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Workers' resistance against Nazi Germany at the International Labour Conference 1933

Reiner Tosstorff



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Preface

Dealing with dictatorships

Eighty years ago, the delegation of national socialist Germany made an early exit from the International Labour Conference. An attempt to install the German Labour Front as legitimate worker representatives, instead of the free trade unions, had failed due to resistance from the Workers' Group and, not least, the persistent silence maintained by Wilhelm Leuschner, the German unions' representative on the ILO Governing Body.

Wilhelm Leuschner was a courageous man whose actions were carefully thought through, and right from the start he was an opponent of the Nazi regime. As a resistance fighter for Germany and against Hitler, he was murdered by the Nazis in 1944. In June 1933, his participation in the International Labour Conference opened up the possibility of going into exile, but he opted instead to resist from inside Germany. That decision no doubt explains why he chose to pillory the regime by keeping silent at the International Labour Conference, rather than voicing public protests.

Like so many other people in 1933, Leuschner had no idea of just how far the national socialists would later take their lust for annihilation and terror. But what was quite clear by 2 May 1933 at the latest, when the Nazis banned the free German trade unions, occupied their premises and packed countless trade unionists off to the concentration camps, was that even gestures of submission and far-reaching concessions to the Nazis would do nothing to ensure the organizational survival of trade unions that three generations of German workers had built up into one of Europe's most powerful trade union organizations.

At the same time, open political resistance in June 1933 would almost certainly have meant ill-treatment, torture and imprisonment, without in any way improving the chances of success. In this situation, Wilhelm Leuschner needed to adopt the right tactics for his appearance at the International Labour Conference,

and the Workers' Group had to ponder how it could effectively show solidarity with the German unions without exposing German trade unionists, and Wilhelm Leuschner in particular, to even greater danger. Reiner Tosstorff's study sets out to describe and understand this complex set of circumstances. And looking beyond this concrete individual case, it still raises issues that are still relevant today.

Now as then, supporting oppressed trade unionists without endangering those targeted by political persecution is the foremost aim of responsible, effective solidarity. When tackling dictatorships, priority must go to securing immediate improvements in the situation of persecuted trade unionists in the country concerned. But this is also about sending the right signals to other governments and ensuring the ILO's own credibility. And if the ILO as a whole does not have the strength to deal critically with powerful, successful dictatorships, the goal must be to make clear which governments, employers and unions really feel committed to the ILO's principles. This almost never involves black-and-white alternatives, but it always puts our own credibility on the line.

Ever since its foundation in 1919, the ILO has been faced with the tensions between universalism and democratic tripartism. On the one hand, the aim is to get as many States as possible to join the ILO and hence to sign up to international labour standards that are all about social responsibility and fair competition. But at the same time, independent, representative organizations of workers and employers are to take part as equals in the setting and monitoring of standards.

For as long as there are authoritarian regimes that do not respect freedom of expression, association and collective bargaining, these tensions cannot be resolved. If abiding by these principles were a condition of membership, many states such as the Gulf States, Vietnam, Cuba, China or Uzbekistan could not be members of the Organization today. That would not be in the best interests of those striving to get labour rights universally applied. However, membership must mean that the Member States are judged by these standards. Breaches of constitutional obligations must not be played down, subordinated to the misunderstood demands of realpolitik or even sacrificed on the altar of sympathy with the aims or achievements of authoritarian regimes.

It is relatively easy to build an international consensus against so-called pariah states, or to insistently demand that small, weak nations should respect human rights. And just to be quite clear about this, it is a good thing that this happens. But the decisive issue for the Organization's credibility is whether the consensus among the democrats is also strong enough to uphold its principles in the face of successful, strong dictatorships. For in the absence of enforcement mechanisms that could compel governments to apply the standards, the ILO's power lies in its moral authority to use its fundamental principles as the yardstick for all Member States.

The preconditions for this are more present at the ILO than in other international organizations, because ILO decisions are taken not by governments alone, but also by employers and trade unions. Trade unions and employers' federations are less subject to the constraints of *realpolitik* than states are, and these organizations' own self-interest makes them keen to defend international guarantees of their independence from state intervention, as a non-negotiable basic right. This is particularly true of the unions, who always are and always have been targets of persecution and repression by dictatorships of all kinds. The ILO is the only organization in which a majority of the votes can be achieved without a majority of the states. So this gives the employers' and workers' organizations particular scope, and a particular responsibility, for defending basic democratic rights in the world of work. And that means there has to be a basic consensus that each side defends not only its own freedom of association but also the other side's. Without this mutual commitment, tripartism can never be truly credible. Both sides must resist the temptation to legitimize power alignments that are unjust but which happen to suit their interests. Tripartism is based on employers' and unions' ability to act as autonomous power factors. So without freedom of association and the right to strike, there can be no tripartism.

Even with authoritarian regimes, the ILO cannot and must not allow dialogue to break down. However, when dealing with dictatorships, the question is whether dialogue opens up the possibility of positive change or merely serves to legitimize an oppressive regime. That question can rarely be answered in advance. The *Ostpolitik* pursued by the German Chancellor and exile Willy Brandt who, trusting in the superiority of democratic freedom, saw dialogue as the most promising strategy for softening up the Eastern bloc, was vindicated by the encouragement it gave to civil society in post-stalinist Eastern Europe. Whereas the British and French attempts in the 1930s to moderate national socialism through concessions, up to and including the Munich Four-Power Conference, went down in world history as a fatal policy of appeasement. No two situations are ever quite the same in history, and the right course to take is not clear from the outset. It requires a well thought out decision.

But at the ILO, anyone who refrains from criticizing violations of ILO principles by authoritarian regimes must have good reasons for holding back, and should make those reasons known. Otherwise, an impression of opportunism, weakness or even implicit approval may be created.

The first big challenge for the ILO in this regard was the rise of fascism in Italy and national socialism in Germany. In retrospect, everyone claims to have opposed these regimes, but while they were on the upswing, they enjoyed the tacit approval and sometime even the admiration, respect and active support of various governments and employer representatives. Some felt that radical anti-communism was

sufficient justification for fascist dictatorship. Others had fond hopes of improving the chances for change or at least for moderation by dialoguing with the dictators.

Attempts from the workers' side to secure ILO condemnation of Mussolini's authoritarian action against the free trade unions failed, due to opposition from the employers. Instead, the employers, against the workers' votes but with the support of some governments and the abstention of others, regularly used the Selection Committee to push through the admission of the corporatist state trade unions as Italian worker representatives on the Conference committees.

In the Italian case, it could at least be argued that the Catholic church, the Catholic trade unions and, in 1927, even the remnants of the CGL had declared their willingness to cooperate within the new structures. But in the Germany of 1933, there was no longer any room for doubt. The unions had been crushed and many trade unionists had been imprisoned.

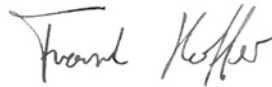
For that reason, the Workers' Group refused to recognize any German representatives as worker delegates, and it did not nominate any worker representatives from Germany or Italy to the Conference committees. The Nazis had hoped that Wilhelm Leuschner's presence in the German delegation would neutralize the resistance from the Workers' Group. But their hopes were dashed because Leuschner never uttered a single word of contradiction when the dictatorship in Germany was being criticized, nor a single word in recognition of the national socialist German Labour Front. His silence spoke volumes.

But like the Italian fascists before them, the Nazis could, at the beginning of the Conference, count on the support of the employer side and the "neutrality" of governments. In the Selection Committee, the governments of Japan, Italy and Germany and the serried ranks of the Employers' Group outvoted the Workers' Group. As the other governments abstained, the employers in association with the three authoritarian regimes forced through the admission of the fascist and national socialist "worker representatives" into various Conference committees. As Reiner Tosstorff shows, it was not until Robert Leys had made his racist outbursts, leading to expectations of a government-worker majority, that the Nazis decided to leave the Conference early in order to avoid a voting defeat and the withdrawal of the worker mandate. The ILO was the first international organization to refuse recognition to the Nazi dictatorship. The Workers' Group used the ILO forum to accuse the German government of violating freedom of association and persecuting trade unionists, but also of discriminating against and persecuting Jewish fellow-citizens.

Unlike others, the representatives of the democratic trade unions have been guided, in their policies at the ILO, not by opportunism but by fundamental principles. They have defended freedom of association for workers, but also for employers, against right-wing and left-wing dictatorships alike. Their stand for Polish

workers' freedom of association and right to strike, their fight against apartheid in South Africa, their denunciation of the multiple murders of trade unionists in Chile, and their long-standing campaign against anti-union repression in Myanmar are just a few examples.

Even today, many governments deprive workers of basic liberties. And the employers' attacks on the right to strike show their continuing preference for disempowered unions. An issue much discussed both within and outside the ILO is how best to get fundamental labour rights respected these days in authoritarian countries such as Saudi Arabia, Qatar, China, Belarus, Iran, Fiji or Cuba and how to support workers who resist constant repression. Each situation calls for a specific response. Sometimes, as in the case of Wilhelm Leuschner, it may even be that the most appropriate strategy is to keep silent. But for the ILO as a whole silence or looking the other way when it comes to workers' rights violations is always wrong.



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Abbreviations

ADGB	Allgemeiner Deutscher Gewerkschaftsbund (General German Trade Union Confederation)
CGT	Confédération général du travail (General Confederation of Labour)
DAF	Deutsche Arbeitsfront (German Labour Front)
FDGB	Freier Deutscher Gewerkschaftsbund (Free German Trade Union Federation)
GDR	German Democratic Republic
Gestapo	Geheime Staatspolizei (Secret State Police)
ICFTU	International Confederation of Free Trade Unions
IAO	Internationale Arbeitsorganisation (International Labour Organization)
IFTU	International Federation of Trade Unions
KPD	Kommunistische Partei Deutschlands (Communist Party of Germany)
NSBO	Nationalsozialistische Betriebszellenorganisation (National Socialist Factory Cell Organisation)

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NSDAP	Nationalsozialistische Deutsche Arbeiterpartei (National Socialist German Workers' Party)
SA	Sturmabteilung (Storm Detachment)
SPD	Sozialdemokratische Partei Deutschlands (Social Democratic Party of Germany)
TUC	Trade Union Congress

1. Introduction

Five months after the Nazis came to power in Germany, a clash occurred at the International Labour Conference (ILC) in Geneva. It happened in June 1933 between the German delegation, led by Robert Ley who had been a leading Nazi activist since the 1920s, and a number of Workers' Group members. Just a few weeks before that, the Nazis had broken up the trade unions and imposed a compulsory organization, the "German Labour Front" (DAF). They sought to get these measures legitimized by the International Labour Organization (ILO), and thus indirectly by the League of Nations. They also wanted to create the impression that Nazi Germany was marching in the vanguard of social progress.

However, the move led to strong protests at the Conference – mainly from workers' delegates. After all, respect for the ILO's tripartite structure was at stake, and so was the legitimate appointment of workers' delegates. Meanwhile, the government representatives held back and the employers' delegates said nothing.

But the Nazi delegation finally had to be withdrawn. There was also another reason for this – Ley's behaviour. He was a notoriously outspoken ruffian, and on the fringes of the Conference he became known for racist remarks aimed mainly at the ILO's South American member States. These outbursts led to strong reactions from some delegations, and the Nazis faced an isolation that they had not been expecting at the Conference. They had, with good reason, been counting on a sort of appeasement from the majority of Conference delegates, who by no means all felt bound by democratic principles. But Ley's provocative behaviour broadened the resistance beyond what might have been expected at the start of the Conference.

Driving the mood of rejection was the Workers' Group, made up of the workers' delegates from all the member States. Almost all of them were from affiliates of the International Federation of Trade Unions (IFTU). Its membership

included the General German Trade Union Confederation (ADGB), which had been dismantled at the beginning of May. As a matter of principle, the international trade union movement rejected the Nazi dictatorship and its repression of all political and social rights. That also went for the Nazis' persecution of the Jews, as was to become clear during the Conference. One major reason for the success of the protests was the failure of the Nazis' bid to use Wilhelm Leuschner (and a Christian trade unionist, Bernhard Otte) as star witnesses in their delegation. Months before, the German trade unions had nominated Leuschner as a workers' representative on the Governing Body. The Nazis' expectation that Leuschner and Otte would support their policies collapsed when they both declined to speak. This silent protest showed the other Conference participants that the pair rejected the Nazis. So it placed a question mark over the regime's claim to international recognition.

At the time, the rift caused by Ley and the Nazis drew international attention, as the world press clearly showed. During one of its very first forays on to the international stage, the "new Germany" had been diplomatically slapped down. The lasting impression this made on the participants can, for instance, be judged from the memoirs of Pierre Waline. He had been a French employers' delegate to the ILO since the 1920s. In his detailed account of labour relations in Germany, he cited the public, international rejection of the Nazis by the ILC.

Present-day historians have largely forgotten this confrontation with the Nazis. This is all the more astonishing as it was a sort of dry run for the Nazis' break with the League of Nations in the months to come. Ley himself declared a few days after the Conference that the withdrawal from it marked the "beginning of a new German foreign policy" that would "lead Germany back to honour, greatness and freedom".¹ Surprisingly, even a publication on international trade union history produced under the aegis of the International Confederation of Free Trade Unions (ICFTU) does not relate this incident. The most thorough account to date of the confrontation is to be found in the biography of the trade unionist Willi Richter² by Gerhard Beier. In the GDR (East Germany), the Free German Trade Union Federation (FDGB) published a short commemorative piece in its magazine on the fiftieth anniversary of the events.

What follows is an attempt at a comprehensive reconstruction of what happened - as far as this is possible, given the sources now available. It looks at what motivated the various actors, including Wilhelm Leuschner, and assesses the significance of the events at the Conference.

¹ "Dr. Ley im Rundfunk", in *Frankfurter Zeitung* (1933, 24. Juni), pp. 461-462.

² Secretary general of the German Trade Union Federation from 1956-1962; several times delegate of the German Federal Republic after its readmission to the ILO in 1951.

2. The context: world economic crisis, fascism and the situation of the International Labour Organization

In June 1933, the International Labour Conference took place amidst a worsening situation. The world economic crisis was far from over, although the first signs of its end were in sight. But everywhere, the prospects were still blighted by unemployment, leading to political upheavals in many countries. The democratic system was increasingly called into question, as it had either failed to overcome the crisis or had done so inadequately. The coming to power of the Nazis was the most prominent instance of this. They drew on the experience of Italy, where Mussolini had already taken power during the post-war crisis of 1922. The Nazis did radicalize his methods of holding sway, but their aims were the same: the abolition of all democratic freedoms and the installation of a dictatorship based on the fascist movement, i.e. the NSDAP (National Socialist German Workers' Party – the Nazi party). The overthrow of the political system in Germany was just the first step. It created the conditions for calling the whole post-war international system into question – not least through another war. In so doing, the Nazi dictatorship also attacked the international foreign policy structures in which the League of Nations and hence also the International Labour Organization played a particular part. The Nazis embarked on a course of confrontation with the victors of the First World War, particularly France.

Independent trade unions had no place in the Nazis' "new order". Immediately after the government was formed on 30 January, the anti-trade union terror began. It increased particularly after the burning of the Reichstag on 28 February. The SA, the Nazi civil war militia now recognized by the State as "auxiliary police", occupied trade union buildings. Individual trade union leaders were physically attacked or arrested and carted off to the newly created concentration camps. This restricted the trade unions' freedom of movement, but there was still some hesitan-

cy about banning them outright. The trade unions themselves, and particularly the ADGB with its traditionally social democratic ideology, adopted a defensive posture. They wanted to avoid an escalation of the tense domestic political situation and they thought Hitler could be “tamed” by his conservative coalition partners, particularly President Hindenburg. The trade unions hoped that they would somehow be tolerated, and they used markedly “national” turns of phrase, as a way of showing that they were casting off “Marxism” and “international class struggle”.

And indeed, in various manoeuvres during April, the ADGB leadership had speculated that it might somehow, through concessions, be able to keep its organization together and legal. Within the trade union movement, there were attempts to close ranks. Negotiations took place between the ADGB and the Christian and liberal trade unions as an effort to form one big union the idea being that it would then be so strong that the Nazis would not dare to tackle it head-on. Backed by this “united front”, negotiations were held with the National Socialist Factory Cell Organization (NSBO), the Nazis’ pseudo-trade union. This was the culmination of a compromise that has been the subject of many critical discussions both by historians and, internally, by trade unions debating their own past. “This attempt to stave off the looming destruction of the organizations and seek an arrangement with the new system, but also with the NSBO (...) was based on a fundamental misjudgement of the national socialist enemy.”³ The ADGB even told the IFTU to stand by and do nothing, and at first it very reluctantly agreed to comply. Only after the ADGB was banned in 1933 did the call go out for a boycott of German goods.⁴

The ADGB strategy may have been influenced by experiences in Italy. There too, trade unions had been violently persecuted and ultimately crushed. And yet at the beginning of 1927, Mussolini had permitted a number of reform-minded top officials to legally but precariously continue as a discussion and research group on social issues, which even had its own journal - on the condition that the Italian trade union confederation declare itself dissolved. Despite the continual expansion of Nazi power, the assumption was that Germany, as a highly developed industrial country with an equally well-developed labour movement, was not the same as Italy, whose fascism was rooted in underdevelopment and a strong agrarian heritage. Previously, this had been taken as grounds for believing that a Nazi victory was impossible. Now, seemingly, the opposite mistake was made and the hope was that a sort of “Italian solution” would enable some kind of “hibernation” through the dictatorship. But national socialism had a much stronger apparatus, deeper social

³ H. Mommsen: *Alternativen zu Hitler. Studien zur Geschichte des deutschen Widerstandes* (München, C.H Beck, 2000).

⁴ G. van Goethem: *The Amsterdam International. The World of the International Federation of Trade Unions (IFTU), 1913 – 1945* (Aldershot, Ashgate Pub Co, 2006), pp. 198-200.

roots and much more radical aims than its Italian counterpart, and it had no reason to make the same concessions.

Moreover, trickery was a major ingredient of the Nazis' rule. It was they who, for the first time, made May Day an official public holiday, even if they did rename it the "Day of National Labour". This public holiday had been a long-standing trade union demand. So the ADGB leadership felt they had to compromise on this, and they called for participation in the official celebrations. But the very next day, the regime showed its true face. May Day was just camouflage for secret preparations to crush the trade unions. On 2 May, all ADGB buildings and those of its affiliates were occupied, all their resources confiscated and many of their leading figures arrested. Two weeks later, the Nazis set up their new State trade union, with compulsory membership – the "German Labour Front" (DAF). The employers' federations were also merged into the DAF, as a way of "overcoming class struggle". The non-socialist trade unions were spared from this destruction. But after some resistance inside their leaderships, they fell into line voluntarily and joined the DAF.

So freedom of association had been brought to an end in Germany. But it was (and is) a fundamental principle of the International Labour Organization. Under the Versailles peace treaties, the ILO was created in 1919 as a social policy division of the League of Nations. Now a UN specialized agency, the ILO's main task was and is to adopt Conventions and Recommendations on international labour standards. "Tripartism" has always been the essential part of its structure – each country sends government, employers' and workers' representatives. The same goes for the organization's usually annual plenary, the International Labour Conference and for its executive, the Governing Body, which meets several times a year. The employers' and workers' delegates are nominated by their governments "in agreement with the industrial organizations, if such organizations exist, which are most representative of employers or workpeople", as the ILO Constitution puts it. Each country's representatives then join the supranational Government, Employers' or Workers' Group, as appropriate. The Conferences take the decisions on Conventions, Recommendations and Resolutions, but they are also forums for policy debates. Procedural issues quite often become politically significant – in this particular case, the matter of credentials.

3. Workers' delegate Wilhelm Leuschner's role in the run-up to the June 1933 ILC

Germany became an ILO member immediately after the organization was founded in 1919 – although the intention had originally been to exclude the loser of the First World War. German admission to the ILO was due purely to pressure from the international trade union movement. Organized labour had a direct interest in German membership, given the country's economic importance but also the strength of its trade union movement. During the years of the Weimar Republic, Germany worked intensively and actively with the ILO. Its government, trade unions and employers all sent their representatives, who played a lively part in the discussions about decisions and their implementation.

For the Hitler government, the fight against the “Geneva system” was an article of faith. At first, the regime was too weak to engage in direct confrontation. But two months after taking power, at the beginning of April, it did look into Germany's representation at the ILO. In the nature of things, changing the government representatives was not a problem. The employers' representative, Hans Vogel, was left in place. As was to be seen, he clearly had no issues about working with the new government. What did pose a problem was the appointment of the workers' delegate. The most representative trade union organization was the ADGB, and German workers' delegates had always been drawn from its ranks. And they did not just attend the International Labour Conference. The Conference regularly chose the German workers' delegate for three-year stints on the Governing Body. Elected to the Governing Body in 1931 was ADGB Vice-President Hermann Müller. However, he died in November 1932. As his successor, the ADGB nominated Wilhelm Leuschner.

Born in 1890, Leuschner was a wood sculptor by trade. He had been an active social democrat and trade unionist since before the First World War. In 1924, he

became the ADGB Regional Secretary in the state of Hessen, and took over as the Hessen Minister of the Interior in 1928. It was in this capacity that he made public, in November 1931, some Nazi putsch plans known as the Boxheim documents. By April 1932, ADGB President Theodor Leipart was already trying to draw Leuschner back into trade union work. The idea was that he would become a full-time member of the ADGB Federal Executive where he would, amongst other things, be in charge of ILO matters. In the meantime, however, his name also started to be mentioned for the post of ILO Deputy Director. This was in November, when the ITUC was thinking of demanding that a trade unionist should take over this position. But in fact, Leipart's real aim was to find himself a possible successor. He had turned 65 and his health was in decline. First of all, at the end of 1932, Leuschner took over as the German workers' representative on the ILO Governing Body, following the death of Hermann Müller. And by the end of January 1933, Leuschner was already involved in an expert consultation in Geneva about the international introduction of a 40-hour week. It was during this meeting that news reached him of Hitler's appointment as Chancellor. At the four-day ILO Governing Body meeting starting on 1 February, Leuschner was officially welcomed as the new German workers' delegate. The Workers' Group appointed him as their representative on six committees (on the iron and steel industry, intellectual workers, seamen, language issues at the ILO, and the coal and textile industries).

The next Governing Body meeting was scheduled for the end of April, and the annual International Labour Conference for June. After the February meeting, the German labour ministry, which was responsible for the German Reich's representation at the ILO, had already seemed rather hesitant about Leuschner's role. If he did not take part, the ministry felt, the absence of a German workers' representative would make it difficult to break France's influence, which was the main task in hand. "However, the German Government must first make sure that Mr Leuschner is prepared to work along the same lines, i.e. in the national German spirit, towards that aim." But the following sentence was deleted: "Without this guarantee, there would of course be no point in continuing to send Mr Leuschner to Geneva."⁵

In the meantime, the anti-trade union terror that had begun immediately after the 30 January was escalating. It had taken on a new character after the burning of the Reichstag on 28 February. This did not go unnoticed abroad. Consequences could be expected in Geneva – perhaps discreet questions to Leuschner on the fringes of meetings. The issue might also find its way on to the agenda of the Governing Body or the International Labour Conference. In that case, the Nazis clearly could not countenance Leuschner's participation.

⁵ Bundesarchiv Berlin-Lichterfelde (BArch): R 3901/641, Bl. 49 – 82.

At its session on 22 April, the government of the Reich discussed Leuschner's participation in the Governing Body meeting. In a memo circulated to the ministers beforehand, labour minister Franz Seldte told them that, if Leuschner did not turn up, his place would be taken by the Polish workers' representative – hardly a welcome prospect for Germany. The aim, as Seldte made clear, was to change the standing orders of the Governing Body, so that it too could be “brought into line”. The intention was clear: the groups' right to decide their own representatives on the Governing Body was to be scrapped by changing the standing orders. In that way, a Nazi representative could be seated among the workers' group on the Governing Body in future. (Fascist Italy had succeeded in this, as described below). In his note to the Cabinet, Seldte still took the view that Leuschner would undoubtedly act according to the wishes of the German government. But after some arguments, the ministers decided that Leuschner should not even be permitted to travel to Geneva. They clearly wanted to avoid any unpleasant surprises right from the start. After all, they knew what was in store for the trade unions in Germany.⁶

So in the final analysis, Seldte's claim that Leuschner himself preferred not to go to Geneva may be put down to the contradictions and ambiguities created by all this manoeuvring. Leuschner's own position, given the strategic and tactical issues within the ADGB, remains unclear. On 24 April, however, he did write to IFTU General Secretary Wouter Schevenels, referring to a previous conversation of which there is unfortunately no record, that “I have not been given permission to take part in the meeting. You yourself are best placed to assess the situation. I would be grateful if you would notify and inform the other friends.”⁷

And indeed, right at the outset of the Governing Body meeting on 27 April, French workers' delegate Léon Jouhaux (who was the President of the General Confederation of Labour, CGT) asked about the reasons for Leuschner's absence. The ILO was and is a forum in which trade unions can publicly denounce any persecution of their colleagues. The new German government representative Hans Engel declared that no pressure had been brought to bear on Leuschner, but that in view of the current situation, the government approved of his stance. And the only information the ILO could provide was that Leuschner had telegraphed a straightforward cancellation to the Director of the ILO. Jouhaux emphasized that workers' representatives were chosen by the Workers' Group alone and could not, therefore, be dismissed by governments.⁸ Schevenels made his views quite plain in an article about this Governing Body meeting: “The ILO must shoulder its re-

⁶ BArch: R 43 II/553, Bl. 26f.

⁷ Hessisches Staatsarchiv Darmstadt (HStA): O 29/35.

⁸ ILO: *Minutes of the 62nd session of the Governing Body*, Geneva, 1933, pp. 139-140.

sponsibilities and take the necessary steps to ensure that the members of its GB [Governing Body, R. T.] can freely exercise their international office.”⁹

A few days earlier, at a closed meeting of the Iron and Steel Industry Committee, the trade unions had clashed with the German government representative. Leuschner should have been at this meeting. Workers' Group Chair Corneille Mertens, the Belgian trade union president, announced Leuschner had wired him to say that he was “unable” to attend. As Mertens had doubtlessly intended, those listening took this to mean that Leuschner had been prevented from attending. That was certainly the impression received by the German government representative, who immediately protested. All this was, he said, a German internal affair. But it was now clear that Leuschner's future absences from Geneva would not go unnoticed. As proposed by the strongest, “most representative” workers' organization in the Weimar Republic, the ADGB, he had been appointed to the Governing Body for a term running until 1934. Under the procedures observed up till then, he ought to have taken part as a workers' delegate in the next International Labour Conference, to be held as usual in June. But his credentials might be challenged if the previously “most representative” workers' organization no longer existed. In other words, as soon as those now holding the reins got down to “solving the trade union question”.

Certainly, May 2 showed that the ADGB's hopes of “hibernating” through the national socialist regime were unfounded. All over Germany, trade union premises were occupied by the SA and the police. Instead of the trade unions, there was now the German Labour Front (DAF), a compulsory organization that the employer federations also had to join. Robert Ley became the DAF's leader, and this raised the issue of who would represent the workers at the forthcoming ILC in June.

⁹ W. Schevenels: “62. Sitzung des Verwaltungsrates des Internationalen Arbeitsamtes”, in *Presseberichte des Internationalen Gewerkschaftsbundes* (1933, Nr. 17, 9. Mai).

4. The “Third Reich” delegation

Robert Ley (1890–1945) was a former frontline soldier who went on to study chemistry and worked for Bayer in Leverkusen. His membership of the NSDAP dated right back to 1924, and he soon achieved a leadership position within the party organization. From early on, he had become known for his anti-Semitic diatribes and his alcohol-fuelled love of street fights. In 1928, they cost him his job with Bayer. From then on, he worked for the NSDAP full-time, first of all in a regional post in the Rhineland, then finally in the organization’s national leadership. In April 1932, he drew widespread attention through a brutal attack on the then President of the Social Democratic Party (SPD), Otto Wels, and the Cologne Police Commissioner. Hitler now gave Ley the task of leading the DAF. Using his faithful “old warriors”, he was to ensure right from the start that the “proletarian wing” of the Nazi Party, in the form of the NSBO, would have only a subordinate position within the DAF. Ley was to build the DAF up into the regime’s central socio-political organization, with a gigantic bureaucracy and a membership that extended to virtually every German adult who had a job. His lifestyle and public appearances soon earned him the nickname of “Reichstrunkenbold” (“National Drunk”). As one of the “old warriors” from the time of the Weimar Republic, he had direct access to Hitler, who repeatedly shielded him from the hostility caused by his lifestyle and from investigations sparked by allegations of corruption. Ley, meanwhile, worked tirelessly on his many megalomaniac plans for a national socialist welfare state. These remained irrelevant, however, and he was kept on the fringes of the Nazi state’s real leadership, especially after war broke out and became the sole focus.

When the trade union halls were occupied on May 2, many trade union leaders were arrested. Among them, together with other executive board members of the ADGB, was Wilhelm Leuschner. But three days later, he was released and sum-

moned to meet Ley in the labour ministry. The subject was the preparations for the International Labour Conference, at which Germany must again be represented by a "tripartite" delegation. If the German government opted to present a DAF representative like Ley as the workers' delegate, rather than an ADGB representative, there would inevitably be protests. General questioning would ensue as to why the ADGB was no longer a "representative industrial organization" and how the DAF had turned into one. All of a sudden, the Nazis were interested in Leuschner. The idea was to harness him, so that the initial situation in Geneva would be more amenable to their demands. In these circumstances, Leuschner was able to use his seeming openness to discussion as a means of securing the release of many trade unionists, evidenced by a series of letters he wrote in May requesting these releases.¹⁰

There had indeed been repeated discussions about dubious credentials at the International Labour Conference. After all, in its original form, the ILO Constitution, as laid down in the 1919 peace treaties, specifically named freedom of association as one of the basic principles, being "the right of association for all lawful purposes by the employed as well as by the employers" (Art. 41). And yet in many States, freedom of association was either incomplete or not provided for at all. Ever since the International Labour Conference of 1923, there had been constant disputes about the Italian workers' delegates' credentials. Even before it banned the trade unions, the Mussolini regime always assigned this mandate to a representative of the fascist corporations. This was regularly challenged by the Workers' Group at the Conference. It was a particularly important factor in the IFTU's cooperation with the ILO. The protest was always made by the French workers' delegate and IFTU Vice-President Léon Jouhaux, who then received the support of other significant IFTU leaders. However, a coalition of governments' and employers' representatives regularly voted against these challenges, and so confirmed these credentials (until Italy left the ILO in 1936). Apparently, Italy's supporters regarded the nomination of delegates more as a formality. But merely seeing the Italian workers' delegate credentials challenged and publicly discussed was enough to displease the fascists in power, as it damaged the regime's public image.¹¹

Against this backdrop, and after the questioning at the Governing Body's April session, it was quite clear what would happen when Ley stood up. This also worried "neutral" participants such as the British government, which discussed the matter intensively in May after the ban on trade unions in Germany provoked lively public debate in Britain. There was discussion as to whether the response should be exactly the same as in the case of the Italian workers' delegate. When that mandate was chal-

¹⁰ HStA: O 29/36.

¹¹ R. Allio: *L'Organizzazione Internazionale del Lavoro e il sindacalismo fascista* (Bologna, Il mulino, 1973).

lenged, the British government delegates had almost consistently abstained. On 22 May, before deciding on a clear position (after the Conference had already begun), they asked other countries what attitude they would take. This was to lead to misunderstandings.¹²

To be on the safe side, the German government used discussions in Geneva at the beginning of May between the labour ministry's Secretary of State, Dr. Johannes Krohn and ILO Director, Harold Butler to sound out what was likely to happen. Most diplomatically, it was hinted that an IFTU protest might take place against a newly appointed German workers' delegate. Certainly, another non-appearance by Leuschner at the Governing Body meeting immediately preceding the Conference would not pass without consequences. Given this situation, the Nazis must now have had an interest in actually encouraging Leuschner to make the trip to Geneva. They wanted him to legitimize Ley at the Conference as a representative of German labour and consequently make it publicly known that a "new age" had dawned for German workers. That would have been decisive in getting Ley accepted at the Conference. Ley, at any rate, was confident in his expectations of Leuschner and explicitly told the labour ministry that Leuschner should travel to Geneva.¹³

At the Governing Body meeting on June 6, two days before the Conference opened, Leuschner attended but did not speak. Ley himself was not a Governing Body member, but the Nazis were present in the person of the German government representative. The points dealt with at the meeting were technical and procedural, serving mainly to prepare for the Conference. The situation in Germany following the ban on trade unions was not a topic. It is not known what Leuschner did outside the meetings. However, it is conceivable that he had informal conversations with the other workers' delegates.

The Nazis had promised a massive spectacle at the Conference. After all, the word must go out of the "social policy progress" being made in the "new German workers' state", as the DAF magazine retrospectively put it.¹⁴ In fact, the aim was to provide Hitler with an urgently needed propaganda success in the opening phases of his regime. The Conference would receive its "real stamp" from the "first-ever appearance of the representatives of the new Germany," insisted labour minister Seldte in a presentation to the German government on the preparations for the German appearance. Little did he know what was actually going to happen – even though he did point out that mass protests could be expected from the trade union representatives. He was certain that Germany would achieve a majority in any vote on credentials. No doubt he had the Italian example in mind. And in any case, he had a

¹² National Archives (Kew): LAB 2/1468/IL 128/5/1933, 2/1468/IL 128/7/1933, 2/1469/IL 137/1933.

¹³ BArch: R 3901/641, Blatt 98.

¹⁴ "Ein Nachwort zur Internationalen Arbeitskonferenz", in *Arbeitertum* (1933, Nr. 10, 15. Juli), p. 18.

fall-back position. If its credentials were rejected, the German delegation would cease cooperating. The Cabinet approved his proposals.¹⁵

The 25-strong delegation that labour minister Seldte had already announced in Geneva in May included, apart from “workers’ delegate” Ley and his advisers, Otte and Leuschner, the governments’ representatives Hans Engel and Werner Mansfeld, as well as Hans Vogel as the employers’ representative. To optimize the planned instrumentalization of Leuschner, the Nazis had him registered as a technical adviser to “workers’ delegate” Ley. This was not an unusual status in itself, as delegates frequently brought along experts on particular issues. But in this particular case, the intention was no doubt to emphasize the role they hoped Leuschner would play as both witness and bailman. In fact, his membership of the Governing Body would have been enough to qualify him as a Conference participant. He did not need to be assigned any additional functions. It was only during the Governing Body session that Leuschner himself found out about this dubious upgrade, and he no longer felt able to do anything about it. But the workers’ delegates affiliated to the IFTU were well aware that this was a forced appointment, as various statements show.¹⁶

For safety’s sake, the Nazis had also brought along a representative of the Christian trade unions, Bernhard Otte. The premises of the Christian trade unions, which were still very prominent at that time, had not been stormed on May 2. Rather, they had given in to a demand for “voluntary cooperation” within the DAF in hopes that they could somehow hibernate there. So they got themselves “into line”. In return, with Otte at their head, they were even given representation in the DAF’s “Labour Convention”. Although this cooperative course was strongly rejected from the start by a minority grouped around Jakob Kaiser, it was pursued in the expectation that it would provide some room for manoeuvre within the Nazis’ enforced trade union. Nothing came of that expectation.

Ley’s interest in taking Otte along to Geneva was not just to have a “bailman” who would whitewash the situation in Germany, but also to influence the International Federation of Christian Trade Unions (IFCTU) which relied quite heavily on its German affiliates for support. Traditionally, the IFCTU’s representation at the Labour Conferences had been weak, but it had repeatedly clashed with the IFTU, which challenged IFCTU workers’ delegates’ credentials on the grounds that they were unrepresentative.¹⁷ Apparently, the Nazis were hoping to use this traditional in-fighting for their own ends. The other six technical advisers to the “workers’ delegate” were veteran Nazis and newly installed DAF officials.

¹⁵ BAArch: R 43 II/553, Bl. 32 – 34 ; *Akten der Reichskanzlei*, Teil I: 1933/34, Bd. 1, p. 553.

¹⁶ “Les Hitlériens à Genève. L’action du groupe ouvrier”, in *L’Atelier* (1933, Nr. 112–113, mai-juin), pp. 284–316.

¹⁷ P. Pasture: *Histoire du syndicalisme chrétien international: la difficile recherche d’une troisième voie* (Paris, Ed. L’Harmattan, 1999), pp. 117–124.

5. Conference prelude: a question of credentials

As soon as the Conference started, the protests from delegates began. When Ley, “in the name of ten million German workers”, supported the election of the Italian diplomat Giuseppe de Michelis to chair the meeting and opposed Jouhaux’s call for workers’ delegates to abstain, a first skirmish took place. Jouhaux called out that Ley was “the Reich’s Commissar for Worker Surveillance”. The notorious Gauleiter¹⁸ of Danzig Albert Forster, who was on the German delegation, responded with an impeccably proletarian “Shut your face”. This heckle was left out of the official record, no doubt for reasons of diplomatic courtesy, but it is recorded in an internal ILO note on the whole conflict around Ley. The Nazi newspaper *Völkischer Beobachter*, on the other hand, fulminated against the “Marxist trade union baron Jouhaux, all too well known in Geneva for his ruffianly character”, who had tried to prevent the election of de Michelis but had been thwarted by Ley.¹⁹

After the plenary opening, the conflict shifted to the Workers’ Group, which met on the afternoon of the first day and the morning of the following one (9 June). After the Group had elected its chairperson – as in previous years, the Belgian trade union president Corneille Mertens – and its bureau, it was time to choose the workers’ representatives for the various committees. Ley, supported by the Italian “workers’ delegate” Luigi Razza, demanded that Germany should, as usual, have wide representation. But as the Workers’ Group disputed his credentials, it also rejected this notion. After some toing and froing, arguments and even raucous disputes, a strong clash occurred when “Dr Ley permitted himself some remarks that insulted the German working class and the workers’ delegates of the other countries. The workers’ delegates unanimously expressed their outrage and managed to

¹⁸ District leader under the Nazi regime.

¹⁹ “Marxist Jouhaux provozierte in Genf”, in *Völkischer Beobachter* (1933, Nr. 160, 9. Juni).

silence Dr Ley, whose remarks had disparaged the dignity of labour and mocked international solidarity.”²⁰ But the *Völkischer Beobachter* took a rather different view of this “offence” to Ley: “Without any intervention from the chairman, the Belgian Marxist leader Mertens, the German representative was sworn at. In vain, Dr Ley requested the chairman to protect him against insults. Irritably, Mertens replied that he was not going to take any lessons from the German representative. Upon which Dr Ley declared that the dignity of his country no longer permitted him to take part in the discussion.”²¹ Later on, the Nazis would use this exchange of blows as a pretext for pulling out of the Conference.

After the workers' representatives on the Selection and Credentials Committee had been chosen, without reference to Germany's and Italy's wishes, the meeting was adjourned. Ley and the German delegation spent the evening “letting off steam” to a group of German journalists. This was soon to have major consequences.

Next morning, selection of the workers' representatives continued for the usual committees on the various agenda items. Once again, the national socialist delegate and the fascist one were unable to get their way. The dispute escalated into vehement exchanges. Never before had the Conference experienced such a fierce clash, according to the well-informed *Journal des Nations*, a Geneva-based daily specializing in League of Nations issues.²² When Ley complained of “discrimination” against him, Jouhaux said that jailers never have the right to represent prisoners. This was a dig at the concentration camp that the Nazis had set up for their political and trade union opponents after taking power. Ley feigned outrage. If Jouhaux was insinuating that workers had been thrown into the camps, then all he, Ley, could say was that they held only criminals, such as the people who had burned down the Reichstag. “Mr Leuschner and Mr Otte, who belong to you, one to the free trade unions, the other to the Christian trade unions, can speak just as freely in Germany as you can here. And they can tell you how things really are in Germany.” With mock generosity, he offered to foot the bill if Jouhaux would care to visit Germany and look around.²³ But in fact, this open-handedness might well have been financed out of the newly confiscated trade union funds, built up over the decades from the workers' pennies. So there were immediate catcalls of “Give the stolen money back instead!” Jouhaux countered the claim that Leuschner had only been released in order to serve as a distraction. Jouhaux said he admired Ger-

²⁰ W. Schevenels: “Die Eröffnungssitzung der Internationalen Arbeitskonferenz” in *Presseberichte des Internationalen Gewerkschaftsbundes* (1933, Nr. 21, 13. Juni).

²¹ “Dr. Ley gegen die Herausforderung der II. Internationale”, (1933, 10 juin).

²² “Les ‘ouvriers’ fascistes et nazis”, (1933, 10 juin).

²³ *Völkischer Beobachter* (1933, Nr. 161, 10. Juni).

many and the German workers. Ley had accused him of regarding the German workers as enemies. That was a lie, Jouhaux insisted. The enemy was the regime represented by Ley. Once again, the German and Italian desire for seats on the committees was not fulfilled.

And yet, by a roundabout route, Ley did manage to be appointed to a number of committees. Changed at the fascist delegates' insistence earlier in the year, the Standing Orders now enabled a majority in the Selection Committee to decide the composition of the various individual committees. Although the representatives of each Group had up until then been decided by the Group itself, the IFTU could no longer go against the wishes of an alliance of governments' and employers' representatives by continuing to boycott the Italian "workers' delegates" – or, indeed, the national socialist ones.

So what happened after Ley's complaint, and despite strong protests from the Workers' Group, was this: The government delegates of Germany, Italy and Japan, together with the employers' delegates, appointed Ley and Razza to a number of committees, with the workers' delegates voting against and nine other government representatives abstaining. So, as *l'Atelier* ironically remarked, the employers' representatives appointed them as workers' delegates. Finally, Mertens declared in the plenary that Ley would be speaking in his own name on the committees and not as a representative of the Workers' Group. (Hence, the German representatives were not allowed to take part in Workers' Group meetings for the individual committees.)²⁴ The decision on the composition of the most important committee, on the introduction of the 40-hour week, was once again postponed.

But the main battle was yet to come. The Credentials Committee had not yet met, and the IFTU, to which the great majority of the Workers' Group were affiliated and from which the independent delegates usually took their cue, had already announced that it would be contesting Ley's credentials. In an official communication on the opening day of the Conference, it had been pointed out that traditionally, the representative organization of German workers at the ILO had been the ADGB. However, its premises had now been occupied by the police. The government had appointed a delegate without any consultation. The credentials of the German workers' delegate and his technical advisers should, it argued, be rejected by the Conference.²⁵ So first the committee and then, in all probability, the Conference plenary would have to discuss and vote on Ley's credentials. At the committee's first meeting on 9 June, during which the Workers' Group also lodged an objection to the Italian workers' delegate's credentials, official note was taken of

²⁴ ILO: *Records of Proceedings*, International Labour Conference, 17th Session, Geneva, 1933, p. 65.

²⁵ ILO: *Records of Proceedings*, International Labour Conference, 17th Session, Geneva, 1933, p. 486.

the protest. It was conveyed to the German government representative. However, he stated that he would have to wait for Berlin to take a position on the matter. And Berlin was in no hurry. When the committee held its second session on 17 June, the comment from Berlin had still not arrived and it was announced that it would not be received until 20 June. Jouhaux strongly protested against what were clearly delaying tactics. He also circulated a voluminous dossier containing detailed information on the situation in Germany, the crushing of the trade unions, the formation of the DAF etc.²⁶

And what was the workers' real representative, Leuschner, doing in the meantime? At first, his appearance at the Conference as a technical adviser to the German workers' delegate had an irritating effect. Leuschner "was very reserved and avoided almost any contact with socialist workers' representatives from other countries,"²⁷ the *Neue Zürcher Zeitung* later wrote. And even the *Journal des Nations*, which was much more receptive to his cause, initially admitted that "his role is not very clear to us."²⁸ But the press could only record his public appearances. The real litmus test of his behaviour would be the expectation formulated by Ley during his exchange of verbal blows with Jouhaux in the Workers' Group: would Leuschner testify to the freedom of German workers? In the event, not one official word passed his lips. Not one single time, either in the plenary or in the committees, did he ask for the floor (and neither did Otte). There was just an "icy silence, which observers interpreted quite correctly," a historian writes.²⁹ So behind closed doors, both of them were put under massive pressure to speak. In the autumn of 1934, Ley stated that he had "asked Otte and Leuschner point-blank, in front of the whole delegation, whether they were at last willing to describe the true situation in Germany to the Conference, the international forum, and they both refused".³⁰

On the other hand, it may also be supposed, even if there are, for obvious reasons, no press reports of this and no traces in international trade union archives, that Leuschner did pass on information about the situation in Germany via informal contacts and gave his assessment. Jouhaux's magazine *L'Atelier* briefly mentioned Leuschner's presence as a "quasi-hostage", while Mertens did not list him at all in his report for the Belgian trade unions' journal.³¹ None of this proves that Leuschner had any contacts with the IFTU or the other workers' delegates, but neither does it prove the contrary. At all events, any mention of him would have

²⁶ See Appendix.

²⁷ *Neue Zürcher Zeitung* (1933, 25. Juni).

²⁸ "Les 'ouvriers' fascistes et nazis", (1933, 10 juin).

²⁹ G. Beier: *Willi Richter. Ein Leben für die soziale Neuordnung*, (Köln, Bund-Verlag, 1978), p. 118.

³⁰ J.G. Leithäuser: *Wilhelm Leuschner: Ein Leben für die Republik*, (Köln, Bund-Verlag, 1962), p. 167.

³¹ "Les Hitlériens à Genève", p. 285.

been carefully noted by the Nazis' press monitors and would have made his situation even worse. As it was, on returning to Germany after the Conference, he was arrested – as related below. Even if, due to surveillance by the delegation, he had no opportunity to speak to the workers' delegates, the fact that he made no comment during the official proceedings was enough to send out a signal. That he was scarcely mentioned, if at all, can only mean that the signal was understood.

In any case, it could be anticipated that Ley's credentials would be discussed and voted upon in the plenary as soon as the Credentials Committee had dealt with the objection lodged by the Workers' Group. And the crushing of the German trade unions would not be lightly passed over in that discussion. Moreover, a message from Germany provided the Conference with some direct insights into the circumstances now prevailing there. The Conference provided a forum which, by bringing all this back into the open, could help to mobilize solidarity. Leuschner did play a role in this, which points to his having tried to make use of his presence in Geneva. The concrete issue was about Carlo Mierendorff, who had been Leuschner's press spokesman in the Hessen Ministry of the Interior and was a member of the social democratic parliamentary party in the Reichstag. He had always advocated going on the offensive against the Nazis. For instance, he helped to make the Boxheim Documents public. Consequently, he dismissed as illusory the hopes nourished by the majority of social democratic parliamentarians that they might somehow be able to "hibernate". That spring, he had begun to organize a resistance coalition of determined social democrats in the Rhine-Main area. This was drawn from Leuschner's entourage, but also included left-leaning "intermediary groups" between the Social Democratic Party of Germany (SPD) and the Communist Party of Germany (KPD). On 13 June, he was arrested at a conspiratorial meeting in Frankfurt. There were now good grounds for fearing that he would, like hundreds and thousands of others during those months, fall victim to the SA's lynch law. So those around him sent the Frankfurt Social Democrat, Johanna Kirchner to Geneva. Her mission was to launch a solidarity campaign via Leuschner. Given the increased publicity surrounding the International Labour Conference, it was indeed possible to place items in the international press. (For instance the *Neue Zürcher Zeitung* covered the topic in its morning edition of 16 June, in the same section as its reports on the Conference.) Leuschner then convinced the German delegation to send an official telegram to the Police Commissioner in Frankfurt. They told him that a "press frenzy" about Mierendorff was causing them to fear for their safety. The immediate reply was that nothing would happen to him while he was being held on suspicion of "crimes while in office". This pressure did indeed save Mierendorff's life, although he did suffer ill-treatment. (He was kept in a concentration camp until 1938, after which he took part in the resistance.)

6. Robert Ley's racist outbursts and growing resistance at the ILC

The looming political clash at the Conference gained added impetus when certain statements by Ley became known. Right from his arrival, he had done full justice to his nickname as the National Drunk. The German diplomat Nadolny, already cited above, recalls in his memoirs that Ley “roamed around all night and drew attention to himself in Geneva, which tends to be rather prim and goes to bed early, by singing and shouting in the street during the wee small hours.”³² Whether he was under the influence or not at the time, on the evening of the opening day, after the first clashes in the Workers' Group, Ley indulged in racist remarks during a press briefing for German journalists. His comments were about the foreign representatives who had voted himself and the Italian delegate down in the Workers' Group.

This press briefing was a closed, invitation-only event. But as Ley's words broke all the diplomatic conventions, rumours soon started circulating. On 10 June, the *Journal des Nations* was already reporting that he had spoken of “delegates from a Negro tribe who have come here because they were promised some bananas”. The newspaper supposed these “friendly” words were aimed at Jouhaux.

Soon, much longer quotes from Ley's performance were doing the rounds. The correspondent of the social democratic *Danziger Volksstimme* reported them on 12 June, and on 13 June, the *Journal des Nations* made a translation of his piece available to the delegates in Geneva. It said that Ley had particularly laid into the Latin Americans when the votes were cast in the Workers' Group. “How come such idiot states have the same rights here as Germany and Italy? Just imagine:

³² R. Nadolny: *Mein Beitrag: Erinnerungen eines Botschafters des Deutschen Reiches* (Köln, DME-Verlag, 1985), p. 240.

Cuba! Uruguay! Bolivia! How should I know what they're all called, these South American idiots! (...) And what sort of people they have! Compared with us cultured peoples, the Germans and Italians! And that kind of thing is supposed to have the same rights as us! That's Marxism pure and simple, this crazy slogan that anything that has a human face is equal! The press must brand it as such, time and time again! You know, when we used to look across at the Communist benches in the Reichstag, we had the feeling they were all a choice bunch of jailbirds. And it was just the same today in the Workers' Group."

These words were dynamite. The government delegates from Latin America immediately met and demanded an explanation.³³ At that point, the decision on the composition of the committee on shorter working hours was still pending. Ley's wish to be on it was not met. However, the fact that the Italian delegate was appointed to it thanks to the votes of the government delegates indicates that the insults were the reason for the Latin American states' rejection of Ley, rather than any principled opposition to National Socialism or fascism.

On the afternoon of the same day (13 June), Ley issued a denial. He had it read out by the chair of the meeting at the opening of the Conference plenary session. The allegations were false, it said. He had never insulted a nation.³⁴ Two days later, the same sentiments were most officially expressed by the German government in Berlin. It stated that it disapproved, as a matter of principle, of "any insult towards the workers of any country"³⁵, and that such words could therefore never have been uttered.

The reporter Alfred Dang was now firmly in the Nazis' sights. The social democratic journalist had been writing for various party newspapers since 1921 – including in Frankfurt, where he may have become personally acquainted with Leuschner. Since 1930, Dang had been reporting from Geneva. As an accredited German correspondent, he had been invited to Ley's press briefing – until somebody noticed, in the middle of the event, that there was a "socialist journalist" in the room. The briefing anchorman, government delegate Engel from the labour ministry, did immediately ask him if he would be reporting "loyally", to which Dang replied that he would not enter into any commitment that did not match his journalistic convictions. But Ley, with his usual carefree self-confidence, interrupted. None of all this was secret, he said, and if he made any inappropriate comments, then Forster, the Danzig Gauleiter, was always there. "Then we can reach out." Quite clearly, Ley was unaware of the "tone" of his outbursts – unlike the civil

³³ "L'émotion à la Conférence du Travail" in *Journal des Nations* (1933, 14 juin).

³⁴ ILO: *Records of Proceedings*, International Labour Conference, 17th Session, Geneva, 1933, p. 128.

³⁵ *Neue Zürcher Zeitung* (1933, 16. Juni).

servant Engel. At the end of the press conference, Engel immediately came over to Dang and told him to leave out Ley's "lively comments".³⁶

But Dang reported what he had heard. So now, a virulent campaign against him was launched, to distract attention from the content of Ley's remarks. Dang was said to have slipped into the briefing and abused confidences. He was easily able to refute this through his own account of the press conference. Also published was a declaration by the "aligned" German correspondents who had been at the press conference. They attacked Dang's "malevolent distortions" and "damage to Germany's reputation".³⁷ But on the real point at issue, there was no case to be made against him.

On the contrary, Dang was able to name witnesses from the press conference, and Schevenels, who was acting as the Secretary of the Workers' Group, was also able to confirm the accuracy of Dang's reporting.³⁸ The Workers' Group then promptly met "non-officially" – i.e. without inviting the Germans and Italians, who immediately lodged a formal protest with the Conference bureau, on the grounds that they had been disregarded. The Group decided unanimously not to allow a German representative at any more of its meetings and to raise the whole matter in the Conference plenary.³⁹ While the Italian representatives wisely kept away from this meeting, the German delegation sent Leuschner and Otte along to sound things out. But they were informed that they could not take part. They noted this and took their leave with handshakes all round, as Workers' Group chair Mertens later told the plenary. Clearly, the IFTU representatives still had confidence in Leuschner and Otte, given their official silence, just as the two Germans must have liked the firm line taken with Ley. Afterwards, telling the press about this meeting and its decision, Mertens said: "You, gentlemen, can understand the outrage over the dispatching of these two unfortunate victims, who were only sent here in order to deceive the Workers' Group."⁴⁰ At the same time, Leuschner could continue giving the German government delegates the impression that he was behaving loyally, as they themselves repeatedly emphasized.⁴¹

Ley's behaviour triggered protests that had now spread beyond the Workers' Group, adding a "Latin American dimension". The Uruguayan worker delegate had already put out a statement of his own, supporting the firm attitude of the

³⁶ *Journal des Nations* (1933, 6 juin).

³⁷ "Genfer Pressevertreter über Dr. Dang", in *Berliner Tageblatt* (1933, 16. Juni).

³⁸ "La réponse au Dr. Ley", in *Journal des Nations* (1933, 16 juin).

³⁹ *Journal des Nations* (1933, 16 juin).

⁴⁰ BArch: R 3901/642, Bl. 42 – 44.

⁴¹ BArch: R 3901/641, Bl. 115; R 3901/642, Bl. 26, 40.

Workers' Group and calling on all the other Latin American workers' delegates to back it.⁴² The government delegates from Latin America refrained from making public statements. But the press in Uruguay, for instance, launched a major campaign, as the German embassy reported.⁴³ In Mexico too, the press strongly attacked Ley's remarks. There were fears that German goods would be boycotted.⁴⁴ The *Neue Zürcher Zeitung* wrote that it was "unlikely that the Latin American government delegates will recognize Dr Ley as the representative of the German workers".⁴⁵ Even the Gestapo was under no illusions about how they might vote. Its assessment in a note to German governmental authorities makes that clear. It even had doubts about the Italians' voting intentions. It noted that, at a "get-together", Ley had criticised the Italian fascists "very disparagingly and strongly". They were not yet aware of that, it said, but it was likely that they soon would be.⁴⁶ But the UK, Spain and Austria would also join the South Americans in voting against Ley, the second German government delegate Werner Mansfeld told Berlin.⁴⁷

⁴² «Une déclaration du délégué ouvrier de l'Uruguay», in *Journal des Nations*, (1933, 17 juin).

⁴³ BArch: R 43 II/553, Bl. 45.

⁴⁴ BArch: R 3901/642, Bl. 51.

⁴⁵ "Der Boykott gegen Dr. Ley", in *Neue Zürcher Zeitung* (1933, 16. Juni).

⁴⁶ BArch: R 43 II/553, Bl. 44.

⁴⁷ BArch: R 3901/642, Bl. 40.

7. Tug of war between Berlin and Geneva - the German delegation withdraws

Ley and his closest comrades-in-arms on the delegation, including its official leader, the government delegate Engel, flew to Berlin immediately after Ley's comments. They needed to know how they were going to extract themselves from this diplomatic mess without losing face. Nadolny states that the journey was made on his advice.⁴⁸ Officially, its purpose was hushed up. Ley was stated to be taking part in an important Nazi party meeting.⁴⁹ At the same time, the national socialist propaganda was cranked up. Over the next few days all the newspapers, often on the front page, railed against the "Geneva harassment" pursued by Marxism or, in some versions, simply by the pro-French forces. Nothing was published about the real course of events. Various details were picked out, distorted and served up to an uninformed readership.

On the evening of 15 June, Engel was received by Hitler, in order to tell him about the situation and receive instructions on how to proceed.⁵⁰ One outcome of these consultations was no doubt the German government's official denial that it ever insulted workers of other countries. Presumably, it thought this would calm the situation, thus enabling Ley to take up his mandate.

The other German government delegate, Mansfeld, had stayed behind in Geneva. Next morning, he visited ILO Director Butler to sound out the situation. Mansfeld was hoping that the German government declaration the previous evening had cooled things down.⁵¹ He made it clear that Germany might go on the offensive in the Conference plenary and provide a justification of the crushing of

⁴⁸ Nadolny, *Mein Beitrag*, p. 241.

⁴⁹ *Der Deutsche* (1933, 14. Juni).

⁵⁰ BArch: R 3901/642, Bl. 24.

⁵¹ BArch: R 3901/642, Bl. 46 – 49.

the trade unions, but that it absolutely wished to avoid any linking of this issue to a discussion of Ley's behaviour. The thinking here was that by restricting the debate to the first point, Germany could gain a majority. Ley might be despised for his personal conduct, but quite a few States or employers' delegates might have no objection in principle to the massive persecution of the trade unions, and might even sympathize with it. After all, fascist Italy had, time and again, obtained a majority in favour of its "workers' delegate".

On the evening of 16 June, Engel also returned to Geneva, where he immediately called round to see Conference chairman De Michelis and ILO Director Butler. They both quite unambiguously told him that, as well as the Workers' Group, the South American government representatives were maintaining their refusal. Ley, they insisted, must be replaced by another German workers' delegate and the German delegation must make an official statement to the Conference. It was no consolation to Engel that a complaint was also accepted against the exclusion of the Germans from future Workers' Group meetings. He also made contact with various delegates, in line with Hitler's instructions. "These delegates," Engel noted, "and particularly the Italian workers' delegate – who, moreover, was speaking on behalf of Prime Minister Mussolini – said the situation would be less strained if Dr Ley did not come back."⁵²

So it was becoming clear that the Nazi regime faced the threat of a diplomatic defeat – at the very least, a demand for a humiliating apology, but probably also the rejection of a delegate's credentials. Berlin must also have taken note of this. Despite its official denial, it was privately well aware that Ley's behaviour had caused problems.⁵³

On 17 June, the Secretary of State at the Foreign Office, von Bülow, gave the traditional German diplomats' point of view in a note to the Chancellor's Office: a situation had arisen "that makes it impossible, for reasons of foreign policy, for Dr Ley to pursue his activities as a delegate to the International Labour Conference".⁵⁴ But Ley, as one of Hitler's oldest comrades-in-arms, was not about to be dropped. On the contrary, Ley's biography shows that Hitler continued to support him. Disavowing him would have seriously dented the prestige of a regime that was not yet firmly in the saddle, just after it had smashed the trade unions. Above all, it would have had consequences for the construction of the DAF, where Ley still had to overcome a number of competitors, particularly from the NSBO. So seriously was this situation taken that on the afternoon of 17 June, Hitler called together

⁵² BArch: R 3901/642, Bl. 22–30.

⁵³ BArch: R 3901/641, Bl. 122, R 3901/642, Bl. 20.

⁵⁴ BArch: R 43 II/553, Bl. 43.

a second discussion, this time involving a sizable group of people. Attending were not only Engel, who had once again rushed back from Geneva, but also labour minister Seldte and his Secretary of State Krohn – and, this time around, Ley himself.⁵⁵ Concessions were rejected, and it was confirmed that a tough stance would be taken. This was the course that had already been envisaged at the beginning of June in the event of Ley's rejection – a scenario that had seemed purely hypothetical at the time. As Ley later put it, "the Führer (...) spoke most emphatically in favour of my staying in Geneva, precisely because our opponents wanted to see me removed"⁵⁶. However, as it was more than likely that the Conference would reject Ley, a situation had to be provoked that would make the withdrawal look like a sort of defensive measure against a hostile majority.

The following day, Engel and Ley returned to Geneva. In the evening, Engel informed De Michelis and Butler that Germany intended to withdraw its delegation from the Conference. Only if several demands were met might it possibly reconsider. One was that Ley's behaviour should no longer be discussed and his credentials should be accepted. In addition, Mertens should apologize for attacks on Germany that had allegedly been made in the Workers' Group at its first meeting on the opening day of the Conference, as described above. This demand was entirely new. It was clearly a bid to turn the tables by belatedly claiming that Germany had been insulted by IFTU representatives.

After various consultations and informal talks, it was clear that the overwhelming majority would not give in to this blackmail. So on 19 June, the German delegation put out a statement announcing its withdrawal from the Conference. They claimed that they had been insulted and that the behaviour of the Workers' Group had impeded their activities. The Conference Bureau then noted that it had never been informed, for instance by means of a German complaint, of any insults suffered by the German delegation within the official framework of the Conference.⁵⁷ As the Italian chairman was also a member of the Bureau, this particularly angered the Nazis. (At stake were Italian foreign policy interests in Latin America, where some countries had large Italian immigrant populations and Mussolini was keen to maintain good diplomatic relations.) A few days later, the German delegation countered with another statement, again citing grave "insults" that had taken place in the Workers' Group and had not been condemned by the Conference.⁵⁸

⁵⁵ BArch: R 3901/642, Bl. 23, 52.

⁵⁶ BArch: R 3901/642, Bl. 4–6.

⁵⁷ See p.17.

⁵⁸ "Deutsche Richtigstellung zu den Genfer Vorfällen", in *Völkischer Beobachter* (1933, Nr. 173, 22. Juni).

But the German delegation had overlooked something. Their withdrawal declaration did not automatically settle the matter of credentials (nor, correspondingly, the objections to Ley). And immediately, the Selection Committee referred this to the Credentials Committee for further discussion. However, this diplomatic blunder was quickly corrected and on 21 June, the Conference secretariat did officially announce that the credentials had been cancelled. This raised the question of whether such a proceeding was possible, as there was no provision for it in standing orders. However, the Credentials Committee ruled that it had removed the need to discuss Ley and reach a decision on him. Credentials that no longer existed could not be voted upon.⁵⁹ Procedurally, this also meant that there were no longer grounds for a discussion on the underlying principles. While this reasoning was diplomatically sound, it does once again show how ambivalent this Conference was towards the Nazis' performance. Did it just reject Ley's behaviour, or the whole principle of what was going on in Germany? A readiness to accept the Nazis' conduct had been seen at the end of that May, when the British asked other governments about their intentions. Many replied that they would be voting in favour of the German "workers' delegate". The British government itself never came to a clear decision on the matter. Only after the Conference had begun and Ley's remarks had become known could it bring itself to abstain on the vote, perhaps in deference to the Latin American countries.⁶⁰

When the Credential Committee's ruling was announced to the Conference, some workers' delegates again took the opportunity to make detailed statements to the plenary. Mertens, Jouhaux and Arthur Hayday from the UK gave lengthy accounts of the elements weighing against Ley, describing how the Nazis had banned the trade unions and were persecuting them. They also pointed to their earlier defences of the German trade union movement against criticisms made by their own governments. The IFTU representatives received unambiguous support from the General Secretary of the International Federation of Christian Trade Unions, P.J.S. Serrarens, who was attending as a technical adviser to the Dutch workers' delegate.⁶¹

While the Nazis must have been expecting the IFTU protest, they would have found Serrarens' clear words particularly irritating. After all, the whole aim of the manoeuvre with Otte had been to exploit the rivalries and disputes between the two union internationals. But in fact the leadership of the Christian trade union international, grouped around Serrarens, rejected as wholly illusory the way

⁵⁹ D 617/600/1 – 3 (IAO-A).

⁶⁰ National Archives (Kew): LAB 2/1468 1281933, 2/1469 1371933.

⁶¹ See Appendix.

in which its German affiliate was still trying to cooperate within the DAF. And they knew they had the majority behind them, despite the German Christian trade unions' strong position inside the IFCTU. Shortly after the Conference, Serrarens revealed in a brochure against the Nazis that Ley had actually offered to continue paying the German affiliates' fees to the Christian trade union international. However, "our principles cannot be bought – even for 20,000 pieces of silver".⁶²

⁶² P. J. S. Serrarens, *Die Revolution des Hakenkreuzes* (Utrecht, Veröffentlichung des Internationalen Bundes der Christlichen Gewerkschaften, 1933), p. 8.

8. The Nazi propaganda machine starts up

The political and diplomatic rejection was a clear failure by Hitler's emissaries. That fact could not be altered, even though the Nazi press played up the position taken by the Italian fascist chairman of the Conference, De Michelis. After Mertens, Jouhaux, Hayday and Serrarens had spoken, De Michelis distanced himself, albeit diplomatically, from the Workers' Group. It was hoped, he added briefly, that Germany would soon resume its rightful place.⁶³

The *Journal des Nations* described this invitation as "surprising" and "inappropriate". Certainly, it met with a stony silence from the plenary. But Nazi propaganda immediately seized upon it as a sort of conference declaration that Germany ought to come back. "Labour Conference Asks for German Return" headlined the *Völkischer Beobachter* over a story that fed its unsuspecting "German compatriots" a brazenly twisted version of the facts: "This proposal was tacitly adopted by the Conference."⁶⁴

National socialist propaganda also set out to portray Germany as an innocent victim. The *Völkischer Beobachter* wrote of chivvying by the "assembled Marxists" in Geneva, who had not wanted to discuss the issues on the table. It also noted that, ever since Bismarck's time, Germany had been so advanced in matters of social policy that it did not need any lessons from anyone. On the contrary, it was a model for the whole world, and should therefore have no qualms about withdrawing from the Conference and continuing to build on its primacy in social policy.⁶⁵

⁶³ See p.17.

⁶⁴ *Völkischer Beobachter*, (1933, Nr. 176/177, 25.–26. Juni).

⁶⁵ "Die deutsche Arbeitervertretung verlässt die marxistisch gelenkte Arbeitskonferenz" (1933, Nr. 172, 21. Juni).

A massive campaign was launched. When the delegation arrived in Berlin on the afternoon of 21 June, NSBO delegations were marched in to greet them. In the evening, there was a German Labour Front rally at the Lustgarten in Berlin. Numerous work crews were ordered along to this “after-hours entertainment”. And to show that class struggle was now a thing of the past, the German employers’ delegate to the International Labour Conference also spoke. As was proudly pointed out, this was the first time that such a thing had been possible at a labour event.⁶⁶ The *Völkischer Beobachter* counted 150,000 participants, but a communist exile publication took a different view of this success story. It said the demonstration had been compulsory and there had been clear signs of that. It also put the number of participants at 30,000 to 35,000. Once the workers had marched into the venue, it reported, they had gone home at the first available opportunity.⁶⁷ On 25 June, another “mass rally” was held in Munich. As well as the “Marxists”, it mainly targeted the Christian trade unions.⁶⁸

Ley himself found it difficult to get over what had happened, and he often returned to the subject. He accused Leuschner and Otte of having tried to bring about his downfall through their behaviour. This goes to show how much he had felt his personal position to be under threat.⁶⁹ He was no doubt aware of how fragile his leadership position was within the DAF, given the constant intrigues among the Nazi elite. His personal failings now seemed to have put his leadership at even greater risk. Ley saw to it that the events were declared a great propaganda victory over the “Marxists”.⁷⁰ But behind the scenes, there were some critical assessments of his “act”. The memory of the events continued to gnaw at him, and the only explanation he could find was a conspiracy. Reading an account of those events, published in the Christian trade union international’s magazine in the summer of 1933, he took it to mean that the government delegate Engel, in cahoots with Secretary of State Krohn at the labour ministry, had surreptitiously stabbed him in the back in Geneva. Engel had, he decided, conspired to have him replaced by another delegate. Indeed, he had said as much, thereby giving in to the “enemies of

⁶⁶ “Der Protest der deutschen Arbeiterschaft. Gewaltige Massenkundgebung im Berliner Lustgarten gegen die Genfer Herausforderung” in *Völkischer Beobachter* (1933, Nr. 174, 23. Juni); K. Busch, *Hitlers Stabsleiter der PO in Völkischer Beobachter. Dr. Ley. Der Führer der Arbeitsfront* (Berlin, Schöneberg, 1934), p. 49.

⁶⁷ “Pleite der Nazi-Lustgartenkundgebung”, in *Rundschau über Politik, Wirtschaft und Arbeiterbewegung* (1933, Nr. 22, 30. Juni), p. 727.

⁶⁸ “Massenkundgebung der Münchener Arbeiterschaft gegen die Vorgänge in Genf”, in *Völkischer Beobachter* (1933, Nr. 178, 27. Juni).

⁶⁹ Beier, *Richter*, p. 125.

⁷⁰ Busch, *Hitlers Stabsleiter*, pp. 47–49.

the Reich". He raised this accusation in a letter to labour minister Seldte and even took it to Hitler. But it was all too plain that he also wanted to seize the opportunity to bring Seldte's labour ministry into his own sphere of influence. A war veteran, Seldte had only joined the NSDAP that April. Ley demanded that the two accused men be replaced by people whom he trusted. In this way, he wanted to promote his claim that German social policy should be under the comprehensive control of the DAF. But Krohn and Engel protested strongly, and even threatened to sue for defamation. Seldte also spoke to Hitler about it. Ley finally had to back off, and at the end of September, in front of both Seldte and Hitler, he withdrew his accusations. Not only were his reproaches wholly untenable in view of the known facts, it was also clear to all concerned that Ley's personal conduct was responsible for undermining the Nazis' position in Geneva.

9. The discussion of the 40-hour week

The standoff over the German workers' delegate's credentials was not the be-all and end-all of that Conference. It only moved into the spotlight due to the events in Germany and, more particularly, the German delegation's behaviour. The main items on the agenda were substantive social policy issues. One important point, in view of the world economic crisis, was the organization of public works. Other discussion topics included the abolition of commercial employment agencies, the introduction of pension and invalidity insurance and the situation in the foreign concessions in China. But particularly important, and high up the agenda, was the issue of introducing a 40-hour week at the international level. This was a central demand in the fight against mass unemployment, and it was mainly the trade unions within the ILO that were calling for a Convention to achieve it. Naturally, this was controversial. The employers' delegates in particular had strenuously rejected the idea, and they had the support of many governments. In view of its importance, discussion of this topic began within the first few days of the Conference – i.e. before the German delegation withdrew on 19 June. It was to show just what the promotion of “social progress” by the Nazis' “new German workers' state” really meant.

The debate on the 40-week had taken a new turn in the autumn of 1932, when fascist Italy called for the measure. The Italians launched an initiative to that effect in the Governing Body. As mentioned above, this led to a technical discussion – an experts' meeting – in January 1933, which Leuschner attended as the new German workers' delegate.

Now the time had come for the Conference to address the issue. Like parliamentary legislation, an ILO Convention usually goes through two readings. In other words, two successive Conferences have to discuss a draft. But the propos-

al this time was to regard the experts' meeting as the first reading and adopt a Convention at the current Conference. In this way, it was argued, a measure with international scope could be implemented that would have a great impact on unemployment figures.

Significantly, Ley did not speak of this agenda item. But the record does show that he was present when, for instance, Jouhaux set out the views of the Workers' Group.⁷¹ Next up was the only German contribution, by one of the two German government representatives. Werner Mansfeld, a senior civil servant in the labour ministry, spoke against this fast-track process. Germany had already done all it could to shorten working hours, he said. Even if one recognized the utility of a 40-hour week in the battle against mass unemployment, one could not simply call for its immediate introduction. He mentioned Germany's reparation payment obligations as well as the outcome, not yet known, of the League of Nations World Economic Conference then under way in London.⁷² Sure enough, on 13 June the entire German delegation, including Ley, voted against an accelerated procedure for the Convention. Only 55 votes were cast for, and 69 against. So a Convention could no longer have been adopted before the 1934 Conference at the earliest.

The German delegation had stuck to the position decided by its government at the preparatory meeting. In his presentation there, Seldte had made it clear that Germany did not want shorter working times.⁷³ With evident satisfaction, the *Neue Zürcher Zeitung* highlighted the German intervention, and wrote that, along with the traditional rejection by the Employers' Group and the British government, this had been "decisive" for the position adopted by the Conference. Following the usual procedure for drawing up a Convention, the Conference decided to send out a questionnaire to governments about a Convention to be adopted at the next Conference. Given the urgency of the problem, this postponement to an uncertain future represented a clear rejection of the 40-hour week by the majority of the employers' delegates and most of the government representatives. Nazi Germany could boast that it had brought substantial influence to bear on an important Conference topic. But it was the unemployed people of the world who paid the price for this. Ley the so-called workers' delegate had shown whose interests he really represented.

To publicly justify Germany's vote, the *Völkischer Beobachter* had some nimble footwork to do. It had to tell its readers that national socialist Germany was making social policy progress, preferably in step with fascist Italy. But that was exactly

⁷¹ See Appendix.

⁷² ILO: *Records of Proceedings*, International Labour Conference, 17th Session, Geneva, 1933, pp. 57 – 59.

⁷³ BArch: R 43 II/553, Bl. 32 – 34; *Akten der Reichskanzlei*, Teil I: 1933/34, Bd. 1, p. 553.

what had not happened, because Italy had introduced the 1932 initiative and had now, consequently, voted for the speeded-up procedure. Paradoxically, the Nazi propaganda machine presented the rejection of the proposal as part of the efforts to achieve the 40-hour week.⁷⁴ *Neuer Vorwärts*, the mouthpiece of the German Social Democratic Party in exile, summed up Germany's and more particularly Ley's stance in its headline "*Labour Front*" *Against the Workers* (25 June). Even fascist Italy, it reported, had voted for the immediate introduction of the 40-hour week.

Undoubtedly, progressive Nazi social policies were to be found only in their propaganda. Rearmament was getting under way, and the last thing they needed or intended was a shorter working week. Later on they were to say as much, quite bluntly, to the ILO Director while he was on a visit to Berlin.⁷⁵

⁷⁴ "Beschlüsse auf der Genfer Arbeitskonferenz", in *Völkischer Beobachter* (1933, Nr. 165, 14. Juni).

⁷⁵ H. Butler: *Der verlorene Frieden. Erinnerungen, Eindrücke, Erwartungen*, (Zürich, Europa Verlag, 1944), p. 123.

10. The International Labour Conference after the German pull-out: a resolution on refugees

Almost all the other substantive issues were debated after the German delegation had withdrawn. None of them were major points – except one. Some direct effects of national socialist policies were dealt with under one item on the agenda. Jouhaux, Mertens, the Dutch trade union president Evert Kupers and Charles Schürch from Switzerland tabled a draft resolution calling for assistance to refugees from Germany. It was not about political refugees. Otherwise, it could have been immediately rejected as lying outside the ILO's competences. In any case, political refugees were not the “quantitative problem”. The resolution dealt with those who were being persecuted on “racial grounds”. Speaking to it, Kupers was even more explicit. He mentioned “Jewish refugees”.⁷⁶

Ironically, he began by pointing out that neither Jouhaux, Mertens, Schürch nor he were of Jewish origins. Just like those now in power in Germany, he said, they were 100 per cent “Aryan” – but that was all they had in common, and it did not necessarily mean that they were completely devoid of humane feelings. Quoting Goebbels and others, he gave a strongly worded account of the anti-Semitic fundamentals and the deportations that had resulted from them. And he contrasted these with a long tradition of sheltering refugees. The new Germany might regard this as an “old-fashioned” culture, but the ILO had had good reasons for previously contributing assistance for Russian and Armenian refugees. (From 1924 to 1930, the ILO had a special refugee unit which supported the work of the main League of Nations body for refugees, known as the Nansen Office. But overall, this work had not been a great success and was therefore discontinued.) But now, he said, the ILO was back in the picture – not least because jobs had to be found for the refugees at a time of worldwide mass unemployment. It was no coincidence

⁷⁶ See Appendix.

that the four signatories were from the four particularly affected countries that shared borders with Germany.

Not only did Kupers gain support from workers' delegates – first Jouhaux (who had already pointed to anti-Semitic persecution during his detailed challenge to Ley's credentials),⁷⁷ then those from Luxembourg and Canada. He was also backed by one of the British government representatives. This speaker referred to his country's long tradition of refugee policies, but he was also careful to emphasize that he did not wish to make a political statement. Here, he was abiding by the instructions he had received. At a prior meeting of ministers in London, it had been plain that the British government was not at all happy about this resolution, notably as it affected the receiving countries. Nevertheless, following public statements and the positions taken by the League of Nations on minority issues, the UK felt obliged to support the resolution.⁷⁸

Only the representative of the Portuguese dictatorship called it interference in a country's internal affairs. With an overwhelming majority of 80 votes to 2 (Germany had withdrawn by this time), the resolution was adopted. It mainly called upon the League of Nations to act. This was not just procrastination.⁷⁹ Rather, in view of past experience, it reflected the ILO's limited possibilities. Although the IFTU Congress in Brussels one month after the Labour Conference again explicitly backed this decision, the efforts in the League of Nations were to meet with little success. But that is another story. At least those efforts led, four months later, to the creation of a High Commission the Refugees Coming from Germany.⁸⁰

But it is nonetheless remarkable that, so early on, workers' delegates and hence the international trade union movement were pointing to racial persecution as a central feature of the Nazi dictatorship. At the time, governments were still tending to regard it as secondary. Of course, the trade unions did see it as closely related to political repression. Unfortunately though, the situation being what it was, they were mainly left to fight this corner on their own. Until, that is, the outbreak of the Second World War demonstrated what the Nazis had been about all along. This exemplifies the importance of non-governmental actors to the international community: they are often the ones who set decisive initiatives in motion, because they are not bound by diplomatic reserve or diplomatic considerations.

⁷⁷ See Appendix.

⁷⁸ National Archives (Kew): LAB 2/1468/IL 128/1933, LAB 2/1469/IL 137/1933.

⁷⁹ See F. Kieffer, *Judenverfolgung in Deutschland – eine innere Angelegenheit? Internationale Reaktionen auf die Flüchtlingsproblematik 1933 – 1939* (Stuttgart, Franz Steiner Verlag, 2002), p. 40.

⁸⁰ *Bericht über den Sechsten Ordentlichen Internationalen Gewerkschaftskongress in Brüssel. Abgehalten vom 30. Juli bis 3. August 1933 im Palais des Beaux-Arts* (Paris, 1933), p. 427.

11. Wilhelm Leuschner's arrest and resistance

The events at the Conference sealed Leuschner's fate. The Nazis' bid to use the German labour movement and its legitimate representatives for their own international objectives had ended in a propaganda defeat. Leuschner's silence and his refusal to endorse the Nazi dictatorship in any way had foiled their plans. If Leuschner had taken Ley up on his offers, the Nazis would have chalked up a major propaganda success.

Leuschner was no doubt aware of the risks he was taking. He was still in Geneva when the Nazis told him that he would be arrested.⁸¹ But he wanted to go back and organize the resistance. He probably thought, like many others at the time, that a regime still in its infancy might prove unstable. Positions had to be maintained, so as to be in the right place at the right moment. Here, he was sticking to the line followed by the ADGB since 30 January 1933. "This was also the final phase of the course set by Leipart, in which a nationalist orientation and adaptation to the new State would supposedly shift to resistance against the unjust regime."⁸² A basic principle underlying this course was that the fate of those who could not or would not emigrate, in other words the great majority of the people who were active in the labour movement, must be shared. "We cannot all run away and leave the workers alone with the dictatorship," he declared.⁸³ Ultimately, this decision cost him his life. For his part in the assassination attempt on Hitler on 20 July 1944, Leuschner was executed in the Berlin-Plötzensee Prison on 29 September that year.

⁸¹ HStA: O 29/44.

⁸² Beier, *Richter*, p. 121.

⁸³ Beier, *Richter*, p. 130.

Back in the summer of 1933, he had probably still felt secure because he thought his conduct had gained him the support of the German government delegates. But once back in Germany, he was arrested. For months on end, he vanished into the dungeons of the regime without ever being officially charged with anything. But when the *Völkischer Beobachter* reported his arrest, it immediately asserted that Leuschner had “behaved in Geneva, towards the German delegation, in such a manner as to harm the interests of the German Reich”. When Leuschner wrote from prison asking what exactly he was accused of, Ley himself replied: “From reliable sources, we know that you and Mr Otte of the Christian trade unions were in constant touch with the Second (social democratic) and the Black (Christian trade union) Internationals and that you were maliciously gleeful and mocking when it seemed that Dr Ley would not be returning to Geneva. You were free not to travel to Geneva with us. But when you did travel, it must have been clear to you that a member of the German delegation cannot be neutral and must show unconditional commitment. You yourself admit that you held back. That in itself proves that you did not do your duty.”⁸⁴ So the Nazis clearly felt that Leuschner’s silence constituted resistance.

As soon as the arrest became known, Jouhaux demanded his immediate release and pointed to Leuschner’s status as a member of the Governing Body. The Nazis noted ILO representations made by Director Harold Butler in Berlin, but by the late summer of 1933, they were so well ensconced that they no longer felt the need to consider international sentiment – particularly about a “Marxist”. They also stated that Leuschner’s arrest had nothing to do with his ILO activities, but rather with his behaviour in Germany.⁸⁵ In October 1933, Germany left the League of Nations and therefore also the International Labour Organization. In January 1934, Jouhaux argued that Leuschner’s membership of the Governing Body was based on a mandate from the Workers’ Group and not from a member State. One month later, Leuschner was obliged to officially inform the ILO Director that he was resigning his seat. The sender address on Leuschner’s letter, “currently Papenburg Concentration Camp”, contained all that needed to be said about his ability to write anything different.⁸⁶ However, in June 1934 he was released. He went on to become one of the most important organizers of the civil resistance. After his release, he took over a metalworking plant. This served mainly as a cover for his real task of building a broad, informal network of his old trade union contacts. After war broke out, his contacts became more intensive and he played an outstanding

⁸⁴ HStA: O 29/40.

⁸⁵ *Akten der Reichskanzlei*, Teil I: 1933/34, Bd. 2, p. 735; XRG 1/6 (IAO-A).

⁸⁶ HStA: O 29/35.

role in the preparations for the attempted assassination of Hitler on 20 July 1944. If it had succeeded, he would have played a key role as Vice-Chancellor and the leader of new trade unions. He paid for the failure of the attempted assassination and overthrow with his life. But when he was sentenced by Freisler's People's Court, the Nazis had still not forgotten his conduct in Geneva. Cynically, the judgement stated that Ley had given him a chance by taking him along to Geneva. "However, he behaved in such a way that he had to be sent to a concentration camp for one year." And yet, the judgement went on, he could still have built up a good living for himself. "He might well have been grateful. Instead, he became 'Vice-Chancellor' in Goerdeler's 'Cabinet'."⁸⁷

To a lesser extent, the harnessing of Otte also ended in failure for the Nazis. He did represent the compromisers among the Christian trade union leaders in Germany. At first, in fact, he was in formal terms part of the extended leadership of the German Labour Front. At the Conference, the record shows that he sometimes even stood in for Ley, but without ever asking for the floor. As a contemporary account states, he campaigned loyally for the recognition of the DAF as an independent organization. "His efforts were so great that even the Christian workers' representatives from other countries no longer really sympathized."⁸⁸ But all in all, Otte's commitment was way below Ley's expectations, and did not go as far as making any public statements in favour of the DAF. So Otte too did not escape Ley's wrath. At the Lustgarten rally upon the return of the withdrawn German delegation, Ley was already foreshadowing that scores would be settled with the Christian trade unions. And the justification he gave was their actions (or rather, their inaction) in Geneva. Their representatives were excluded from the DAF, and on 24 June their offices were occupied. Otte might subsequently have gone underground and played a similar role among the Christian trade unions to the one already fulfilled by Jakob Kaiser in his efforts to maintain contacts. But in October 1933, Otte died following a car crash.

⁸⁷ "Urteil des Volksgerichtshofs gegen Goerdeler, Leuschner u. a.", in H. Jacobsen (ed): *"Spiegelbild einer Verschwörung". Die Opposition gegen Hitler und der Staatsstreich vom 20. Juli 1944 in der SD-Berichterstattung. Geheime Dokumente aus dem Reichssicherheitshauptamt* (Stuttgart, Seewald, 1984), pp. 539–545.

⁸⁸ M. Schneider: *Die Christlichen Gewerkschaften 1894 – 1933* (Bonn, Verlag Neue Gesellschaft, 1982), p. 762.

12. Conclusion

Quite apart from Wilhelm Leuschner's personal fate, it is clear that the ILO held, and still holds, a special place among the international organizations. ILO tripartism enabled the international labour movement to draw attention to the Nazis' criminal policies early on. Its institutional anchoring of trade unions gave democratic forces worldwide a voice. The workers consistently and emphatically pressed home their basic values of solidarity and freedom. No explicit, principled rejection of the regime came from the Employers' Group or even most governments. On the contrary, there were those in their ranks who agreed with the Nazis on major issues. Led by Léon Jouhaux, the workers' representatives mainly tackled the DAF leader, Robert Ley, over the persecution of free trade unions in the early months of 1933. Here, Ley stood for the Nazi regime as a whole. The delegation from the "new Germany" was denied its legitimacy, because of the dissolution of the free trade unions. This created a dynamic that ultimately caused Robert Ley and the regime to make an embarrassing exit. At a time when in other international contexts, such as the World Economic Conference and the World Disarmament Conference, no position was taken against Nazi Germany, the ILO provided a forum for the articulation of human rights.

In this regard, the importance of the resolution on the refugee issue should not be underestimated. Just five months after the Nazis seized power, the ILO – and not only the workers – took a stand against the anti-Semitic persecution that led to the Shoah, one of the greatest crimes of the twentieth century. The ILO's stance against the persecution was also an initiative of the workers' representatives. The unmasking of the "social policy model state" when it rejected the 40-hour week may be seen as a mere footnote to history, but it did challenge the credibility of a State that had proclaimed its "protection of the German worker".

So how should Wilhelm Leuschner's role be judged in the broader context? Gerhard Beier takes a rather ambivalent view: "Although Robert Ley's reputation suffered greatly (...), hopes of a turnaround or a rapid collapse of the regime were dashed. (...) The tactic of demonstrative silence, pushed to its limits by Leuschner, proved to be a failure."⁸⁹ But the public impact was clear. What the Nazis had been expecting and demanding from Leuschner was not silence but positive remarks. Launched by the Workers' Group, the public vilification of the regime gained decisive credibility through Leuschner's silence. So not only Ley's outbursts but also Leuschner's courageous behaviour led to the failure of the Nazis' plans. And it was a major reason for the Nazis' early departure from the Conference.

The international trade union movement can be proud to have denounced, in a timely way and without any diplomatic circumspection, the political repression and anti-Semitic racism in Germany and to have called for countermeasures. Today, there is a certain pathos about the grateful telegram that Otto Wels wired to the Workers' Group just after he got the first news from the Conference.⁹⁰ Exiled social democrats had followed the Geneva protest "with great empathy", Wels wrote: "For this, you will certainly have the thanks of all freedom-loving people in Germany."

⁸⁹ Beier, *Richter*, p. 127.

⁹⁰ *Internationale Informationen*, (1933, Nr. 34, 21. Juni), p. 311.

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Appendix

1. IFTU protest against the credentials of the German workers' delegation⁹¹

a) Letter from the International Federation of Trade Unions, Paris, to the Secretary-General of the International Labour Conference

Geneva, 8 June 1933.

Sir,

On behalf of the International Federation of Trade Unions, we wish to protest in the most formal and energetic manner against the credentials of the German Workers' Delegation. The manner in which this Delegation has been appointed is in flagrant violation of the letter and spirit of Part XIII of the Treaty of Versailles (Labour — Article 389) which defines the procedure to be followed for the choice of non-Government Delegations. Article 389 prescribes that Workers' and Employers' Delegates shall be appointed by the Government in accordance with the most representative organisations, where such organisations exist.

It is common knowledge that until the National Socialist Party came to power in Germany, the *Allgemeiner Deutscher Gewerkschaftsbund* (A.D.G.B.), including more than five million members, was the most representative occupational organisation in Germany. It was only by acts of violence that the small minority of Nazi workers was enabled to gain possession of the premises and to take over the administration of the German trade unions. This occupation of the premises, which was accompanied by the imprisonment of trade union leaders who had been freely elected by the regular assemblies of German trade union members, and who still enjoy the confidence of the overwhelming majority of these members, was afterwards summarily legalised by the Government.

⁹¹ ILO: *Records of Proceedings*, International Labour Conference, 17th Session, Geneva, 1933, Appendix I and II, pp. 486 – 490. The translation is the official translation published in the records of proceedings.

In the composition of the German Workers' Delegation to the Seventeenth Session of the International Labour Conference, an absolutely identical procedure has been followed. Without consulting the workers, who in any case had in Germany no freedom to manifest their views or their wishes, the Government has simply appointed on its own authority the German Workers' Delegate and his advisers. In view of the fact that this procedure is from every point of view contradictory to the letter and spirit of Article 389 of the Treaty of Versailles, we venture to urge the Seventeenth Session of the International Labour Conference to refuse to validate the credentials of the German Workers' Delegate and his advisers.

We would request you, Sir, to transmit our protest to the International Labour Conference, and we have the honour to be, etc.

W. SCHEVENELS	L. JOUHAUX
Secretary General	C. MERTENS
	Vice-Presidents

b) Memorandum by the Workers' Delegate on the Credentials Committee

The protest made by the International Federation of Trade Unions against the credentials of Dr. Ley and his advisers is based on the fact that their appointment by the German Government was made contrary to the spirit and the letter of Part XIII of the Treaty of Versailles and of the corresponding parts of the other Treaties of Peace, which define the duties and work of the International Labour Organisation.

I.

The principle of the freedom of association is expressly affirmed in the Preamble to the Labour Part of the Treaties, as one of the indispensable conditions for the protection of the workers' rights and social justice.

Freedom of association has been completely destroyed in Germany.

The most powerful organisation, which has always been recognised as the most representative of the workers, the General Federation of Trade Unions (*Allgemeiner Deutscher Gewerkschaftsbund*), has been confiscated by the National Socialist Party now in power. The other central organisations (the Federation of Catholic Trade Unions and the Hirsch-Duncker organisations), in order to avoid similar treatment, have had "to submit unconditionally to the directions of Adolf Hitler and the orders of the Acting Committee for the Protection of German Labour, to submit unconditionally and unreservedly to the German National

Socialist Party". (Communiqué from the National Socialist Party Correspondence reproduced in the *Deutsche Eisenbahner*, 14 May).

A series of measures the history of which must be retraced to bring out their full significance has deprived German manual and intellectual workers of all right to organise, to define their interests, and to protect them.

In virtue of Article 159 of the German Constitution: "Freedom of association with a view to the protection and improvement of social and economic conditions shall be guaranteed to all persons and all occupations. Any obstacles or measures intended to restrict or interfere with this freedom shall be illegal".

In virtue of Article 165: "Workers and salaried employees shall be called on to collaborate with employers and on the same footing with them, in regulating wages and conditions of employment and developing the whole of the productive forces of the country. Employers' and workers' organisations shall be recognised as also the agreements concluded between them."

These rights and these guarantees no longer - exist. The constitution has not been repealed; the provisions of Article 48 do not allow of restricting, much less of abolishing, freedom of association. As a matter of fact, the Government did not make use of its emergency powers to declare the provisions of Articles 159 and 165 null and void. It simply treated these texts as scraps of paper. The work of destroying the trade unions began even before the Emergency Powers Act was passed.

Immediately after the General Election of 5 March last, the workers' organisations belonging to the General Federation of Trade Unions (A.D. G.B.) underwent a series of attacks conducted by the storm detachments of the National Socialist Party. The trade union halls and the offices of the unions were occupied by the militarised formations of the Dictatorship.

The wide extent of this violent action was indicated by the weekly of the A.D.G.B. (*Gewerkschaftszeitung* of 8 April), according to which operations of this kind took place in 160 towns. On 25 March, 46 trade union halls or offices were still in the hands of the regular police or the storm detachments.

The whole working of the trade unions was held up for periods of varying length. Benefits and relief could no longer be paid, current business could not be followed up, especially as in many cases the documents had been confiscated. The reopening of the office and resumption of work was in many of the Federal States authorised only under conditions which left the unions not the least shadow of independence.

As a sufficient example, reference may be made to the Decree of the Saxon Government, authorising the reopening of the trade union offices:

- (1) The trade unions shall undertake not to make use of the premises and houses belonging to or rented by them for other than purely trade union or social purposes;

- (2) The trade unions shall undertake to make no attempt to get into touch with prohibited political organisations or their former chiefs, to place premises at their disposal, to redirect trade union business, directly or indirectly, towards these bodies, or to support them;
- (3) They thus undertake not to seek to get into touch with prohibited organisations and their members for the purpose of completing current business not connected with trade union activities. The leaders of the R.G.O. (communist organisations) shall not be admitted to the trade unions; any leaders of the R.G.O. still in the unions must immediately be expelled
- (4) Trade unions of all kinds shall be prohibited from now onwards from taking any active part in party organisations; they shall act exclusively as bodies for protecting the economic interests of their members
- (5) The police authorities, in conjunction with the trustees of the National Socialist 'works nuclei', shall take all necessary measures for enforcing the above provisions; "To this end they shall have the right to inspect all trade union activities
- (6) The same provision shall apply to financial business if there is any suspicion that trade union resources are being used in any way for the support of political organisations or in pursuit of political ends;
- (7) The occupation of the trade union halls shall cease. In agreement with the local police authorities, a supervisory detachment shall be appointed to the trade union halls, consisting of members of the auxiliary police (Storm Detachments, Protection Detachments and Steel Helmets). The trade unions shall place suitable premises at the disposal of these supervisory detachments. These detachments shall not of their own authority interfere with trade union activity and the freedom of movement of persons if there is no danger to public safety;
- (8) Every trade union must notify its meetings to the police 48 hours in advance, whether it is a meeting of members, of officials, or of delegates. Public meetings shall not be authorised. The above meetings shall be supervised by the police. This supervision shall be carried out by the persons indicated in Section 7;
"Furthermore, a commissioner appointed by the district command, or a person of confidence designated by the competent local command shall attend the meeting, with power to demand its dissolution by the police for any political or police reasons or for reasons of public safety;
- (9) The salaried employees and' leaders of the unions shall undertake to act with complete loyalty in performing their duties. They shall refrain from any attitude or propaganda hostile to the new Government;
- (10) In the event of contravention, the halls or premises concerned shall at once be occupied, the guilty persons arrested, and all assets and documents confiscated."

Similar regulations were introduced in Bavaria, with this single difference that the creation of the supervisory detachments was left to the decision of the local authorities.

The action of the National Socialist Party did not end there. The destruction of the free trade union organisations, inaugurated by the series of acts of violence, mass arrests, the despatch of thousands of militant workers to prisons or concentration camps, the maltreatment of individuals, the system of violence that has aroused the reprobation of the whole world, was systematically pursued.

The General Federation of Trade Unions had kept its large membership in spite of the intensity of unemployment; it still had 4% million members. Its influence over the workers was further shown by the recent elections to the works councils, which, as hitherto, gave the members of the Federation the great majority in these bodies representing the workers.

The free trade unions obtained 80 per cent, of the votes for the whole of Germany. The "works nuclei" of the National Socialist Party (N.S. B.O.), organised to fight them, obtained 7.7 per cent.

These figures are sufficient to show that the General Federation of Trade Unions was in fact the most representative organisation and that it still had the confidence of the vast majority of the workers.

The German Government suspended the elections to the works councils, the composition and functions of which were modified by the Act of 4 April. Section 2 of this Act provides for the rejection of members whose sentiments are hostile to the State or national economy ". As a matter of fact, the National Socialists did not wait for this Act to drive the elements they declared to be hostile or suspect out of the councils. By threats and violence members were forced to resign, to be replaced automatically by National Socialists; those who dared to refuse were arrested and imprisoned until they gave way. The Act of 4 April subsequently gave the force of law to the actual situation created by the violence of the storm detachments of the National Socialist Party, whose leaders are to-day the rulers of Germany.

Finally, on 2 May, this long campaign of destruction and terror came to a conclusion. On the order of the Hitler Government, all the trade union halls, all the offices of the organisations belonging to the A.D.G.B., the headquarters of this Federation, the Workers', Salaried Employees' and Officials' Bank, and the manifold educational and recreational institutions created by the free trade union movement were simultaneously occupied by storm detachments throughout the territory of Germany. A few days after, the confiscation of all trade union property was proclaimed, a measure that was certainly superfluous, since the chief object of the destroyers of the unions was to lay hands upon the financial resources of the unions.

This general confiscation was the work of an "Acting Committee for the Protection of German Labour", set up by members of the National Socialist Party and the "works nuclei"⁹², under the presidency of Dr. Ley, President of the Prussian Council of State and *soi-disant* Workers' Delegate to the International Labour Conference.

On the same day Dr. Ley issued a manifesto the tone of which need not cause surprise

"Even when the Marxist parties have- been pitilessly crushed like the Communist Party or are in a state of dissolution like the Socialist Party, even when the pontiffs of the Party have fled like abject cowards, each or all having abjured their faith and having miserably deserted the workers as never before, yet we know that all this is only apparent. Marxism is shamming death, to rise again in more favourable circumstances and again to strike the workers in the back with the dagger of Judas. Exactly as in 1914! Then, too, they' voted the war credits and disguised themselves as super-nationalists, only to betray the workers in 1918 to the imperialism of our enemies of that date, and thus to sell them to international capital.

"The crafty fox will not deceive us. We shall give him the death-blow, because we cannot tolerate that he should ever return. The Leiparts and the Grassmanns may say their platitudes before Hitler, but it would be better if they were placed under protective detention. Thus we deprive the Marxist rabble of their principal weapon and of the last possibility of regaining strength. The diabolical teachings of the Jew Mardochai must definitely collapse on the field of battle of the National Socialist revolution."

Leipart, the President of the A.D.G.B., Grassmann, the Vice-president, all the other members of the Executive of the central organisation, the leaders of the federations for the different industries, and hundreds of officials and trade union leaders in Berlin and the provinces were imprisoned that very day.

The organ of the National Socialist works nuclei, now the central organ of the "Labour Front" (*Arbeitertum*, 15 May), published the following statement under the signature of Murchow, one of Dr. Ley's chief lieutenants: "We have had to arrest them for their own protection and they have in no way been maltreated".

That is a lie! We know how Leipart and Grassmann, both old and sick, especially the former, have been treated. The violent treatment they received at the hands of their torturers was continued until the victims lost consciousness.

There is no need to describe in detail here the atrocities that have been committed against persons whose only crime was to have been freely chosen by the

⁹² Incorrect translation for *Betriebszellen*: company units of the national-socialist parti. They were organised centrally in the NSBO (*Nationalsozialistische Betriebszellenorganisation*).

workers to represent them, atrocities adding to those already piled up by the National Socialist terror. What we have to protest against is an infamous Not content to persecute individuals, the National Socialists have sought to dishonour them. Need we mention the accusations of misappropriation of funds and corruption, in support of which no proofs have been brought? Is there any need to refer to such coarse measures as the staging, for instance, of the trade union hall at Breslau, now turned into an exhibition, where sofas, empty bottles,, boxes of cigars were scattered about in the offices of the trade union officials ? No! All this is too contemptible; but it helps to give an idea of the mentality of the insulters who claim here to speak as representatives of the workers.

II.

Thus the freedom of association affirmed by the Treaties no longer exists in Germany. "National Socialism has seized the leadership of the Trade Union Movement" proclaimed the chiefs of the Acting Committee. It should be admitted that they do not seek to conceal the nature of their operations, which consisted in an act of violence, the brutal seizure of the workers' organisations and the abolition of all freedom of association and action for the workers.

This being so, the "Labour Front", built up on the ruins of the confiscated or enslaved unions, cannot invest its leaders with the capacity to represent the German workers at the International Labour Conference.

The Conference is faced with a very clear situation.

The Labour Part of the Peace Treaties provided for separate representation of Governments, Employers and Workers on the Governing Body of the International Labour Office and in the Conference. This was because they considered that the Governments were not exclusively competent in problems of social legislation, which brought into play interests recognised by the Treaties, interests which these Treaties proposed should play an independent part in framing and adopting draft international regulations.

All the discussions which took place when Part XIII of the Treaty of Versailles was being framed — as also the texts incorporated in the Treaties and the constant procedure and rules of the Organisation — consecrate this innovation in international law, an innovation which constitutes the original features of our Conference.

If the independent representation of these recognised interests is not respected, the International Labour Conference loses its essential character. It becomes merely a diplomatic assembly, which is precisely what the International Commission on Labour Legislation of the Peace Conference objected to, and is in flagrant contradiction with the letter and spirit of the Treaties.

But the recognition of the workers' separate interests with a right to independent representation presupposes freedom for the workers to meet in order to discuss their own interests and to organise in order to defend and represent those interests. It imposes the right of free determination. Freedom of association is here no longer merely a recognised general principle, but the basis of representation in accordance with Article 389 of the Treaty of Versailles and the fundamental condition of the working of the Organisation.

If this freedom is abolished, if occupational organisations are mere State appendages with no freedom of formation or movement, all their actions being determined at every stage by State agents or, what comes to the same thing, agents of a party that identifies itself with the State and acts in occupational questions by the delegation of authority, then the whole working of the Conference will be distorted, because there will no longer be representation of the workers of the State concerned, but merely, the addition of a third member to its Government Delegation.

Do these considerations apply in the case of the German Delegation?

That is the whole problem. The facts allow only of an affirmative reply.

III.

The proof that the "Labour Front", even after the confiscation of the A.D.G.B., is not a representative organisation of the workers, and still less the most representative organisation as required by the Treaties of Peace, has been given by Dr. Ley, delegated to the leadership of the Labour Front by the Chancellor Hitler. Immediately after the violent action of 2 May he issued several dictatorial Orders of the following tenor:

- I. The chief of the workers' federations, P.G. (*Parteigenosse* = member of the National Socialist Party) Walter Schumann, shall from to-day take over the general management of the *Allgemeiner Deutscher Gewerkschaftsbund* (free trade unions), the *Gesamtverband der Christlichen Gewerkschaften Deutschlands* (Catholic unions), the *Gewerkschaftsring Deutscher Angestellten, Arbeiter und Beamten* (*Hirsch-Duncker* organisations) and of similar unions, and he has received full authority from me for this purpose.

This Order shall come into force immediately on its publication.

The last paragraph also appears at the end of all the other Orders; the translation here omits the repetition of the names of the organisations.

- II. I herewith instruct the treasurer of the workers' federations, P.G. Paul Brinkmann, and the head of the Workers', Salaried Employees' and Officials' Bank (set up by the free trade unions), P.G. Karl Müller, to take over, supervise and

control the funds and financial institutions (of the above-mentioned central trade union organisations) and give them the full authority necessary for the purpose.

- III. For the regulation of organic questions (of the above-mentioned organisations) I appoint P.G. Reinhold and I instruct him at the same time to begin framing and preparing the new organic structure of the two unitary federations of workers and salaried employees.
- IV. The management of the whole trade union press (of the above-mentioned organisations) will be taken over by the Press and Propaganda Chief of the Acting Committee for the Protection of German Labour, P.G. Hans Biallas."

The sense of these Orders is perfectly clear. The Labour Front is directed by a hierarchy whose powers are derived not from the workers but from the Government, and who act not in the name of the workers but in the name of the National Socialist Party, which identifies itself with the Government.

This system of commissioners is, moreover, connected with the first attempts of the National Socialists to seize the workers' unions. As early as 28 March the daily paper of the Christian trade unions (*Der Deutsche*) gave the following report of a meeting held at Nuremberg:

"The last question on the agenda was the election of the President and first Vice-President (comrades Schneider and Haag). After the election, the Trade Union Commissioner declared that he did not accept it and would himself assume the presidency in virtue of his commissarial prerogatives. When he asked the assembly to approve his presidency, vigorous protests were made. He immediately replied, 'in that case I shall make use of my powers'. Someone having cried 'use them then', the Commissioner threatened to place the interrupter in the hands of the police guarding the entrance to the hall. As no other decision was possible, the meetings, under such police pressure, approved the appointment of the officials, after comrade Haag had been included as representative of the workers."

This system has been made general. The designation of the trade union officials of different grades is not the work of the members. They are appointed from above and the workers are not consulted at any time or in any form.

We may again quote Dr. Ley (*Arbeitertum*, 15 May):

"I shall set up at the head of the German Labour Front a 'Labour Senate', which will act in an advisory capacity and will be appointed by the head of the Labour Front, for there will be no more voting in the new Germany. This Senate will be responsible for the important tasks. Provisionally I have appointed the following persons to the Labour Senate: Forster, Schumann, Schmeer, Murchow, Biallas, Stohr, Otte, Müller and Brinkmann."

This is not the place to discuss in detail the present composition of the Labour Front. It is sufficient to note its general machinery and to prove that the workers have no share in it and no other right than that of paying contributions. They are at no time consulted as to their sentiments or interests. They have of course no right to state their views on the form of organisation and the actions of an oligarchy which is imposed on them by the means of violence at the disposal of the dictatorship.

At the present time the system is as follows A central office, or small *Konvent* of 14 members, consisting of Dr. Ley, together with the heads of the Federations and the heads of the different services; offices for social questions, organisation, collective agreements, propaganda, etc., all the officials 'being appointed by Dr. Ley; finally, a large *Konvent* of 60 members (the small *Konvent*, together with the heads of trade unions appointed in the same way) whose functions are apparently not yet defined.

Another aspect of the system must be made clear. The chiefs so appointed are not selected from the organisations which it is their duty to direct. They are representatives of the "works nuclei", or failing this, of the National Socialist Party. The "works nuclei" remain organisations resting on doctrinal foundations which, although they claim to rest on an occupational basis, aim at winning over the working masses to the National Socialist Party and "the ideas of the *Führer*".

We are not an organisation competing with the unions and their welfare institutions our task is to implant German idealism in the heart of the German worker and to rescue him from Marxist folly" (speech by Walter Schumann to the Congress of the Ruhr Works Nuclei⁹³, October 1932).

Quite recently (23 May) Dr. Ley was even more definite. At the first meeting of the large *Konvent*, he stated that the "nuclei" would serve as special detachments and that they would be organised more firmly than ever, so that they might become the "crucible" in which the ideas of the German worker would be formed.

It is therefore established that not only have the so-called trade union organisations no freedom of action at any stage or at any time, and their members no share in action, but this action itself is determined and carried out by a hierarchy foreign to the organisations.

It is true that, under the threat of coercive measures, trade union officials and employees have been kept in subordinate posts to ensure the working of ordinary administrative services, but this situation is no argument against the statements made above. We have before us the instructions given for the dismissal of those officials not later than 1 July:

⁹³ Ruhr Congress of the NSBO

“The former officials of the trade unions must be pitilessly ‘liquidated’; in no case should a single trade union employee belonging to the free trade unions be left in his post. The leading positions must be filled at once and absolutely by old and tested members of the works nuclei or the National Socialist Party”.

IV.

We are, however, also faced with facts which go to show that the National Socialist Party has not confined itself to seizing the workers’ unions, it has also sought to deprive them completely of their natural functions as economic organisations.

Together with the Orders mentioned above, Dr. Ley issued another in the following terms:

“Now that the organisations (mentioned in the other Orders) are subject to the direction of the Acting Committee for the Protection of German Labour, I order that private negotiations on questions of a general nature, the conclusion of collective agreements and economic agreements, etc., shall be strictly prohibited, and that in future they shall be conducted only by the Acting Committee for the Protection of German Labour.”

If there is any function that is essential to the trade unions, it is that of negotiating agreements on conditions of employment and wages. But that is not the opinion of the National Socialist dictatorship. It has abolished all action by the trade unions in the field of conditions of employment.

On 19 May, the Act on Labour Trustees (*Treuhänder der Arbeit*) was issued. It entrusts the duty of regulating conditions of employment to Commissioners appointed by the Chancellor of the Reich on the proposal of the Governments of the Federal States. These Commissioners are also responsible for taking any measures for maintaining social peace.

In support of this Act, the German Government asserted that the determination of conditions of employment will in future be entrusted to “corporations” still to be set up, and that the trade unions in their present state are no longer equal to the task, no more than the employers’ organisations, which are on the point of being transformed.

What, then, are these bodies, which are thus deprived of all action and of all substance? The answer is given by Dr. Ley himself, who has thought fit to give us his “high” ideas on the occasion of the Conference. Having stated why the Labour Front does not include peasants, he continued by explaining why it excludes officials:

“Only those persons can enjoy the privilege of being officials who already, by their conception of National Socialism, are in the highest degree bound up with the nation. For all other Germans in work, the German Labour Front is the training ground for the National Socialist conception” (*Völkischer Beobachter*, 9 June).

These two sentences follow and complete each other. To Dr. Ley's mind the only function of the trade unions is to regiment and conquer the German working masses. This means not only that they have no independence, but that they no longer present even the semblance of trade unions! They are solely Government organisations for the regimentation and police supervision of the working masses; they constitute a police system and no more.

Here then, out of the mouth of the Nationalists themselves, is the complete proof that the Labour Front cannot represent the workers of Germany at the International Labour Conference, and cannot satisfy the conditions laid down by the Labour Part of the Treaty, even if these are interpreted in the widest and most unjustifiable manner.

V.

A few weeks ago, the Council of the League of Nations also considered the situation in Germany.

In appearance the question was quite a small and limited one, being the protest of one Jew only, who could claim protection under a Minority Treaty covering a very small part of Germany. The Council of the League of Nations did not hesitate. This small question gave it the possibility of raising a vast problem and it did not draw back. It was not impressed by the specious arguments of the German Government. It held that international law could not be ignored, that one man alone had the right to invoke its protection. At an unforgettable Session, the representatives of the nations gave utterance to the great voice of humanity, and condemned the inhuman practices which are universally reprobated.

To those who speak of precedents in the question we are now submitting to the International Labour Conference, we would reply: Here is our precedent, and its force is far greater than that of political finesses or complacent abdications.

The Conference cannot ignore international law. It is laid down in rules that the German Government has violated beyond all possible doubt. We ask it to state that these rules of international law have been violated and therefore to refuse to accept the credentials of Dr. Ley and his advisers.

Will the Conference refuse to follow us, and, for considerations which we do not propose to enter into here, betray its great mission of remedying the conditions of distress that are a menace to peace?

If the majority are tempted to do so, this is what we would reply:

After the great catastrophe that bathed the world in blood, the Governments recognised that peace must be founded on social justice. They proposed to consolidate it by creating our Organisation, a common centre for work and an asylum for the interests and representatives of the workers. They hoped that this would mean

that the reforms which were held to be indispensable would be carried out without aggravating the disorders already afflicting an exhausted world.

Is it necessary to remind you what the situation is at present, what serious threats it involves, what menaces for the future can already be discerned?

If you accept the views of the German Government, if you maintain that it is possible under cover of an insane and hideous doctrine to violate with impunity not only the rights of the workers which it is your duty to defend, but also international law on which the whole Organisation rests, you will bring the Organisation into terrible discredit. Whatever the results may be, you will have assumed the whole responsibility in advance.

L. JOUHAUX.

2. Discussion of Robert Ley's credentials as German Workers' delegate⁹⁴

Interpretation Mr. MERTENS (Workers' Delegate, Belgium) I think it is my duty on this occasion to make a brief declaration on behalf of the Workers' Group.

Since 1919 I have been elected Chairman of the Workers' Group at each Session of the Conference, and at every Session there have been protests against the credentials of certain Workers' Delegates. On every such occasion when we have discussed the matter in the Workers' Group, every Workers' representative, every Delegate and every adviser has been entirely free to express his opinions. There may have been differences of opinion, but the proceedings of the Group meetings have always been conducted in correct form.

This year, the situation is different. It is our general practice to permit any member of the Group to speak, because we believe in freedom of speech; hut this year, when we had with us all those Workers whose names are included in the original List of Delegates, that is to say, including the German Workers, we found a change of atmosphere. We found that declarations were made by them to journalists outside the Conference as to what had passed in the Group meetings, and that the statements thus made were contrary to the facts. The Officers of the Group held a meeting and carried out an enquiry. They found persons who were present when Dr. Ley made his statements to the journalists, and those persons were prepared to state on their

⁹⁴ ILO: *Records of Proceedings*, International Labour Conference, 17th Session, 16th Sitting, 23.6.1933, Geneva, 1933, pp. 228 – 233. For statements in another language than English, the original translation published in the Records of Proceedings is a summary and therefore shortened.

honour that the injurious statements reproduced in the Geneva papers were in accordance with the words actually used.

The Officers of the Group then met and decided that it could not again officially meet those who had insulted the Group in this way, and the Group agreed to this decision of its Officers. When we met thus semi-officially, one of the leaders of the German Workers sent two of his subordinates to the door to ask whether or no he might be allowed to attend the meeting. You will see that on page xvii of *Provisional Record* No. 18 it is stated, in the middle of the declaration of the German Delegates, that the German Workers were "brusquely refused" entrance to the meeting of the Workers' Group. I assert here and now that the German Delegates shook hands with me before leaving. That is enough to prove that the statement concerning a "brusque" refusal is incorrect.

It was also stated in the German Delegation's letter that Germany was insulted during the Workers' Group meeting. Mr. Jouhaux will explain to you later what he said on that occasion, and you can judge for yourselves whether it was insulting or not.

As to the allegation that the German Delegation was not protected by the Chairman of the Group, I cannot prevent certain Workers who are acquainted with the German language from shouting out comments if they hear some remarks which they consider insulting; but I must admit that I should blush to repeat before this assembly some of the expressions that were used by Dr. Ley and his colleagues on the occasion of the Workers' Group meeting in question. The fact there has been an attempt, which has failed, to browbeat the Workers' Group in this Conference.

The German Workers' Delegate also protested against the composition of Committees, and we pointed out to him that we were free men, elected by independent workers' associations, and that therefore every member was perfectly at liberty to make any suggestions, and that these suggestions should be put to the meeting for decision by a majority vote.

I feel it necessary to make this statement in order to correct the impression that anything in the Workers' Group was not carried out with the utmost possible regard for all due order. We may not always use altogether diplomatic language in my case that may be due to defects in my education — but at any rate we are not "idiots", and we are not "gaolbirds".

Interpretation: Mr. JOUHAUX (Workers' Delegate, France): I am not here to defend the attitude and the language of the Workers' Group, which in this, as in all other cases, was a language at once independent and correct. We must not confound "truth" with "insult", even when the truth is unpleasant. The authors of the protest we are now discussing felt insulted only when they had to answer for the insulting remarks they had themselves made against nations which may differ from

them in language or in colour, but which none the less have a long civilisation and culture behind them. All human beings have the right to equality, and it is one of the noble tasks of the International Labour Organisation to further that ideal. Those who throw contempt on that ideal put themselves, by their own action, outside the pale of this Organisation and outside the pale of civilisation.

I do not think I can justly be accused of insulting the German people. On Wednesday last I was at a public meeting in Paris of over 10,000 intellectual and manual workers, and I received a note which referred to me as "Leon Jouhaux, the German agent". At about the same time, in the *Lustgarten* in Berlin, I was being called the enemy of Germany.

We learned to love and admire Germany in the past; but it was the Germany of the savants and thinkers, the Germany of Goethe and Schiller. It is because that Germany is being destroyed that we protest. It is not we who are violating it. We are proud of having, for a few moments, acted as the conscience of the world and of having acted here as the; interpreters of civilisation in its protest against the destruction of Germany.

Mr. Ley has complained of being called the jailer of the German workman. Had he been here we should have been able to point out to him face to face that all the circulars he issues begin with the words "I order that". He orders the dismissal of trade union officials, and if he is unable to have them dismissed, he puts beside them some trusted member of one of his "nuclei" to supervise their work and eventually to replace them. It was Mr. Ley who imprisoned thousands of workers and ordered the property of the trade unions to be confiscated; he even extended that action to the property and the assets of international organisations. After having done that he complains because I call him the Federal Commissioner for the supervision of the German workers; but his circulars show that that is what he actually is. Had Mr. Ley been here, I should have answered him not only in my own words, but by quotations from a paper which represents the views of some who might perhaps be ready to agree to the validation of his credentials. I might quote the official organ of the French employers to the effect that when men have abandoned their own liberties they must be represented by their masters. Those who represent such practices as have taken place in Germany recently have no right to consider themselves insulted if, on behalf of the whole of civilisation, we enter a protest against the way in which they have acted, against the dismissal of their professors from their universities, etc. They have no right to feel themselves insulted if we state certain truths which, though they may be hard, are necessary.

Mr. HAYDAY (*Workers' Delegate, British Empire*) No one regrets the circumstances that urge me to speak to you upon this subject this afternoon more than I do or more than the British trade union movement does. I support entirely the views that have already 'been expressed on behalf of that great international trade

union movement to which the majority of the Workers' representatives here are attached.

We all had feelings of great admiration and friendship for Germany, which we cherished, 'before she changed into the Germany of the present day. Our colleagues of the German Trade Union Federation gave second place to none in their desire to work out and to assist in working out a better system of peaceful constitutional methods for the world. We of the International Federation, and I can also speak personally on behalf of the British trade union movement, always did all that lay in our power to assist the Germany we knew and the German working-class movement in the troubles and trials that have beset them ever since the Treaty of Versailles.

The German trade union movement's valuable work was of such a character that they held a very place of honour in the world trade union movement and endeared 'themselves to the hearts of all humanists. It is said that those whom the Gods would destroy they first drive mad, and here a great nation, which boasted of its culture, has fallen from its traditions, and we of Great Britain in our trade union movement unhesitatingly and unflinchingly express our determination to battle against the forces of reaction that have imprisoned and punished those deserved greater honour in the great word of uplift and culture which we are all trying to build up. I am sorry this must be so. But we shall fight on until the condition of things that has for the moment been the means of inflicting this hardship and punishment 'upon our German colleagues is removed, and until free play in a free world is given to everybody, above all to those no less patriotic-perhaps more patriotic-because of their association with a great industrial movement.

Next year we in Great Britain, with our trade union history, will 'be celebrating the centenary of the transportation of six agricultural workers who, one hundred years ago, 'for daring to band themselves together as free trade unionists working for an amelioration of their condition, had that transportation imposed upon them for the crime of conspiracy. Now, one hundred years after, a country claiming a high level of culture imposes something even worse than transportation, a hell upon earth, upon those who deserve a much better fate.

Interpretation: Mr. SERRARENS (*Workers' adviser, Netherlands*): The Conference is in the same position as two heroes in Homer's Iliad, when, during a combat between a Trojan and a Greek, a goddess covered the weaker party with a cloud and so enabled him to disappear. Once again the weaker party has fled from the combat, this time without the intervention of a goddess.

As there is no German Delegation present, we are unable to discuss the credentials of a German Workers' Delegate. We are unable to develop the reasons why we consider that the appointment of this Delegation was in contradiction to Part XIII of the Treaty of Peace. I regret this, because, as the representative of a Chris-

tian Trade Union movement, I should have liked to defend the freedom of workers to associate against any de facto monopoly, such as sometimes been exercised by the Socialist majority of the Workers' Group against the minority of Christian trade unionists and against any apparently de jure monopoly, such as is now being exercised in Germany. I feel that I should have the right to do this, as my credentials have been contested in this Conference, and I too have had to fight against a certain exclusive tendency on the part of the Workers' Group. Nevertheless, those exclusive tendencies, even when they have been directed against me, have always been displayed in a parliamentary manner. Now, however, the Germans object to the way in which they have been treated. Yet they were able to speak, they were able to make proposals in the meetings, they had full liberty of word and action—very different to the liberty they allow their members in their own country!

I think that the reasons for the withdrawal of the German Delegation from this Conference are by no means conclusive. We at least have also a right to our convictions. We have a right to protect what we believe to be the provisions of the Treaty of Peace, even if persecution results, even if this Conference is thereby attacked. Changes in Germany cannot change the constitution on which this Organisation is based. The German worker at the present moment is in a worse position than the miller of Potsdam was when he could say to his King that there were still judges in Berlin. I would also point out that the text of the Treaty does not make any provision by which credentials can be withdrawn, and I very much doubt whether the withdrawal of those credentials is in accordance with the principles of that Treaty. It seems rather unfortunate that a Delegation can come here and take part in the work of the Conference and then, when its credentials are questioned, withdraw.

I hope that this matter will be the subject of a special examination at another Conference, and I also hope that at another Conference Germany will be represented by organisations of workers freely created, for, as a representative of a Christian trade union, I remain proud of the fact that, like Chateaubriand, I am one of the “fools who believe in freedom”.

3. Discussion of a resolution on behalf of Jewish refugees from Germany

Interpretation: Mr. Justin GODART (*Government Delegate, France*), *Reporter of the Committee on Resolutions:* The resolution submitted by Mr. Kupers, Mr. Jouhau, Mr. Mertens and Mr. Schürch refers to the situation of political refugees, and the possibility of establishing them in countries to which they have migrated.

It refers to the position of German Jews forced to leave their country, and indicates that, without interfering in the internal affairs of any nation, it is necessary for other nations and for the International Labour Conference to study methods of helping such refugees, in the interests of social justice and in the interests of maintaining the economic and social standards in the countries in which these refugees have established themselves. In these circumstances the Committee on Resolutions has decided to present to you the draft resolution which appears on page II of *Provisional Record* No. 10

Mr. KUPERS (*Workers' Delegate, Netherlands*) - Before dealing with the subject under discussion, how to help to find work for the thousands of German citizens of the Jewish religion, or of Jewish descent, who have been forced to leave Germany, I should like to declare that neither I myself nor 'my friends, Mr. Jouhaux, Mr. Mertens and Mr. Schürch, belong to the Jewish religion, nor have we had a Jewish grandfather or grandmother. We, like those in command in Germany at the moment - and I hope this is the only similarity we have with them - are 100 per cent. Aryan, which fortunately does not necessarily mean that we are people devoid of human sentiments.

It has been asserted in certain quarters that, from a legal point of view, the measures which the present Government of Germany has deemed fit to take with regard to its citizens of the Jewish religion or of Jewish descent concern exclusively the administration of that country, and that - again from a purely formal point of view - those who have the privilege of not being citizens of the Third Reich have no right to interfere.

I cannot possibly regard the matter from this purely legal and formal standpoint. My opinion is that we have no right merely to content ourselves with the role of passive spectators when we see that a father, in a mad outbreak of criminal passion, is assaulting and killing his children or, if you like, his stepchildren.

I will admit, however, that this is not the place to go deeply into this aspect of the question; but I am certain I am voicing the opinion of millions when I express the fervent wish and desire that at an early date the League of Nations, before it is too late, will deal with the whole problem.

Our resolution, however, does not deal with 'German citizens who are still living in their country, but with those thousands who have preferred to leave it and to seek shelter in other countries, and with those thousands who, I am convinced, are sure to follow them.

I am not going to give you the story of the atrocities which are said to have been committed in Germany on Jewish citizens, and which have been refuted with the well-known maxim: "Es ist nicht wahr".⁹⁵ Let us assume for the sake of argu-

⁹⁵ German for "It is not true."

ment that all these stories are false or exaggerated; the fact still remains, and cannot be denied, that official measures have been taken to dismiss large numbers of Jews from positions which they held in public life, and to make it impossible for large numbers freely to exercise their profession; in a word, to exclude large numbers of Germans of the Jewish religion, or of Jewish descent, from the means of earning their bread, and to expose them to humiliation, destitution and slow starvation.

You all read the newspapers, and therefore I need not give you any further details or 'explanations. These measures, and the treatment which they have received during these last few months, explain, why thousands of 'German citizens of the Jewish religion, or of Jewish descent, have preferred to leave the soil in which their interests and culture are rooted in an unbroken line of descent, with an unbroken record of loyalty, from before the Crusades, and have sought refuge in other countries.

There exists one very easy and effective method which might be followed in the countries which have hitherto given hospitality to these German refugees; they would simply have to act on the advice given in a book entitled *Der Nazi-Sozi*, published in 1932 by the present Minister of Propaganda and Enlightenment of the Third Reich, Dr. Goebbels. His advice is short and sweet; he says "Certainly, the Jew is a human being, hut the flea is also an animal, although not a pleasant one. We shall not fail in our duty to ourselves or our conscience if we attempt to kill it or render it innocuous. So with the Jews".

If we in Holland, or the authorities in France, Belgium, Switzerland, and the other countries to which the German Jews have fled, followed this advice, it is not very probable that those in command now in would raise any objection on the contrary, it would seem that we should be rendering them a great service. I am happy to say, however, that this enlightenment which is shown by the Minister of the Third Reich, whose name I have just mentioned, has not yet, thank God, made headway in my country. Holland, I am proud to say, has in the course of the ages opened its doors wide to all kinds of people who had to leave their country in order to find protection and assistance against persecution and torture. Thus, as far back as the end of the sixteenth century, we received in my country the Jews from Spain and Portugal. Later came the Huguenots, and it is still fresh in the minds of everyone that thousands of refugees from Belgium were received in Holland with open arms at the beginning of the World War, whereas my country also gave hospitality at the end of the war to the ex-German Emperor, who is still living in comfort and peace amongst us.

Now, you would say, we are back again in the Middle Ages. No, Ladies and Gentlemen, we are now in 1933 and we receive in Holland and in other countries thousands of Jews from Germany. These Jews have at least that in common with those of their compatriots who have the good fortune of not having had a Jewish

grandmother - a terrible crime in these days in Germany - that they seek shelter in a country where old-fashioned conceptions of *Kultur* still exist, at least old-fashioned according to German views.

I am sorry, but we must really disappoint Minister Goebbels and his friends he may be sure that we in Holland are not going to kill the German Jews like fleas. Neither should he cherish great hopes that Holland, France, or the other countries will be so cruel as to chase them back again over the frontiers, and leave them to the tender mercies of their extremely Aryan compatriots.

The great difficulty is, however, how to find employment these thousands in our countries, where unemployment prevails on an unprecedented scale. This is the great difficulty for which an international solution must be found. That is why I and my friends submitted this resolution, particularly as the International Labour Office has dealt with similar problems before. I will not go into details as I do not wish to take too much of your time; but many of you will remember that it was the International Labour Office which was in charge a number of years ago of the emigration scheme on behalf of the Russian and Armenian refugees. What was done for these refugees should now be done for these Jewish refugees. They are in exactly the same position as the Russians and Armenians. My friends and I therefore propose that the Conference should instruct the International Labour Office to study the question. Surely the Governing Body will find ways and means to get into contact with all those bodies I am thinking of the Secretariat of the League of Nations, the Nansen Committee, etc. which might contribute to finding an early solution, or at least a partial solution of this, problem. It will certainly not be an easy task, but the matter must be taken in hand with all possible speed, and one of the first things to be done is to co-ordinate the work of the several Committees which have already been set up in various countries.

It seems that money has been forthcoming from all sides to help the refugees. But financial help is not sufficient. Work must be found for these people but, though it may seem selfish, we as Workers' representatives are bound to declare that, in finding work for the refugees, the interests of our own national workers must, in view of the present state of the labour market, be very carefully considered.

Ladies and Gentlemen, you will have noticed that I have confined myself exclusively to the German-Jewish refugees, and that I have not said a word about those workers who were compelled to flee from Germany on account of their political convictions, and whose plight is certainly not any more favourable than that of their Jewish comrades in adversity. I did not wish, however, to turn this question into a political issue. I am standing here before you not as a Workers' representative, but in the first instance as a human being with human sentiments, and it is as human beings, not as representatives of Governments, employers or workers, that I am appealing to you to come to the aid of these helpless and outlawed people.

All of you may vote in favour of this resolution, which feelings of humanity have prompted me and my friends to submit to this Conference. This problem does not merely affect the working classes; it goes far beyond the limits of class in the strict sense of the term, for amongst the Jewish refugees are thousands of professional men, intellectuals and employers.

Again, Ladies and Gentlemen, I urge you to vote in favour of this resolution, so that an early commencement may be made to bring relief in a co-ordinated manner, and to shed at least a ray of hope on the existence of thousands of human beings, your own brothers and sisters, whose only crime is that they have been born Jews. In this question collaboration of classes, which of you have so often advocated, may be achieved without difficulty. By voting for this resolution, you not only vindicate the principle of social justice upon which the International Labour Organisation is founded but, above all, the principle of humanity.

Mr. KRIER (*Workers' Delegate, Luxemburg*) speaks in German

Interpretation: Mr. KRIER (*Workers' Delegate, Luxemburg*): I am in complete agreement with this resolution which we are now discussing, but there is one question of principle which I would like to raise. Since the beginning of March some of us have had experience of the stream of refugees who have been coming daily from Germany, and we have realised what the sufferings of these people have been. All the countries surrounding Germany have offered hospitality to these refugees, and France in particular has shown a spirit of magnanimity in offering them a home.

There are various opinions as to the causes of the present situation in Germany, and this is no place to discuss these causes, but it is a lamentable fact that many Germans have been forced to leave their homes either for political or for racial reasons. These refugees have left in order to save their human dignity. What are we going to do about that situation? We must try to understand what is the situation in Germany, and as workers are involved it is part of the task of the International Labour Organisation, in virtue of Part XIII of the Treaty of Peace, to see what it can do to protect them.

I therefore ask the Governing Body to submit to the League of Nations the question of considering means of assisting the refugees, both in the name of human justice, in the name of the social justice which we are here to defend, and in the common name of humanity.

Mr. SIMPSON (*Workers' Delegate, Canada*) - It is the bond of sympathy and brotherhood in the workers' movement in different parts of the world which prompts me to speak to you for a very short time in full harmony and sympathy with the sentiments which have already been expressed by the two previous speakers. Those who live in countries somewhat remote from the events which have been

set forth in this resolution have for the most part to depend entirely upon the articles which they read in the newspapers, and on other means of communication, while those who are living in more direct touch with the events which have transpired have a more intimate knowledge of the conditions which are arising because of the political changes in Germany. The evidence which has already been adduced, and my own personal contact with those who have been near these scenes, convince me that the resolution which is before you is entirely justifiable, and should receive the unanimous support of the Conference.

The International Labour Organisation and the League of Nations are two great organisations whose duty it is to strengthen the bonds of unity and fraternity which exist between the peoples of the world, and any racial differences which exist in any nation should not lead to the consequences and results which we are faced with at the present time. We are here, as I understand it, to strengthen if possible the good-will and the amity which already exist between the nations of the world, and any manifestation of racial differences such as we are witnessing to-day, which compel people who have been citizens of a great country for a long time to leave their homes and the cities and towns where they have lived for so long, and be regarded as refugees in other countries, is a very serious situation. I regret exceedingly that we have to consider a resolution such as the one before us.

I was reading in to-day's press of an important meeting held recently in England, and an incident was cited there in connection with events which followed immediately after the Great War. Had Great Britain sought to manifest animosity on racial lines at that time in the way it is being manifested to-day, there might have been a situation then very similar to that which exists at the present time.

There are two or three main principles in this resolution which are very worthy of our consideration. Emphasis has been laid on the political changes in Germany which have occasioned the introduction of this resolution, and the conditions arising out of those changes are conditions which we are trying to meet in the resolution. We are told that there are thousands who have been obliged to leave Germany, and have at the present time no permanent home. I well remember when I first came to the International Labour Organisation in 1926 that this Organisation was engaged in a very meritorious piece of work in connection with refugees from Russia and Armenia and, in co-operation with the League of Nations, magnificent service was rendered at that time by the International Labour Organisation. This resolution merely calls upon the Governing Body to give very careful consideration to and means of relieving the refugees from Germany from some of the anxieties and serious troubles from which they are suffering at the present time.

Having regard to the repercussion in the other nations to which the refugees from Germany are going, and having regard to the serious unemployment situation existing in those countries, the matter is one of serious importance, which war-

rants careful consideration by the Governing Body, and very serious consideration action on the part of the League of Nations itself. I do hope that the Delegates at this Conference will appreciate the import of this resolution, and the tremendous value of any action taken by the Governing Body of the International Labour Organisation or the League of Nations at this time, and I am sure such action will be thoroughly appreciated by those who are suffering from these serious conditions.

In the organised labour movement of the world to-day there are thousands of our Jewish friends. I know many of them personally, and have lived amongst them and worked with them. I regret that racial prejudices at this time should lead them to suffer as they are suffering because of conditions in Germany. I believe it is a terrible confession of national inferiority when a minority people like the Jewish people is picked out to suffer in this way through the discrimination against them which is practised, and I hope that 'by the splendid work of this Organisation their troubles may be alleviated.

Interpretation: Mr. JOUHAUX (*Workers' Delegate, France*): After the speech this morning by Mr. Kupers it is unnecessary for me to say much on the question before us, especially as we are bound by rules of ordinary and diplomatic courtesy, which prevent us from saying what we have reason to think of certain policies and acts.

The question is of undoubted importance to us. Without reticence, and without any political prejudice, the International Labour Organisation associated itself in its early years with the assistance of Russian refugees. To-day the question is being treated in the same spirit and the Organisation must act in the same sense of international solidarity. For this reason I will not condemn those responsible for the situation, except to say that it would be necessary to go back a long way in history to find a parallel for the present situation. You would have to go back to the time when reason had very little sway and when fanaticism was paramount. To-day we are in the twentieth century. Reason should be dominant, and when reason is not obeyed it is the duty of an assembly like ours to recall the world to sanity without going into questions of national sovereignty.

By its action the International Labour Conference should echo an opinion which is world-wide. One consideration is of great importance to us. We cannot ignore the fact that the present situation has been denounced by world opinion as a whole and, in accepting the proposal, before you, you will be echoing that opinion.

It may be said that there is a political side to this question which does not concern the International Labour Organisation. It is extremely difficult to distinguish between political and economic questions, but in this instance we are not raising the political question at all and no judgment is asked from you. We are merely emphasising the economic aspect, that is to say, the task of finding employment for these refugees. If it is objected that this is a matter for the League of Nations, we

would remind you that, in connection with Russian and other refugees, the League of Nations acted first and was then compelled to ask for the collaboration of the International Labour Organisation, to which body it eventually passed the whole of the work. The International Labour Organisation alone can find opportunities for providing employment for these refugees, for it alone is in contact with employers' and workers' organisations, as well with Governments. It is in this form and for these reasons that the question is submitted to you. In adopting this resolution the International Labour Conference will not only be making a gesture of humanity, but will also be performing an act of justice which will enable our Organisation to carry out its duties in the widest civic and humanitarian, sense.

For this reason I ask you to support the resolution before you.

Interpretation: Mr. PEREIRA (*Government Delegate, Portugal*): I wish to make a declaration with regard to my vote. In my opinion this resolution implies indirectly interference in the internal affairs of a country, and its direct interest is only to neighbouring countries. For these reasons I must declare that I shall vote against the resolution

Mr. LEGGETT (*Government Delegate, British Empire*) Great Britain will vote for this resolution. That will be in accord with her past history in respect of refugees from any country. But, in voting for the resolution, I wish to make it 'quite clear that Great Britain regards this resolution as not having any connection with the internal domestic policy of Germany, and in casting a vote in this way we imply no criticism nor blame nor praise for anything which is happening inside Germany. We are voting merely on the position that there are refugees to be dealt with, and we wish them to be dealt with as humanely as possible.

Interpretation: The PRESIDENT : I will now take a vote on the draft resolution presented by Mr. Jouhaux and Mr. Mertens, which is to be found in the Provisional Record No. 19. (*A vote is taken by show of hands. The resolution is adopted by 80 votes to 2.*)

Resolution concerning German refugees, submitted by Mr. Kupers, Netherlands Workers' Delegate, Mr. Jouhaux, French Workers' Delegate, Mr. Mertens, Belgian Workers' Delegate, and Mr. Schürch, Swiss Workers' Delegate.⁹⁶

⁹⁶ ILO: *Records of Proceedings*, International Labour Conference, 17th Session, Geneva, 1933, Appendix XIV, p. 687.

Owing to the political changes which have recently taken place in Germany, a large number of persons who can be counted by thousands have been obliged to leave the country. Under the new régime, German citizens have, for racial reasons, been either prevented from carrying out their work or deprived of their employment. Since they have thus been rendered destitute, some have already taken shelter in foreign countries whilst the others are only awaiting an opportunity of adopting a similar course;

In consequence, serious repercussions are to be expected in the adjacent countries to which these refugees have found their way. The situation of the labour market, already upset in all countries, will become worse; those countries will consequently experience an increase in unemployment against which the International Labour Organisation is endeavouring to contend; considering that the International Labour Office has already dealt in similar circumstances with the possibility of placing Russian and Armenian refugees;

The Conference, invites the Governing Body to instruct the International Labour Office to undertake all the necessary studies, without interfering in internal questions touching on the national sovereignty of Germany, with a view to placing the German refugees in question in various countries without detriment to the economic welfare of those countries And decides to transmit this resolution to the League of Nations.

4. Discussion of the forty-hour work week⁹⁷

Interpretation: Mr. JOUHAUX (Workers' Delegate, France) You have just heard a fresh statement made by Mr. Oersted on behalf of the employers. You who are accustomed to these international gatherings will not have been surprised to hear that statement. The employers have always adopted a negative attitude, pointing out the danger of any reform, no matter whether it be an important or a minor one. The Employers' Group feels the need for action only when it is necessary to oppose some measure desired by the Workers' Group. When it comes to discussing the questions before the Conference the employers take up a negative position or, as in January last, adopt measures of obstruction in order to prevent decisions being arrived at. Will these be repeated on this occasion? I hope not, but I shall not be surprised if they are.

⁹⁷ ILO: *Records of Proceedings*, International Labour Conference, 17th Session, 5th Sitting, 10.6.1933, Geneva, 1933, pp. 56-57.

The declaration just read to you by Mr. Oersted indicates the attitude which the employers have to take up to try to prevent this Conference from reaching a decision. The employers do not say that they are opposed to the principle of the forty-hour week, or to the principle of a reduction of hours. They only say that we must wait until next year before taking a decision, in order to continue the double discussion procedure. Their sole aim is to prevent a Convention on the forty-hour week being adopted. The question before the Conference therefore is "Is the forty-hour week a reform likely to mitigate unemployment; if so, should a Convention on the subject be adopted as early as possible?" If you consider the forty-hour week as a possible remedy for unemployment, then, logically, the urgent procedure which we have already adopted should be continued, and this Conference should adopt a Draft Convention. Any other course will expose us to public ridicule. If we are to mitigate unemployment we must do so during the depression and not after it has passed. It is possible, of course, that other international measures may be taken which will restore consumption to some extent but will not abolish unemployment. Unemployment is due partly to the depression and partly to technological causes. It cannot be denied that about one-third of the present unemployment is due to the increased use of machinery, and consequently it will not disappear with the end of the depression. In order to abolish this unemployment we must reduce hours of work. Are the Governments prepared to undertake the permanent support of those who will still be unemployed even when the depression has passed?

From the point of view of the community, and looking at the matter not from the point of view of one section only, as the employers do, I am certain that the community and the Governments will not accept such a charge.

When I hear Mr. Oersted state on behalf of the employers that reduction of hours of work will aggravate the depression, I can only characterise such a statement as nonsense. How can a redistribution of hours which brings, say, x unemployed back to employment, aggravate unemployment? That means that the more the number of unemployed decreases the worse the depression becomes, which is illogical. I know that Mr. Oersted will urge that a reduction of hours will mean an increased use of machinery and therefore increased production, resulting in a decline in the employment available, but the employers have not waited for the depression in order to rationalise and introduce the best mechanical means possible. The depression, in fact, is partly due to their lack of foresight in introducing such measures. Moreover, a number of employers are not waiting for your deliberations to introduce still more highly developed machinery. Therefore, when they say that the introduction of new machinery would have the consequence of reducing hours of work, they are ignoring the facts of the case. For that reason it is essential that the International Labour Conference should adopt a Convention on the forty-hour week and thus reduce the amount of unemployment.

Mr. Oersted added that the solution of the depression was to be found in other measures which will be discussed at the World Economic Conference in London. We have never claimed that the forty-hour week alone would provide a complete solution for the unemployment problem; we have always said that the solution lay partly in measures which would to a great extent reorganise the present economic system. The Governments seem to be agreed on the necessity for such measures, which would involve considerable changes in production and exchange. We know that these other measures are required, and therefore we have always asked for the economic and social aspects of the problem to be considered concurrently, but, just as the measures which we may decide upon here will have no value unless other measures are taken at the same time, so the decisions taken in London would in themselves be inadequate. The two must be mutually complementary. What is the use of measures being taken at the London Conference to restore consuming capacity if the hours of work are to remain as they are at present and unemployment grow? That was the reason for the resolution which we submitted to you yesterday, and which you have been able to transmit to the London Conference, so that, while we are working here to reduce unemployment, the London Conference will study the other aspect of the problem and thus, by collaboration between us, we can get effective results.

Is the International Labour Conference to take this logical course, or is it to listen to the voice of the siren, as represented by Mr. Oersted, and be afraid to launch out in case it may meet with reefs? Mr. Oersted may be a bad navigator, but I hope the other Delegates will perhaps be bolder navigators, and will realise that the ship cannot be in safety until it reaches the harbour.

Photos



Workers' Group, International Labour Conference, 1933
ILO Archives



Plenary, International Labour Conference, 1933
ILO Archives

Workers' resistance against Nazi Germany at the International Labour Conference 1933

Léon Jouhaux



ILO Archives

Wilhelm Leuschner



AdSD - Friedrich-Ebert-Stiftung

Robert Ley



AdSD - Friedrich-Ebert-Stiftung



Occupation of the Trade Union House Engelufur, Berlin 1933
Deutsches Historisches Museum, Berlin



Destructions in the Trade Union House Engelufur by the SA, Berlin 1933
Landesarchiv Berlin, F Rep. 290, Nr. 0202452, Fotograf Otto Hagemann

Five months after the National Socialists took power in Germany, the workers' group and the German delegation clashed at the International Labour Conference 1933 in Geneva. Only a few weeks before, the National Socialists had destroyed the German free trade union movement and set up a compulsory organisation, the German Labour Front (DAF). Nazi-Germany sought international recognition for this organisation from the ILO and the League of Nations respectively. Furthermore it wanted to sell Germany as a leader of social progress. However, the steps caused severe protest, especially among the workers' delegates. Their protest finally turned out to be successful, on one hand because of a severe diplomatic incidence caused by Robert Ley, the new workers' delegate imposed by Nazi-Germany, on the other hand, because the heads of the German delegation were unable to pressure Wilhelm Leuschner, representative of the former free German trade unions to publicly support the regime. At the ILC 1933 the international trade union movement, insisting once more on its core values of freedom and solidarity, stood in fierce opposition to the Nazi-dictatorship and its oppression of political and social rights.

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