE LEGISLATIVE DECREE REGARDING MEASURES TO ENHANCE PUBLIC SECURITY AND ORDER OF JUNE 30TH, 1933 ("LEGAL GAZETTE" PAGE 287), AND THE LEGISLATIVE DECREE CONCERNING THE WEARING OF UNIFORMS, OF APRIL 4TH, 1934 ("LEGAL GAZETTE" PAGE 221).

In virtue of § 1, No. 9, and § 2 of the Law of June 24th, 1933, to relieve the Distress of the People and State (*Legal Gazette*, page 273), the following provisions, having the force of law, have been enacted.

Article I.

§ 132 a of the Penal Code as incorporated in the text of the Legislative Decree regarding measures to enhance Public Security and Order of June 30th, 1933 (*Legal Gazette*, page 287), is hereby abrogated.

¹ See *Official Journal*, June 1935, page 649.

² See *Official Journal*, November 1935, page 1191.

³ Note by the Secretary-General. — The text of this law, which is dated November 27th, 1935, has been deposited in the archives of the Secretariat, where it is at the disposal of Members of the Council.

Article II.

§ 1 of the Legislative Decree concerning the Wearing of Uniforms of April 4th, 1934 (*Legal Gazette*, page 221), shall be amended as follows:

“ The wearing of uniforms indicating membership of an association or union elsewhere than on private premises is permissible only by authorisation of the Danzig Chief of Police.

“ For the purpose of the present provisions, uniforms shall also include uniform equipment and headgear.

“ Authorisation may be made subject to certain conditions or charges. It may only be refused if its granting would have the effect of endangering public security and order.

“ In the event of authorisation's being refused, the association or union concerned shall be entitled to appeal to the Senate within a time-limit of two weeks as from the service of relevant decision.”

Article III.

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

Danzig, November 30th, 1935.

The Senate of the Free City of Danzig:

(Signed) GREISER.

(Signed) HUTH.

(Signed) Dr. WIERCINSKI-KEISER.

[Translation from the German.]

LEGISLATIVE DECREE OF NOVEMBER 30TH, 1935, MAKING THE MANUFACTURE AND SALE OF UNIFORMS, PARTS OF UNIFORMS, BADGES OF HONOUR AND EMBLEMS SUBJECT TO AUTHORISATION.

In virtue of § 1, Nos. 9, 68 and 70, and § 2 of the Law to relieve the Distress of the People and State of June 24th, 1933 (*Legal Gazette*, page 273), the following provisions, having the force of law, have been enacted.

Article I.

§ 1. — No person shall manufacture, stock or sell uniforms, parts of uniforms, emblems or badges of honour of Danzig authorities, Danzig State formations or of associations or unions, without an authorisation.

The present provision shall not apply to standard occupational costumes indicating that their wearers are engaged in a particular calling or belong to the staff of a business undertaking or to official costumes (official robes). Furthermore, it shall not apply to the distinctive costumes and emblems of organisations of an exclusively sporting or student character, or of choral societies.

§ 2. — The competent authority for the granting of authorisation shall be the Danzig Chief of Police.

§ 3. — Authorisation shall be granted on application; it may be made subject to obligations and conditions.

§ 4. — Authorisation may be refused if:

(a) The applicant does not possess the necessary special knowledge or is not personally of a reliable character, or if

(b) There is no necessity for the articles in question.

§ 5. — In the event of authorisation's being refused, those concerned may appeal to the Senate within a time-limit of two weeks, as from the service of the relevant decision.

§ 6. — Authorisation may be withdrawn if it has been obtained by false pretences or if the conditions, as laid down in § 4, attaching to the granting of such authorisation, are no longer fulfilled.

The provisions of § 5 shall apply *mutatis mutandis*. Appeals against the withdrawal of authorisation shall not have the effect of postponing such withdrawal.

§ 7. — Any person guilty of an offence against the present Decree shall be liable to a term of not more than six months' imprisonment and to a fine not exceeding 3,000 gulden, or to one or other of these penalties, provided always that a heavier penalty has not been incurred under other provisions.

§ 8. — The present Decree shall come into force on the date of its promulgation. Undertakings which can prove that they were already manufacturing, stocking or selling the articles enumerated in § 1 prior to October 1st, 1935, and which have made application for authorisation in pursuance of § 1, may continue their activities pending a final decision with regard to their application.

Article II.

The provisions of § 1, Section 1, sentence 2, of the Legislative Decree for the Protection of the Good Name of National Associations of October 10th, 1933 (*Legal Gazette*, page 502), as embodied in the Legislative Decree of March 6th, 1934 (*Legal Gazette*, page 132), is hereby abrogated.

Danzig, November 30th, 1935.

The Senate of the Free City of Danzig

(Signed) GREISER.

(Signed) HUTH.

(Signed) DR. WIERCINSKI-KEISER.

[Translation from the German.]

GOVERNMENT DECLARATION BY THE PRESIDENT OF THE SENATE
ON NOVEMBER 27TH, 1935.

Exactly one year ago, I made my first Government declaration, and, three months ago, I made my last. A year ago, I took over the office of President of the Senate of the Free City of Danzig, and I stated in the Government declaration which I then made that I was well aware I had been called to the headship of the State at a moment of unexampled difficulty. The anticipations which I then expressed have since been fulfilled, and fulfilled indeed beyond all expectations. The fact that this is so, I can—with regret be it said—attribute only to the lack of any response to the appeal which I made in my first declaration for co-operation. In my speech in the Fair Buildings on January 29th last, I voiced my apprehensions as to the existence in Opposition circles of any genuine desire for co-operation. My apprehensions were based on certain petitions which had been sent to Geneva. In my speech on that occasion, and in the Government declaration which I made on April 30th last, I showed that these internal conflicts had been brought before the League of Nations in a distorted form, and I demonstrated the legal and moral right of the Government to enforce its National-Socialist views within the limits of the Constitution. The record of the last few months in Danzig is proof positive in my eyes that all these admonitions have been in vain. The attitude of the Opposition to the Government is based, not on any desire for positive co-operation or the amendment of Government proposals, but simply and solely on the policy of reviving in our midst in Danzig those political differences of the German people which have been eliminated as a result of the idealist conceptions inherent in the National-Socialist outlook. I said last summer on behalf of the Government that the stability of currencies was not determined merely by the position of gold, but primarily by confidence in the national leadership. With my eyes open, I took the unpopular course at the time in the Popular Assembly—that is to say before the public. The economic measures then adopted still continue to serve as a threadbare pretext for discrediting the National-Socialist Government, and providing an appearance of justification for the obstinate and demagogic attacks to which the latter is subjected. All parties, with the exception of the Communists, have held political power in Danzig before us. They are aware, therefore, of the relationship between the monetary and the economic policy of Danzig. They know that conditions were different formerly and that the sources of revenue were then very much more abundant. They know also that the only methods they could employ for the maintenance of the German character of the Free City are those which we are compelled to resort to under the pressure of existing conditions. They do not even endeavour to submit better proposals the practical character of which it would be worth our while to consider. They do not claim to possess a better programme or greater internal strength, they merely allege that the National-Socialist Senate fails to comply with the Constitution, and they resort to any means, allowable or unallowable, in order to induce the League of Nations to intervene on their behalf in the Free City. We are therefore confronted with the melancholy fact that, while the healthy elements in the Danzig population—and they are, thank God, the majority—are loyal to the National-Socialist movement as representing the idea of a great Germany, they are compelled to protect themselves against these ambitious party politicians who are blind to the greatness of the idea we uphold, and who accordingly endeavour to conceal their weakness and their lack of personality behind the authority of the League of Nations. I am bound therefore to cease to ask for practical criticism and co-operation. I am loath, however, to abandon a standpoint which I adopted in all sincerity and I am anxious therefore, before I make the breach complete and draw the full logical consequences, to essay once more the possibility of a *rapprochement*. The basis of such a *rapprochement* has been created in the amnesty proposals which have to-day become law as a result of the Popular Assembly's vote. The Senate has thereby once again given clear evidence of its desire to direct the political life of the Free City into peaceful channels. It has also by this Law created the immediate conditions necessary for the realisation of its desire in this connection by its action in passing the sponge over all political and even general offences, so as to bring the breadwinners back during the difficult winter months to their stricken families. This action on the part of the Government is no concession therefore on grounds of weakness; on the contrary it is the best evidence of the inner strength of the Government, whose aim it is to bring back all constructive elements into the service of the State and to re-incorporate them in the ranks of the Danzig people.

Our monetary policy pursues its even course in conjunction with our financial policy. It is a matter of general satisfaction and relief that during the last few weeks no serious obstacles have

been encountered. A more detailed statement has been made to you by the Senator in charge of Finance.

Economic policy as I have already pointed out, must continue to be based on Danzig's relations with Poland. It is obvious that the failings of former years cannot be made good overnight by a stroke of the pen. The economic life of Danzig is based very largely on the port of Danzig. The aspirations of Danzig in this connection are very much alive; and it is to be hoped that further improvements in the position will be found possible as a result of the negotiations on the use of the port of Danzig. Any such improvements will unquestionably enure to the advantage of Poland as well as Danzig; for I am convinced that Poland is dependent on our port no less than upon Gdynia.

That complaints should arise in connection with internal economic problems as a result of the departure of pensioners and officials is only to be expected. It will be for the State in this connection, as in others, to intervene at the appropriate moment to regulate the process of adjustment.

Of approximately 5,800 pensioners of all kinds, some 1,800—*i.e.*, one-third of the total—have complied with the Senate's invitation to transfer their domicile to Germany. It is hardly likely that the 4,000 pensioners still on Free City territory will be able to remain here. They must be prepared for a renewal of the invitation to effect a change of domicile; and the conditions this time will not be so favourable as on the previous occasion.

The reduction in the number of the posts of officials and teachers which it was decided to dispense with on grounds of economy has been effected by voluntary action on the part of the officials themselves. It is true, however, that the officials have not yet in all cases been called upon to assume their new duties.

The Reich has further come to our aid by taking over Danzig workers. Many thousands have already found work and a livelihood in Germany. Complaints are frequent in Opposition circles with regard to these Danzig citizens; and I can imagine how hard the initial stage must be for unemployed men forced to live apart from their families. But there is also a bright side to the picture. I know that a very large number of Danzig workers, especially technical and highly skilled workers, have found excellent openings in Germany and that they receive remuneration at rates which it will not be possible to pay here in Danzig for some years to come. In any case, in settling such vast problems as this the effect on individuals cannot be the guiding consideration, the wider aim must be kept in view. That the attainment of this wider aim is bound to be attended by certain hardships I am well aware; but we shall continue, as hitherto, to make it our business to remove them.

Under the big economic programme which we are in process of applying, the Danzig Regional Police (*Landespolizei*) has been dissolved by resolution of the Senate. From my own standpoint, which is that rather of the military man than of the politician, I was more than reluctant to join in taking this decision, but I do not scruple to assert that, in the present serious situation of the Free City it was a possible—as well as an inevitable—measure to take, inasmuch as the uncertainties of internal politics which were rife at the time this police force was set up, fortunately no longer exist. The officials in the dissolved force will go back to the Security Police (*Schutzpolizei*), while those who held positions as employees will go to form a welcome nucleus of a thoroughly reliable character for the Citizens' Militia (*Einwohnerwehr*), so that the authority of the Government and the execution of the measures decided on by the State will continue to be ensured as in the past.

I am glad to be able to say that the Government has decided to retain the technical college in Langfuhr, the closing down of which had also been mooted, in a form which will meet all the requirements of Danzig in this connection. Another development of a cultural character which will be noted with peculiar satisfaction is the reopening in the near future of the Danzig State Theatre, for the rebuilding of which the necessary funds had been granted. Although the Government, as I am anxious to make clear, is not in a position to provide the requisite funds for performances at the theatre during the current theatrical year, it is none the less a gratifying symptom of the co-operation which exists between the National-Socialist Party and the Government, and of the support of the latter by the party from which it is drawn, that the requisite means should have been provided for this purpose from private sources.

Unfortunately the Government cannot count everywhere on such understanding of the situation. It will be within the recollection of the whole population of Danzig that the Opposition parties refused to vote for the dissolution of the Popular Assembly in March last. As their party dogmas do not appeal to the people, the Opposition is continually forced back on material considerations as a means of retaining the support of its members. The very parties, accordingly who had voted in March against a dissolution, seized on the devaluation of the gulden at the beginning of May as a welcome pretext for a fresh appeal to the electors. As they cannot force an election, either under the Constitution or by their own strength, against the will of the National-Socialist Party they are constrained to look for allies in their campaign. The first of these allies they hoped to find in the Danzig Supreme Court, with which they lodged protests against the elections of April 7th. The grounds put forward in these protests are sufficiently well known, but, however threadbare, they had to serve. The Supreme Court in its judgment rejected the Opposition parties' appeal. The judges principally concerned in the proceedings showed in connection with the vast amount of minute work involved in the findings of the Court that they were not merely legal technicians but were concerned to seek and do justice in the truest sense of the word. Danzig judges are independent, and their independence compels them to observe and apply the written law. But over and above this, every independent judge has a legal conscience which gives him the right, and imposes on him the duty of not allowing the inner development of the

population of Danzig, constituting as it does a part of the German nation, to be held up by an inhuman application of dead and outworn forms.

This judgment with all its importance for the Free City's development had hardly been delivered when these same self-centred parties were again in evidence, seeking (so to say) to skim the cream of the Court's findings for themselves. Scarcely a day goes by on which their Press does not assert that, in presence of the judgment of the Court, it is an unconscionable and unconstitutional proceeding to fly swastika flags or to set up Hitler busts in public buildings in the Free City. They even go so far as to assert that the display of Party emblems on State buildings is inconsistent with the Constitution. Ladies and Gentlemen of the Opposition, what you call our party flag is to-day the flag of Germany; the emblem of our National Socialism is to-day the banner of the German national defence force; our leader is to-day the Leader of the German People, and no National-Socialist Government will ever oppose the outward display of the emblem of New Germany on specially solemn occasions, the purpose of which is to place our German nationality in the foreground. Danzig is a German State, recognised as such by the League of Nations itself; and thus it is which gives the Danzig Government the right to make an end once and for all of such Press utterances and incendiary articles insulting the flag of the German Reich and disturbing the very exceptionally friendly relations between us and the German Reich.

That the Opposition parties are not satisfied with the Supreme Court's judgment is understandable, but the fact that their dissatisfaction should again lead them to seek allies whom any decent-minded Danzig German would scorn to enlist against the German cause, speaks for itself. I am aware that an attempt is being made to bring out the League of Nations in opposition to the Judgment of the Supreme Court and in that way to the people of Danzig. How far the Opposition parties can reconcile their consciences to such a proceeding is their own affair. Party leaders who are capable of going through with such a thing place themselves beyond the pale of the German national community. In such a case, it is all the more incumbent upon the National-Socialist movement to win back to the nation those of our fellow countrymen who have been led astray. I am, however, informed—and from a very reliable source—that the League's representative in Danzig has, of his own accord, adopted these views of the un-German Opposition, with the object of influencing the League and inducing it to decide in their favour.¹ This brings me to a sad chapter in the history of the Free City of Danzig.

All the distress which the whole of the people of Danzig is at present called upon to endure, has its real origin in Danzig's separation from the Motherland. This separation was willed by the League of Nations. Realising, however, that it was thus bringing into the world a weakly organism whose life could not be other than precarious, it attempted to give its decision a colour of morality by taking upon itself to guarantee this weak, new State. As to how far this guarantee is really helpful, Danzig opinion is absolutely divided. I nevertheless think the time has come to open the eyes of the people of Danzig to the fact that, for all their readiness to bow to the inevitable, this guarantee has in every way—and having regard to our circumstances—cost us very dear. Quite apart from the expense arising out of the maintenance of a permanent League representative in Danzig, which is borne jointly by Poland and the Free City and quite apart therefore from the fact that only last year Danzig's share again amounted to 99,000 gulden, it must nevertheless be said that the Free City of Danzig has scrupulously discharged the obligations imposed upon it. Up to the end of the 1934 financial year, the expense which Danzig had incurred in respect of League officials, Committees, etc., for the sake of friendly co-operation with the League of Nations, amounted to not less than 19,962,808 gulden. When it is considered how much gold and foreign exchange these figures represent, one may be tempted to play with the idea that had Danzig not been condemned to such expenditure, devaluation would never have been necessary. But, in spite of all, we endeavoured, and being a small and weak State will go on endeavouring, to maintain the best possible relations with the League. This fact does not, however, imply that we will bend the neck even when we are absolutely in the right. In return indeed for all the money spent, the unstatesmanlike and incapable governments of the past did at least move the League, to intervene in their everlasting disputes with Poland. As you are all aware, ladies and gentlemen, that is not our way. I have been repeatedly assured by authoritative persons in Geneva that the League is grateful to the National-Socialist Government for not applying to Geneva and for dealing with these disputes by the method of direct negotiation and agreement. But though in the face of such statements I always find it impossible to understand how questions of internal politics can be made the subject of discussions and decisions at Geneva, I resign myself to the fact that unfortunately my opinion is not the only one which counts and that the League must continue to deal with these matters in whatever way it thinks best. Even so, it must not be overlooked that the League has no right to issue orders in respect of Danzig but merely, as in the case of all other civilised States, a right of sanction. At its last meeting in Geneva, at which I was present, the League itself confirmed this point of view for instead of issuing orders, as the Opposition would have liked, it confined itself to making a few recommendations.

The Decree-law of April 4th, 1934 (*Legal Gazette*, page 221) provides that distinctive uniforms shall not be worn without an authorisation from the Senate. On this point, the League is of opinion that an essential consideration in the Senate's decisions is whether the associations

¹ Note by High Commissioner — This statement and its inference are in fact, not accurate. No attempt was made to verify the rumour before the Head of the Government made his public pronouncement.

concerned support the views of the Government or not. After careful examination, the Senate has decided to amend this Decree—a decision in which it has been influenced by the fact that, in Poland also, a Presidential Decree of October 2nd last provides for official authorisation in regard to the wearing of badges and uniforms, such authorisations being subject to withdrawal whenever the authorities are of the opinion that security public peace or public order necessitate such a course. The Danzig Decree-law on the same subject will be amended, and an authorisation will only be refused if the granting of authorisation is likely to endanger public security and order. Henceforward, decisions in this matter will no longer be taken by the Senate but by the Chief of Police—subject, naturally to appeal to the Senate.

In several of the petitions brought up at the meeting of the League Council last September, strong exception was also taken to § 132 (a) of the Criminal Code introduced through Article II, § 17 of the Decree-law of June 30th, 1933, for enhancing public security and order (*Legal Gazette*, page 287). This provision which made membership of political protective associations not recognised by the Government a punishable offence, is, in the view of the League Council, contrary to Article 85 of the Danzig Constitution guaranteeing freedom of association. The Senate of the Free City of Danzig has decided to repeal this provision, though without thereby endorsing the Council's opinion.

Similarly on the basis of the petitions submitted to the League, and also of the opinion of the Committee of Jurists set up by the League of Nations, a recommendation was also made regarding the Decree-law for the Protection of the Good Name of National Associations of October 10th, 1933 (*Legal Gazette*, page 502), together with the amending Decree of March 6th, 1934 (*Legal Gazette*, page 132). According to § 1, paragraph 1, sentence 2, of this Decree, no persons may manufacture or sell the uniforms and badges of associations supporting the Government without being authorised thereto by the association concerned. The Senate is of opinion that this provision can be repealed forthwith so that the wishes of the League will be met in every particular. In order, however, to give the Government, even in the future, a right of control over unauthorised and unrestricted dealings in such articles, the provision in question will be replaced by a Decree-law of quite general application providing that the manufacture and sale of all uniforms and badges—both State and others—are illegal unless authorised by the police. In this matter also, the competent authority will be the Danzig Chief of Police, subject to appeal to the Senate.

As regards § 4 of the above-mentioned Decree which deals with the protection of the good name of the national associations, the Senate has decided to refuse to introduce any amendment, as this provision has been declared constitutional by the Supreme Court of the Free City of Danzig. In this matter, the Senate has been guided by the principle that it can in no circumstances compromise the independence of the judiciary and, in particular, that it cannot disavow the judgment of the highest Danzig Court of Law, by which it is bound in the present case, and which it is desired, through the intermediary of the League of Nations, to oblige the Senate to disregard. The independence of the Free State would mean nothing if the League of Nations were to arrogate to itself the right to override decisions of the highest court of law.

In another petition, the so-called Luck and Schmode case was brought before the League of Nations for its decision. In regard to this case, the conclusion of the League Rapporteur's report reads as follows: "The Council should, I consider, recommend the Senate to do all in its power, at the request of the High Commissioner, to settle locally questions such as these, and thus spare so high an institution as the Council of the League of Nations the necessity of putting them on its agenda." According to this passage, the Council is therefore itself of opinion that such questions should preferably be settled in Danzig. As the petitioners' suit has been dismissed in good and due form by the District Labour Court, which is the highest authority in such matters, the Senate has decided that, for the sake of the maintenance of the authority of the Danzig courts, it cannot see its way to defer to the League's recommendation. I was urged in Geneva to see that some grant was made to the petitioners, Luck and Schmode, as an act of grace. I refused, however, to propose any such decision to the Senate, as I take the view that the Danzig State is poor and has no money to spare for recommendations of this kind. Naturally we should have not the least objection if the League of Nations, whose financial position is easier, were to take the matter up and make some grant to the persons concerned.

In the last case which was dealt with at the September meeting, on the basis of a joint petition of the Centre Party the Social-Democratic Party and the German National Party on which the signature of Herr Weise significantly appears, in the League archives, side by side with the signatures of the Marxists, the League was asked to declare an amendment to the criminal laws unconstitutional. The League Council, however, thought it preferable to refrain for the time being from any decision of its own, and to refer the matter for an advisory opinion to the Permanent Court of International Justice at The Hague. That body has not as yet made known its opinion, so that the matter may still be regarded as pending.

In order, therefore, to give further proof of its desire for friendly co-operation with the League of Nations, the Senate has, in the majority of questions, fallen in with its desires and recommendations. Everyone with any real grasp of statecraft and international law will understand, endorse and defend the Senate's decision in the questions involving the independence of the judiciary. A gloomy chapter in the internal political history of the Free City of Danzig is thus brought to an end. The clouds which, through exploitation of the Danzig Supreme Court's judgment regarding the elections, are gathering upon the political horizon have not escaped the Senate's notice. They can, however, do nothing to weaken or to influence the authority and determination of the Government. I am, indeed, absolutely convinced that the life of a nation

and, in particular, the life of a population which, like that of Danzig, is part of a nation, cannot in the long run be cramped by articles and paragraphs fabricated in the days of Germany's deepest political and spiritual distress. Though almost throughout its independent existence, the fate of the Free City of Danzig has been determined by the League of Nations, we nevertheless hope that, in Geneva, where political realities are given such very great weight, the fact that the distribution of political power in Europe has been fundamentally changed cannot continue to be ignored. Particularly is this true in comparison with the time when as the result of the Marxist revolt, Germany lay prone and powerless, and when, through this same betrayal, the Free City of Danzig was set up. Articles and paragraphs have no meaning unless there are men of flesh and blood at hand who are determined to respect them as a rule of life which has been committed to writing. To-day the cause of Danzig's severance from the Motherland, which was to provide the newly-created Republic of Poland with a free outlet to the sea, is spontaneously respected by the German people and also by the Free City of Danzig, as a political law. Discussion regarding the continued existence and development of this severed territory is therefore no longer the exclusive privilege of the organs of the League and, indeed, were such the case, the principle of the self-determination of peoples would be devoid of meaning. In sober recognition of the realities of the interplay of political forces in Europe, the Free City of Danzig will, in the future as in the past, pursue its policy of direct negotiation and agreement with Poland. To the satisfaction of the Senate, the friendly relations of the two States, which were troubled for a short period in the course of last summer, have again been restored. Relations are good and friendly, and there is every prospect of further progress in the same direction.

We particularly rejoice in the fact that the relations of Germany our Motherland, with Poland, our neighbour, are on the same friendly footing. To say that between Berlin and Danzig the best possible relations are maintained would be superfluous. How could it be otherwise between National-Socialist Germany and the one German State outside the frontiers of the Reich which is ruled by a National-Socialist Government? The economic and national revival in our Motherland not only fills us with inward satisfaction, but gives us that steadfastness of heart which is necessary if we are to triumph over our own hard fate.

We National Socialists are not the kind of men to pursue a mere day-to-day policy—an ostrich policy. We know that it is only through a gloomy present that we can win through to a better future. We know that struggle is the essence of all life. As soldiers of the National-Socialist revolution, well tried in the stern years of conflict, we stand at our post and will never desert it. If the Opposition believed that by rumours of the resignation of some members of the Senate they could sap the strength of the present Government, I might retort that, in the National-Socialist movement, there is no such thing as resignation. A National Socialist is recalled or else he falls. With us, decisions of the Opposition carry no weight. Nothing counts but the orders of our leaders. These leaders will never allow the forces of discord and disintegration to regain the upper hand. We stand here, therefore, as the men of the new epoch in German history resolute in action and rejoicing to bear our heavy load of responsibility in the consciousness that, in accordance with the old Danzig tradition, we are maintaining the bonds between this, our homeland, and the German nation.

ANNEX 1583.

FREE CITY OF DANZIG.

C.19.1936.VII.

PETITIONS FROM THE SOCIAL-DEMOCRATIC PARTY THE CENTRE PARTY AND THE GERMAN NATIONAL PEOPLE'S PARTY CONCERNING THE GENERAL ELECTIONS TO THE POPULAR ASSEMBLY OF THE FREE CITY ON APRIL 7TH, 1935.

LETTER, DATED DECEMBER 21ST, 1935, FROM THE HIGH COMMISSIONER OF THE LEAGUE OF NATIONS AT DANZIG TO THE SECRETARY-GENERAL TRANSMITTING THE FOLLOWING COMMUNICATIONS:

- (1) *Petition, dated November 26th, 1935, from the Social-Democratic Party the Centre Party and the German-National People's Party*
- (2) *Observations of the Senate of the Free City dated December 13th, 1935, relating to the Petition dated November 26th, 1935*
- (3) *Letter from the Petitioners, dated December 10th, 1935, transmitting a Statement of the Difficulties which the Carrying-out of a Referendum with a View to securing the Dissolution of the Popular Assembly would Encounter*
- (4) *Supplementary Petition, dated December 4th, 1935, from the Social-Democratic Party; the Centre Party and the German National People's Party.*