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The High Commissioner for Refugees (Jewish and Other) Coming from Germany

The League of Nations' work for refugees during the 1920s had been one of its great successes. While there was no clause in the Covenant giving the League responsibility for refugees, member states nevertheless agreed in 1921 that, with some 800,000 refugees from the Russian Revolution crowded into Constantinople and facing the real prospect of disease and starvation, they could not abnegate their international humanitarian responsibilities. Somewhere between one and two million refugees of the former Russian Empire could be found all along its vast frontier, from Finland in the north to China in the east. Most had no passports or identity documents, and could not be resettled without them.¹ The League's response – the appointment of a High Commission for Refugees and the 1922 Intergovernmental Arrangement on Russian refugees – provided the necessary documents and administrative resources to facilitate their resettlement. The refugees in Constantinople soon found a safe haven in Western Europe, the Americas and elsewhere.

This remarkable achievement was largely due to the efforts of the High Commissioner, the Norwegian scientist and diplomat, Fridtjof Nansen. He already had gained a formidable reputation for humanitarian work in overseeing the repatriation of prisoners of war in 1920 and 1921. Highly respected in diplomatic circles, he carried a great sense of purpose into his role as the League of Nations High Commissioner for Refugees. The success of the 1922 Intergovernmental Arrangement for the Russian refugees was followed by the adoption of another Arrangement, in 1924, for the many thousands of Armenian refugees languishing in camps in the Middle East. Upon Nansen's death in 1930, his work continued in the form of the Nansen International Office for Refugees, a bureau of the League Secretariat.²

It seemed appropriate in the eyes of many, therefore, that the Nansen Office should be called upon to assist and resettle the refugees from Germany in 1933. It had established quasi-diplomatic posts in several countries to deal with reluctant governments and to see to the practical and legal needs of the refugees themselves, such as attesting to documents and the verification of civil status, translations and resettlement assistance. It also had an international network of offices and staff experienced in welfare and resettlement services. Moreover, the Nansen Office was making contingency plans for assuming this new role before the Dutch resolution to the 1933 Assembly had been finalized.³

The view in Geneva, however, was that if the Nansen Office took on this new responsibility, it would need to appoint a person of international standing, prestige and authority, with the diplomatic skills and tact to negotiate outcomes with governments and charitable organizations in difficult economic times. It was widely agreed that the Secretary General of the Nansen Office, T. F. Johnson, was not such a figure. It is not clear why this was so, but he would seem to have left a poor impression on men of influence in the League Secretariat. There is little about him in historical records apart from, it seems, his own account of his career. A British military officer – he was given the title ‘Major’ in official League documents – he had served in Eastern Europe and Russia until the revolution and then served as an official of no real distinction in the League of Nations.⁴ He was an assistant to High Commissioner Nansen from September 1921 until he was transferred to the Refugee Service of the International Labour Office in 1924, where he was responsible for technical questions of refugee immigration, resettlement and employment. After Nansen’s death and the creation in 1930 of the Nansen International Office for Refugees, the League Council appointed Johnson as its Secretary General through to its designated date of termination at the end of 1938.⁵ The League’s Secretary General, Sir Eric Drummond, described him as a man with an ‘unfortunate personality’, entirely unsuited to the executive demands of a High Commissioner.⁶ By his own evidence, Johnson had little regard for the League, describing it as the ‘biggest disappointment in the history of the world’. Nor was he fond of Geneva, which he complained was too near France, and too much under French cultural and economic influence.⁷

The Nansen Office itself was just one obstacle to implementing an effective response to the refugees from Germany. A new intergovernmental agreement would also be required to ensure that the refugees from Germany had the same status as the other refugees under the Nansen Office’s mandate. In truth, the option of the Nansen Office taking on this new responsibility was not taken seriously. Because it was a bureau of the League of Nations, Germany would

construe its role as an attempt by the League to interfere in its domestic affairs. In all likelihood, a new intergovernmental arrangement would not have been acceptable to most states, as it would carry an obligation to admit more refugees and lift immigration restrictions.

Even so, the proposition that the Nansen Office assume responsibility for the refugees from Germany overlooked one critical matter: the legal, social and economic problems the refugees from Germany faced were markedly different to the problems of the refugee groups already under its mandate. The Intergovernmental Arrangements for the Nansen Refugees were necessary to address the legal problems arising from their lack of identity documents. Furthermore, most of the Russian and Armenian refugees had been rendered stateless by the denationalization decrees of the Soviet and Turkish governments, respectively in 1921 and 1924. Therefore, they no longer had a right to diplomatic protection abroad. Nansen's High Commission and subsequently the Nansen Office excelled in providing these services and the 'Nansen Passport' – the League of Nations identity documents authorized under the Intergovernmental Arrangements – replaced the legal protection they would have had with a national passport.

Most of the refugees from Germany continued to carry German passports. With the exception of those naturalized under the Weimar Republic who were denationalized by the Nazi law of 14 July 1933, they also retained their German citizenship. They could go readily to another country after obtaining an entry visa, although, in reality, these were not easy to obtain. In theory, they were still able to call upon consular services outside Germany.

These circumstances created the unique problem of the German refugees. The German refugee 'problem' was in fact a consequence of the strict conditions of eligibility for an entry visa, the temporary residence expected of the refugees fleeing Germany, and the prohibitions on their employment. Some may have fled without documents to prove their identities, but as far as their countries of asylum were concerned, the diplomatic services of German consulates were available for them to obtain a new passport or other necessary documents. Their host countries expected this because they expected the refugees to move on to another country once the term of the temporary residence had expired. As matters transpired, German consulates refused to issue passports to those who had left Germany without them and refused to renew expired passports. The obligations expected of their host states went so far as expecting communist and socialist anti-Nazi political refugees to seek the assistance of the Nazified German civil services. Onward travel and legal residence were consequently impossible for all but the privileged few who had sufficient wealth to support themselves, family

connections abroad who took responsibility for their welfare, or, as became the practice in Britain, Jewish organizations had sponsored them and saw to their welfare. Many others were trapped in difficult situations of illegal residence from which they could not escape, illegal employment or dependence on the good will of others and the scarce resources of refugee aid societies.

Because the refugees from Germany maintained their German citizenship, the question of their legal status was of less importance than it had been for the Nansen Refugees, a large number of whom were stateless. The High Commissioner's main objective would instead be to work with governments to secure opportunities for employment and resettlement so that the refugees would cease to be a burden on their host states and had the opportunity to re-establish their lives. To do this, governments would have to be persuaded to lift their immigration restrictions and allow concessions to the regulations that excluded foreign nationals from the professions and labour markets.

The expectations were such that the man appointed to the post of High Commissioner for the Refugees from Germany should be a man of the stature of Fridtjof Nansen. But men of his stature are rare. Europeans looked to Norway to carry forward Nansen's legacy. Christian Lange, one of longest serving representatives in the League Assembly and Nobel Peace laureate for 1921, would bring to the role of High Commissioner Norway's humanitarian tradition. One of the preferred candidates was former United States president, Herbert Hoover. Hoover's efforts in providing food relief to Belgium during the First World War and the plan he devised with Nansen during 1919–20 for providing food relief to Russia were both substantial humanitarian and organizational achievements.⁸ By 1933, however, his reputation in Europe had soured. As the Great Depression took hold in the United States, he had imposed protective tariffs against European exports and had called for a moratorium on German reparations. He also ordered, in 1930, the more rigorous enforcement of the 'no public charge' test to restrict immigration, with profound consequences for Europe. His indifference to the disarmament talks in 1932 also showed the Europeans that he had little interest in their affairs. They accused him of having 'let the League down', and the opinion within the League was that he should not be given an opportunity to redeem himself.⁹ Sensing this perhaps, and doubting the support he would have from the Roosevelt administration in Washington, Hoover declared himself unavailable, citing his reluctance to 'emerge from retirement'.¹⁰

British and American Jewish organizations took it upon themselves to find a suitable person. In doing so, they exposed their differences and rivalries. British

Jewish groups favoured an Englishman, and put forward Viscount Robert Cecil of Chelwood. Considered 'one of the fathers of the League' for the role he played in the drafting of the Covenant at the Paris Peace Conference, Cecil continued to work for the League as a representative of the British Foreign Ministry, and was head of the League of Nations Association in Britain. He had the diplomatic qualities sought for the post, great experience in international affairs and the support of important British Jews and Zionists. After Hoover had declined to be nominated, the American Jewish Joint Distribution Committee, with other American Jewish organizations, suggested General Jan Smuts, former South African prime minister and key negotiator for the British Commonwealth at the 1919 Paris Peace Conference. Like Cecil, Smuts also served the League during its foundation years.¹¹

The League Council was more concerned about the nationality of the High Commissioner than his personality. It favoured an American who could help draw the United States out of its isolationism and tap into the resources of the wealthy American Jews. But it was for this very reason that influential Americans did not favour the appointment of an American. Undersecretary of State William Phillips feared that an American High Commissioner would risk opening the floodgates to Jewish immigration. Supreme Court Justice Louis Brandeis, a Zionist, was concerned that an American High Commissioner would be at a grave disadvantage in negotiations with governments to take in Jewish refugees since America had done so little itself.¹² Once it became clear to American Jewish organizations just how much the new High Commission would have to rely on private financial contributions and that it would fall upon them to raise the money in the United States, they could not but insist upon the appointment of their own man.¹³

James McDonald used his influence as chair of the Foreign Policy Association to persuade Raymond Fosdick to agree to have his name put forward. Formerly Undersecretary General of the League of Nations, and in 1933 director of the Rockefeller Foundation and president of the League of Nations Association of the United States, Fosdick had the necessary diplomatic standing and an intimate knowledge of League affairs, as well as access to American funds. McDonald also proposed as an alternative, Theodore Roosevelt, Jr, son of the former president, and cousin and political rival of the incumbent, who had gained substantial experience in public administration as Assistant Secretary of the Navy, Governor of Puerto Rico (1929–32), and Governor General of the Philippines (1932–33).¹⁴ Fosdick hesitated when McDonald put the proposition to him. He would have a conflict of interest, he suggested, if he accepted the post and the Rockefeller

Foundation were asked to put up the money for the High Commission's administration.¹⁵ Theodore Roosevelt, Jr, seems not to have been canvased.

Only upon the suggestion of Felix Warburg and James Rosenberg of the Joint Distribution Committee did McDonald begin to consider himself a potential High Commissioner. It was not a suggestion that attracted him initially. He doubted that he was the best person for what he knew would be an 'excessively difficult job'. But Warburg and Rosenberg insisted and gave him of their full backing. They argued that McDonald's experience in international affairs, his relations with Jewish organizations in the United States, Britain and Europe as well as his recent advocacy on German-Jewish policies and attempts to open a dialogue with the German regime, had given him insights that no one else possessed. McDonald hesitated also because he was not a man of independent means, and wondered aloud whether the High Commissionership, which would require considerable travel, separation from family and the suspension of his career in the United States, would be in his best financial interests.¹⁶ Warburg and Rosenberg again reassured him. His financial obligations in the United States should not dissuade him, and gave their guarantee that the Joint Distribution Committee would cover his salary as High Commissioner.¹⁷

McDonald's nomination by such influential Americans as Warburg and Rosenberg was one reason why Europeans looked upon McDonald's nomination favourably. No less important was the financial backing of the Joint Distribution Committee. McDonald was also respected among European governments for his advocacy on German affairs. He had helped forge good relations between the United States, European governments and the League of Nations itself during his travels in Europe as chair of the American Foreign Policy Association; he had also left a good impression on everyone he met. League Secretary General Avenol privately noted his approval of his work.¹⁸

McDonald nevertheless had his doubts about taking on the post. They were not only personal. More than others, he was aware of the difficulties he would face in dealing with governments on such a delicate issue as that of the refugees. Nevertheless, his appointment moved quickly. On 18 October, Henry Morgenthau Sr – during 1933 the American representative at the Geneva disarmament conference – wrote to Secretary of State Cordell Hull asking him to propose McDonald's nomination to the League of Nations' Council. Despite his reluctance that an American assume a leadership role in a League of Nations agency, President Roosevelt formally nominated McDonald.¹⁹ The League Council expedited the appointment although British Jewish organizations, which still favoured Robert Cecil and distrusted McDonald for being too close

to the Nazi regime, had not agreed. Indeed, they complained that they had not been consulted before the Council voted on his appointment.²⁰

His appointment was confirmed on 26 October. Although his official title, High Commissioner for the Refugees (Jewish and Other) Coming from Germany, seems rather clumsy, there was a specific legal reason for it. His mandate included all those who were forced to flee Nazi Germany, whatever their nationality of origin. This itself marked a departure from the previous refugee Arrangements, which were restricted to refugees of a defined nationality, or former nationality. Moreover, although it did not seem to have been noticed at the time, the inclusion of the word 'Jewish' in the official title marked, for the first time, an intergovernmental agency assuming a responsibility for the Jewish problem in world affairs. It is more likely, however, that the use of the word in the title was to attract the attention of Jewish organizations, particularly American Jewish organizations, thus far remote from the League of Nations and its affairs, to come to the aid of their persecuted co-religionists. The support of American Jews was indeed critical. As the Joint Distribution Committee had undertaken to pay McDonald's salary and the majority of the High Commission's expenses, the Council had the assurance it needed that the League would not have to bear the costs.²¹

The Council may well have acted in haste, but it did so in order to bring to a close the awkward question of how it should respond to Germany and the persecution of the Jews. It had determined that once appointed, the High Commissioner would be autonomous of the League; the League would therefore no longer be troubled by suggestions of political interference in German affairs, or be embarrassed by accusations that it was doing little for the victims of Nazi persecution. Even so, it set ambitious aims. The High Commission was assigned the task of 'solving, by international action, the economic, financial and social problems' caused by the emigration of the refugees from Germany. These problems could only be 'solved' by international cooperation, which the High Commissioner would 'direct'. It would 'provide, as far as possible, work for the refugees in all countries which are able to offer it'.²² The states that held the best possibilities for this would be invited to participate in the High Commission's activities by their representation on its Governing Body.

The specific functions expected of the High Commissioner were spelt out: to provide a means of centralizing funds for refugee resettlement; investigate settlement opportunities across the world; to negotiate with governments for this purpose; to register refugees and identify their qualifications, skills and special needs; to organize training and to regularize the legal status of stateless refugees. It was expected in addition that the High Commissioner would also open

negotiations with the German government in order to secure an agreement on the transfer of Jewish assets from Germany.²³ If successful, all these activities would substantially improve the conditions of the refugees and the impact they had on their host countries. Yet, it was also a highly ambitious agenda when the High Commission had no guaranteed resources and was without the administrative and political support of the League of Nations.

The Secretariat was also intent on directing the work of the High Commissioner. Secretary General Avenol instructed McDonald to come to Geneva for consultations before commencing his duties. He was to be met by an official of the Secretariat on arrival in Europe, in order to keep him away from the press and making of any premature comments.²⁴

McDonald's interview with Avenol began poorly and did not get better. It was on the morning of 11 November 1933: 'Armistice Day', McDonald noted dryly in his diary, 'This has not been what I consider a perfect vacation.'²⁵ Avenol instructed him that his profile and activities should in no way conflict with the League's interests. He told McDonald that he should visit Geneva as little as possible in order to make it clear he was indeed independent of the League. Technically, Avenol reminded McDonald, the High Commission did not yet exist. A Governing Body would need to be formed, and it would have to meet to accept its statutes, appoint a chair, select a treasurer and approve the High Commissioner's activities. Until then, McDonald could make no decisions nor take any action. Beyond that, the League had no further responsibility. 'Officially', Avenol told McDonald in conclusion, 'we are through'. The League had set up the High Commission, had approved McDonald's appointment, and was finalizing its statutes; it would then have no use for it.

They might have been through, but Avenol nevertheless was determined to dictate how the High Commission should work. It was to be an intergovernmental body and private organizations, particularly Jewish ones, would contribute in an advisory role only. Avenol was also emphatic that the High Commission should nurture good relations with Germany, and for this reason Jewish influence in the High Commission would be best kept to a minimum necessary for its work. 'Yours cannot be a Jewish organization', Avenol insisted, 'if ever you wish to establish a useful relationship with Germany'. He vetted the draft of McDonald's first public statement, 'materially improving' upon it, McDonald conceded. There was certainly no place for the High Commission in Geneva. For that matter, there was no place for it in The Hague either, since the Dutch preferred not to host it, nor in London, as the French preferred otherwise. Yet it

was not welcome in Paris either. That left Lausanne, but the Swiss government was yet to indicate whether or not it would be welcome there.²⁶

Perhaps Avenol asserted his own views of the purpose of the High Commission because he was alerted to McDonald's vision of it. During a public address on 4 November 1933, the day before he sailed from New York to travel to Geneva, McDonald noted three objectives. First, the High Commission would complement private refugee aid organizations, not replace them; it would make their work more effective. Second, it would formulate programmes to assist both governments and aid organizations. Of particular importance, McDonald noted finally, were negotiations with the German government, as the most significant improvement in the conditions of the refugees would be gained by persuading the Reich to relax the conditions on their emigration. The Reich's 'flight tax', which stripped from emigrants all but a small amount of their assets, was the greatest impediment to their successful resettlement. It prevented the refugees from satisfying the 'no public charge' tests of the United States and other countries of emigration, and deprived them of the means of re-establishing their disrupted lives. Change on this one issue would also overcome concerns about the burden they placed on the economies, labour markets and welfare services in their countries of asylum. These were all difficult tasks, McDonald was certain; the 'job of the High Commissioner', he concluded, 'will be to do what he and his associates can to ward off that difficulty'.²⁷ To be sure, McDonald was under no illusion about the task he faced and the constraints the League's mandate imposed upon him. The High Commission had been 'set afloat on the uncharted waters of the future', he told his American audience before he set sail 'The League creates the instrumentality and leaves it to sink or swim'.²⁸

Avenol would have preferred that McDonald made no public statements before the High Commission was formally established for fear that his views might be mistaken for the views of the League of Nations. Sensitive to any criticism of German domestic policy, Avenol could well have interpreted McDonald's comments on the 'Reich's tax' as blaming the German government for the refugee problem. There were also some implied criticisms of the financial hurdles that other League member states put in the way of refugee resettlement. Again, it was better that these criticism not be made until the High Commission was autonomous of the League.

McDonald was upbeat about his prospects when he sailed from New York all the same. He was confident that the High Commission would find the money it required to carry out its functions: 'I am convinced that the administrative expenses will be met generously by the people who believe in [this] work'. He was

also confident that American Christians would come to the aid of the refugees. It was important that they did not see the refugees from Germany as a problem that concerned only Jews; it concerned everyone. And, he insisted, the task of funding the High Commission's work should therefore not fall entirely on Jewish sources, since the Nazi persecution of the Jews could well light a fuse to ignite anti-Semitism across Europe. Finally, as newsreel cameras and members of the New York press recorded his parting words, McDonald left the American public with a warning: 'You must use brutal, cold, contemptuous language to show what the Nazis feel towards the Jew ... What is happening today in Germany could happen tomorrow in Austria. And if this thing becomes the rule ... life for Jews anywhere on the continent between France and Russia may become impossible.'²⁹

The extent to which British Jewish organizations exerted their influence over McDonald was genuinely unexpected. It would quickly come to consume a considerable amount of his energy. Even before his ship had docked at Plymouth, Norman Bentwich, a highly regarded legal specialist, had been sent ahead by the Board of Deputies for British Jews to greet McDonald and to escort him to Paris, where they parted, McDonald continuing on to Geneva for his meeting with Avenol.³⁰

The Board of Deputies wanted to be sure that McDonald was briefed on the British Jews' expectations of his High Commission. There was some lingering resentment that an American had been appointed High Commissioner ahead of their nominee, Robert Cecil. They were especially aggrieved that their organizations had not been consulted before McDonald's appointment was announced. As far as British Jewish organizations were concerned, the League Council made its decision only to secure the financial backing of wealthy American Jews, ignoring British Jewish interests and their financial support for German Jews and the Jewish refugees from Germany. Bentwich therefore briefed McDonald on the position of the British Jewish organizations, informing him that their preference for High Commissioner was Cecil, and that they had been both surprised and disappointed with the speed of McDonald's appointment. It was therefore essential, Bentwich advised McDonald, that he establish good relations with the British organizations from the start. This would depend on how much he was prepared to cooperate with them.³¹ In other words, Bentwich informed McDonald that the British Jewish organizations expected McDonald to represent their interests and that they would have a strong influence over his work. Bentwich was therefore less interested in learning how McDonald intended to proceed than he was in setting out the groundwork for asserting British influence over him before he devised his own agenda.

Even so, McDonald learned much from Bentwich that was cautionary about British Jewish interests. The British organizations, for example, claimed a monopoly on Jewish emigration to Palestine, and Bentwich warned McDonald that he would become entangled in sensitive political matters if he concerned himself with Palestine. Moreover, the British Foreign Office would not accept the High Commission making any plans relating to the resettlement of German Jews in Palestine; only the British Colonial Office could do this, and it did not want to have to deal with yet another agency seeking entry certificates and residence permits.³²

Palestine, British foreign affairs in the Middle East and Zionist politics were already revealing the difficulties McDonald would have to navigate. The delicate politics of Jewish interests were reinforced in Geneva. A few days before McDonald arrived to meet with Avenol, Chaim Weizmann, president of the English Zionist Federation, and former president of the World Zionist Organization and Jewish Agency for Palestine, had arrived and had cornered Avenol to discuss the role of the High Commission.³³ Weizmann insisted that Avenol appoint Bentwich to a 'responsible position ... of the utmost importance' in the High Commission, by way of a concession for their nominee, Cecil, being overlooked. Weizmann had backed Cecil's nomination, and since McDonald's appointment, had personally implored Cecil to accept the role of British representative on the Commission's Governing Body. Weizmann claimed that he 'would give it a standing and authority it could acquire in no other way'.³⁴ Weizmann told Avenol that Palestine provided the best option for the resettlement of the Jewish refugees from Germany; it was the one country with a real need for young families and it would provide a new future for the Jews of Germany that was being denied them elsewhere. If the High Commission was to be effective, Weizmann insisted, it should take the lead in organizing German-Jewish emigration to Palestine.³⁵

On the one hand, British Jewish organisations insisted that McDonald should keep clear of any matters relating to Palestine. On the other hand, Zionists were insisting that Jewish resettlement in Palestine should be the High Commission's main role. After McDonald concluded his interview with Avenol on 11 November 1933, he took the opportunity to talk over his plans with Weizmann. McDonald emphasized his role as head of an intergovernmental organization and that his first responsibility would be to forge a consensus between governments for the benefit of the refugees. Private organizations, such as those Weizmann represented, could only have an advisory role, and they should not look upon the High Commission as an agency pursuing their particular objectives. But he

could not dissuade Weizmann from his own vision of the High Commission – it could help realize a ‘bridgehead in the Jordan Valley’, Weizman insisted, by channelling the Jewish refugees to Palestine.³⁶

McDonald learned shortly afterwards how disruptive Zionist ambitions could be. A press report of his discussion with Weizmann in Geneva was brought to his attention, in which Weizmann had nothing good to say about him. Weizmann had called McDonald ‘naively optimistic’ in expecting funds from ‘personal friends’ in the Joint Distribution Committee; he accused him of ‘indulging in a fantasy’ if he expected France to absorb Germans and for being ‘unwise and naïve’ to contemplate negotiations with Germany. Finally, Weizmann was reported to have said that unless McDonald gave a ‘larger scope’ to private organizations, their ‘cordial support could not be obtained’. McDonald took the report calmly, excusing it diplomatically as a misinterpretation of his discussion with Weizmann rather than a misrepresentation. He believed that it was something he could clear up with Weizmann privately at a later time. The insinuation that he was naïve, unwise and even unrealistic in his expectations was hurtful all the same. The High Commission was not yet formally constituted, and if reports such as this gained traction, there was real risk that he would be weakened in the eyes of his supporters and the organizations to which he must turn. They might see him as a man whom they need not take seriously, or one in whom they should not invest too much.³⁷

As he embarked on his first engagements with government officials and refugee aid societies, there was no option for McDonald other than to ignore these criticisms and trust that they were not damaging. The practical matters of the composition of the High Commission’s Governing Body had to be decided and McDonald sought the advice of European foreign ministries for suitable members. He left his first meeting with the French Foreign Ministry upbeat, assured of its support for its intergovernmental structure as ‘the only practical way’ to approach the refugee problem.³⁸ The British Foreign Office, on the other hand, believed that private organizations should have more than an advisory role. ‘Evidently’, McDonald concluded, ‘the Foreign Office had felt the influence of the Jewish organizations’ before he had a chance to outline his plans.³⁹

These initial meetings showed what would be a recurring pattern. Neither ministers of state nor senior ministerial officials would meet him. His discussions at the Quai d’Orsay in Paris were with the Foreign Ministry’s League of Nations liaison, Jacques Fouques-Duparc, and Alexis Saint-Léger, Undersecretary of State for Foreign Affairs. While both looked upon the High Commission positively, neither had influence on policy; nor was it up to them to suggest

French appointments to the Governing Body. At Whitehall, he met with Sir Orme Sargent, Assistant Undersecretary for Foreign Affairs, as Foreign Minister Sir John Simon and Anthony Eden, his undersecretary, were 'just leaving for Geneva'.⁴⁰ Sargent could not give McDonald any assurance of Britain's attitudes towards the High Commission or on the question of emigration to Palestine, but he did express the support of the Foreign Office for his opening negotiations with Germany.

McDonald's diplomatic skills were tested more in his dealings with the Jewish organizations than in his dealings with government ministries. The French National Committee for Refugee Aid (the Comité National de Secours aux Réfugiés) had already spent around 10 million francs on refugee assistance, and its resources were almost exhausted. It could not continue without considerable assistance from abroad, its chair, Baron Robert de Rothschild, advised. He expected that McDonald, now in his role as High Commissioner, with strong links to American Jewish aid societies, would be able to arrange for a transfer of funds from abroad to aid in the Committee's relief efforts. As McDonald advised Rothschild, however, the High Commission had no funds of its own to dispense for refugee aid, and he could not simply call upon money from the American societies.⁴¹

The financial straits of the French National Committee were due to the very large numbers of refugees arriving from Germany without the means to support themselves. There was no end in sight to the burden of relief as the refugees were barred from employment, and the Committee was already looking to the High Commissioner not only for leadership on refugee assistance but also direct financial support to aid its work in alleviating refugee distress. The fact that McDonald could offer nothing raised, from the very start, serious doubts among the French about the High Commission's purpose.

The chief concern of the British Jewish and refugee aid organizations, on the other hand, was the role they would play in the work of the High Commission. It was not yet clear whether they would be active participants or, as appeared to be the case, whether they would serve only in an advisory role. Because he would have to work with them constructively, McDonald was prepared to concede to some of their wishes. He suggested to Sargent in the Foreign Office that Robert Cecil be appointed Britain's delegate to the Governing Body, as Weizmann had suggested, and that he would support the selection of Cecil as its permanent chair. He also suggested to British Jewish leaders – Norman Bentwich, Neville Laski, president of the Board of Deputies, and Leonard Montefiore, president of the Anglo-Jewish Association – that a permanent executive body of five

members, three of whom would be Jews, be drawn from the High Commission's proposed Advisory Council. They would be invited to sit with the Governing Body in order to give it the benefit of their 'knowledge and character'.⁴² McDonald insisted that the High Commission would be most effective if it were intergovernmental in nature, as this would give the High Commission lines of communication directly with governments on important matters of policy. But, McDonald conceded, it also required the closest possible relations with private organizations, as they were best placed to serve the refugees.⁴³ McDonald finally agreed that Bentwich would make an ideal associate in the High Commission.

British Foreign Secretary Sir John Simon had in fact already put forward Robert Cecil's name to the League Secretariat as Britain's representative on the Governing Body. While Cecil accepted his nomination, he was not prepared to take on the role of permanent chair of the Governing Body because of the demands it would make on his time and the travel that it would involve. He could only commit himself to chair the first meeting of the Governing Body. That meeting was already scheduled for Lausanne on 28 November, a date unsuitable for Cecil, but McDonald was so eager to have Cecil as chair that he offered to defer it to a later date to fit Cecil's schedule. Cecil's reputation, McDonald believed, would not only consolidate British and Jewish support for the High Commission, it would also help carry world opinion in its favour; his diplomatic experience would also be of great benefit to the High Commission.⁴⁴

The greatest difficulty that McDonald faced in his engagements in London was managing the expectations of the many individuals who offered their assistance or sought an invitation to sit on the Advisory Council. One or two left him 'nonplussed'. Neville Laski insisted that he should be one of the three Jews drawn from the Advisory Council to form the proposed permanent executive on the Governing Body. He would be needed as a British Jew, Laski said, in order to balance the influence of Weizmann and American Jews. Laski also claimed to be 'the best known Jew in Europe' while Weizmann was 'not really an Englishman'.⁴⁵ Many groups were indeed invited to send representatives to the Advisory Council, but some groups were not as suitable as others. The Save the Children Fund, with a long tradition of relief and welfare services, was welcome, but not the Second International; the International Federation of Trades Union would instead represent the interests of non-Jewish political refugees.

In the immediate flurry of organization and politics in which he had become so quickly ensnared, McDonald could well have lost some sense of the purpose of his work. Two individuals who sought him out to give a first-hand account of the lives of the refugees reminded him of his objectives, but it also

reminded him of the constraints he faced. A niece of Felix Warburg, Lola Hahn, introduced him to a young German Jewish refugee, Wilfrid Israel. Hahn and Israel both insisted that German Jews themselves should be represented on the High Commission; their interests, they pleaded, could not be left to others, and only German Jews could extend their assistance into Germany. It was a heartfelt request, but one to which McDonald could not respond directly. He could not be sure what the governments represented on the Governing Body would permit, nor what would be possible in view of his plans to open negotiations with the German government. Still, this one interview carried much more meaning than the petty self-promotion or niggardly jostling for influence he had thus far experienced. As he listened, McDonald recalled, 'I had a sense of participating in a terrible human tragedy'. The purpose of his mission was reinforced, and he was convinced that the High Commission had to establish good relations with the Reich or its work would only be a 'very partial success'.⁴⁶

Still, McDonald experienced much in these first weeks as High Commissioner that could have left him pessimistic about his prospects. The limitations on his office were reinforced, and he could well have become frustrated by the few assurances he could give to those actively supporting his work. His one regret was that he had so little time to meet all those he wanted to meet.⁴⁷ It was a bold mission and he could look ahead with anticipation nevertheless: 'This is an adventure!'; he wrote to his colleagues in the Foreign Policy Association, 'exciting and exhilarating, and so far as one can now see it promises to continue to be'.⁴⁸

As McDonald continued his consultations with the Dutch, Belgian and Swiss governments, the office of the High Commission was taking shape. His personal assistant from the Foreign Policy Association, Olive Sawyer, continued to work with him, with her salary paid from the High Commission's budget. Another colleague from the Foreign Policy Association, Herbert May, served as an unsalaried general counsellor and advisor. As Secretary General of the High Commission, McDonald selected a Dutch official of the League of Nations, André Wurfbaïn. Wurfbaïn had served on a number of League commissions, spoke several languages and could offer inside knowledge of the League's operations. Finally, McDonald appointed Norman Bentwich as Deputy High Commissioner, assisting McDonald on technical and legal matters. The Secretariat set up its office in Lausanne in preparation for the first meeting of the Governing Body, now scheduled for 5 December 1933 to accommodate Cecil's schedule.

The membership of the Governing Body was also being finalized. It was decided by nomination to the League of Nations Secretariat. The representatives

would have both a consultative and planning role and serve as the main channels for negotiations on questions of refugee assistance and settlement with their national governments. Joseph Chamberlain, professor of law at Columbia University and a board member of the Foreign Policy Association, was nominated as the representative of the United States government. Henri Béranger, of the French Senate's Foreign Affairs Committee, was named the French representative. In all, the League Secretariat invited fifteen states to nominate representatives. Belgium, Czechoslovakia, Denmark, Italy, the Netherlands, Poland, Sweden, Switzerland and Uruguay all nominated representatives.⁴⁹ Spain did not acknowledge its invitation, while Argentina and Brazil both declined, claiming that they had no one suitable for the role among their European diplomatic corps. The commander-in-chief of the Argentine military, moreover, sent the Governing Body a message that demonstrated attitudes with which the High Commissioner would have to contend. 'Learning ... that the Argentine Republic has been mentioned as a refuge for Hebrews, I have the honour to let you know that you can discount my country as a propitious country for Jewish colonization. We shall not tolerate that our country, where the Jew is an oppressor, strangler and extortioner of our society, be taken as refuge by the lowest of all races, the refuse of humanity'.⁵⁰

The Uruguayan diplomat, Alberto Guani, was therefore the sole representative from Latin America, a region where much hope was placed for refugee resettlement. Well experienced in intergovernmental talks and League procedures, Guani served as president of the League Assembly and rapporteur of the Second Committee when the refugee question was brought before it during its 1933 sessions.

Under the statutes written by the League Secretariat, the High Commissioner could take no action without the Governing Body's approval, and he was to report on his activities to its regular sessions. In turn, the members of the Governing Body represented their governments' interests, and were expected to return to their governments afterwards with the resolutions they had agreed for implantation in policy. A selected number of private organizations would be invited to form the Advisory Council but choosing precisely which ones should be invited proved exceedingly difficult and frustrating. The final decision was deferred to first session of the Governing Body.

The make-up of the Advisory Council had been a thorn in McDonald's side from the moment he assumed his post. Jewish groups were divided between Zionists, who pursued the politically charged ambition of the colonization in Palestine, while the large philanthropic organizations committed

themselves more to relief and resettlement in the traditional countries of immigration in the Americas. The Joint Distribution Committee and the Jewish Colonization Association were adamant that it would be impossible for them to sit as equals with the bodies like the Comité des Délégations Juives and the American Jewish Congress, whose Zionist agendas they considered 'political and irresponsible'. Much of McDonald's energies therefore went into balancing these conflicts in order to ensure that he could work cooperatively with all organizations. The established non-political aid organizations, he insisted, had to continue their usual operations if the High Commission was to fulfil its objectives. It was also vital that he could rely on the expertise, structures and financial resources of the Zionist organizations to facilitate Jewish emigration.⁵¹

While so much of McDonald's attention was given to organizational matters, little attention was being given to strategies for refugee assistance. He believed that national governments and national aid societies had a common interest in working cooperatively with the High Commission towards their common objectives and that through this a common strategy could be devised. However, refugee aid societies needed to find new sources of funds immediately in order to continue their work of relief; they therefore had to look to the general public for new contributions. The interests of governments, moreover, were not altogether in accord with McDonald's objectives. Britain was circumspect in its approach to the High Commission because of its guardianship of Palestine, while the countries neighbouring Germany would have no part in accepting an additional burden. France claimed that it was already overwhelmed by the impact on the German refugees on its labour market and could absorb no more. The Belgian government expressly told McDonald that refugee admissions could not be sustained indefinitely and, were their numbers to rise, it would need to consider closing its borders.⁵² Meanwhile, the traditional outlets for Europe's unwanted, the Americas, insisted on their restrictive immigration barriers. From the beginning, therefore, there was the difficult question of whether it was at all possible to negotiate the permanent settlement of refugees, when some countries wanted to be rid of them and others refused their admission.