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Disillusion: Spring and Summer 1935

The Saar plebiscite was decisive for the High Commission. McDonald, Cecil, their staff and supporters could interpret the League of Nations' decision on the arrangements for refugees from the Saar in no other way than as the League's lack of confidence in its work. Moreover, it displayed the League's avoidance of its responsibilities. It was not willing to allocate resources and admit its rightful role in the humanitarianism that Fridtjof Nansen had inculcated into its culture during the 1920s. Instead France, which had no desire to take on an additional refugee burden, stepped in, on condition that the League of Nations compensate it for the cost at some future time.

For McDonald, it was a personal slight, and one more reason why he could not continue in his position. In truth, McDonald had been considering his future before the January 1935 plebiscite. It had become evident during 1934 that the difficult financial position constraining the High Commission and the wider effort on behalf of refugees gave him little option other than to plan for its liquidation. He had since contemplated the options before him. During his Christmas and New Year break in the United States in December 1934, many of his friends and contacts in Washington, President Roosevelt among them, were already asking about his plans after he resigned his commission. His wife and close friends suggested that he take a position as a college president. His preference was to return to academia, in the field of international relations, 'with a light teaching schedule and large opportunities for ... public education'. He expressed a desire to join Columbia University and asked Joseph Chamberlain, the American representative on his Governing Body and professor of Law at Columbia, to investigate the possibilities for him.¹ New York Jews, on the other hand, expressed their regret at losing their advocate for European Jewry and urged him to continue working on behalf of the refugees. On his return to New York from Rio de Janeiro in early June 1935, he sought out a position with the *New York Times*.²

Cecil had become pessimistic about the High Commission and the League of Nations' response to the refugee problem since the Saar decision. He had remained in the background of the High Commission's work, appearing only during the meetings of the Governing Body and its Permanent Committee. Committed all the same to the League of Nations and its promotion of peace through international cooperation, he took a more prominent role in refugee advocacy after January 1935, arguing that nothing less than an effective international effort supported by the League of Nations and national governments would produce results. His statement to the House of Lords on the refugee problem in February 1935 publicized the failings of the League of Nations in such a critical area of international cooperation. This encouraged him to intervene more stridently with the British government to try to persuade it to change its position on the integration of the High Commission into the League.

Cecil subsequently pursued the need for a new refugee organization, which would be an agency of the League of Nations. Before McDonald left for South America, Cecil worked with him on a plan for this new agency and on a political strategy to win its acceptance. Their work continued after McDonald's return, and the campaign for a central refugee agency was the central focus of the work of the High Commission for the remainder of the year.

Characteristic of the timidity with which governments approached the question of international assistance for refugees, McDonald and Cecil found little immediate support. Cecil's statement to the House of Lords was the cause of some consternation in the Permanent Committee of the Governing Body when it met later in February. Both Cecil and McDonald were asked whether it was the right time to reopen the refugee question since governments would resist anything that could make it more difficult for Germany to return to the League. For some of the representatives on the Permanent Committee, France's Helbronner most notably, the problem this raised was not so much reopening the refugee question as what form a new refugee organization would take. It was only fitting that the refugee question be reopened in its entirety, Helbronner asserted, since the problem was considerably larger than that of the problem of the refugees from Germany. Indeed, Helbronner reminded the other representatives, France's obligations were for the many tens of thousands of refugees of all origins: from Russia, Armenia, Spain, Italy and elsewhere, as well as from Germany. For Cecil, on the other hand, the heart of the refugee problem was not their numbers, where they were from, or where they were found. Rather, it was that they 'scarcely have any work' and were 'a grave danger and ... a destabilising

element for the entire world'. Unless the problem was addressed in its entirety, on an international basis, Cecil was certain, no solution would be possible.³

Before he left for South America, McDonald submitted a memorandum on the general problem of refugees to the League of Nations' Secretary General.⁴ It was an exposé of the problem that went well beyond the circumstances that had made it so difficult for his High Commission to fulfil its mandate. It took a broad view of the problem, recounting also the responses to refugees since the First World War. The memorandum described how the problem had developed since 1919, and examined the difficulties encountered in the international responses to the problem. The League of Nations' responses, it showed, were piecemeal; the fragmentation of responsibilities and the diminution of resources were the reasons why the League had failed in its obligations since Nansen's achievements of the 1920s. The decisions of the League on refugees, furthermore, were no longer viable in the economic and political circumstances that the world faced in 1935. The decision in 1928 to reduce the budget of the Nansen Office every year for ten years, until it was dissolved in 1938, set in place the conditions that made the League incapable of attaining a 'permanent assimilation and settlement' of the refugees under its mandate. The League's policy was in ruins as unemployment and xenophobia made it almost impossible for even self-supporting foreigners to find a place in another country.

The popular mood everywhere had shifted, McDonald noted from his own experience. The expulsion of foreigners was now common, as policies were put in place to protect native workers from the competition of immigrant workers. The Nansen Office continued to assist refugees with a continually diminishing budget. The Convention of 1933, the intention of which was to ensure the rights and security of refugees, had been signed by no more than five countries, and ratified only by Bulgaria. 'No effective measures whatever', the memorandum continued, 'have been taken to deal with the failure of the assimilation policy or to provide for the large body of refugees who stand in need of help when the Nansen International Office is liquidated'. The memorandum described the difficulties facing the Nansen Office with the example of an appeal for funds launched by the League of Nations Union, the Save the Children's Fund, and the Armenian Lord Mayor's Fund in Britain at Christmas in 1934. Even with the resources of the League of Nations behind it, the Nansen Office still had to fall back on private contributions to raise enough money to support unemployed and other refugees, who could not support themselves and their families. There were some 149,000 individuals in these circumstances, with another 54,900

war invalids and children under the Nansen Office's care incapable of earning a living.

Other refugees had since appeared, who received no international assistance or protection. They were left to fend for themselves or live on charity. Assyrian refugees had fled Iraq after the end of the British Mandate in 1932. Some 40,000 Austrian Nazis had taken refuge in Germany after the failed coup of 1934. Austrian socialists had taken refuge in Czechoslovakia. Spaniards had fled to France to escape civil unrest. Croats, Slovenes and Macedonians had fled or had been expelled from Yugoslavia. Mexicans had fled to the United States. Refugees, in other words, were an international problem; they appeared in all parts of the world and all sorts of circumstances. The League of Nations had only concerned itself with a small number of selected groups while the problem continued to grow.

The memorandum concluded with a section on the difficulties of McDonald's own High Commission. The Governing Body had no power over the governments they represented and its members were merely observers; the High Commission's annual budget for administrative expenses was £14,000 per year, and no government had made any grant towards it. It therefore remained dependent on private contributions from a few philanthropic sources. And the number of refugees from Germany still in need of assistance remained stubbornly high. Of an estimated 80,000 refugees at the end of 1934, it was believed that only about 28,200 had been resettled outside Europe.⁵

'Is it possible to revive the policy of assimilation?' McDonald asked. 'Can it be anticipated that the different Governments will accept refugees as citizens and allow them equal opportunities to obtain relief or the benefit ... of sickness and unemployment insurance?' It seemed impossible, he answered, 'in the existing mood of economic nationalism and xenophobia'. It was unfair that some countries bore a greater refugee burden than others, but it was nevertheless reasonable to expect that the refugees in Europe should be absorbed as much as possible into the countries where they had found refuge, and not be left in a twilight world awaiting resettlement to some unknown far away destination. This, he proposed, was one option for an enduring solution. The second option was the ratification of the 1933 Convention that would minimize refugee hardships and obviate the tendency of host countries to refuse refugees the right to work or to deport them simply because they were not welcome. The third option McDonald proposed was untested but seemed 'the only practicable solution' to bring about a change in the responses to refugees – a central refugee organization responsible to the League of Nations.

McDonald concluded by repeating a passage from a statement that Fridtjof Nansen had made to the League Assembly in 1928, when he sought its support to help solve the refugee problem confronting Europe at that time:

If intelligent human beings are forced to brood over a situation so much against their wishes and efforts that they come to regard it as an injustice, and if they are denied the most elementary forms of protection, there is the danger that their physical and intellectual energies, instead of being turned into constructive channels, may be exploited in other ways which will exact a heavy reckoning out of all proportion to the slight sacrifice they now ask.⁶

This lengthy exposé had one purpose. It both explained and justified the need for a new central refugee organization in Geneva, 'under or within the League of Nations', that would be responsible for all refugees, those that the League presently recognized and those that it may decide in the future would require assistance. But recognizing the more significant practical arguments that would be made against the proposal, McDonald's memorandum also stressed the implications for resources. The League would not incur additional financial outlays, it explained. The current expenditure of the Nansen Office could be reallocated to the new organization. The memorandum also stressed that these proposals concerned only the administrative machinery necessary for a more effective approach to the 'tragedy of the refugee problem'. The governments of member states would not be asked to take on a greater burden; they would remain free to determine particular schemes of assistance and settlement, and how these should be financed, while private charity would continue to provide much of the necessary resources.⁷

During McDonald's absence, Cecil actively promoted this proposal for a central League refugee agency. At the same time, two of the High Commission's staff, André Wurfain and Walter Kotschnig, surveyed the views of governments. While they found general agreement on the need for a central agency, there were nevertheless reservations. One common question was whether the new organization would be restricted to existing refugee groups or if it would assume responsibility for new groups as well. Another was whether it would include stateless persons. There was concern therefore about the organization growing in the future, and the League taking on unexpected and costly burdens. Some countries were definite in their views. Belgium was 'not very keen on any change'; the Netherlands regretted that its initiative in 1933 to create the High Commission for the German refugees had failed, and was now pessimistic about the prospects of any refugee organization in the economic conditions afflicting

the world.⁸ For other governments, the proposed reforms would provide an opportunity for doing something about the Nansen Refugee Office as well as the High Commission. The Nansen Office had fallen out of favour and although it was already facing liquidation by the end of 1938, the proposed central refugee agency offered an opportunity to get rid of it earlier.

One complaint about the Nansen Office was that, far from solving the refugee problem with which it was charged when established in 1930, it had in fact perpetuated the problem. The refugees and stateless persons under its mandate remained legally 'Nansen Refugees'. Another complaint was that the Nansen Office was spreading political propaganda among the Russian refugees against the interests of the Soviet Union. It was also criticized within the League Secretariat for creating an atmosphere of idealistic unreality over the 1933 Convention on the international status of refugees because it held signatory countries to specific obligations towards the refugees to whom it applied. Even so, the Nansen Office, and particularly its chair, Major T. F. Johnson of Great Britain, were also significant impediments to reform. Johnson could point to the successes of the Office's work, even during the years of adverse economic conditions and the anti-immigrant sentiments across the work, while the High Commission for the German refugees could point to no successes at all.⁹

The League Secretariat was another obstacle. It was certain that a central refugee agency would embroil the League in awkward political issues, compromise its independence in dealing with disputes between member states and limit its effectiveness in international affairs. It made four specific objections. First, the High Commission for the Refugees from Germany was made with a kind of 'gentleman's agreement' with Germany that the Commission not be a part of the League; it would be difficult, and 'not quite loyal to Germany', to change this arrangement. Second, it would be difficult to go back on decisions taken many times over to liquidate the Nansen Office. Third, the creation of an organization with a general mandate would tend 'indirectly' to increase the number of refugees; therefore, the new organization should be concerned only with specifically defined categories. Finally, a central refugee organization in Geneva would provide a focus for the political activities of refugee groups; they would come to Geneva to try influence member governments of the League, who were very often their political opponents.¹⁰

In response, Wurfain and Kotschnig reproached the Secretariat for failing to grasp the new political realities of the mid-1930s. They criticized it for holding fast to its position in 1933 that it avoid any actions that might inflame German opinion, and, indeed, shying away from political controversy of any

kind. This was not merely in the hope of luring Germany back to the League; the League's timidity was to appease German sensitivities that it was an institution created by the hated Treaty of Versailles intent on German humiliation. The attitudes of member states had moved beyond this, the Wurf bain-Kotschnig report claimed. It addressed the Secretariat's concerns over the formation of a new refugee agency in turn, to demonstrate how out of step it was with the current state of affairs. German opinion should no longer matter. The Nazi government had no hesitation in imposing a burden on other countries and there was no reason why its sensitivities should be considered in future decisions on the refugees. Moreover, a new refugee organization with a general mandate would no longer maintain the refugees from Germany as a distinct category; rather, they would be one part of a more general, humanitarian problem that would be the focus of the League's attention. The Nansen Office had shown how misplaced the Secretariat's concerns were. Although the Nansen Office was despised by the Soviet Union for supporting anti-Bolshevik White Russians, it had not made Geneva a centre of political dissent. As it was due for liquidation, it was opportune to consider how a new organization could continue the essential work of international assistance for refugees.¹¹

As discussions progressed on the proposal, the British government indicated that it might be prepared to shift ground in its opposition to a central League refugee agency. This was not without some considerable pressure from important and powerful individuals and organizations. A delegation of various agencies, among them the League of Nations Union, with Cecil as its president, the Save the Children's Fund, representatives of the Archbishops of Canterbury and Westminster, the Society of Friends, and Chief Rabbi Dr Hertz, had been granted a meeting with Foreign Minister Sir John Simon, in which he acknowledged that there was a very strong case, 'on practical grounds alone', to unify refugee services under the League. But Simon also held firmly to his government's position that it was not desirable for the League to assume permanent responsibility for refugees. The British government would not bring forward a resolution to the next League Assembly, but Simon assured the delegation that it would give its support if one were presented.¹²

With a view to the liquidation of the High Commission by the end of the year, Walter Kotschnig also prepared a reconciliation of all available information on the state of the problem of the refugees from Germany as it stood in mid-1935. Kotschnig had been recruited from the International Student Services in Geneva during 1934 to advise on academic and intellectual refugees. In February 1935, he travelled to Prague and Vienna to learn as much as he could

about the conditions facing the refugees from Germany and the work of local refugee agencies in preparation for a major review of the statistical and other data the High Commission had collected from its many sources. Much of it had yet to be scrutinized critically, and while there was an abundance of information on conditions in the much visited and strongly represented Western European countries, there had as yet been no attempt to gain a more comprehensive set of statistics in Central and Eastern Europe.

Kotschnig's first findings were that there were no reliable figures on the number of refugees from Germany still awaiting permanent settlement. The true extent of the refugee problem was therefore not really known. Many refugees had been registered by more than one refugee agency, and in more than one country, as their circumstances had forced them to move on, at least once if not twice, after fleeing Germany. Or their financial circumstances forced them to seek aid from multiple agencies. By Kotschnig's estimates, about half of the refugees had migrated to other countries at their own expense, while others had migrated with the assistance of refugee charities and resettlement services. About 3,000 refugees from Germany had left Czechoslovakia after arriving from Germany, half of them with the assistance of local refugee committees. Official figures in Austria varied, but the information available to Kotschnig from the Austrian refugee committees showed that there were some 800 to 1,000 refugees, 70 per cent of them Jewish, in need of resettlement. There was no way of knowing how many refugees had emigrated at their own expense.¹³

The refugee problem therefore centred on those who could not move elsewhere, either because they lacked the financial means to do so, or because they did not have the documents to enter another country. In Czechoslovakia, there were about 1,900 refugees in this category, half Jewish and the other half political refugees. Their situation was critical. They were refused permission to work, and if they were found to be in breach of the law – working without permission was a common reason for falling foul of it – they faced expulsion, or worse, forced return (*refoulement*) to Germany.

Governments were unapologetic for their firm stands, and were intent on tightening restrictions still further. Because the refugees could not work to support themselves and their families, they were a constant burden on the national refugee committees and local charities, which were so short of funds that they could not provide meaningful support. The Austrian committees required \$10,000 in additional funds to continue providing aid, while the committees in Czechoslovakia required another \$80,000.¹⁴

Kotschnig could offer two positive findings from his review of the available statistics. The reemigration of refugees was greater than assumed, and consequently the refugee problem had reached a sort of equilibrium, with a more or less fixed number of refugees who could not be resettled. This could give a real focus to the High Commission's work, as it could dedicate itself to their needs. Refugee services were in place and refugee retraining for prospective resettlement was proving effective. Second, the possibilities of refugee emigration east to the Soviet Union seemed to be opening up. Discussions had commenced between the Czechoslovakian committees and the Soviet minister in Prague, who believed that refugee migration to the east was feasible. The experience of a small group of Austrians who had fled to the Soviet Union after the attempted Nazi coup of February 1934 were, however, for unspecified reasons 'rather discouraging' and did not bode well for further eastward migration.¹⁵

The plan Kotschnig devised therefore was, he admitted, a bare outline in need of more work. There were many assumptions, he also admitted, but he believed that they were reasonable ones to make, and were all justified by the experiences of the High Commission and the refugee committees. The figures he cited were estimates because the available information was 'not sufficient to allow for the establishment of anything really solid'. The High Commission's London office, he expected, would have more accurate and up-to-date figures than those available to him in his Geneva office, yet the figures he had at hand suggested a new perspective on the refugee problem as the High Commission worked towards its liquidation.

Kotschnig's main assumption was that many of the refugees listed as 'unabsorbed' could migrate onwards, either at their own expense or with assistance. Therefore, of the estimated 14,000 refugees remaining in France, he assumed that as many as 4,000 could emigrate, half with assistance, and, most problematically, another 1,500 could be repatriated. He listed similar figures for other countries, to arrive at the following totals: 25,000 refugees remained in Europe; of them some 6,750 could realistically emigrate of their own accord, another 5,000 could be assisted to emigrate and 2,950 could be repatriated.¹⁶ This would reduce the number of 'unabsorbed' refugees dramatically: some 8,500 in France, 1,700 in Great Britain, 1,600 in the Netherlands, 150 in Belgium, 900 in Czechoslovakia and 650 in Italy. This was much less of a burden than appeared to be the case from earlier, more pessimistic outlooks, and indeed, Kotschnig concluded, it would be a 'fair share of what the European countries ought to be able and ready to absorb'.¹⁷

Kotschnig presented a new perspective on the refugee situation that challenged the accepted understanding of the burden facing these European countries. France had long insisted that it was overwhelmed by refugees, but Kotschnig sought, in his own words, to 'explode' the 'fiction' that it had accommodated more than the 14,000 refugees he had calculated. His findings led him to conclude that the true number was nearer to being between 8,000 to 10,000 individuals after emigration or repatriation was factored in. He also insisted that experience had proved that as many as one-quarter of the refugees would be able to raise money for emigration themselves, if they had a definite opportunity to work abroad. Experience had also proved that repatriation was viable for some refugees. The restitution of the Saarland to Germany had shown that 'a good many so-called refugees abroad' could return to Germany 'without fear of danger and with a reasonable certainty of being economically no worse off than they were in the slums of Paris or elsewhere.'

The greatest assumption of Kotschnig's, however, was one not borne out by experience: that a place for the permanent settlement of the refugees could be found. The refugee problem had become so critical because there were so few possibilities for emigration outside Europe, and because the Europeans refused to let refugees settle in their countries. It helped the High Commission's liquidation plan to demonstrate that the number of refugees was much lower than assumed. This could instil confidence that the problem was not beyond solution, and that no individual country could claim it had too great a burden to bear. On Kotschnig's calculations, the number remaining in Europe was already fairly distributed and could be reasonably absorbed. McDonald's experience, however,

Table 10.1 Walter Kotschnig's assessment of the future of refugee resettlement, February 1935

	Number	Private emigration	Assisted emigration	Repatriation to Germany
France	14,000	4,000	2,000	1,500
Czechoslovakia	1,600	500	400	200
Great Britain	2,500	400	300	400
Austria	900	400	350	250
The Netherlands	2,200	450	350	100
Italy	1,100	300	200	150
Belgium	400	200	150	50
Scandinavia	300			50
Elsewhere	1,000	200	150	100
	25,000	6,750	5,000	2,950

demonstrated that national governments could not be persuaded to settle even much smaller numbers. Kotschnig's 'fewer' refugees nevertheless supported McDonald's recent claims that the refugees should be absorbed – or assimilated, in the words McDonald used in his memorandum to the Secretary General – into the communities in which they had already found refuge. But as 1935 progressed, this proposition was fiercely resisted, and even more restrictive policies were becoming the norm: to keep new refugees out, to force those already inside to leave, to expel those who refused to leave and to repatriate those who were found to be living or working illegally.

These issues were taken up at the July 1935 meeting of the Governing Body as it mapped out a strategy for the next few months.¹⁸ 'The afternoon session' of the Governing Body, McDonald noted in his diary, 'was given over to the problem of reorganization and liquidation.'¹⁹ McDonald's statement summarized the refugee situation as it stood on 15 July 1935, and included a final account of the distribution of the refugees from Germany, derived for the most part from the figures prepared for Walter Kotschnig's liquidation plan (Table 10.2).

The problem that remained, then, was what to do about the estimated 27,500 individuals who were yet to find a place of permanent settlement. This was not a great number in comparison to the general refugee problems that Europe had faced since the end of the First World War. The Governing Body's response was to adopt two rather tame resolutions that called on governments to alleviate the impact of restrictions on work permits, and to recognize the 'uselessness' of an expulsion order for refugees who could not gain admission to another country. Both resolutions were critical of the policies of the governments represented on the Governing Body, but they carried little weight. In fact, the representatives of Great Britain (Cecil himself), Denmark and Poland each read reports from their governments that made no distinction between foreign immigrants and refugees with respect to the right to work, and would make no concessions for refugees.

The members of the Governing Body quibbled, in other words, over the settlement of a few hundred, maybe a couple of thousand, refugees in their countries, impoverished for the most part, but denied the right to work. They were nevertheless unwelcome competition for work in seriously depressed economies. Moreover, concerns of these countries went beyond the refugees already within their borders. So long as the Nazi regime continued its persecution of the Jews, refugees would continue to come, and any liberalization of their restrictive policies on immigration and asylum would only encourage a much larger influx than they had experienced hitherto.

Table 10.2 Distribution of the refugees from Germany on 15 July 1935²⁰

<i>Living in European Countries</i>	
France	10,000
Poland	*
Czechoslovakia	1,600
Netherlands	4,000
Britain	2,500
Belgium	600
Switzerland	500
Scandinavia	1,000
Austria	900
Saar & Luxembourg	*
Spain	2,000
Italy	1,100
Elsewhere	1,500
<i>Settled in Palestine</i>	27,000
<i>Settled Overseas</i>	
USA	6,000
South American Countries	3,000
South Africa	300
Elsewhere	500
Other	*
<i>Repatriated to countries in Central and Eastern Europe</i>	18,000
Refugees from Germany since 1933	80,500
Refugees still to be settled, July 1935	27,500

*Denotes figure not known.

Kotschnig's liquidation plan considered repatriation a justifiable approach to resolving the refugee problem, but he had presented it with unjustifiable optimism and certainly no critical awareness of the conditions inside Germany. Kotschnig remained based in Geneva while the High Commission's office was in London, which had received reports from the committees in Europe that gave worrying accounts on the fate of Jews returning to Germany. Up to the beginning of 1935, McDonald reported, some private organizations had encouraged repatriation for German refugees who were unable to find opportunities for resettlement, since they would be no worse off than if they were 'in the slums of Paris or elsewhere', as Kotschnig had written in his report.²¹ There had been a complete change of view since then. The Jewish refugee committee of the Netherlands in Amsterdam (Comité voor Joodsche Vluchtelingen), for example, had gathered many personal accounts of the troubles Jews encountered after returning to Germany.²² After registering their arrival, they were summoned to

the state secret police (the 'STAPO', as the reports called it; later the Gestapo), and were questioned about their political activities, associations with refugee communities and whether they had received money from refugee committees. They were then detained in prison while awaiting transfer to a 'training' or 'community' camp.

The police interventions were indiscriminate. A German Jewish couple who had gone to Paris in 1933 and who had been later expelled from France, returned to Germany on the advice of the German consul. They were imprisoned for eighteen days. A woman who had gone to Rio de Janeiro in 1934 with her husband returned on medical advice after a long period of hospitalization with typhoid and yellow fever. She was arrested after 10 days in Berlin and was refused access to medical care. She was due to be sent to a training camp at the time the report was compiled. A woman who left Germany for Russia in 1930 after marrying an 'Aryan' was arrested when she returned to visit her elderly mother; she was also due to be sent to a training camp. A woman who had lived for two years in Palestine and had married there was also arrested when she returned to visit her mother. Jews from Palestine, it seems, were treated more leniently, as she was permitted to leave the country within three days.²³

In February 1935, refugees detained in Germany after their return were released following a period of imprisonment, usually for longer than ten days, and ordered to leave Germany immediately and not return. In March 1935, the Dutch Jewish Refugee Committee described a new 'sharp and ruthless anti-Jewish action' that followed a conference of district leaders under Hitler's chairmanship. The report did not cite an authority, but it claimed that the plenipotentiary of the Saar district attacked the Saar Jews for their 'alleged treasonable activities' in the lead up to the January 1935 Saar plebiscite. Whatever the cause for the sudden change, the Committee reported, the intention was the complete segregation of German Jews as an 'alien race' with limited rights, and to send a message to German Jews abroad that they could not return to Germany under any circumstances. Therefore, from March 1935, returning Jews were summoned to the 'STAPO' shortly after registering their arrival; they were detained and sent to instructional camps. Women were sent to a new camp not far from Hanover, while the men were sent to the camp at Dachau. No cases of release were known at mid-April, when the reports were circulated.²⁴

McDonald's statement to the Governing Body in July 1935 referred indirectly to these reports. They raised no ire or discussion. McDonald concluded by reporting that he had made no further contact with the German government and that it was now useless to pursue negotiations.²⁵ The Governing Body

rose at the end of the day on 17 July 1935 and adjourned, with the intention of meeting again by the end of the year to formalize the liquidation of the High Commission. As it turned out, this was the final meeting of the Governing Body, and liquidation proceeded subsequently by correspondence.

The High Commission had effectively ceased to function at the conclusion of its July Governing Body. McDonald had exhausted his mandate for no gain. The July Governing Body could offer nothing other than its assent to its inevitable demise. In truth, the Governing Body had served its purpose for the governmental representatives sitting on it. They had successfully defended their national policies to keep refugees out against demands that they open their doors. Some countries had been disappointed in McDonald as High Commissioner because he could not deliver what they had expected of his office, namely, a means of ridding them of their refugee burden. France in particular, first through Henri Bérenger, and then more shrilly through Jacques Helbronner, maintained that it had done more than enough for refugees and could do no more. It also questioned why McDonald, an American, had not been able to persuade his own government to do more. The one feasible solution – the permanent settlement of the refugees in the countries where they had already found refuge – was unacceptable to each government represented on the Governing Body. The suggestion was an affront to Europeans, which resented American isolation from the problems of Europe and its refusal to admit refugees from the overburdened European states.

The High Commission itself was forced by the intransigence of governments to accept the necessity of reemigration. Even repatriation was seriously contemplated as part of the solution in Kotschnig's report. This, perhaps, best illustrates that the High Commission had lost confidence in its purpose. There was no more that McDonald could do to fulfil his mandate. What remained was to highlight the flaws of the institution that he was appointed to run, and advocate for an improved and more effective refugee agency, with the authority and the resources that he had lacked.