[Communicated to the Council and the Members of the League].

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LEAGUE OF NATIONS

REPORT OF M. CARL BURCKHARDT,

High Commissioner of the League of Nations at Danzig

I

(*a*) LETTER FROM THE RAPPORTEUR OF THE COUNCIL COMMITTEE TO THE SECRETARY-GENERAL, DATED FEBRUARY 14TH, 1940

Foreign Office,
February 14th, 1940.

I am directed by Viscount Halifax to transmit to you herewith a note, for circulation to the Council, covering the report on his tenure of office by the High Commissioner of the League of Nations at Danzig, M. Carl Burckhardt, which you have communicated to Lord Halifax as Rapporteur to the Council for Danzig questions.

(Signed) R. MAKINS.

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(*b*) MEMORANDUM

As Rapporteur to the Council for Danzig questions, I circulate to my colleagues a report submitted to me by M. Carl Burckhardt, High Commissioner for the League of Nations in Danzig, covering his period of office in the Free City, as well as the texts of letters exchanged between M. Burckhardt and the Secretary-General concerning the termination of M. Burckhardt's mission.

2. I wish to take this opportunity of drawing the Council's attention to the remarkable ability with which, in exceptionally difficult circumstances, M. Burckhardt discharged his duties as the representative of the League in Danzig. He neglected no opportunity and left no means untried of fulfilling his mission in the Free City and thereby of making a contribution to the maintenance of peace.

II

THE HIGH COMMISSIONER'S REPORT

[*Translation.*]

When the High Commissioner accepted his appointment in 1937, the Free City of Danzig had just passed through an acute political crisis. On June 20th, 1933, the National-Socialist Party had taken the reins of power; in 1935 and 1936, relations between the Danzig Senate and the League of Nations had deteriorated appreciably; indeed, the representative of the League had been obliged to report, on several occasions, breaches of the Constitution. The

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Council made protests,[1] but could not arrest the development of a situation which had its origin in the absolute contradiction between the intentions of the Danzig legislators of 1922 and the totalitarian spirit of the regime instituted in 1933. By the time the new High Commissioner arrived in 1937, the Constitution had been stripped of all liberally-conceived principles.

So marked were the breaches of the Constitution that it might have been asked whether the High Commissioner should not be withdrawn and the post abolished. It had been thought that, by the creation of the Committee of Three — which took place in July 1936,[2] after President Greiser's speech to the Council — any possible collisions between the Council and the Senate of the Free City would be minimised and the High Commissioner would be relieved of a certain responsibility. As regards political intervention, from January 1937 onwards, that Committee assumed, in the place of the League of Nations representative in the Free City, the responsibility for appeals to the Council, while, at the same time, it also deprived the High Commissioner of some of his authority. At the outset, unquestionably, the appointment of the Committee improved the situation, but the improvement did not last, and tension between Danzig and the League of Nations did not disappear, but became one of the elements in the general uneasiness.

It should be observed that it was chiefly in deference to the Polish Government's views that it was decided in January 1937 to maintain the post of High Commissioner, notwithstanding the drawbacks referred to. The Polish authorities took the view at that time that the representation of the League of Nations at Danzig was an integral part of the Statute, and that its disappearance would jeopardise the whole legal edifice designed to guarantee the extremely complicated rights and interests confronting one another in the Free City.

In some quarters it was held that, whereas the principal task of the High Commissioner was to see that good relations were maintained between Poles and Danzigers, he had actually come to be almost exclusively absorbed in questions concerning the guarantee of the Constitution.

Article 103 of the Versailles Treaty enacts :

> "The High Commissioner will . . . be entrusted with the duty of dealing in the first instance with all differences arising between Poland and the Free City of Danzig in regard to this Treaty and any arrangements or agreements made thereunder. . . ."

It should, however, be added that the High Commissioner's last official intervention under that Article took place in 1934 ; in other words, during the past five years, the two parties concerned had not asked the High Commissioner to take any such action as above described. The creation of the Committee of Three made no change in this situation.

The Polish Government's report of January 26th, 1937, on the duties of the new High Commissioner to be elected, contained, *inter alia*, the following declaration :

> "The High Commissioner . . . should take care to see that the internal administration of the Free City of Danzig is not hampered."

So much for clauses and restrictions. It remained for the representative of the League of Nations to act chiefly in a personal capacity. The first essential was to regularise relations with the Senate, facilitate relations between the Poles and Danzig, and, lastly, mitigate certain legislative and administrative exigencies.

The High Commissioner has always considered that his supreme task was to serve peace. This rule has governed his conduct for nearly three years. All the instructions received by him during his mission merely served to strengthen this conviction.

* * *

1937

After his election by the Council on February 18th, 1937, the High Commissioner conferred, on February 23rd, with the Swedish Minister in Berne, M. Westman, and was then received in Paris by M. Delbos, Minister for Foreign Affairs, and in London by the Council Rapporteur and Chairman of the Committee of Three, Mr. Anthony Eden, Secretary of State for Foreign Affairs. His instructions were definitely designed in a conciliatory sense, with a view to avoiding disputes as far as possible and establishing normal relations between the various national and international authorities in the Free City. The Rapporteur,

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[1] The principal texts governing the action of the League of Nations are Articles 102 and 103 of the Treaty of Versailles, which place Danzig under the protection of the League of Nations, and the Constitution of the Free City under its guarantee, terms defined in Viscount Ishii's report to the Council (November 17th, 1920).

A letter from the Secretary-General to the High Commissioner, approved by the Council on June 10th, 1925, contained the Council's instructions to the High Commissioner with regard to the right of petition ; it stated, *inter alia* : "They (the Council) think that, because of the position of the High Commissioner as representative of the League of Nations in Danzig, the citizens of the Free City could address petitions to him which he could deal with upon their merits as sources of information on the situation in Danzig. The Constitution of the Free City being placed under the guarantee of the League, it would seem natural that the High Commissioner, in cases where he learnt, through petitions or otherwise, that there was a danger of infraction of the stipulations of the Constitution, should bring such questions to the notice of the Council."

[2] The Committee of Three was appointed by the Council on July 4th, 1936, to follow the situation in Danzig. It consisted of the representatives of the United Kingdom (Rapporteur for Danzig Questions), France and Portugal, the last-named being replaced later (September 1936) by the representative of Sweden.

In his report on the situation in Danzig, submitted on behalf of the Committee of Three to the Council and adopted by the latter on January 27th, 1937, the Rapporteur said, *inter alia* : "Under the present procedure, it is left to the High Commissioner, when he thinks such action necessary, to ask the Council to place on its agenda questions relating to the constitutional life of the Free City, in regard to which he has made reports to the Council. This responsibility has made his task more difficult and Mr. Lester has suggested — and the Committee recommends that his suggestion be accepted — that, if the Council agrees, it should fall in the future on the Committee of Three and not on the High Commissioner." (Minutes of the Council, ninety-sixth session, *Official Journal*, February 1937.)

Mr. Eden, mentioned in private conversation that the United Kingdom Government would be glad to see a final agreement concluded between the Polish and German Governments on the Danzig question.

The High Commissioner took up his duties in Danzig on March 1st; on March 4th, he visited Warsaw, where he was received by His Excellency M. Moscicki, President of the Republic, and the principal members of the Cabinet. M. Beck, the Minister for Foreign Affairs, was at that time on the Riviera. During the audience granted to the High Commissioner by the President of the Republic, the latter mentioned the great value attached by Poland to her rights in the Free City, not only in the economic sense, but particularly in the sense of historical and political ideals. M. Moscicki emphasised during the interview that the arrival in power of the National-Socialist Government in Germany had normalised relations between that country and Poland.

From Warsaw, M. Burckhardt went to Cannes to call on M. Joseph Beck, Minister for Foreign Affairs. M. Beck pointed out that all important questions between Poland and Danzig were being settled in Warsaw and Berlin. He advised the High Commissioner to make personal contact with official circles when passing through the latter city. He drew M. Burckhardt's attention to the fact that, since 1934, the situation had changed; as a result of the conclusion of the Non-Aggression Pact between Germany and Poland, it was permissible for the German population to live in the German way. At the same time, the Statute was intangible; no rights could be abandoned, even though circumstances might temporarily weaken those which regulated relations between Danzig and the League of Nations. He recommended the High Commissioner to handle matters tactfully and be guided solely by the desire to avoid any possibility of disputes.

In the interests of peace, and in view of the general line of German-Polish relations, this seemed at the time to be the only method to follow. Far from saving or improving the situation, a public exposure of differences would merely have hastened the onset of a final crisis which at that time seemed avoidable.

From Cannes, M. Burckhardt returned direct to Danzig. The situation as he saw it was then as follows.

The chief of the National-Socialist Party and Gauleiter of Danzig, Herr Albert Forster, a German national and Prussian Councillor of State, exercised absolute power over the territory of the Free City. The margin of authority left to the Senate was becoming smaller and smaller, and amounted merely to certain powers in the administrative sphere; the main lines of legislation and the conduct of political affairs were laid down by Herr Forster, who himself took his orders from Berlin.[1]

It should, however, be said that the Gauleiter's activity was not immediately directed against that of the representative of the League of Nations. Herr Arthur Greiser, the President of the Senate, met with no obstacle when, in accordance with the undertakings he had assumed at the Council session of January 1937, he tried to establish correct relations between the Senate of the Free City and the High Commissioner. During one of M. Burckhardt's first visits to President Greiser, the latter agreed on the necessity of giving the opposition, in accordance with the Statute, an opportunity of freely approaching the High Commissioner. This had previously been prevented by the action of the police, and the fact had considerably hampered the courageous work of Mr. Sean Lester.

The opposition, however, made little use of the new possibility created by the interview between Herr Greiser and M. Burckhardt. Its representatives told the High Commissioner that the repeated breach of the Constitution was unquestionable; they recalled that, at a meeting of the Diet (*Volkstag*), President Beyl, a National-Socialist Deputy, had himself openly said so, and that no National-Socialist in Danzig denied it. They emphasised that the Constitution was suspended, not only *de facto* but, to a very large degree, *de jure*, particularly in regard to the powers of the League of Nations in the internal affairs of the Free City, the Senate having officially declared that it would no longer allow the League of Nations to interfere in any way and was determined to ignore its recommendations and interventions. Thus, the *coup d'état* directed from above seemed to be an accomplished fact. The opposition politicians also drew attention to the fact that the elections to the Diet on April 7th, 1935, had been described by the former High Commissioner as "having taken place in conditions contrary to the Constitution". In their view, the logical consequence of this seemed to be that the League Council would have to consider the present Senate as illegal. They pointed out further that, on several occasions, in spite of this state of affairs, the Council had declared that every Danzig citizen had the right to complain to the High Commissioner, but they preferred not to be encouraged to submit any more petitions to the High Commissioner. They observed that every such representation involved serious personal danger for the petitioners, and that the Geneva institution had not sufficient means to protect them.

The High Commissioner, accordingly had to be very circumspect in his relations with the representatives of the opposition.

This state of affairs corroborates what has been said about the relative authority of the Senate and certain occult forces at work in the background. It was only by dint of great circumspection that the High Commissioner could, to some extent, delay the action which was threatening political and racial minorities. The legal framework within which the League of Nations representative operated was substantially diminished.

[1] On August 24th, 1939, when the President of the Senate notified the Gauleiter at the time of the *coup d'état* of his nomination as Head of the State, the latter replied that this step merely legalised a state of affairs which had existed *de facto* for some years past.

It is, however, not immaterial to point out that the provisions of Article 6 of the Convention between Poland and the Free City of Danzig, concluded in Paris on November 9th, 1920, were, up to the last moment, respected by both parties in the form laid down in the Council decision of September 6th, 1929. Thus, every treaty concluded by the Free City was communicated to the High Commissioner in order that the procedure governing the right of veto might be set in motion. The same remark might also be made regarding Article 7 of the same Convention, concerning foreign loans. In this connection, a respect for form was shown, and a concern for form was also observable in other fields which were not so clearly of a political nature, particularly in the matter of official precedence. Up to 1939, the High Commissioner could not complain of any discourtesy on the part of the authorities.

His relations with the diplomatic representative of Poland were always animated by an excellent spirit of collaboration within the framework of the Statute.

* * *

One of the chief difficulties that an international representative might encounter in his activity in Danzig was the fact that official and private discussions with the Senate could never penetrate to the actual substance of the question to be dealt with. The Gauleiter maintained no relations with the League representative, and was not in touch with the members of the consular corps either. To achieve any kind of direct action, it was thus essential to be able to communicate with the head of the Party. Herr Forster, a young man of 34, was a typical representative of the revolutionary generation, which had no knowledge of the previous war, but had witnessed all the domestic conquests. He took no account, therefore, of any hindrances, or of the more remote consequences of his acts. He was a bold organiser, and his impetuosity and directness enabled him to hold the attention of the masses by obliging them to attend ceremonies and listen to dogmatic speeches which others would have regarded as monotonous. He executed the orders received from Berlin clearly, promptly and completely. The special strength of his position lay in his personal friendship with the Reichskanzler.

At the end of April 1937, the High Commissioner, ignoring certain obstructions, succeeded in making contact with the Gauleiter, Herr Forster, who told him frankly that, as Danzig was a German city, it must in time return to the Reich. He complained of the obstacles raised by the League of Nations to a transformation of the Constitution, and said that he wanted to carry out a complete *Gleichschaltung* as quickly as possible. He mentioned that there could be no further delay in introducing the " Aryan " laws, and that he proposed to do this in May of that year.

* * *

The High Commissioner's arrival coincided with the close of a struggle between the National-Socialist Party and the remnant of the opposition parties.

The Communist and Social Democratic Parties had been dissolved in 1934 and 1936 respectively. The German National or Conservative Party left the opposition in the spring of 1937, and, as a result of the pressure exerted, amalgamated with the ruling party. It stated, however, that it took this decision of its own free will. The Catholic Centre Party, on the other hand, showed greater resistance, but, when it informed the High Commissioner on October 21st, 1937, of its dissolution, it added that it had no intention of lodging an appeal or applying to the League of Nations.

In the Diet (*Volkstag*) the situation was different, owing to the legal position of the deputies of the minority parties. An increasing number of deputies joined the National-Socialists, while several cases of emigration meant the end of a resistance which was thought to be futile by those who refused to surrender their political convictions.

In April, Herr Forster declared, publicly this time, his intention of changing the Constitution speedily and completely in a totalitarian direction. The Senate was less impatient ; some of its members even supported the High Commissioner's arguments, and apparently communicated them to Berlin.

During the month of June, opposition representatives gave the High Commissioner a shorthand transcript of a speech alleged to have been made by the Gauleiter at this time to a meeting of trusty supporters. Even if this document were a forgery, it depicted, in Herr Forster's characteristic style, the situation as it then prevailed. According to the report, he said : " Do you want to know the Führer's opinion ? Well, I asked him if he would not order me to change the Constitution of Danzig. The Führer replied : ' All or nothing ; let us rather leave the question open. Some day or other we shall have an opportunity to intervene.' "

* * *

During his official journeys from Danzig to Geneva, the High Commissioner on several occasions took the opportunity of conferring with Government representatives in Germany. Thus, he was received in Berlin in June by Marshal Goering, and so had an opportunity of stating his views to one of the leading personalities of the Reich. Herr Goering seemed to agree entirely that any step involving a dispute with the League of Nations could easily be avoided. He spoke very categorically of relations between Germany and Poland, and said how much importance he attached to the presence of an international representative in Danzig. He emphasised, as the Polish Government had done, that any change in the Statute

could not but be dangerous in such a complicated situation, which would have to be amicably settled sooner or later by direct agreement between Germany and Poland. This gave the High Commissioner an opportunity of repeating to the General the remarks made to him on that subject in London in February. Herr Goering seemed to be impressed.

When returning from Geneva in September, the High Commissioner was received by the German Chancellor. Herr Hitler said that he wanted to maintain a good understanding with Poland, as he had himself inaugurated such an understanding in order to break the vicious circle deliberately created by the authors of the Versailles Treaty. He asserted that he had no intention of following the policy practised by the reactionaries, of making demands on his eastern neighbour, whose very existence guaranteed Germany against the danger of a long Russian frontier. He added that he wanted everything to remain quiet in Danzig, and had no intention of raising the Danzig question, as it would inevitably evoke that of the "Corridor", then the Baltic, and subsequently the Sudeten and Austrian questions. Herr Hitler gave an assurance that the Gauleiter would take no action without his orders, and that nothing would be done to disturb the atmosphere.

* * *

During 1937, the Diet met twice, on May 5th and November 8th.

At the session on May 5th, a motion was submitted by the Senate prolonging for a four-year period the Law of 1933, conferring full powers on the Senate. Actually, the full powers were for the Gauleiter. At the second reading, the Law was passed by 47 votes to 20.

On November 8th, the Volkstag voted an Amnesty Law in favour of political prisoners, and, at the same meeting, two decrees of the Senate were approved, one of which prohibited the foundation of any new political party, while the other regulated the organisation of young persons on National-Socialist lines. The latter measure hit mainly the Catholic youth movements. The legal view maintained was that, decrees not being laws, and being only temporary in their operation, in the present as in other similar cases, the Constitution was neither modified nor violated.

Towards the end of 1937, the High Commissioner drew attention to these facts in private reports.

* * *

On November 5th, there was published simultaneously in Warsaw and Berlin the text of an Agreement regarding the Polish minority in Germany and the German minority in Poland. The Agreement contained five articles. Article 1 read :

> " There mere fact of respect for Polish nationality prohibits the forcible assimilation of a minority, the querying of membership of a minority, or the raising of obstacles to the manifestation of such membership. In particular, no pressure whatsoever shall be exercised on young members of a minority in order to denationalise them."

The last paragraph of Article 5 enacted :

> " These rules have been laid down in order to guarantee each minority equitable conditions of existence and harmonious cohabitation with the national majority, thus contributing to strengthen good neighbourly relations between Germany and Poland."

On the day on which the text of the Polish-German declaration was issued, M. Moscicki, the President of the Republic, received Herr von Moltke, the German Ambassador, and three representatives of the German minority.

He assured them that, if it showed itself completely loyal to the State and the Constitution, the German minority in Poland could continue to count on the Polish Government to give its interests friendly consideration within the limits allowed by the fundamental laws.

Simultaneously, M. Lipski, Ambassador in Berlin, called on Chancellor Hitler. During the interview, it was agreed that relations between Germany and Poland should not be exposed to difficulties because of the Danzig question.

On November 6th, the Danzig Senate issued a statement in which it expressed its satisfaction at the valuable progress made on the previous day in the direction of regularising Polish-German relations. The *communiqué* on the interview between Chancellor Hitler and Ambassador Lipski, it added, contains a statement regarding Danzig questions, which implies that relations between Poland and Germany will, as a result of the policy of direct understanding, be placed in future on such a basis that they cannot be disturbed by internal changes in the Free City, changes which are perfectly normal and in conformity with the natural needs of the population.

The Polish official Press Agency, " P.A.T. ", which reproduced this *communiqué* on November 7th, added the following comment :

> " It is obvious that the interpretation given by the Danzig Senate is purely arbitrary' seeing that only the Polish and German Governments can express an opinion on the substance of what was decided at the interview between Chancellor Hitler and Ambassador Lipski. The Danzig Senate has no authority to interpret the passage of the *communiqué* in question."

The *Gazeta Polska*, a semi-official organ, wrote on November 9th : " We do not believe that Chancellor Hitler will agree to any steps taken by Danzig which prejudice Polish interests."[1]

* * *

In January, in an oral report, the High Commissioner informed the Committee of Three on various questions affecting the Danzig Constitution. These questions were not put on the agenda. The Polish Government, in any case, seemed to prefer that no international discussion on a local matter should disturb the good relations which it thought had been reinforced between Berlin and Warsaw since the signature of the Minorities Agreement.

German interference in all Danzig questions had undoubtedly made rapid progress, and the semi-official Polish reply to the Danzig Senate's *communiqué* seemed to recognise this fact.

In the face of these contradictions, and of the danger of the Danzig problem becoming a kind of pawn in the general political game, the High Commissioner, when he visited Warsaw in 1937, explained his conception of the guarantee of the Constitution. He considered that the Council of the League of Nations could release itself from its responsibilities in regard to the internal constitution of the Free City, which had, in point of fact, been transformed in a non-legal manner. This fact would seemingly have authorised action which, by simplifying the situation, would have reinforced the essential guarantee — the guarantee which defined the mutual rights and relations between the Free City and the Polish Republic.

The juridical operation of discriminating between the international aspect of the Statute and the Danzig Constitution would have been difficult, but still not impossible.

* * *

At the end of 1937, it was possible to observe in Danzig certain slight indications of greater independence as a soveriegn State, and, in the case of the Senate, rather more authority and initiative. Herr Forster's activity was restrained ; people talked openly of his removal, and, for a time, the Gauleiter changed his tone towards Poland.

On December 5th, an official Danzig *communiqué* stated :

> " The Senate declares that, being anxious to maintain friendly relations, it remains attached to the undertakings given which assure for the future freedom of employment, the protection of the Free City and of the property of all persons, and possibilities of development for all economic institutions, in accordance with the Conventions in force."

The High Commissioner left nothing undone to encourage the Free City authorities in the pursuit of this policy. The winter of 1937/38 was certainly the quietest period Danzig had known during recent years.

In a public speech made on January 18th, 1938, Herr Forster emphasised that the Free City was an important element in Polish-German relations, and explained that the Reich wished to avoid anything that might disturb those relations. Immediately after this speech, the Gauleiter, through the High Commissioner, initiated for the first time personal contact with M. Chodacki, the diplomatic representative of Poland. Shortly afterwards, there was even a question of an invitation to be extended to Herr Forster by the Polish Government. Herr Forster himself asked M. Burckhardt to enquire of the British Government about the possibility of making a trip to England.

* * *

1938

When the High Commissioner returned to the Free City after the Council session, he still had the impression that all these symptoms, which seemed to point to a stabilisation of German-Polish relations and of the situation of the Free City, were only superficial. They revealed the Reich's desire to be able to rely on Poland's benevolent neutrality during the great enterprises which were in preparation in the field of foreign policy.

Meanwhile, both at Danzig and in Polish circles, the official note in regard to future relations was a very optimistic one.

Relations between the Senate and the Poles, and between the Poles and the Gauleiter, appeared to be excellent. The Senate displayed the greatest courtesy to the High Commissioner, and this was the time when he was most often and most fully informed, and even consulted, by both parties.

But, after many of these positive declarations, a first shadow of disappointment passed over Poland on the resignation of Mr. Anthony Eden. The fear of the conclusion of a four-Power pact created a nervousness which was very clearly revealed in the Press.

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[1] It should be noted in this connection that, on the very day on which this article appeared, the Danzig Senate laid by decree a ban on all political parties other than the National-Socialist Party, and introduced one single organisation for the youth movement. The High Commissioner asked for explanations, and M. Chodacki, the Polish diplomatic representative, expressed to the Senate his uneasiness, in view of these measures, " regarding the rights guaranteed in the territory of the Free City to persons of Polish language or origin ".

In his reply, the President of the Senate gave an assurance that no ordinances regarding the youth organisation or the foundation of new political parties would prejudice the rights of persons of Polish language or origin.

* * *

The Foreign Minister, M. Beck, was in the Italian capital when Austria was absorbed by the Reich. At the end of the morning of March 16th, he was back at Warsaw; on the same afternoon, the Head of the Polish State presided at a meeting which discussed the proposals for negotiations submitted forty-eight hours earlier by the Kaunas Government. On the same evening, at 9 p.m., an ultimatum was handed to the Lithuanian Government. Lithuania gave way.

Diplomatic relations were thereupon established between the two countries, and, on March 31st, the Lithuanian Minister Plenipotentiary handed his credentials to the President of the Polish Republic. It may well be imagined that these events were followed at Danzig with the keenest interest.

A fortnight before taking action in Austria, Herr Hitler reaffirmed in the Reichstag on February 20th his friendly intentions towards Poland.

He said :

> " In the fifth year after the first great foreign treaty of the Reich, it is with sincere satisfaction that we are able to say that, in our relations with the State with which our differences were perhaps the greatest there has not only been a *détente*, but, in the course of these years, there has been a growing friendliness. I am well aware that this is mainly due to the fact that there has been no Western parliamentarian but a Polish marshal at Warsaw, an eminent man who understood the European importance of such a *détente* between Germany and Poland. This achievement, regarding which many doubts were expressed at the time, has now approved itself, and I may claim that, since the League has abandoned its continuous attempts at disturbance in Danzig, that danger-spot for European peace has entirely lost its menace. The Polish State respects the national situation in the Free City, and the Free City and Germany respect Polish rights. It has thus been possible to pave the way for an agreement which, with Danzig as its starting-point, has now succeeded, despite the efforts of many fomenters of trouble, in finally removing hostility between Germany and Poland and transforming it into sincere and friendly co-operation."[1]

Actually, in the early days which followed the Anschluss, no deterioration in the atmosphere was noticeable. At Danzig it was observed that Poland showed an increasing tendency to favour, at the expense of the Senate, the representatives of the Party, and particularly Herr Forster, who was regarded as the Chancellor's representative in the Free City. In May, the Gauleiter was officially invited to go to Poland. He was received by the Minister for Foreign Affairs, and visited various large towns and then the eastern frontiers and the principal industries. He came back very pleased, and resumed work with the statement that Poland, in return for the guarantee of her economic rights in the Free City, would leave the inhabitants of Danzig full freedom to change their political institutions.

* * *

The " Aryan " Laws

It will be remembered that, in the spring of 1937, on the occasion of his first interview with the High Commissioner, the Gauleiter of the Free City informed the latter that, in order to bring Danzig legislation into harmony with that of the Reich, he intended to suggest to the Senate and the Diet the introduction in the near future of the " Aryan clause ". The High Commissioner then drew his attention to the effect that such a step could not fail to produce on international opinion. Throughout the whole of 1937 the promulgation of this law was deferred, but in January 1938 it was again announced. Then once again, and this time it seemed to be final, a speech made by the Gauleiter at the National Festival on May 1st, 1938, promised it for June 20th.

The international Press seized upon the question and amplified it. The High Commissioner then not only had frequent contacts with the Senate and the Gauleiter, but also asked M. Chodacki to help to prevent this legislative measure by common action.

M. Chodacki replied that, the question being a purely internal one, the Polish Republic did not see its way to intervene. The High Commissioner was therefore obliged to act alone. As late as June 19th, everyone in Danzig was expecting the promulgation of the anti-Semitic decrees. The High Commissioner did everything in his power, and advanced, *inter alia*, arguments of an ethnical and economic nature ; and when, on June 20th, the Diet met on the fifth anniversary of the entry into power of the National-Socialist Party, it did not deal with the Jewish question, but dispersed after hearing a very moderate speech from the President of the Senate. This speech emphasised the Senate's desire to collaborate with Poland, and referred to the correct relations which existed between Danzig and the League of Nations.

Official circles in Danzig expected that the international Press would take favourable notice of such an effort to bring about a *détente*, and of the resistance to extremist tendencies. The sudden silence of that Press caused keen disappointment.

The Jewish problem was one of many for which no mild solution could in the long run be hoped. The personal wishes of the German Chancellor in the matter were too definite.

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[1] *Gazeta Polska*, February 21st, 1938.

Nevertheless, the decision could be and was delayed, and a large number of Danzig Jews were able to emigrate between May 1937 and November 1938 in much more favourable conditions than their fellows in Germany. Real harm was, however, done to the "non-Aryans" of the Free City by the comments of the world Press. Each time that negotiations between the High Commissioner, the Senate and the Gauleiter reached a delicate stage, the news agencies and certain international associations aroused public excitement by false reports or premature protests in regard to events that had not yet taken place and were only potentialities. On several occasions, Herr Forster told the High Commissioner that whatever happened he would be accused by world opinion, while, if he resisted the pressure exerted by his Party, he would get no thanks for it.

As already stated above, the High Commissioner supported his repeated representations by certain arguments drawn from the existing circumstances. During the winter of 1937/38, for example, several prominent Danzig citizens told him that the emigration of large and small Jewish traders from the territory of the Free City was rapidly bringing about a Polish preponderance. It was also asserted that, as Reich Germans were unable, owing to foreign exchange restrictions, to acquire commercial establishments beyond the frontiers and the citizens of Danzig were not sufficiently wealthy to do so themselves, the Poles would take the place of the Jews, often acting as men of straw for the latter. Even members of the National-Socialist Party stated that this movement was gravely compromising the incessant efforts for the defence of Germanism made since the end of the last war by the German population of Danzig. In business circles, reference was frequently made to the harm caused to the economic system of the Free City by the Jewish capitalists of Poland, who by way of reprisals were said to be encouraging the boycott of Danzig, thus assisting what was alleged to be the official Polish policy.

But Herr Forster remained adamant; his reply to all arguments was always the same — namely, that it would be easier for him "to Germanise a thousand Poles than to digest twenty Jews".

The first step towards the application of the Nuremberg Laws was taken by the Decrees of September 23rd, 1938, concerning the modification of the Legislative Decree on the promulgation of a medical law, dated December 1st, 1933.

Clause 7 of this law was as follows:

> "Recognition of this diploma shall be withdrawn in the following cases:
>
> "(*a*) . . .
>
> "(*b*) If the diploma has lost all validity in the State in which it was awarded."

As the Free City has no Faculty of Medicine, in practice, the diplomas of all the Danzig doctors were German. The Reich having withdrawn recognition of all diplomas granted to Jews, all the Jewish doctors of Danzig automatically lost the right to practise.

The consequences of this law were therefore in contradiction with the principle of the equality of all citizens, stipulated by the Constitution.

At the same time, this measure was not expressly directed against Jews; theoretically, it could apply to any other doctor whose university certificates had lost their validity for any reason.

The same was not the case with another decree which it had been proposed to issue simultaneously with that of September 23rd. This decree introduced a new statute for officials, which debarred non-Aryans from all the public services. It proved possible to have this decree, which was also to appear in September, postponed. It only saw the light when the rulers of the Free City, as a result of general political events, proceeded with their steps towards the *Gleichschaltung* at an accelerated rate. To understand subsequent events, a short digression is here necessary.

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It was the events of September 1938 that brought about a fundamental change in the attitude of the Danzig authorities. At the beginning of the Czech crisis, the Gauleiter informed the High Commissioner that, in case of a general conflict, he thought that Poland would be on the side of Germany. After Munich, he said that Poland, by her ambiguous attitude, had disappointed the Reich, and — as he put it — she would shortly get the bill. At the same time, the High Commissioner learnt that, on October 24th, at Obersalzberg, Herr von Ribbentrop had made overtures to the Polish Ambassador, M. Lipski, in connection with the Reich's desire for the Free City to return to Germany and for Pomerelia — *i.e.*, the Corridor — to be crossed by an extra-territorial motor-road.

These two conversations with Herr Forster in September and at the end of October revealed a state of mind which had profoundly changed since the Czech occurrences. That change had not been without strong repercussions in the limited circle of the relations between the Gauleiter and the High Commissioner.

On returning from the Nuremberg Congress, in consequence of a misunderstanding, Herr Forster summoned the Senate and the high officials and ordered them to cease forthwith all official and private relations with the representative of the League of Nations. On returning from Geneva in October, M. Burckhardt found himself confronted with the situation created by this step of the Gauleiter's. He approached the President of the Senate and demanded that the misunderstanding should be cleared up and that the inadmissible measures

should be withdrawn. The Gauleiter apologised to M. Burckhardt, and it was on this occasion that the second conversation quoted above took place. This episode had, however, created a feeling of uneasiness which was not without a certain influence on future events.

* * *

Fruition of Anti-Semitic Tendencies.

The Statute for officials, the introduction of which had been postponed in September, was promulgated on November 2nd.

Article 25 of this law says :

" No one may become an official unless he is of German or kindred blood and, if he is married, unless his spouse is of German or kindred blood.

" 1. If the spouse is of mixed blood in the second degree, an exemption may be allowed.

" 2. An official may only contract marriage with a person of German or kindred blood. If the person he wishes to marry is a person of mixed blood in the second degree, the marriage may be authorised."

Other articles have the same purpose in view — for example, Article 181 :

" Officials appointed before the entry into force of the present law who are not of German or kindred blood shall be placed on the retired list. In the case of honorary officials, they shall be relieved of their duties.

" Paragraph 1 shall not apply to officials descended from one or two Jewish grandparents who were already officials on August 1st, 1914, or to those who fought at the front during the World War on the side of the German Reich or its allies, or whose fathers or sons were killed in the World War, unless they are to be considered as Jews in virtue of paragraph 3."

The definition of those considered as non-Aryan under the law was given in conformity with that in force in the Reich.

On November 23rd, 1938, appeared the Legislative Decree of November 21st, 1938, for the protection of German blood and German honour. This enactment, in Article 4, prohibited marriages between Jews and Danzig nationals of German or kindred blood and Jewish nationals of mixed blood having only one grandparent of pure Jewish race. Marriages contracted contrary to this prohibition were declared null and void, even if they had been contracted abroad in order to evade the decree.

The other provisions of this decree reproduced the Nuremberg Laws.

The High Commissioner drew the attention of the Committee of Three to the fact that the Constitution had thus been violated, and he acquainted the Senate with this step.

The Polish diplomatic representative made a *démarche* to the Senate in favour of such Polish Jews as might have been affected by this decree. To a large extent, this legislation merely sanctioned a *de facto* situation already existing when the Statute for officials was promulgated. At this time, there was no longer a single person in the Danzig Administration in the situation defined by the law, nor had any of the marriages prohibited by the Decree of November 21st been contracted in the territory of the Free City since the advent of National-Socialism.

During the anti-Semitic exactions in Germany in November 1938, Danzig at first remained calm. The High Commissioner kept in close touch with the Senate and the Head of the Party ; but this time he could see that the promulgation of the Aryan laws, so often announced, was imminent. When the serious disorders came to an end in the Reich, the Minister of Propaganda, M. Goebbels, cast the responsibility on the German population and said that the anti-Semitic question would be finally settled by legislation. The High Commissioner then went to Berlin, in order to explain the consequences which such legislation would have in the Free City. As soon as M. Burckhardt had left Danzig, persecution of the Jewish minority broke out in that city too, and, at the same time, it was decided to introduce at least part of the so-called Nuremberg legislation.

* * *

1939

During his term of office at Danzig, the High Commissioner had frequently had occasion to intervene when some local trouble occurred, and had sometimes succeeded in cooling the tempers of the parties at issue.

At the session of the League Council in January 1939, the Committee of Three took the view that, owing to the further instances of disregard of the Constitution that were to be found in the decrees issued towards the end of 1938, it would be preferable for the High Commissioner not to return immediately to his post, but to take his regular leave and hold himself at the Committee's disposal. When, in March, M. Burckhardt was authorised to return to Danzig, it was in order that he might report on the situation as it had then developed. Immediately after the occupation of Czecho-Slovakia, he therefore returned to Geneva to give warning of the imminent occupation of Memel, and of the critical turn that events would probably take in the Free City. The Committee thought it expedient, at that stage, to keep the High Commissioner at its disposal at Geneva. Not until the two parties at Danzig had informally

intimated their desire that the League representative should come back to Danzig did M. Burckhardt return : this was on May 26th. The situation was growing highly critical.

It was in February that the series of incidents started at Danzig.

The first of these was nothing more than a clash, as puerile as it was regrettable, caused by the antagonism of Polish and German students. In a café at Langfuhr, on the outskirts of Danzig, a notice was posted up bearing the words : " No Admittance for Dogs and Poles ".

This placard was affixed to the window of the café by some unknown person, during the night of February 12th-13th, whilst a dance was in progress. It should be added that the owner, who asserted that he had opposed its being put up, had some days before requested the Polish students of the " Hochschule " no longer to patronise his establishment. In a police statement published in the Danzig Press, a graphological analysis of this insulting notice was given, and the shape of certain letters — a Russian R and T — was adduced as evidence exculpating the students.

After remaining on the window from midnight to one o'clock, the notice was taken down and removed by a Polish student who saw it as he left the café.

On February 14th, after a dinner-party, the members of the Polish Students' Association drafted a resolution which was published by the Polish newspapers and greatly irritated the Danzigers.

The retort was swift. On Friday the 24th, the Polish students were fallen upon by their Danzig comrades and hustled off the premises of the " Hochschule ".

What had so far been nothing more than a regrettable students' squabble suddenly had political consequences. At Danzig there was an exchange, first of *notes verbales* and then of protests, between the Polish Commissioner-General's Office and the Senate. At Warsaw, the crowd became highly excited and the German Embassy was attacked. Throughout Poland, there were incidents which led to a question in the Sejm.

On Saturday the 25th, the Polish students went in serried ranks to the " Hochschule ". That same day, the Danzig students marched *en masse* to the Polish Students' House. The police prevented a clash and made a few arrests.

On Sunday, February 26th, in the absence of President Greiser and the Polish Minister, M. Chodacki, there were talks between the Vice-President of the Senate and Counsellor of Legation Perkowski. But these did not lead to any relaxation of tension.

Things were moving in a vicious circle. The demonstrations in Poland drove the students to counter-demonstrate. On Monday, the 27th, there was more rowdiness than ever at the university. The police were on the spot, and acted. Certain Polish students who had been arrested were released at the request of the Commissioner-General's Office, whilst the others, who were charged in the police court, were fined for refusing to move on. Disciplinary action was also taken by the Rector against the Committee of the Polish Students' Association.

Despite the exchange of visits between Warsaw and Obersalzberg and Chancellor Hitler's public statement in January 1939, which merely repeated earlier declarations concerning the general identity of interests of the two countries, it was obvious that the whole basis upon which the situation rested had been impaired since the conversation of October 24th.

In Warsaw, the Danzig problem may possibly not have been regarded as completely insoluble. It was sometimes thought that, if occasion arose, it might be settled by some give-and-take arrangement.

Italian influence was exerted throughout in favour of peace.

Discussions and agreement would perhaps not have been impossible before the occupation of Prague, but the Poles, seeing the way in which that operation was carried out, felt the gravest apprehension ; they wondered what limits their neighbours would henceforth set to their demands.

Herr von Ribbentrop stayed in Warsaw from January 25th to 27th. The questions in suspense since October 24th were discussed, but without any tangible result.

On January 30th, speaking in the Reichstag, Chancellor Hitler was still taking the following line :

> " The last few days ", he said, " have marked the fifth anniversary of the conclusion of our non-aggression pact with Poland. About the value of that pact, there is assuredly no difference of opinion among all true friends of peace. We need only ask ourselves what kind of pass Europe would now have reached if this truly salutary Convention had not been concluded five years ago. In concluding it, the great Polish marshal and patriot did his country a service as outstanding as that rendered to Germany by the National-Socialist leaders. Similarly, during the troublous months of last year, Polish-German friendship was a peace-making factor in the political life of Europe."

Six weeks later, rumours that Germany had made certain representations concerning Danzig and the Corridor were still denied at Warsaw.

On April 28th, however, at midday, the German Government handed the Polish Government a memorandum denouncing the non-aggression pact. That same day, Chancellor Hitler announced the denunciation to the Reichstag, declaring that the pact was inconsistent with Britain's guarantee to Poland.

Minister Beck replied in the Polish Parliament on May 5th.

* * *

In early summer, national passions broke loose. At the end of 1938, the reinforcement of the Danzig police had already led to the creation of nothing less than an armed force for

this small State. It was difficult to raise any objection to this, for the Statute, although prohibiting the manufacture of war material, did not limit the number of police. Now, from the spring of 1939 onwards, this development proceeded at an ever-increasing pace, and public opinion began to be disturbed at the clandestine transport of arms which were reported to be crossing the East-Prussian frontier. The High Commissioner questioned the Senate on several occasions in this connection and always received the same reply — that the measures concerned involved only an increase in the police and had been taken to hold back the young men of Danzig, who were leaving the territory of the Free City to take up service in Germany. Herr Greiser gave assurances on several occasions that the figure of 10,000 men had not been exceeded, but that this number was necessary on account of the dangers that threatened from outside.

Whilst these developments were taking place, the Polish Bratnia-Pomoc Association made a patriotic appeal to the young Poles to set up a Free Corps. Herr Forster, on his side, was beginning to organise a body of volunteers to support the police. All the replies given to the High Commissioner in this connection were evasive, since these matters concerned not the Senate but the Party.

Towards the middle of June, there were persistent rumours of a *coup d'état* which was to take place on the 15th of the month. One was to the effect that the Gauleiter intended to obtain from the Senate and the Diet, which were meeting on that date, a declaration simply proclaiming the incorporation of Danzig in Germany. It was considered possible that there would be a military reaction on the Polish side, and that Germany would declare this to be an act of aggression ; in which case (it was believed in well-informed circles), the Chancellor did not think that the Franco-British guarantee would operate.

Confronted with these alarming rumours, the High Commissioner succeeded in approaching two highly-placed persons and conveying to them his fears of the incalculable consequences of a *coup d'état*. These were persons who might have direct access to the Chancellor.

June came and went without any further alarm, but the Gauleiter's military preparations proceeded, and the paramilitary formations under his control soon amounted in numbers to something like a division, of which a German General shortly took command. When this occurred, Poland made no representations. The High Commissioner asked the President of the Senate and the Gauleiter for explanations, but was told that there were 8,000 men at Danzig and that the arms were purely defensive.

Towards the end of June, M. Chodacki went to Warsaw. Shortly afterwards, it was officially announced in Poland that no precipitate action was contemplated, and that the right moment was being awaited to take effective steps. The Polish Commissioner-General's office, moreover, gave assurances that the Army Staff regarded Herr Forster's military measures as entirely without importance.

Towards the middle of July, the Gauleiter was called to Obersalzberg by the Chancellor. A discussion which did not seem likely to lead anywhere was proceeding, by means of repeated exchanges of notes, between the Senate of the Free City and the representative of the Polish Republic. There were references to Polish rights alleged to have been infringed by the Danzigers, and to local incidents which would have been no more than insignificant news items if the international Press had not unduly emphasised them.

When the Gauleiter returned, he at once called on the High Commissioner, and informed him that the German Chancellor was determined not to allow the Danzig question to bring about a general conflict, which he wished to avoid at all costs. The Gauleiter went on to say that the Chancellor was anxious to avoid undue haste, that he had raised the question of Danzig, but that it might be allowed to stand over for a whole year, or even longer, if necessary. He added that, if public feeling in Poland could be calmed down, he would quickly disarm and reduce his police establishment to the 1938 figure. It would be necessary, in any case, for the armaments were much too expensive. But it could not be done if German prestige were to be in any way impaired. The Poles must therefore meet in a spirit of understanding on the questions of secondary importance, such as that of the Customs inspectors. But how was that to be managed ? Since the Kalthof incident,[1] correspondence had been carried on only by notes ; there were no more personal contacts, and no discussions by word of mouth. Herr Forster then informed M. Burckhardt that he would be very glad if he could act as intermediary and endeavour to arrange for certain questions to be — if not decided by himself — at least prepared with a view to subsequent agreement and co-operation between the parties. He instanced, as an example, Polish military transport operations through Danzig territory, and maintained that, by an exchange of letters which had taken place in 1922, the Poles had agreed that eight days' preliminary notice of any such transport should always be given to the Senate. Now, he asserted, this rule was not being observed at all, and that might become dangerous ; any further operations of the kind would create the risk of troops intended for the sudden occupation of Danzig being brought in by that means. Therefore, he concluded, the Danzigers would be obliged, on the next occasion, to stop any such transport operations thus carried out without warning, and disarm the troops.

Next day, the High Commissioner went to see M. Chodacki. He laid before him this question of military transport, which the Minister stated to be of very small importance and to have been exaggerated by Herr Forster for purely tactical reasons. He expressed his readiness, however, to study the question and to get it settled if Warsaw agreed. The

[1] Incident of May 10th. Violent assault on the Polish Customs inspectors at the East-Prussian Frontier. Intervention by Counsellor Perkowski, as a result of which, owing to a most unfortunate concatenation of circumstances, his chauffeur shot a Danzig National-Socialist. M. Perkowski's removal was demanded, but, for two months, Poland took no action on this demand. From that moment, direct relations between the Polish Commissioner-General's office and the Danzig authorities were broken off.

High Commissioner thereupon took the opportunity of representing to M. Chodacki that the President of the Senate and himself could not continue to hold aloof from each other on account of the unfortunate Kalthof incident.[1] It seemed, indeed, that a meeting between the two would be calculated greatly to relax the tension.

After dealing with these more or less local matters, the High Commissioner informed M. Chodacki of the surprising message communicated to him by Herr Forster, a message which showed the Chancellor's intentions in regard to the Danzig problem and to Poland itself in an entirely new light. He related to the Polish Minister the Gauleiter's words, which made it appear that an agreement might be possible. M. Chodacki's expression on hearing this was at first one of real joy, but turned immediately to distrust. He feared that this might be nothing more than a manœuvre. The High Commissioner then became aware of something which later information was to confirm the dread of the Poles lest an apparent respite might be granted by the Chancellor merely in order to permit of the completion of military preparations for an attack upon Poland across the frontiers of Silesia and Slovakia.

Almost immediately, however, M. Chodacki reverted to the subject discussed at the beginning of the interview, and declared that he would give orders for the question of military transport to be settled in the manner desired by Herr Forster. He then expressed his gratification that the High Commissioner should thus act as intermediary, inorder to smooth over the differences between the contending parties. At that very moment, the Minister was called to the telephone ; the High Commissioner heard him say a few words in Polish, after which, coming back with an entirely changed expression, he informed him suddenly and in a tone of bitterness that everything was changed, for he had just learnt that the Danzigers had killed a Polish soldier, under the eyes of his wife, at the frontier. The High Commissioner was thus abruptly made to realise the tragedy of a situation in which the — no doubt deplorable — death of a single man could all of a sudden indirectly imperil the peace of Europe. But the conversation with M. Chodacki came to an end.

The High Commissioner nevertheless persisted in his efforts to establish direct contact between the two parties.

The Danzigers continued to approach him and lay current affairs before him. Thus, on the last Sunday in July, the Gauleiter advised him early in the morning that, according to information from reliable sources, the Polish General Staff was preparing to carry out the military occupation of the Free City railway system during the night from Sunday to Monday. This, he said, would be immediately countered by force of arms ; the matter was very urgent indeed, and he requested the High Commissioner to approach the Polish authorities immediately on the subject. The High Commissioner, although convinced that this was mere unfounded rumour, got into touch with M. Chodacki's military adviser, the future defender of the Westerplatte, who gave his word of honour that no such measure had ever been contemplated by the General Staff. The High Commissioner conveyed this information to Herr Greiser, the President of the Senate. The misunderstandings that occurred during these three tragic months were never of greater importance than the one just described ; but, unfortunately, they were not always solved by the same method.

During this last phase, there were certain signs of goodwill, but nothing decisive was done to break the vicious circle.

This state of affairs still prevailed when a further dispute arose, in no way more important than the others that had already been settled between the Free City and Poland. In the circumstances, however, it proved a serious matter, because of the dimensions to which it was to grow within a very short time.

In the first phase, the question at issue was that of the Polish Customs inspectors. Their number was nowhere laid down. During the year 1939, the Poles had sent up a new contingent of these officers, and the Danzigers used the pretext of this over-staffing, which they regarded as unjustifiable, to apply vexatious though unofficial measures, in order to hinder the inspectors in the discharge of their duty. They also charged them with espionage, and, on the strength of this allegation, resorted to every possible device in order to prevent them from exercising effective supervision over imports. This was at the time when, as already mentioned, the Danzig troops were being armed.

The Poles first protested, and then proceeded to act. Measures of reprisal announced in notes signed by Minister Chodacki were taken in the economic sphere, and immediately hit one of the main products of the Free City. The affair of the " Amada " artificial fats, which the manufacturers, and their associated firms " Unida " and " Oleo ", exported supplies to Poland to a total annual value of 15 million gulden, became one of the acute sources of conflict during the last few weeks before the final breach. The Poles held up at Tchew all the products of these ultra-modern factories, which were the Danzigers' pride.

Comparison of the figure of 15 millions with the total value of Danzig exports — *i.e.*, 120 millions — shows the extent to which the financial and economic position of the Free City was affected.

It should be recalled that, on May 22nd, 1937, as a result of economic negotiations, a Convention was signed at Warsaw instituting a system designed to facilitate the exports of " Amada " by means of supervision exercised by the Polish Customs inspectors.

This Convention had a period of validity extending to July 31st, 1937, and was renewable by tacit consent for successive periods of one year, unless denounced by either of the parties.[2] Now, whilst, on the Danzig side, it was claimed, after July 31st, 1939, that the Convention was still in force, it seems that no account was taken of a Polish note of July 19th threatening

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[1] See note, page 11.
[2] Article 5 of the Convention.

to denounce the said Convention (" if the Polish inspectors should be further impeded in their work "). The question at issue between the two parties was whether this conditional denunciation could validly cause the Convention to lapse.

However that may be, consignments of " Amada ", accompanied by forms filled in by the Danzig Customs officials alone — they should, according to the Convention, also have been filled in by the Poles — were stopped by the Customs at Tzew (Dirschau). Owing to the perishable nature of the goods, considerable loss was bound to be sustained.

Simultaneously with this " Amada " difficulty, the so-called " herring question " was developing. Consignments were also stopped at the Polish frontier.

The " Agricultural Agreement " (*Landwirtschaftsabkommen*) of August 4th, 1934, included in its list of permitted exports only Baltic herrings.

This dispute involved, in the first place, a question of fact. M. Chodacki queried whether the herrings recently sent from Danzig to the Polish market really came from the catch of the Danzig fishing fleet.

It also involved a question of law. The Polish interpretation of the Economic Convention of August 6th, 1934, was as follows :

Deep-sea herrings are not included in the list. A special agreement would hence be necessary to permit of their despatch to Poland. Now, such an agreement had not yet been concluded, and, considering the doubts entertained as to the origin of these goods, the Poles felt entitled to stop their importation. The Danzigers, proceeding from the same text, arrived at a contrary interpretation. In the absence of any agreement, they argued, there can be no quotas or restrictions. They quoted the Warsaw Agreement :[1] " All restrictions upon trade between the Polish Republic and the Free City of Danzig shall be abrogated as from April 1st, 1922 ".

The Danzigers regarded the economic measures thus applied to them as direct action.

The legal dispute between the two parties might be summed up as follows :

In the absence of any formal text, is export completely free or completely prohibited ? The answer to this was likely to create a precedent.

In all these matters, in which contentiousness was as untimely as the issue itself was unimportant, the Press and agencies played their usual part, and, in so doing, unfailingly made matters worse. In heavy type, they displayed the headlines best calculated to exasperate the parties and drive them to irreparable acts.

At Danzig, however, efforts were being made to get out of the impasse. Herr Huth, Vice-President of the Senate, came to see the High Commissioner and, after explaining at length the consequences of these measures of economic pressure, requested him to approach the Poles on the subject. He declared — and therein lay the difficulty — that the interdependence between the question of Customs inspectors and the economic reprisals would not be acknowledged by the Senate, but that the latter was ready to deal with the second question independently of the first, and settle it finally and on favourable terms, provided certain Polish inspectors were first removed, since the Danzig police regarded them as intelligence service agents.

This last allegation was vigorously denied by the Poles. They gave assurances that all the inspectors belonged to the regular staff of the Polish Customs Administration. As for separating the two questions, that was unthinkable, since the economic sanctions were simply the immediate consequence of the Danzig measures against the inspectors. They would only be raised once those measures had been finally abrogated.

The Senate waited for the result of the representations which Herr Huth had asked the High Commissioner to make. But time was passing, and there was reason to fear that the perishable goods held up at Tzew might be lost ; the Senate accordingly took the matter up again, and, in a further note, demanded the immediate raising of the sanctions, failing which it would take unilateral action against the inspectors. In a note, the Senate had asserted that the two disputes were unconnected with each other. The Poles retorted by declaring that the tone of the Senate's note was unacceptable.

Then, as the result of a sheer misunderstanding, the situation rapidly grew worse. This is what happened : One of the Polish Customs inspectors received a letter informing him that, in consequence of the Senate's note, his Polish colleagues would, as from August 6th, be prevented by force from carrying out their duties. The inspector handed the letter over to M. Chodacki. Owing to a similarity of names, it was thought that the letter bore the signature of Herr Bayl, the President of the Diet and an ardent National-Socialist. The consequences of this misapprehension may be imagined. Thereupon, in the night of August 4th to 5th, at 1 o'clock in the morning, M. Chodacki sent the President of the Senate a note threatening the Free City with very serious economic reprisals[2] if the order concerning the Customs officers was not officially rescinded before 6 p.m. on August 5th.

The High Commissioner was informed of this step at 8 a.m. on the 5th by M. Chodacki, who, at the same time, told him that he was evacuating the wives and children of his officials. M. Burckhardt represented to the Polish Minister the extremely grave reactions that such a note and such measures of evacuation would no doubt have, not only on the extremists of the Free City, but above all on the German Chancellor. The High Commissioner then immediately got into touch with the President of the Senate. Herr Greiser told him that the intention attributed to the President of the Diet by the Polish note, of placing obstacles in the way of the Customs officials, had never existed, that, in fact, no such order had ever been given, and that the letter in question emanated from an irresponsible namesake. He added that the

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[1] Article 215.

[2] Information received verbally was to the effect that the frontier was to be closed to all foodstuffs.

tone of the ultimatum, the time-limit, and the nature of the threat rendered any reply impossible, and that he was awaiting the course of events. After an exchange of views with the High Commissioner, however, the President of the Senate decided to call up M. Chodacki personally on the telephone and give him the explanations which he had just given to the High Commissioner. During this telephone conversation, M. Chodacki said that he would ask his Government's permission to consider President Greiser's explanations as a verbal note. The latter would, however, be insufficient, a written reply being demanded. He agreed, however, provisionally, that the time-limit of 6 p.m. should not be maintained, if the Polish Government consented. The Polish Government decided to act on M. Chodacki's suggestion. There remained the task of overcoming the resistance of Herr Forster, who was strongly opposed to any reply being made by means of a written note. The High Commissioner had a long conversation with him on Sunday morning. Herr Forster reconsidered the matter, and, at 6 p.m., the President of the Senate, after a long conversation with him, called on the High Commissioner and handed him the note of reply, which in substance repeated the telephonic statement of Saturday morning.

Unfortunately, the world Press, commenting on the whole affair, proclaimed that Danzig and National-Socialism had yielded all along the line to the threat of Polish reprisals.

The Polish note of August 4th to the Senate had an important influence on the subsequent course of events and on the frame of mind of the Chancellor, who sent for the Gauleiter on Monday morning. Herr Forster, immediately on his return from Obersalzberg, emphasised that Herr Hitler had reached the extreme limits of his patience, and wished to know the reasons for the complete failure of the attempts at local pacification which had been begun in July. The Gauleiter's mind was dominated by the idea — perhaps reflecting the Chancellor's opinion — that the Polish attitude had been determined under the influence of pressure from Paris and London. The High Commissioner was able to assure him that, on the contrary, the Cabinets of the two great Powers, both in a general way and on this particular occasion, had continually given counsels of prudence. He added that he thought it would be useful if he could explain the situation to the Chancellor direct, as the latter's information on Danzig questions had always come from Herr Forster.

Immediately after this interview, the High Commissioner again endeavoured to restore direct contact between the two parties, and finally M. Chodacki called on the President of the Senate. This step produced a certain momentary *détente*, and a Danzig-Polish Commission was set up, which at first met daily ; the earlier meetings were held in a courteous atmosphere, and there was reason to hope that some of the questions which clouded the horizon and which were not really of paramount importance might finally be settled. But further frontier incidents soon occurred, which made all these attempts vain.[1]

It was at this juncture, on the afternoon of Thursday, August 10th, that the High Commissioner received a visit from the Gauleiter. The latter informed him that an invitation from Chancellor Hitler to proceed urgently to Obersalzberg would shortly be sent to him, as the situation in Danzig was becoming more and more threatening. At 10 p.m. on the same evening, M. Burckhardt learnt by a telephone call from the Gauleiter that the Chancellor was expecting him at 4 p.m. on the next day, Friday, August 11th, and that he was placing at the disposal of the representative of the League of Nations, as a means of rapid transport, his private aeroplane, which would leave Danzig at about 11 a.m. on the following day.

M. Burckhardt was received by Herr Hitler at 4 p.m. on August 11th. The interview lasted until 6.30 p.m. The High Commissioner afterwards reported it to the Chairman of the Committee of Three. Its substance was as follows :

Herr Hitler first spoke of the note containing an ultimatum, handed by M. Chodacki to Herr Greiser on August 5th, and he emphasised that, Herr Greiser having stated that this ultimatum was groundless, M. Beck had thought fit to proclaim that he had gained a victory at Germany's expense. The Press had echoed this and had asserted that Germany had lost the war of nerves, that the bluff had only come off last year because the German Chancellor had found no one to stand up to him, and that this year his bluff had been called by the Poles.

Herr Hitler said that the Secretary of State for Foreign Affairs, Baron von Weizsäcker, had sent for M. Lipski to tell him that time was up and that a new hour had struck. The Chancellor then said that, if the slightest thing was attempted by the Poles, he would fall upon them like lightinng with all the powerful arms at his disposal, of which the Poles had not the slightest idea.

M. Burckhardt said that that would lead to a general conflict. Herr Hitler replied that if he had to make war he would rather do it to-day than to-morrow, that he would not conduct it like the Germany of William II, who had always had scruples about the full use of every weapon, and that he would fight without mercy up to the extreme limit. He added that he had said to Mr. Lloyd George : " If you had been a corporal in the last war and I had been a Minister, believe me, our respective countries would be in quite a different position to-day." Herr Hitler was sure he could rely on the Italian and Japanese alliances. He asserted that with about sixty divisions and the fortifications he could hold the Western front while he threw the rest of the army on the Poles, who would be beaten in three weeks. The general tendency was to try to impress him with the rearmament figures of the foreign air forces, but, he added : " I am the specialist on rearmament, not the others. Their air forces may be summed up as follows : England has 135,000 men in her air force, France has 75,000, but I have 600,000

[1] Polish soldiers killed in Danzig territory and, according to the Polish Press, insulting treatment of their bodies — facts denied by the Danzig Press.

in time of peace and a million in time of war. My air-raid protection is the best in the world, as it proved in Spain."

He also spoke of the Russians, and said that the Germans knew them better than others, that hundreds of his officers had served in the Russian armies, and that the latter had no offensive power.

The Chancellor then said that the eternal discussions on war were folly, and that they brought the nations to a state of madness. What was the essence of the matter ? he asked. Germany needed wheat and timber. For wheat, she needed space in the East ; for timber, she needed colonies. He extolled the quality of the German harvests of 1938 and 1939. These harvests were partly the result of the tenacity of the population, but chiefly of the intensive use of chemical fertilisers ; but one day the German soil would be tired of this method and would go on strike, like the human body when it was doped. He added that he would never allow the German people to be dragged down into want and famine such as it had endured between 1914 and 1920.

On M. Burckhardt's remarking that the Western Powers would certainly be ready to settle this problem by negotiation, Herr Hitler asked why, in that case, they stirred up the Poles. M. Burckhardt replied that he was himself in a position to know that England and France were exercising a moderating influence on Warsaw. Herr Hitler assured him that he had made an acceptable offer to the Poles last March, after eliminating the danger of war constituted by Czecho-Slovakia on his south-eastern flank. He wished to put out two other firebrands — Memel and Danzig — but what was he to do if every time he took a step he found England and France in his path ?

Herr Hitler added : " We are not acting as we did in Czecho-Slovakia. There, an acute danger had to be removed ; the solution was a passable one and has proved more satisfactory than was usually believed abroad. Calm reigned in Bohemia and Moravia. In Bohemia, the peasants and workers were content with their lot, as they always were when they were offered simplified solutions. All the difficulties came from the intellectuals." He spoke of the considerable arsenal which had been found in Bohemia, of war material in excellent condition and admirably maintained. He praised the qualities of the Czech officials, and said that their orderly methods had filled the German officers with admiration. In all respects, they were different from the Poles. The plans of their staff were precise and completely different from the plans of the Polish staff, which he said were in his possession. The technical organisation of the Polish army was inadequate, and much surprise was felt in German circles at Poland's impudence. Last year, the generals had been very cautious, but, this time, it was he who had to restrain them. He added that a reasonable solution must be found, that if the Poles left Danzig alone he would cease any interference in the Free City, that he could wait, on condition that the German minority ceased to be molested in Poland.

On returning to Danzig on Monday, August 14th, the High Commissioner found the situation considerably worse. The Press had seized upon rumours concerning the journey to Obersalzberg. It thus made the position of the representative of the League of Nations still more difficult. From day to day, the small territory of the Free City was being transformed into an entrenched camp. The frontier was being feverishly fortified, and frontier incidents were becoming more and more numerous. Nevertheless, relying on the fact that the Chancellor had told him that he wished for a peaceful solution of the problem, the High Commissioner succeeded in restoring contact between the Poles and the Danzigers. The Mixed Commission again met, but unfortunately in a less courteous atmosphere than at first. Soon all co-operation proved impossible, owing to the aggressive tone adopted on both sides. The questions dealt with by this Commission were not, however, of a particularly irritating nature. They only concerned the exportation of margarine and herrings, and an administrative dispute about the service of the Polish Customs inspectors.

At this stage, Herr von Ribbentrop's journey to Moscow completely upset the situation. From this time onwards, intransigent claims were put forward from the German side.

It may well be thought that, during the decisive fortnight which followed, the higher circles of the National-Socialist regime lived in the conviction that, in view of the arrangement with the Union of Soviet Socialist Republics, and after a rapid victory over Poland, the Western Powers would not go so far as a general armed conflict. Such was the view of Herr Forster, who added the comment that, in his opinion, once Poland had disappeared, the guarantee clause would lapse of its own accord. He did not conceal this opinion from M. Burckhardt in the course of a conversation.

On the morning of August 20th, the President of the Senate requested the High Commissioner to call on him. He then warned M. Burckhardt that a fresh violation of the Constitution and a fundamental change in the Statute of the Free City were imminent, that the Gauleiter's efforts, with Herr von Ribbentrop's support, to convince Chancellor Hitler had succeeded, and that a decree was to appoint Herr Forster Head of the State. This meant that the Senate would be reduced to a purely decorative function. In reply to the High Commissioner's objections, the President said that he would make a point of transmitting the doubts which the former had expressed to him as to the consequences which such a transformation would certainly have in present conditions.

On the day on which this transformation, the result of the long period of totalitarian pressure on Danzig, took place, the German warship *Schleswig-Holstein* took up its moorings at Danzig. It was an old training-ship, replacing the cruiser *Königsberg*, which had originally been announced, and which was subsequently to assume the task of silencing the batteries on the Hela Peninsula during the night of August 31st-September 1st. The official visits took place as if nothing untoward were afoot, and, on the following day, the new Head of the State

gave a big official reception in honour of the German sailors, to which he invited the High Commissioner, the diplomatic representative of Poland, and the President of the Harbour. The first two refused, which was taken very ill and partly explains the brusqueness with which they were both treated on the 1st. On that date, it only remained for the High Commissioner to protest against the forcible measures which put an end, *de facto*, both to the existence of the Free City and to the duties of the High Commissioner of the League of Nations.

III

LETTER FROM M. C. BURCKHARDT TO THE SECRETARY-GENERAL, DATED DECEMBER 27TH, 1939

Geneva, December 27th, 1939.

[*Translation.*]

Having furnished you with a report on my work at Danzig, I regard my mission as being at an end, in view of the situation which events have created in the Free City, and I hereby request you to release me from my duties.

I did my best, in peculiarly difficult circumstances, to bring about a peaceful settlement. There is nothing left for me to do but to express to you, Sir, and your collaborators, my profound gratitude for the understanding you have always shown of my position and for the excellent advice and assistance you have given me throughout.

I am no less grateful to the members of the Committee of Three, especially the rapporteurs, Mr. Anthony Eden and Lord Halifax.

(Signed) Carl J. BURCKHARDT.

IV

LETTER FROM THE SECRETARY-GENERAL TO M. C. BURCKHARDT, DATED JANUARY 12TH, 1940

Geneva, January 12th, 1940.

I have the honour to acknowledge the receipt of your letter of December 27th, 1939, enclosing a report on your work as High Commissioner of the League in Danzig. I take note that, in view of the situation created by recent events in Danzig, you consider your mission as terminated.

I am communicating your letter and report to the representative of the United Kingdom, Rapporteur for Danzig questions, to the representative of France, and, for information, to the representative of Sweden, who throughout your period of office constituted, with the Rapporteur, the Council Committee dealing with these questions. The latter has, as you know, now ceased to be a member of the Council.

I deeply appreciate what you have been good enough to say as regards your collaboration with the Secretariat. May I take this occasion to express on behalf of my colleagues and myself our admiration for your achievements in Danzig and our gratitude for the courtesy and goodwill which you never failed to show in your relations with us.

For the Secretary-General :

(Signed) F. P. WALTERS.
