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The Influence of Anti-Semitism on United States Immigration Policy With respect to German Jews During 1933-1939

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**The Influence of Anti-Semitism on United States
Immigration Policy With Respect to
German Jews during 1933-1939**

By

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Submitted in partial fulfillment of the requirements for the degree of

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the City College of the City University of New York

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Introduction

During the period 1933-1939, many German Jews sought to escape Nazi anti-Semitism and persecution by immigrating to the United States as well as to other countries.¹ In the United States, the four government officials who controlled American immigration policy with respect to Germany were themselves anti-Semitic. These officials, primarily senior management within the State Department and Foreign Service Officers (FSOs), manipulated the criteria governing the issuance of visas to restrict the entry of German Jewish refugees under the authority of restrictive immigration legislation that had existed for years.² State Department officials used a variety of techniques to restrict German Jewish immigration to the United States. All of them were related to the requirement that a visa applicant must establish that he was not likely to become a public

¹ For the purpose of this thesis, "Germany" refers to all territory it acquired as of September 1, 1939: Austria (March 12, 1938), the Sudetenland (September 29, 1938), the Protectorate of Bohemia and Moravia (March 15, 1939) and Memel in Lithuania (March 22, 1939).

² Although the estimated number of German Jewish refugees who immigrated to the United States between 1933 and 1939 ranges from 60,000 to 95,000, the actual number is a matter of historical dispute. The estimate is a result of variations in the way in which the total is calculated. The lower figure only includes those refugees who came directly to the United States from Germany and Austria (whose annual quota was 1,413). The higher figure incorporates those who emigrated from Germany and those who went to other countries after leaving Germany and re-immigrated to the United States. *See* Herbert A. Strauss, "Jewish Emigration from Germany: Nazi Policies and Jewish Responses (II)," *Leo Baeck Institute Year Book* 26, no. 1 (January 1, 1981): 362, n.25; Herbert A. Strauss, ed., *Jewish Immigrants of the Nazi Period in the USA*, Vol. II, Annotated Bibliography (New York, NY; Detroit, MI: K.G. Saur; Distributed by Gale Research Co., 1981), xx.

charge (LPC), *i.e.*, those who could not demonstrate that they could financially support themselves pursuant to American immigration law.

During the 1930s, Wilbur J. Carr (Head of Consular Services, 1901-1924, Assistant Secretary of State, 1924-1937), William Phillips (Under Secretary of State, 1922-1924, 1933-1936), George S. Messersmith (FSO in Berlin, 1930-1932; Ambassador to Austria, 1934-1937; Assistant Secretary of State, 1937-1940), and Raymond H. Geist (FSO in Berlin, 1929-1939) were the principal officials who controlled the decisions with respect to the issuance of visas to German Jewish refugees. There is direct evidence that Carr and Phillips were anti-Semitic and that their antipathy to Jews had a long history. There is strong circumstantial evidence suggesting that Messersmith and Smith held similar anti-Jewish beliefs. Their anti-Semitism is critical in explaining the decisions to restrict the immigration of German Jews.

With the explicit encouragement of Carr and Phillips, Messersmith and Geist and the other FSOs in Berlin issued approximately 75,000 visas out of approximately 300,000 German Jewish applicants. In other words, hundreds of thousands of visa applications were arbitrarily rejected and only 25% of German Jewish applicants received visas. The arguments they advanced in support of the restrictive application of the LPC provision lacked merit. These arguments were pretexts to conceal their own anti-Semitism, which was the primary factor influencing their denial of visas to German Jews between 1933 and 1939.

The most common arguments advanced by these officials as justification for rejecting the vast majority of visa applications from German Jews closely paralleled those expressed by many Americans. These claims were: (1) a “huge” influx of German Jewish immigrants would exacerbate the severe unemployment conditions that existed in the United States during the Great Depression; (2) many of the refugees were allegedly political radicals, *i.e.*, “Bolsheviks,” and therefore posed a potential threat to American national security; and (3) the refugee issue was “a Jewish problem,” which the United States had no obligation or responsibility to resolve.³ These assertions are false. In fact, such claims are pretexts for anti-Semitic decisions to restrict the issuance of visas at a level substantially below the authorized quotas.

During the period 1933 to 1939, approximately 300,000 German Jews applied for visas to immigrate to the United States.⁴ Approximately 75,000 German Jews received visas; the applications of the rest were rejected. The quota for Germany during this seven-year period permitted the issuance of 183,112 visas. As a result of the restrictive interpretation of American immigration law by Carr

³ Historians have frequently identified these arguments. See, e.g., Felix S. Cohen, “The Social and Economic Consequences of Exclusionary Immigration Laws,” *National Lawyers Guild Quarterly* 2 (October 1939): 171-192; David Brody, “American Jewry, Refugees and Immigration Restriction,” in *American Jewish History*, edited by Jeffrey S. Gurock, Vol. 7 (New York, NY: Routledge, 1997), 219-247; Aristide R. Zolberg, “The Roots of American Refugee Policy,” *Social Research* 55, no. 4 (Winter 1988): 649-678.

⁴ According to Geist, 286,210 German Jews had applied for immigration visas between June 30, 1933 and April 30, 1939. Otto D. Tolischus, “Troubleshooter in Berlin,” *The New York Times*, July 23, 1939.

and Phillips and the efforts of FSOs Geist and Messersmith, the German quota remained substantially unfulfilled between 1933 and 1939. The number of visas issued to German Jews during this period represented 40.48% of the authorized quota. Seventy-five percent of the approximately 300,000 visa applications submitted by German Jews during this period were denied. These statistics are beyond dispute.⁵

However, there is substantial controversy among historians with respect to the influence of anti-Semitism on the State Department's restrictive immigration policy. There are three principal schools of thought concerning the explanation for the restrictive policy regarding the issuance of visas to German Jews during this period of increasingly violent and widely publicized persecution of the Jews in Germany. First, historians such as Professor Bat-Ami Zucker and journalists, such as Arthur D. Morse, maintain that anti-Semitism was the primary factor in

⁵ Specifically, the following table is a breakdown of the percentage of German Jewish immigrants admitted to the United States between 1933 and 1939:

Year	<u>1933</u>	<u>1934</u>	<u>1935</u>	<u>1936</u>	<u>1937</u>	<u>1938</u>	<u>1939</u>
Number Admitted	1,450	3,740	5,530	6,650	11,520	17,870	27,370
Percentage of Quota	.055	14.4	21.3	25.6	44.3	65.2	100.0

Because the annual German quota was 25,957 and increased to 27,370 after the Austrian *Auschluss* in March 1938, the total allowable quota from 1933 to 1939 was 183,112 (25,957 x 6 = 155,742 + 27,370 = 183,112). However, FSOs issued visas to only 74,130 German Jewish immigrants. Strauss, "Jewish Emigration from Germany: Nazi Policies and Jewish Responses (II)," 359. The low percentage is even more striking when compared to the total number of visas issued, 74,130, to the total authorized quota for German Jews during that period.

explaining this restrictive American immigration policy.⁶ Second, historians such as David Wyman, Henry Feingold and Saul Friedman argue that other factors, including, but not limited to, anti-Semitism, were responsible for this policy.⁷ Finally, scholars such as Richard Breitman and Alan Kraut urge that “bureaucratic indifference” and not anti-Semitism was the source of this policy.⁸

The first inquiry into this subject began with the publication of journalist Arthur D. Morse’s *While Six Million Died, a Chronicle of American Apathy* (1968), which investigated America's inadequate response to the Nazi persecution of European Jews and the Holocaust. Morse examined the actions of Carr and Phillips during the 1930s and concluded that their anti-Semitism was the primary

⁶ Arthur D. Morse, *While Six Million Died; a Chronicle of American Apathy* (New York, NY: Random House, 1968); Bat-Ami Zucker, *In Search of Refuge: Jews and US FSOs in Nazi Germany, 1933-1941* (London; Portland, OR: Vallentine Mitchell, 2001); Bat-Ami Zucker, "American Refugee Policy in the 1930s," in *Refugees from Nazi Germany and the Liberal European States*, edited by Frank Caestecker and Bob Moore (New York, NY: Berghahn Books, 2010): 151-168.

⁷ David S. Wyman, *Paper Walls; America and the Refugee Crisis, 1938-1941* (Amherst, MA: University of Massachusetts Press, 1968), 210-13. Subsequently, Wyman published *The Abandonment of the Jews*, which focused on the cause of America’s inadequate efforts to respond to the German Jewish refugee problem during World War II. See David Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941-1945* (New York, NY: Pantheon Books, 1984); Wyman, *Paper Walls*, 213; Henry L. Feingold, *The Politics of Rescue; the Roosevelt Administration and the Holocaust, 1938-1945* (New Brunswick, NJ: Rutgers University Press, 1970); Henry L. Feingold, *Bearing Witness: How America and Its Jews Responded to the Holocaust* (Syracuse, NY: Syracuse University Press, 1995); Saul S. Friedman, *No Haven for the Oppressed; United States Policy toward Jewish Refugees, 1938-1945* (Detroit, MI: Wayne State University Press, 1973).

⁸ Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington, IN: Indiana University Press, 1987), 9, 36; Richard Breitman and Alan M. Kraut, "Anti-Semitism in the State Department, 1933-44: Four Case Studies," in *Anti-Semitism in American History*, edited by David A. Gerber (Urbana, IL: University of Illinois Press, 1986), 181.

factor influencing the decisions to restrict the issuance of visas to German Jews.⁹

Simultaneously, Professor David Wyman published *Paper Walls: America and the Refugee Crisis, 1938-1941* (1968) where he identified three factors as the basis for American restrictive immigration policies, *i.e.*, nativism, xenophobia, and anti-Semitism. Although Wyman suggested that latent anti-Semitism was responsible for the insensitive attitude of the State Department, he refused to characterize these officials as truly “anti-Semitic.” Wyman concluded that neither President Roosevelt nor the State Department nor Congress was solely responsible for restrictive American immigration policy because “[v]iewed within the context of its times, United States refugee policy from 1938 to the end of 1941 was essentially what the American people wanted.”¹⁰

Subsequently, historians such as Henry Feingold and Bat Ami-Zucker examined the three factors identified by Wyman and concluded Wyman’s analysis was unsatisfactory in explaining the actions of the State Department. These scholars reviewed the role of anti-Semitism with respect to the implementation of American immigration policy concerning the growing Jewish refugee crisis in Europe. They examined the activities of senior officials in the Roosevelt administration and the Department of State in implementing that policy.¹¹ In *The*

⁹ Morse, *While Six Million Died*, 194-98.

¹⁰ Wyman, *Paper Walls*, 210-13.

¹¹ See Feingold, *The Politics of Rescue*; Feingold, *Bearing Witness*; Friedman, *No Haven for the Oppressed*; Zucker, *In Search of Refuge*; Zucker, "American Refugee Policy in the 1930s."

Politics of Rescue, Feingold argued that FSOs were essentially unsympathetic to Jewish refugees and suggested that their conduct was somewhat related to their personal prejudices towards Jews. However, he concluded that anti-Semitism was not the dominant factor.

In *American Refugee Policy and European Jewry, 1933-1945*, Richard Breitman and Alan Kraut examined the actions of Carr and Phillips. They found that the decisions of Carr and Phillips significantly affected the number of German Jewish refugees admitted into the United States, but concluded that their conduct was the product of “bureaucratic indifference” rather than anti-Semitism.¹²

In 2001, Zucker published *In Search of Refuge*, which focused on the role of FSOs, especially Messersmith and Geist (whom she referred to as “frontline soldiers” in Germany and Austria) with respect to consular visa policy between 1933 and 1939. According to Professor Zucker, a deeply entrenched anti-Semitism existed in America’s Foreign Service and in American society in general and this prejudice resulted in the passage of the 1924 Act. Zucker concluded that the FSOs, acting in this pervasive anti-Semitic atmosphere, applied a severely restrictive immigration policy to German Jewish visa applicants. Their

¹² Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933-1945*. Bloomington, IN: Indiana University Press, 1987), 9, 36; Breitman, "Anti-Semitism in the State Department, 1933-44: Four Case Studies," 181.

decisions reflected anti-Semitic prejudice, which senior officials of the State Department, such as Carr and Phillips, encouraged.¹³

These scholars have examined many factors that influenced American immigration policy with respect to the entry of Jews to the United States during this period. They include American public opinion, which overwhelmingly supported limited immigration, the grave economic situation of the 1930s and the strong sense of isolationism among Americans that the Third Reich's increasingly belligerent attitude toward the international community and its treatment of German Jews was a "European problem." Historians have analyzed the role of President Franklin D. Roosevelt, his administration and senior officials of the State Department with respect to the growing Jewish refugee crisis. More recently, scholars have examined the role of FSOs and their influence upon interpretation of American immigration policy.

Examination of the evidence relating to Carr, Phillips, Messersmith and Geist establishes that their anti-Semitism was the *primary* influence on their decisions as government officials with respect to immigration policy concerning German Jews between 1933 and 1939.

Wilbur J. Carr (1870-1942) grew up on a farm in Ohio and did not come from a wealthy family or have "social connections." He initially entered government service as a clerk in the State Department (1892), and his successful career

¹³ Zucker, *In Search of Refuge*, 28-45; 173-174, 177.

at the State Department is a testament to his persistence and hard work. His subsequent promotions to Director of Consular Services (1909), his appointment as Assistant Secretary of State (1924) and later as ambassador to Czechoslovakia (1937) represent a “tribute to the merit system.” Carr was the quintessential bureaucrat. He found consular work to be “fascinating,” occupied the same office in the State Department for over 30 years and was “punctual, methodical, prudent, and disciplined.”¹⁴ During his nearly 40-year career at the State Department, Carr introduced several new methods to streamline and to organize the myriad tasks of the Consular Service and revised the Consular Regulations.¹⁵ In 1920, Bainbridge Colby (Secretary of State, 1920-21) described Carr as the “backbone” of the State Department.¹⁶

Unlike Carr, William Phillips (1878-1968) came from a distinguished American family, which included the antislavery reformer Wendell Phillips and the American jurist, John Jay. In addition to serving as the Under Secretary of State (1922-1924, 1933-1936), Phillips held other diplomatic posts during his

¹⁴ Waldo H. Heinrichs, Jr., "Bureaucracy and Professionalism in the Development of American Career Diplomacy," in John Braeman, Robert H. Bremner and David Brody, eds., *Twentieth-Century American Foreign Policy* (Columbus, OH: Ohio University Press, 1971), 133.

¹⁵ Katharine Elizabeth Crane, *Mr. Carr of State; Forty-Seven Years in the Department of State* (New York, NY: St. Martin's Press, 1960), 9.

¹⁶ *Carr Diary*, March 23, 1920, *Manuscript Division*, Library of Congress.

lengthy Foreign Service career.¹⁷ During his tenure as Third Assistant Secretary of State (1909, 1914-17), he met a fellow Harvard graduate, Franklin D. Roosevelt. When Roosevelt became President, he appointed Phillips to serve as Under Secretary of State to assist Cordell Hull, who served as Secretary of State from 1933 to 1944. Phillips' antipathy towards German Jewish refugees reflected his longstanding and deep-seated anti-Semitism.¹⁸

George S. Messersmith (1883-1960) was born in Pennsylvania and began his career as a teacher in a one-room schoolhouse in Delaware. Although he never graduated from college, Messersmith served on the board of what became the University of Delaware (1905) and later became Secretary of the Board of Education for Delaware (1911). Disenchanted with “ignorant and prejudiced school boards,” Messersmith entered the Foreign Service in 1914.¹⁹ During his long diplomatic career, he served as, *inter alia*, Consul-General in Berlin (1930-1934) and Assistant Secretary of State (1937-1941).²⁰ In both of these positions,

¹⁷ Phillips also served as the ambassador to Luxembourg and the Netherlands (1920-1922), Belgium (1924-1927) and Canada (1927-1929). U.S. Department of State, Office of the Historian. Available from <http://history.state.gov/departmenthistory/people/phillips-william>. Accessed on March 15, 2011.

¹⁸ Alan M. Kraut, Richard Breitman, and Thomas W. Imhoof, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," *Journal of American Ethnic History* 3, no. 2 (Spring 1984): 8-9; Breitman, *American Refugee Policy*, 36.

¹⁹ Jesse H. Stiller, *George S. Messersmith: Diplomat of Democracy* (Chapel Hill, NC: University of North Carolina Press, 1987), 2-6.

²⁰ Messersmith also served as the Minister Plenipotentiary at the Legation in Vienna (1934-1937). U.S. Department of State, Office of the Historian. Available from

Messersmith supervised personnel and consular affairs, including the issuance of passports and visas. After the United States combined the German and Austrian quotas in response to the *Anschluss* in 1938, Messersmith professed concern about the granting of more visas to German Jews because he claimed that the American public and Congress would strongly oppose an influx of Jewish refugees.²¹ As a FSO in Berlin, he refused to initiate any change that would expedite the processing of visas applications to help German Jews. Rather, he implemented a stricter interpretation of the LPC requirement than his predecessor that resulted in a near 100% rejection of all visa applications sought by German Jews.²² Although Messersmith professed sympathy for Jews who sought visas, his actions reveal an implacable, iron-fisted policy of strictly enforcing every requirement governing the issuance of visas and adherence to the LPC provision.²³

<http://history.state.gov/departmenthistory/people/messersmith-george-strausser>. Accessed on March 1, 2011.

²¹ Minutes of President's Advisory Committee on Political Refugees, May 16, 1938, *Stephen Wise Papers*, P-134, Box 65, American Jewish Historical Society (YIVO Institute Archives).

²² Zucker, *In Search of Refuge*, 175. In December 1930, Messersmith proudly informed his superiors that American consulates in Germany had denied 98.78 percent of all immigrant visa applicants. By January 1931, the figure had risen to 99.02 percent, an achievement for which the State Department commended him. Breitman, "Anti-Semitism in the State Department, 1933-44," 179.

²³ Melissa Jane Taylor, "'Experts in Misery'? American Consuls in Austria, Jewish Refugees and Restrictionist Immigration Policy, 1938-1941," unpublished Ph.D. dissertation (University of South Carolina, 2006), 98, n. 41; Shlomo Shafir, "George S. Messersmith: An Anti-Nazi Diplomat's View of the German-Jewish Crisis," *Jewish Social Studies* 35, no. 1 (January, 1973): 34.

Raymond H. Geist (1885-1947) received a Ph.D. from Harvard in 1918. Geist was a member of the United States delegation to the Paris Peace Conference in 1919, later served on the American Relief Committee to assist starving children in Vienna and subsequently returned to Harvard to teach. Tired of the academic life, he entered the Foreign Service and served as FSO in Berlin from 1929 to 1939.²⁴ Messersmith was Geist's immediate superior in Berlin during 1930-1934 and they were also close personal friends.²⁵ As early as February 1934, Geist was aware that there were major "difficulties" for German Jews to obtain the required supporting visa documents.²⁶ Nevertheless, he cautioned his superiors about relaxing the document requirements because he allegedly feared that to do so would increase the risk of fraud by "undesirable persons."²⁷ Although he professed more sympathy towards the plight of German Jews after *Kristallnacht*, he did not change his attitude towards the issuance of visas.

Chapter I reviews the history of the LPC provision in American immigration law, including a brief summary of the relevant 1882, 1917 and 1924 immigration legislation and the State Department's administrative interpretation of this statutory provision. Chapter II explains the visa application process and the difficulties that German Jewish applicants faced in satisfying the LPC provision.

²⁴ Breitman, *American Refugee Policy*, 43.

²⁵ Melissa Jane Taylor, "Diplomats in Turmoil: Creating a Middle Ground in Post-Anschluss Austria," *Diplomatic History* 32, no. 5 (November 2008): 825, n.59, 60.

²⁶ Zucker, *In Search of Refuge*, 84.

²⁷ Christoph Strupp, "Observing a Dictatorship: American Consular Reporting on Germany, 1933-1941," *GHI Bulletin* 39 (Fall 2006): 83.

Chapter III presents the evidence establishing the anti-Semitism of Messrs. Carr, Phillips, Messersmith and Geist. Chapter IV evaluates the arguments that they offered to justify their actions and demonstrates that anti-Semitism was the primary factor influencing the implementation of American immigration policy with respect to German Jews between 1933 and 1939.

Chapter I

The History of the LPC Provision

During its early history, the United States maintained an “open door” policy that attracted millions of immigrants of all faiths, including Jews, who sought a better life regardless of nationality, economic need, or religion. Between 1820 and 1880, approximately 9,189,000 immigrants came to America.²⁸ By the early 1880s, however, American nativists, alarmed at the influx of immigrants, clamored to exclude “foreigners” whom they viewed with deep suspicion.²⁹ The vast majority of these immigrants, who came from Southern, Central and Eastern Europe, “were considered so different in composition, religion and culture from earlier immigrants as to trigger a xenophobic reaction that served to generate more restrictive immigration laws.”³⁰

In August, 1882, Congress enacted the Immigration Act of 1882, which authorized immigration officials to deny entry to “any convict, lunatic, idiot or

²⁸ Örn B. Bodvarsson and Hendrik Van den Berg, *The Economics of Immigration: Theory and Policy* (Berlin Heidelberg; London, UK; New York, NY: Springer-Verlag, 2009), 350. During the 19th century, the United States made no distinction between “immigrants” and “refugees” and admitted virtually all who desired to start a new life here. Zolberg, “The Roots of American Refugee Policy,” 654.

²⁹ Nativism may be defined as “intense opposition to an internal minority on the ground of its foreign (*i.e.*, ‘un-American’) connections By drawing on much broader cultural antipathies, and ethnocentric judgments, nativism translates them into a zeal to destroy the enemies of a distinctly American way of life.” John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New York, NY: Atheneum, 1963), 4. Moreover, “nativism was deeply rooted in the loam of American culture” where the “white Anglo-Saxon” Protestant majority” traditionally viewed minorities such as Asians, Jews and Roman Catholics with hostility. Breitman, *American Refugee Policy*, 7.

³⁰ Zucker, “American Refugee Policy in the 1930s,” 152.

any person unable to take care of himself without becoming a public charge” (LPC).³¹ However, the LPC provision was not strictly enforced for many years and as a result, America famously became a “melting pot” of immigrants. Between 1881 and 1914, 21,857,694 immigrants entered the United States of which approximately 1,500,000 were Jews.³²

Alarmed at the mass influx of foreigners, Congress enacted the “cornerstone” of America’s immigration policy, the Immigration Act of 1917, which reversed America’s traditional open-door policy and denied entry to the vast majority of prospective immigrants. The 1917 Act was more restrictive than the 1882 Act because the former increased the number of categories of aliens to whom immigration officials could deny admission, which included those individuals believed “likely to become a public charge.”³³ As a result of the 1917 Act,

³¹ Section 2, Act of May 6, 1882, 22 Stats. 58, 23 Stats. 115. In 1915, the Supreme Court defined an individual who “would likely become a public charge” as “between paupers and professional beggars, and along with idiots, persons dangerously diseased, persons certified by the examining surgeon to have a mental or physical defect of a nature to affect their ability to earn a living, convicted felons, prostitutes and so forth. The persons enumerated in short are to be excluded on the ground of permanent personal objections accompanying them irrespective of local conditions unless the one phrase before us is directed to different considerations than any other of those with which it is associated. Presumably it is to be read as generically similar to the others mentioned before and after.” *Gegiow v. UHL, Acting Commissioner of Immigration at the Port of New York*, 239 U.S. 3, 10, n.2 (1915).

³² American Jewish Committee, *The American Jewish Year Book 5706: 1945-46* Vol. XLVII, edited by Cyrus Adler and Henrietta Szold (Philadelphia, PA: Jewish Publication of America, 1945), 652.

³³ Act of February 4, 1917, H.R. 10384; Pub. L. 301; 39 Stat. 87. Section 3 of the 1917 Act sets forth those persons who would be barred from the United States: “All idiots, imbeciles, epileptics, alcoholics, poor, criminals, beggars, any person suffering

immigration dramatically decreased: between 1918 and 1920, only 21,019 Jews were admitted into the United States.³⁴

Americans, driven by strong isolationist and nativist sentiments, which included anti-Semitism, clamored for a permanent law to severely restrict immigration after World War I.³⁵ These views were reflected in Congress.³⁶ As a result, Congress enacted the Immigration Act of 1924, which later became known as the National Origins Act.³⁷ The 1924 Act (1) established a quota system that limited

attacks of insanity, those with tuberculosis, and those who have any form of dangerous contagious disease, aliens who have a physical disability that will restrict them from earning a living in the United States . . . polygamists and anarchists, those who were against the organized government or those who advocated the unlawful destruction of property and . . . *persons likely to become a public charge.*" (Emphasis added) The 1917 Act also waived a literacy requirement if the immigrant asserted that he came to America in order to avoid religious persecution from his country of origin.

³⁴ Eugene M. Kulischer, "Jewish Migrations Past Experiences and Post-War Prospects," in *Jews and the Post-War World*, edited by Abraham G. Duker, Vol. 4 (New York, NY: The American Jewish Committee, 1943), 50.

³⁵ Herbert A. Strauss, "The Immigration and Acculturation of the German Jew in the United States of America," *Leo Baeck Institute Year Book* 16, no. 1 (January 1971): 75.

³⁶ Nativism among American legislators was pervasive in the interwar period. For example, in early 1924, representative William N. Vaile (R., Colorado) declared to Congress: ". . . Let me emphasize here that the restrictionists of Congress do not claim that the 'Nordic' race, or even the Anglo-Saxon race, is the best race in the world. Let us concede, in all fairness, that the Czech is a more sturdy laborer, with a very low percentage of crime and insanity, that the Jew is the best businessman in the world, . . . which have greatly enriched the world and which have, indeed, enriched us, a spiritual exaltation and an artistic creative sense which the Nordic rarely attains. Nordics need not be vain about their own qualifications. It well behooves them to be humble. What we do claim is that the northern European, and particularly Anglo-Saxons made this country. Oh, yes; the others helped. But that is the full statement of the case. They came to this country because it was already made as an Anglo-Saxon commonwealth. They added to it, they often enriched, but they did not make it, and they have not yet greatly changed it." *Congressional Record*, 68th Congress, 1st Session (Washington DC: Government Printing Office, 1924), vol. 65, Part 6, April 8, 1924, p. 5922.

³⁷ Act of May 26, 1924, H.R. 7995; Pub. L. 68-139; 43 Stat. 153.

the number of foreign immigrants admitted into the United States and (2) provided that each quota could not exceed more than 2% of that country's national-origin group residing in the United States as of 1890. The quotas for the countries from Central and Eastern Europe excluded the number of immigrants who had come to the United States during the period from 1890 to 1920. Pursuant to the 1924 Act, the total annual world quota permitted 153,000 immigrants to enter the United States. The German quota was 25,957, which included both Jews and non-Jews. The passage of the 1924 Act was a victory for nativists because it reflected America's preference for immigrants from Northern Europe.³⁸ American immigration law became highly restrictive without appearing to be explicitly prejudicial.³⁹

Another significant change in American immigration law involved the administrative procedure regarding admission of an immigrant. Until the 1924 Act, immigration officers at the port of entry issued the visa or denied admission. However, the 1924 Act (1) transferred the issuance of visas to the FSO of the particular American consulate in the country of origin and (2) authorized the State

³⁸ U.S. Department of State, *Admission of Aliens into the United States: Supplement A of the Consular Regulations, Notes to Section 361* (Washington, DC: U.S. Government Printing Office, 1935), 64. Cf. The annual quota for Great Britain and Northern Ireland was 65,721. U.S. Department of State, "Immigration Visa Statistics," *Bulletin*, Vol. II, no. 35, Publication No. 1437 (February 24, 1940), 215. Available from HeinOnline, <http://heinonline.org>.

³⁹ Brian N. Fry, *Nativism and Immigration: Regulating the American Dream* (New York, NY: LFB Scholarly Publishing LLC, 2006), 51; Higham, *Strangers in the Land*, 319-24.

Department to develop its own administrative procedures and/or forms.⁴⁰ The issuance of a visa depended upon the completion of a lengthy seven-page visa application and presentation of supporting documentation.

By 1930, millions of Americans became unemployed because of the Great Depression. These dire economic conditions produced intense pressure on the government to further restrict immigration. As a result, President Herbert Hoover requested the State Department to locate a provision within the immigration statutes that would enable an administrative reduction in immigration without the need for Congressional action.⁴¹ The State Department identified the LPC provision in the 1917 Act as the statutory authority that would permit the State Department to drastically reduce immigration. During a press conference on September 9, 1930, Hoover officially announced the strict enforcement of the LPC provision. The State Department's administration of this provision would thereafter presume that, in light of the Great Depression, a prospective immigrant would be unable to find a job in the United States:

⁴⁰ See Section 3 of the 1917 Act; Section 2(a) of the 1924 Act. The 1924 Act also ended the physical inspection of each immigrant because medical evaluations were conducted at the country of embarkation. Thus, upon arrival, the emphasis shifted from inspection of immigrants' bodies to the inspection of their visa application and supporting documentation. Section 24 of the 1924 Act states: "The Commissioner General, with the approval of the Secretary of Labor, shall prescribe rules and regulations for the enforcement of the provisions of this Act; but all such rules and regulations, in so far as they relate to the administration of this Act by consular officers, shall be prescribed by the Secretary of State or the recommendation of the Secretary of Labor."

⁴¹ Kraut, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," 7.

The consular officers of the Department have the duty of issuing visas to intending immigrants who show themselves entitled to entry under the laws of the United States. *The only important provision of our law as to immigration is that one requiring the exclusion of those who are liable to become public charges.* In normal times an applicant for admission, if an able-bodied worker who means to work and has sufficient funds to support himself until he gets to his destination, would be admitted without particular stress, but in abnormal times like the present we are endeavoring to cut down on aliens who may prove to become public charges. (Emphasis added) ⁴²

The State Department subsequently reprinted the directive in its weekly publication, *Press Releases*, which instructed FSOs “to pass judgment with particular care on whether the applicant may become a public charge; and if the applicant cannot convince the officer that it is not probable, the visa will be refused. If the consular officer believes that the applicant may probably be a public charge at any time, even during a considerable period subsequent to his arrival, he must refuse the visa . . . and may get his visa when employment conditions again become normal.” ⁴³

Hoover’s 1930 directive highlighted the popular belief that new immigrants would exacerbate the already dire economic conditions caused by the Great

⁴² Presidential Press Conference, September 9, 1930. University of California, Santa Barbara, The American Presidency Project. Available from <http://www.presidency.ucsb.edu/ws/?pid=22344>.

⁴³ U.S. Department of State, "Immigration Unemployment and Immigration Restriction," *Press Releases*, Publication No. 109, Weekly Issue No. 50 (September 13, 1930): 176-177. Frequently, restrictionist opponents incorrectly referred to Hoover’s Directive as an Executive Order, which they mistakenly believed could only be modified by a “new” Executive Order. Carr was quick to point out that “[t]here is no such Executive Order, as alleged.” Carr, “The Problem of Aliens Seeking Relief from Persecution in Germany,” April 20, 1933, *Carr Papers*.

Depression and create increased unemployment, “cheap competition for American workers, and a heavier drain on public relief.” American newspapers echoed public anti-alien sentiment. For example, *The New York Times* editorialized: “[t]his marked reduction is due to the restrictive policy that has been followed during the years of the depression [*i.e.*, 1929 to date]” and that the immigration laws had successfully barred 500,000 persons from entering the United States. *The Times* concluded: “Had they come, they would only have swollen the number of unemployed. No one can question the wisdom of this policy in general.”⁴⁴

Hoover’s directive was a critical development in the enforcement of America’s immigration laws and is significant for three reasons. First, it resulted in a decrease of immigration without Congressional action.⁴⁵ Under this revised administrative interpretation of the LPC provision, unless an applicant could demonstrate that he had a specific job waiting for him or sufficient assets to support himself or would be supported by a sponsor, he would be denied a visa.⁴⁶

Second, FSOs interpreted Hoover’s directive as an instruction to reduce the number of visas issued, regardless of whether an immigrant could satisfy the

⁴⁴ Brody, “American Jewry, Refugees and Immigration Restriction,” 220; “Immigrants,” *The New York Times*, December 24, 1932.

⁴⁵ Kraut, “Anti-Semitism in the State Department, 1933-44,” 7.

⁴⁶ Wyman, *Paper Walls*, 3-4.

LPC provision or not.⁴⁷ Within the specified quota for Germany, as for other countries, the FSOs exercised discretionary authority to decide who would be granted or denied a visa.⁴⁸ That authority was final and unreviewable.⁴⁹ Third, Hoover's directive became effective prior to the assumption of power by Hitler and the Nazis on January 30, 1933 and therefore did not specifically target German Jews. It thus provided administrative justification for decisions denying visa applications that, in fact, were the result of anti-Semitism.

Drawing upon the statutory authority of the 1882, 1917 and 1924 Acts, the State Department's implementation of Hoover's 1930 directive with its presumption of unemployment represented the final legal justification to deny admittance to German Jewish visa applicants. As described in Chapter II, the ability to satisfy the LPC provision became the most difficult obstacle for the visa applicant to overcome.

⁴⁷ Frederick A. Lazin, "The Response of the American Jewish Committee to the Crisis of German Jewry, 1933-1939." *American Jewish Historical Quarterly* 68, no. 1-4 (June, 1978): 296.

⁴⁸ Carr, untitled document, April 20, 1933, *Carr Papers*.

⁴⁹ Daniel J. Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton, NJ: Princeton University Press), 158.

Chapter II

The Visa Application Process and the LPC Provision

Carr, Phillips, Messersmith and Geist manipulated the criteria governing the issuance of visas to severely limit the entry of German Jewish refugees under the authority of the 1917 and 1924 immigration statutes. In order to obtain a visa, an applicant had to overcome two major barriers. The first burden was the requirement that the visa applicant produce the required documentation, “if available,” in support of the application. The second burden was to satisfy the FSO that they were not likely to become a public charge.

The burden of proving eligibility for admission rested upon the visa applicant. The State Department instructed FSOs to question the applicants in person, scrutinize the documentation presented and consider relevant information from other sources.⁵⁰ Although the State Department modified the interpretation of “if

⁵⁰ The State Department’s official handbook on immigration described the critical role of FSOs in the visa application process: “Consular officers abroad receive the applications for visas of aliens desiring to enter the United States and determine whether or not visas may properly be issued in accordance with the immigration laws. They are primarily responsible for determining the facts in each case, while the burden of proving his admissibility rests upon the alien applicant. In determining the facts consular officers examine applicants in person and their documents, as well as other evidence submitted by them, and take into consideration information available from other sources.” U.S. Department of State, *The Immigration Work of the Department of State and Its Consular Officers: Rev. To July 1, 1938* (Washington, DC: U.S. Government Printing Office, 1939), 2-3. During the 1930s, although the United States maintained 30 consulates throughout Germany, only the embassies at Berlin, Hamburg, Stuttgart and Vienna (after the March 1938 *Anschluss*) were authorized to issue immigration visas. Zucker, “American Refugee Policy in the 1930s,” 159. As of January 1, 1938, there were 24 FSOs in Berlin, Hamburg and Stuttgart and seven FSOs in Vienna who were authorized to issue visas. U.S. Department of State, *Foreign Service List* (Washington, DC: U.S. Government Printing Office,

available” somewhat in 1933, this revision did not significantly facilitate the application process. As the Nazis’ anti-Jewish campaign in Germany intensified during the 1930s, the ability of visa applicants to obtain the necessary documentation from local German authorities became increasingly difficult.

With respect to the second burden, to establish their eligibility for admission to the United States, German Jews, like all other alien applicants, had to provide detailed information about themselves and documentation demonstrating substantial financial ability to support themselves for an indefinite period of time. Alternatively, American relatives of the potential immigrants could submit “sponsor affidavits”; they also were required to present supporting documentation verifying their financial ability and willingness to support visa applicants.

During the 1930s, the interpretation of the key word “likely” in the LPC provision became a highly contentious issue between the State Department and private American Jewish refugee organizations that worked on behalf of visa applicants. As a result, Carr and Phillips twice revised the meaning of “likely” during the 1930s. However, it was not until 1939 that these changes resulted in the complete fulfillment of the annual German quota.

The procedure to obtain a visa began with the completion of a detailed seven-page application, which was fraught with potential pitfalls. The application

1938), 2, 12-13. Available from Hathi Digital Trust Library, <http://babel.hathitrust.org/cgi/pt?id=mdp.39015077183427>. Accessed on April 4, 2011.

required thorough responses to 23 categories of questions. These included: (1) places of residence during the past five years; (2) place and date of birth; (3) marital and family status; (4) names and addresses and nationality of close relatives living in the United States and in Europe, Asia, or Northern Africa; (5) educational background; occupational experience; (6) political activities and affiliations; (7) the basis for the applicant's belief that he "may be endangered in the country of his present residence by reason of past political connections or activities"; and (8) "the names, addresses, and nationality of all persons or organizations interested in the admission of the applicant."⁵¹ Pursuant to Section 7(c) of the 1924 Act, documentation was required, "if available" in support of the application, which included two copies of the applicant's "police dossier," a birth certificate, a certificate of good character, *i.e.*, that the affiant had no criminal record and proof that he was in good physical condition.⁵²

⁵¹ See Form B, "Biographical Data Concerning Alien Visa Applicant," U.S. Department of State, Visa Division. Available from Public Broadcasting Service, American Experience, <http://www.pbs.org/wgbh/amex/holocaust/filmmore/reference/primary/barvisa2.html>.

⁵² Section 7(c) of the 1924 Act states: "The immigrant shall furnish, *if available*, to the consular officer, with his application, two copies of his dossier and prison record and military record, two certified copies of his birth certificate, and two copies of all other available public records concerning him kept by the Government to which he owes allegiance. One copy of the documents so furnished shall be permanently attached to each copy of the application and become a part thereof. An immigrant having an unexpired permit issued under the provisions of section 10 shall not be subject to this subdivision. In the case of an application made before September 1, 1924, if it appears to the satisfaction of the consular officer that the immigrant has obtained a visa of his passport before the enactment of this Act, and is unable to obtain the documents referred to in this subdivision without undue expense and delay, owing to absence from the country from

Although Section 7(c) identified the types of documents required, the meaning of the term “if available” caused major difficulties for visa applicants. In other words, did the term “if available” refer to an inability to procure the required documents from the German authorities or did it refer to their physical non-existence? American Jewish refugee organizations reacted quickly to this ambiguity. For example, within six months of the Nazis coming to power, the American Jewish Committee (“AJC”) requested an official interpretation of the “if available” provision in order to facilitate the visa application process on behalf of German Jews.⁵³ In response, Phillips stated: “[a] consular officer . . . has no authority to waive the production of the documents . . . if they are obtainable. Such documents will, however, not be required in the case of applicants who are able to show that they are not ‘available’, that is, ‘procurable.’”⁵⁴

Phillips’ view that “if available” meant “obtainable” or “procurable” did not clarify the question at all. In an effort to resolve the problem, the State Department issued an “Instruction to Consuls” in early 1934. This Instruction informed FSOs that they were authorized to exempt the applicant from the documentation

which such documents should be obtained, the consular officer may relieve such immigrant from the requirements of this subdivision.” (Emphasis added)

⁵³ See e.g., letter from Justice Joseph M. Proskauer to Hull, September 22, 1933, American Jewish Committee Executive Office--*Morris Waldman Files* (Exo-29), Box 14 Folder 266,” American Jewish Committee (YIVO Institute Archives).

⁵⁴ Letter from Acting Secretary Phillips to Justice Joseph M. Proskauer, August 5, 1933, Emergency Committee In Aid of Displaced Foreign Scholars Records 1927-1949, MssCol 922, Box 162, Folder 13 entitled “American Jewish Committee 1933-35, 1938-39, 1942,” New York Public Library, *Manuscripts and Archives Division*.

requirement when they could be obtained only with "serious inconvenience," "personal injury," "financial loss," or the "peculiar delay and embarrassment that might attend the request of a political or religious refugee to his former government." ⁵⁵

In early 1934, Geist acknowledged "certain difficulties" with a visa applicant's ability to obtain documents from Nazi authorities and admitted it was not "as simple a matter or routine." Nevertheless, he still advised other FSOs against adopting a more humane approach with respect to the presentation of documents because of the alleged danger of fraud by "undesirable persons". ⁵⁶ This was a coded reference to Jews. ⁵⁷

In addition to the problems of obtaining required documents, German Jews applying for visas to the United States faced several difficult obstacles resulting from the interpretation and application of the LPC provision. The first problem arose from varying interpretations of the meaning of the word "likely" to become a public charge pursuant to Section 3 of the 1917 Act. Without official instructions, there was a great deal of confusion and disparity among FSOs with respect to the interpretation and application of the LPC provision.

In light of Hoover's 1930 directive and its presumption that an immigrant would not be able to find employment, FSOs interpreted "likely" to mean the

⁵⁵ Kraut, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," 12.

⁵⁶ Zucker, *In Search of Refuge*, 138.

⁵⁷ See letter from Geist to Secretary Hull, September 10, 1934, page 27, *infra*.

mere “possibility” of becoming LPC rather than the “probability” of doing so. Until the Nazis’ *Arisierung* (“Aryanization”) of Jewish businesses and assets began to cause serious economic hardship by 1934, some German Jewish visa applicants were still able to demonstrate sufficient personal and independent financial wherewithal to establish this interpretation of “likely.”⁵⁸ However, as the effects of Aryanization became more oppressive, German Jews no longer had sufficient personal financial resources. Thus, they were increasingly compelled to rely upon sponsor affidavits from friends and relatives to satisfy the LPC provision.

Geist was concerned that the LPC provision was not an effective barrier to halt “a flood of” undesirable Jewish immigrants because of the lack of uniformity in the interpretation of the LPC provision.⁵⁹ He acknowledged the manipulation of the LPC provision in order to deny visas to Jewish applicants. In 1934, Geist wrote to Hull: “In order to prevent a flood of Jewish immigrants into the United

⁵⁸ Aryanization refers to the forced transfer of Jewish-owned businesses and property to “Aryan,” *i.e.*, non-Jewish, ownership from 1933 to 1939. Roderick Stackelberg, *The Routledge Companion to Nazi Germany* (New York, NY; London, UK: Routledge, 2007), 256. James P. Moffitt (FSO-Stuttgart) reported that by the beginning of 1934, 1,180 German Jewish immigrants who retained “substantial personal resources” had successfully emigrated and transferred “the sum of \$1,020,460” to the United States. Zucker, *In Search of Refuge*, 89.

⁵⁹ Geist to Secretary of State, September 10, 1934, State Department officials were concerned that the LPC provision would not halt immigration because “the interpretation . . . has not only varied somewhat as between one consular officer and another, but it has varied strikingly from one year to another even at the hands of the same officials.” Malcolm C. Burke (FSO-Hamburg) to Hull, February 23 1934. Kraut, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 15-16.

States, the likelihood of becoming a public charge was therefore taken as the chief and easy grounds for refusal of visas to Jewish immigrants, especially when the consul need not justify his decision.”⁶⁰

Not only did the interpretation of the LPC provision vary among American consulates in Germany, there were differences among FSOs within an individual embassy. As Malcolm Burke, FSO in Hamburg, observed “. . . [interpretation of the LPC] has varied strikingly from one year to another; even in the hands of the same officials. In many instances, an examining officer is thrown back largely upon intuition and instinct, and cannot avoid forming in his own minds an opinion--favorable or unfavorable--which he is later unable fully to justify by analysis and argument.”⁶¹

The controversy surrounding the meaning of “likely” in the LPC provision continued through the 1930s. For example, in 1937, Avra M. Warren (Chief, Visa Division) observed that “[t]here was no ‘open sesame’, no rule of thumb which could be followed, nor were there general observations applicable to every kind of case which might arise.”⁶² Therefore, the FSO determined the fate of a visa applicant because he exercised sole and final authority to grant a visa.

Satisfaction of the LPC provision was an enormously difficult obstacle for a German Jewish visa applicant to overcome. If the visa applicant did not have

⁶⁰ Geist to Secretary of State, February 2, 1934, Zucker, *In Search of Refuge*, 92.

⁶¹ *Ibid.*, 86-87.

⁶² *Ibid.*, 86.

sufficient personal financial resources to satisfy the LPC provision, two affidavits of support (or “sponsor affidavits”) from close American relatives and/or friends were required pursuant to Section 9(b)(6) of the 1924 Act.⁶³ However, prior to 1933 and pursuant to their discretionary authority, FSOs chose not to rely upon this section of the 1924 Act in order to grant a visa. Messersmith believed that a sponsor affidavit from an American relative or friend was insufficient to demonstrate that an applicant would not become a public charge. He instructed his staff that only applicants who were “in possession of funds or property sufficient to support themselves during the probably indefinite period of the present economic crisis, *i.e.*, funds or property yielding an income sufficient to provide their support” should be granted visas.⁶⁴ By 1934, this requirement of sufficient funds to support the applicant for “the probably indefinite period of the present economic crisis” was virtually impossible to satisfy for almost all German Jewish applicants as the effects of the Third Reich’s “Aryanization” program intensified.⁶⁵

American refugee organizations complained that this standard was too rigid. In response to such criticism, Carr wrote a memorandum that advised FSOs

⁶³ Section 9(b)(6) of the Act states: “Any citizen of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States . . . may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating . . . that the petitioner is able to and will support the immigrant if necessary to prevent such immigrant from becoming a public charge.”

⁶⁴ George Messersmith to Secretary of State, January 7, 1931; Carr to Under Secretary of State William Castle, July 31, 1931. Kraut, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 7, 8.

⁶⁵ See note 58, *supra*.

to be “sensitive” in their communications with American citizens who were relatives of German Jewish visa applicants.⁶⁶

The FSOs’ examination of the sponsor affidavits was just as rigorous as that used in the evaluation of the visa applicant’s application. For example, FSOs required sponsors to provide a certified copy of their most recent federal income tax return; a statement from their bank confirming the balances in their bank accounts and an affidavit from another responsible person (such as the sponsor’s employer) that verified the sponsor’s financial status.⁶⁷ The failure to furnish all of the required information and documentation invalidated the application and necessitated re-filing. FSOs frequently rejected applications for the smallest of errors, whether inadvertent omissions or honest mistakes.⁶⁸

Although an affidavit was legally sufficient if it provided information concerning the financial status of the sponsor, many FSOs were reluctant to accept affidavits from individuals who were friends or who were not members of the applicant’s immediate family. FSOs asserted that individuals with close familial

⁶⁶ Carr to American Diplomatic and Consular Officers, July 6, 1933. Kraut, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," 8.

⁶⁷ See Form C, “Affidavit of Support and Sponsorship on Behalf of Alien Desiring to Proceed to the United States,” U.S. Department of State, Visa Division. Available from Public Broadcasting Service, American Experience, <http://www.pbs.org/wgbh/amex/holocaust/filmmore/reference/primary/barvisa2.html>.

⁶⁸ Cecilia Razovsky, undated, “Case 1 Illustrates the Length of Time Needed to Secure an Affidavit and the Net Work [Sic] of Contacts Necessary Throughout the Country to Achieve Results,” *Cecilia Razovsky Papers*, P-290, Box 3, Folder entitled “Refugee Relief Work (N.D., 1938-1939) Re: National Coordinating Committee--Aid for German Refugees”, American Jewish Historical Society (YIVO Institute Archives).

relationships would be more likely to provide financial support for visa applicants than distant relatives or friends.⁶⁹

The issue of the affidavit's content and the criteria that determined who qualified as a "near enough relative" to supply the document raised major difficulties for visa applicants. In early 1934, George F. Warren, a noted economist and advisor to Roosevelt, observed that many of the documents requested by FSOs were "oppressive and illogical, and so varied that no two FSOs make the same stipulation".⁷⁰ Confident that their superiors in the State Department would support their decisions, FSOs broadly interpreted the LPC provision and denied visa applications when affidavits of financial support were not from immediate family members.⁷¹

⁶⁹ Taylor, "Experts in Misery", 16.

⁷⁰ Warren stated that FSOs were requesting all types of documentary evidence, *e.g.*, proof of \$5,000, or bank account equivalents, deeds to unencumbered real estate, bank account statements, auditors' statements, and statements from employers that the relative executing the affidavit was steadily employed and would continue to be employed. Minutes of Meeting of the Committee on German Jewish Immigration Policy, January 26, 1934, American Jewish Joint Distribution Committee Records, I-345, AR 1933-1944, File 683 entitled "Emigration into the United States, 1933-1944," (YIVO Institute Archives).

⁷¹ An incident occurred at the American consulate in Hamburg that illustrates the affidavit problem. When a noted German Jewish professor asked the FSO for a definition of the LPC provision, the latter stated only a person "who withdraws voluntarily from his business and possesses so much that he can live on the income of his capital" would obtain a visa. On the other hand, when asked about a young man who did not fit the requirement, the FSO suggested cynically that he should "become engaged to an American girl who is so rich that he too can live on the income". Letter from Professor Mark Wischnitzer, a well-known Jewish historian and General-Secretary of the *Hilfsvereins der Deutschen* (Aid Association of German Jews) to Jacob Billikopf, September 20, 1933, handed on to the President (who sent copies to Herbert Lehman, Hull and Phillips on September 27, 1933), Records of the American Jewish Joint

Regardless of whether an applicant, friend and/or relative supplied an affidavit, it was the FSO's responsibility to evaluate that document. FSOs believed that the State Department expected them to restrict immigration, and accordingly, it was more prudent to deny the visa.⁷² Assistant Secretary Carr stated, with unyielding bureaucratic determination, that despite the pressure to make concessions with regard to the public charge provision "consular officers are bound to enforce it . . . faithfully and fairly."⁷³ Moreover, Hull admitted in the spring of 1934 that FSOs were instructed "to be particularly careful in requiring proof that an alien applying for an immigration visa will not become a public charge."⁷⁴

In July 1933, the Visa Division issued a new instruction to FSOs entitled "Public Charge Provisions of the Law" in a further effort to curtail immigration. That instruction informed FSOs that American citizens had moral and possibly legal obligations to insure that their immediate relatives of visa applicants did not become public charges. The new guidelines (1) emphasized that FSOs would accept affidavits of support only from immediate family members of the visa applicant and (2) instructed FSOs that the new criterion was whether the

Distribution Committee, AR 1933-1944, File 683 entitled "Germany, Emigration into the United States, 1933-1944," American Jewish Historical Society (YIVO Institute Archives).

⁷² Zucker, *In Search of Refuge*, 90.

⁷³ Carr to Messersmith, June 1, 1933, *Carr Papers*.

⁷⁴ Secretary of State Hull to Mrs. Carrie Chapman Catt, Chairman, Committee of Ten, March 12, 1934, *Morris Waldman Papers*, Box 19, Aliens, Folder 9 entitled Immigration- Refugees, 1933-35, 1938-39 (YIVO Institute Archives).

American relative was not only *willing*, but must also be *able*, to provide sufficient financial support.⁷⁵

With respect to distant relatives, Carr instructed FSOs that they would have to judge not only the sponsor's financial capacity, but also the credibility of the relative's interest and responsibility for the applicant. Applicants without a relative's affidavit or without independent financial means would automatically fail to satisfy the LPC provision and thus the applicant would not obtain a visa.⁷⁶

By the late summer of 1933, private American Jewish relief organizations began to complain about the difficulties that the LPC provision had created for visa applicants, *i.e.*, the lack of uniformity by FSOs with respect to their interpretation of LPC provision and the severity of the documents requirement.⁷⁷ For example, Jacob Billikopf (leader of various Jewish organizations including the National Conference of Jewish Social Workers and the National Coordinating Committee for Aid to Refugees and Emigrants) wrote to Judge Julian Mack

⁷⁵ "Public Charge Provisions of the Law," Visa Instructions of July 6, 1933. Breitman, *American Refugee Policy*, 35. Section 9(b)(6) of the 1924 Act states: "Any citizen of the United States claiming that any immigrant is his relative, and that such immigrant is properly admissible to the United States . . . may file with the Commissioner General a petition in such form as may be by regulations prescribed, stating . . . (6) that the petitioner *is able to and will support* the immigrant if necessary to prevent such immigrant from becoming a public charge; . . ." (Emphasis added)

⁷⁶ Breitman, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," 11.

⁷⁷ Letter from Max Kohler to Cordell Hull, August 28, 1933, American Jewish Committee, *Morris Waldman Files* (Exo-29), Box 18, Folder 6; Isaac Asofsky (General Manager of the Hebrew Sheltering and Immigrant Aid Society) to Kohler, 30 November 1933, *Max Kohler Papers*, Box 2, American Jewish Historical Society (YIVO Institute Archives).

(federal appellate judge, a leader of the American Jewish Congress and an expert on immigration law) that “dozens and dozens of individuals whose credentials . . . were in perfect form . . . were denied visas. . . . [t]he FSOs, particularly in the provinces are pretty adamant . . . [and] in Berlin, too, they are so busy that they adopt the ‘course of least resistance’.”⁷⁸

The new Visa Instructions represented a small but important change in immigration policy. Previously, FSOs had interpreted the LPC provision that applicants must possess the financial resources to support themselves. Now documentary evidence of financial ability from close family relatives of the applicant would be sufficient. The State Department hoped that this change in policy would suppress “the most vocal critics of immigration policy” such as those from American Jewish refugee organizations.⁷⁹ Despite this small liberalization of policy, however, Messersmith and Geist continued to use their discretionary authority to interpret broadly the LPC provision and denied visas to approximately 75% of all German Jewish applicants. By doing so, Jewish immigration

⁷⁸ Letter from Jacob Billikopf to Judge Julian W. Mack, September 14, 1933, *Messersmith Papers*, Item 298, University of Delaware Archives. Billikopf stated that the source of his information was Dr. Mark Wischnitzer (*see note 71, supra*). During the 1930s, correspondence from American Jewish refugee organizations on behalf of American citizens who attempted to obtain visas for their German Jewish relatives attests to the difficulty of satisfying the “willing and able” requirement. *See, e.g.*, Letter from Commissioner of U.S. Department of Labor, Immigration and Naturalization Service to Cecilia Razovsky, October 31, 1938, *Papers of Cecilia Razovsky*, P-290, Box 3, Folder entitled “(Nov.1-Nov.9, 1938) Correspondence: re: National Coordinating Committee-Aid for German Refugees”, American Jewish Historical Society (YIVO Institute Archives).

⁷⁹ Kraut, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 11.

into the United States dropped to its lowest level since the adoption of the 1917 Act.⁸⁰

In January 1937, in response to the public's "perceived misinterpretation" of its earlier (June 1933) Visa Instructions, the State Department again revised the interpretation of "likely" in the LPC provision.⁸¹ Carr instructed FSOs that henceforth "likely" to become a public charge was to be interpreted as "probably" instead of "possibly":

According to the dictionaries [sic] 'likely' means 'probably'. Some of our officers with understandable zeal to enforce our immigration laws with strictness have shown an inclination to interpret the word 'likely' as meaning 'possibly' instead of 'probably' which was the intent of Congress. *It would be virtually impossible for most aliens to show affirmatively that if admitted to the United States they could not possibly' become public charges whereas a considerable number might be expected to show that they would not 'probably' become public charges. To give the law the narrower interpretation would not carry out the intent of Congress . . .* (Emphasis added)⁸²

Now, the State Department instructed FSOs to make a judgment whether the applicant was *probably* going to become a public charge and if so, they should not issue a visa. The *possibility* of becoming a public charge was no longer grounds to deny the issuance of the visa.

⁸⁰ *Ibid.*, 7; Zucker, *In Search of Refuge*, 87. See, e.g., confidential report by Judge Julian W. Mack to the American Jewish Congress regarding his trip to Washington, DC, October 30, 1933, in *Morris Waldman Papers*, RG 347.1, Box 16, Germany, Folder 297 entitled: "State Department Efforts." (YIVO Institute Archives)

⁸¹ Visa Instruction, January 5, 1937. Breitman, *American Refugee Policy*, 49.

⁸² Carr to Judge Moore, January 21, 1937, File 14, Folder entitled "1937", *Carr Papers*.

The State Department's revised 1937 Visa Instructions represented two significant changes from its previous June 1933 guidelines. First, the State Department interpreted "likely" in the LPC provision as a "probability" rather than a "possibility" with respect to all classes of immigrants. Second, the revision enabled the FSOs to accept both applicant and sponsor affidavits from distant relatives pursuant to identical criteria.⁸³

In December 1937, John Farr Simmons (Chief, Visa Division, 1934-1937) delivered an address at a forum conducted by the New York Committee on Naturalization in New York City in which he depicted the use of the LPC provision as an economic necessity in order to protect Americans and their jobs. Furthermore, he asserted that FSOs had applied the LPC provision "as uniformly and conscientiously as possible" pursuant to the categories of persons barred from admission as enumerated in Section 3 of the 1917 Act. He maintained that: "consular officers have [not] felt it their duty to cut immigration down to any given level below the quota limitation . . . The exact percentage by which immigration might be reduced was not their concern nor was it the concern of the State Department. The drastic reduction in immigration which occurred was merely an obvious and predictable result of administrative practice."⁸⁴

⁸³ Zucker, *In Search of Refuge*, 94-95.

⁸⁴ Address by John Farr Simmons, "The Issuance of Visas by American FSOs Abroad," United States Department of State, *Press Releases*, Vol. XVII, Weekly Issue No. 429 (December 18, 1937), 488. Available from HeinOnline, <http://heinonline.org>. Accessed on February 22, 2011.

Simmons' assertion was patently false. As Geist's letter to Hull dated September 10, 1934 and Hoover's 1930 directive make clear, State Department officials were very much concerned with the number of issued visas to applicants.⁸⁵ The small changes initiated in 1933 and 1937 did nothing to substantially increase the number of visas issued to German Jews.

Despite the Third Reich's increasingly vitriolic anti-Jewish campaign during this period, neither President Roosevelt nor Secretary of State of Hull instructed their subordinates to relax either the LPC provision or recommend that the German quota be increased. For example, although President Roosevelt professed to New York State Governor Herbert Lehman in July 1936 that he (Roosevelt) "feels great sympathetic concern . . . and will do everything in his power to be helpful," the President took no action concerning German Jewish immigration.⁸⁶ As Henry Feingold observed: "[t]hat is perhaps what Roosevelt desired, a policy which made political points at home but risked very little."⁸⁷ His

⁸⁵ See pages 19-21, *supra*.

⁸⁶ Breitman, "Anti-Semitism in the State Department, 1933-44," 174, n. 33. During the 1930s, Roosevelt was preoccupied with domestic economic problems caused by the Great Depression and the increasingly volatile European diplomatic situation. He thus delegated the issue of German Jewish immigration to the State Department. Esther Rosenfeld, "Symposium: United States Immigration Policy--a History of Prejudice and Economic Scapegoatism? Fatal Lessons: United States Immigration Law During the Holocaust," *I U.C. Davis J. Int'l L. & Pol'y* 249 (Spring, 1995): 253.

⁸⁷ Henry L. Feingold, "The Government Response," in *The Holocaust: Ideology, Bureaucracy, and Genocide: The San Jose Papers*, edited by Henry Friedlander and Sybil Milton (Millwood, NY: Kraus International Publications, 1980), 255.

lack of action was consistent with his “policy of gestures” and without the President’s support, any attempted initiatives to help the refugees would fail.⁸⁸

Like Roosevelt, Hull did nothing to help the Jewish immigration issue because he consistently focused on economic issues and other issues of international diplomacy. Hull was so preoccupied with other matters that Henry Morgenthau, Secretary of the Treasury, complained that the Secretary of State was “obsessed by his trade agreements program and misled by the Anglophilism and the hesitancies of career diplomats.”⁸⁹ In addition, Hull consistently issued statements that “looked out for the government’s best interest” and thus left the implementation of visa consular policy to his subordinates.⁹⁰

Two events that occurred during 1938, the Austrian *Anschluss* (March 12, 1938) and *Kristallnacht* (November 9-10, 1938), significantly affected American visa policy. First, Germany’s annexation of Austria created *Grossdeutschland* (Greater Germany) and immediately the Third Reich unleashed an “unprece-

⁸⁸ At the beginning of his administration, President Roosevelt considered the Nazi persecution of the Jews to be a German internal matter. Feingold, *The Politics of Rescue*, 7-10. Subsequent measures which he later initiated, such as the Evian Conference (July 1938), proved to be “fruitless gestures” to resolve the Jewish refugee problem (see pages 74-75, *infra*). As the European situation continued to deteriorate during the 1930s, for the most part Roosevelt delegated responsibility for refugee policy-making to the State Department. In the area of refugee policy, Roosevelt symbolized the “policy of gestures” which characterized his administration. Helen Fein, *Accounting for Genocide: National Responses and Jewish Victimization During the Holocaust* (New York, NY: Free Press, 1979), 168-69.

⁸⁹ John M. Blum, *From the Morgenthau Diaries* Vol. 1, Years of Crisis, 1928-1938 (Boston, MA: Houghton Mifflin, 1959), 452-453.

⁹⁰ Taylor, “Experts in Misery,” 20.

dent wave of violence” against Austrian Jews.⁹¹ As a result, the demand for visas dramatically increased, which overwhelmed the American consulate in Vienna.⁹²

In response to the *Anschluss*, the United States combined the German and Austrian immigration quotas (25,957 and 1,413, respectively) for a total annual quota of 27,370. However, this combined total would still allow only a small fraction of the hundreds of thousands who sought refuge in the United States. At a press conference held approximately two weeks after the *Anschluss*, newspaper reporters questioned President Roosevelt as to whether he favored legislation "to relax our immigration laws." He replied that there would be "no change in the law."⁹³

⁹¹ Frank Caestecker and Bob Moore, *Refugees from Nazi Germany and the Liberal European States* (New York, NY: Berghahn Books, 2010), 236. Whereas German Jews had experienced "Aryanization" and forced emigration over a period of years, Austrian Jews suffered it "overnight," which caused great panic among the populace. As a result, "many hundreds" committed suicide in despair. Richard J. Evans, *The Third Reich in Power, 1933-1939* (New York, NY, 2005), 659.

⁹² A letter from John C. Wiley (Consul General-Antwerp, July 13, 1937-July 18, 1938; Consul General-Vienna, July 18, 1938-April 4, 1941) to Messersmith, dated March 19, 1938, described the seriousness of the situation: "We hear constantly of an ever-increasing list of arrests, suicides and tragedies, house searches, plundering and confiscation. The tragedy here is greater than in Berlin. There it was gradual; here it came from one day to the next. . . . [A consulate or consulate general] should, for the present at least, be well staffed in order to cope with visa, passport and welfare cases *en masse*." Less than a week later, he informed Hull: "The visa section [of the consulate] is in a state of siege. This will continue for a protracted period." Letter from Wiley to Messersmith, March 22, 1938. Both cited in Taylor, "Experts in Misery," 89-90.

⁹³ Presidential Press Conference, March 25, 1938, *Complete Presidential Press Conferences of Franklin D. Roosevelt* (New York, NY: Da Capo Press, 1972) Vol. 11, 249-50.

The second event of 1938, *Kristallnacht*, represented a turning point in the Nazi persecution of the Jews because the Third Reich dramatically escalated its efforts to forcibly “rid” itself of its Jewish population.⁹⁴ In a violent rampage that night, bands of the Nazi SA (German acronym for *Sturmabteilungen* [storm-troopers], a paramilitary organization) destroyed millions of dollars’ worth of Jewish businesses, schools, homes and synagogues.⁹⁵

During a press conference three days later, President Roosevelt expressed his shock and indignation at this horrific event: “The news of the past few days from Germany has deeply shocked public opinion in the United States. . . I myself could scarcely believe that such things could occur in a twentieth-century civilization.”⁹⁶ On November 18, 1938, Roosevelt announced that, in response to *Kristallnacht*, he would offer asylum to "twelve to fifteen thousand refugees from, principally, Germany and Austria" who were in the United States on visitors'

⁹⁴ Saul Friedländer and Orna Kenan, *Nazi Germany and the Jews, 1933-1945* (New York, NY: Harper Perennial, 2009), 112.

⁹⁵ In retaliation for the assassination of a member of the staff of the German Embassy in Paris by a 17-year-old Jew, Hitler ordered the destruction of synagogues and Jewish-owned businesses and stores during the night of November 9-10, 1938. This night of violence, now known as *Kristallnacht* (Night of Broken Glass), is the most famous example of the Third Reich’s vicious anti-Jewish campaign during the 1930s. Wolfgang Benz, "Exclusion, Persecution, Expulsion: National Socialist Policy against Undesirables," in *European Immigrants in Britain, 1933-1950*, edited by Johannes-Dieter and Inge Weber-Newth Steinert (München: K.G. Saur, 2003), 65-66; Stackelberg, *The Routledge Companion to Nazi Germany*, 300.

⁹⁶ *Complete Presidential Press Conferences of Franklin D. Roosevelt*, November 15, 1938, Vol. 12, 227-228.

permits".⁹⁷ He stated that "[t]he situation apparently has arisen that because of a recent decree those visitors' passports will be canceled as of the thirteenth of December . . . therefore I have suggested to Miss [Frances] Perkins [Secretary of Labor] that they be given six months extensions."⁹⁸ Later, Perkins confirmed that her agency "continued to permit refugees who entered the country on visitors' visas to apply for further extensions and . . . permission has been granted where a showing was made that the visitor would be subject to persecution if compelled to return to Germany."⁹⁹ Despite repeated calls by American Jewish groups for greater government assistance for German Jews, the Roosevelt administration did little to respond to the refugees' dire situation other than to combine the annual

⁹⁷ All aliens who sought admission to the United States were categorized as either "non-immigrants" or "immigrants." There was no numerical ceiling on the number of non-quota immigrants who could be admitted into the United States. "Visitor's permits" were issued to non-immigrant aliens that included: (1) spouses of United States citizens, (2) clergymen of any religious denominations and their wives, and (3) professors of institutions of higher learning and their wives. *See* Section 4 of the 1924 Act. Because FSOs did not maintain records, scholars have estimated that approximately 20,000-30,000 visitor's permits were issued to non-quota immigrants from 1933 to 1940. Aryeh Tartakower and Kurt Richard Grossmann, *The Jewish Refugee* (New York, NY: Institute of Jewish Affairs of the American Jewish Congress and World Jewish Congress, 1944), 91; Field Representative G. Cohen, Jewish Welfare Board to Harry Schneidman, American Jewish Committee, Summary of Jewish Immigration to the United States, 20 April 1939, Folder 8 entitled "Immigration, 1936-1939", *Morris Waldman Papers* (YIVO Institute Archives).

⁹⁸ *Complete Presidential Press Conferences of Franklin D. Roosevelt*, November 18, 1938, Vol. 12, 238-240. At the time, the Department of Labor was responsible for the issuance of visitor's permits.

⁹⁹ Bat-Ami Zucker, "Frances Perkins and the German-Jewish Refugees, 1933-1940," *American Jewish History* 89, no. 1 (March 2001): 57.

German and Austrian quotas and to grant permanent residency status to those German Jews who had previously obtained visitor's visas.¹⁰⁰

The escalation of Nazi persecution of the Jews after the *Anschluss* and *Kristallnacht* precipitated an unprecedented demand for visas by German Jews for immigration to the United States. It is undisputed fact that between Hitler's rise to power in January 1933 and *Kristallnacht* in November 1938, German Jewish emigration to the United States represented 40.48% of the authorized quota. In contrast, after the *Anschluss* and *Kristallnacht*, FSOs received approximately 60,000-70,000 visa applications in 1938, which overwhelmed the American consulates and would have filled the German quota for the next two to three years.¹⁰¹ Nevertheless, FSOs granted visas to only 17,870 German Jews (65.3% of the quota) in 1938. By June 1939, the demand for visas was so high that the State Department filled the entire quota of 27,370 for the first and only time.¹⁰²

¹⁰⁰ In the aftermath of *Kristallnacht*, memoranda written by German representatives of American Jewish refugee aid organizations provide a vivid description of the impending sense of doom and futility that Jews experienced. *See, e.g.*, letter from John Whyte to unnamed recipient, January 24, 1939, *Emergency Committee In Aid of Displaced Foreign Scholars Records 1927-1949*, MssCol 922, Box 203, Folder 1, New York Public Library. *See also* various correspondence from National Refugee Service Records, American Jewish Historical Society, RG 248, Folders 502, 648 (YIVO Institute Archives).

¹⁰¹ *New York Tribune*, July 19, 1938; Susanne Heim, "Immigration Policy and Forced Emigration from Germany: The Situation of Jewish Children (1933-1945)," in *Children and the Holocaust-Symposium Presentations* (Washington, DC: United States Holocaust Memorial Museum, Center for Advanced Holocaust Studies, September 2004), 7.

¹⁰² *Cecilia Razovsky Papers*, Box 2, Folder entitled "Refugee Relief Work (N.D., 1938-1939) Re: National Coordinating Committee-Aid for German Refugees", American

The immigration path to the United States for German Jews was exceedingly difficult during the 1930s. The evidence establishes that despite its protestations to the contrary, the State Department, using the LPC provision, pursued a policy of severely restricting the number of visas issued to German Jews seeking to escape Nazi genocide. As Geist confided to Hull, "to prevent the flood of Jewish immigrants to the United States, the likelihood of becoming a public charge was therefore taken as the chief and easy grounds for refusal of visas to Jewish immigrants, especially when the consul need not justify his decision." Applications for visas were rejected for trivial reasons or for no reason at all. Carr, Phillips, Messersmith and Geist crafted and executed this policy. Chapter III presents the evidence establishing that all of them shared in common an antipathy toward Jews.

Jewish Historical Society (YIVO Institute Archives); Strauss, "Jewish Emigration from Germany: Nazi Policies and Jewish Responses (II)," 359.

Chapter III

Anti-Semitism in the State Department

Efforts to increase German Jewish immigration during 1933-1939 largely failed because of the actions of Carr, Phillips, Messersmith and Geist. There is abundant direct evidence that Carr and Phillips were anti-Semitic and strong circumstantial evidence that Messersmith and Geist also held anti-Jewish beliefs. This chapter examines that evidence.

The record of Carr's hostility toward Jews began shortly after the end of World War I. His diary contains numerous expressions of anti-Semitism. For example, Carr "tolerated" better-dressed Jews and hated "common" Jews, *i.e.*, poorer, because of their appearance and lack of social graces. For this reason, during a trip to Atlantic City in February 1924, he wrote in his diary that he did not care for the boardwalk there because he observed that:

Jews [are] everywhere and of the commonest kind. Yet most of them were well dressed . . . The Claridge is filled with them and few presented a good appearance. Only two others besides myself in dinner jacket. Very careless atmosphere in the dining room.

Carr continued in his diary that his dislike of "common" Jews caused him to change hotels where he again observed "mostly Jewish guests, but of the higher type than at the Claridge."¹⁰³

¹⁰³ Carr Diary, February 22, 1934, Carr Papers.

Another entry in his diary concerned a boat trip to Albany in 1924, in which he wrote: "Most of the passengers were Jews of one kind or another" and wrote that it was "appalling to observe the lack of appreciation of the privilege they are having." Less than a week later, he additionally noted that he found Detroit laden with "dust, smoke, dirt, [and] Jews".¹⁰⁴

Carr's antipathy towards Jews affected his professional conduct as a public official in the State Department. He zealously represented the State Department before Congressional committees on fiscal and budgetary matters and later was instrumental in assuring the passage of the 1924 Act, which established the quota system.¹⁰⁵ In 1920, Congressman Albert Johnson, chair of the House Committee on Immigration and an ardent opponent of immigration, held hearings to consider revisions to the immigration laws.¹⁰⁶ Johnson "enjoyed [the] consistent cooperation" of State Department officials, including Carr, who was then head of Consular Services and who supported a restrictive immigration law.¹⁰⁷ Carr

¹⁰⁴ *Ibid.*, August 9, 1924, August 15, 1924.

¹⁰⁵ Breitman, *American Refugee Policy*, 21, 30.

¹⁰⁶ Restriction of Immigration; Hearings Before the Committee on Immigration and Naturalization House of Representatives, Sixty-eighth Congress, First Session, January 3, 1924, pages 303, 340.

¹⁰⁷ Tichenor, *Dividing Lines*, 154. Beginning in the early 1920s, the press began to expose the existence of anti-Semitism in the enforcement of America's immigration laws. In 1920, a Jewish reporter, Reuben Fink, alleged that FSOs and the Visa Bureau of the State Department had created needlessly complex rules and requirements that demonstrated that "their regulations have been promulgated primarily against Jewish immigrants." Reuben Fink, "Visas, Immigration, and Official Anti-Semitism," *The Nation* 112, no. 2920 (June 22, 1921): 871. In particular, the article alleged that the State Department instructed FSOs that an alien with a passport from a country other than which he was a

wrote a lengthy memorandum in support of reducing immigration that reflected his virulent anti-Semitism.¹⁰⁸ In that document, Carr described the emigrants sailing from Rotterdam as “Russian or Polish Jews of the usual ghetto type. Most of them are more or less directly and frankly getting out of Poland to avoid war conditions. They are filthy, Un-American and often dangerous in their habits.”¹⁰⁹

Johnson later incorporated Carr’s statement in the published House committee report on the hearings.¹¹⁰ American Jewish leaders reacted with indignation and outrage at the inclusion of Carr’s statement in the report. For example, Louis Marshall, a well-known corporate and constitutional lawyer and Jewish community leader, denounced Carr’s “opprobrious” description of Jews:

. . . there has never been in our history a precedent such as that created by this report. It seems to single out for opprobrious reference the Jews who desire to migrate to the United States. There is scarcely a paragraph which does not contain a slighting reference to them. They are depicted as undesirable, as coming in great hordes, as being of low physical and mental standards, and as desirous of coming here, not to become useful and industrious members of the community in which they wish to live, but in Search of ‘an easier life.’¹¹¹

In response, the State Department strenuously denied Carr’s implication that Jews were unclean or inferior and stated that he had identified and criticized a

subject or citizen should be barred from the United States. Moreover, “[t]he powers of the chief of Visa Office are almost unlimited, and appeal against his decision is practically impossible.” *Id.*, 870.

¹⁰⁸ Crane, *Mr. Carr of State*, 270; Carr Diary, April 20, 1933, *Carr Papers*.

¹⁰⁹ Tichenor, *Dividing Lines*, 154; Breitman, *American Refugee Policy*, 32.

¹¹⁰ U.S. Congress, “Temporary Suspension of Immigration,” *House Report No. 1109, 66th Cong., 3d. sess.*, December 6, 1920, page 10.

¹¹¹ Letter from Louis Marshall to Secretary of State, April 27, 1921, page 2, *Cordell Hull Papers*, Manuscript Division, Library of Congress.

group of immigrants that happened to be Jewish. Moreover, the State Department emphasized that it always gave completely unbiased accounts of conditions.¹¹² However, Marshall remained unconvinced. He characterized Carr as "a pronounced anti-Semite," who, he alleged, made appointments with FSOs based on whether one's name sounded Jewish.¹¹³ The latter charge was never verified. Nevertheless, despite allegations from prominent leaders of the American Jewish community that anti-Semitism was a prime motive and purpose of the proposed legislation, Congress enacted the 1924 Act.¹¹⁴

During the 1930s, Carr was fully aware that widespread anti-Semitism existed in Germany and that the Nazis were unrelenting in their punitive persecution of the Jews. Yet, like Roosevelt and Hull, Carr (1) viewed the Nazis' anti-Jewish campaign as "an internal matter of the German Government" and (2) claimed that if the United States were to approach Germany to request better treatment of the Jews on humanitarian grounds, "it would probably have the opposite effect and incite further activity against them."¹¹⁵

¹¹² Breitman, *American Refugee Policy*, 32.

¹¹³ Letter from Marshall to Secretary of State, April 27, 1921, page 15. *Cordell Hull Papers*.

¹¹⁴ Although there is no definitive proof that Carr actually drafted the text of the 1924 Act, his efforts on behalf of the State Department were "instrumental in facilitating its application." Breitman, *American Refugee Policy*, 30-31.

¹¹⁵ Rosenfeld, "Symposium: United States Immigration Policy--a History of Prejudice and Economic Scapegoatism?" 257; Carr, "Measures Considered with Respect to the Attitude of the United States toward the Jews;" May 31, 1933, untitled document, April 26, 1933, *Carr Papers*.

Phillips' diary reveals that he, too, held strong anti-Semitic beliefs. For example, on a 1936 trip to Atlantic City, he complained in his diary that the resort was "infested with Jews" and "the beach had disappeared under a swarm of 'slightly clothed Jews and Jewesses.'" ¹¹⁶ Phillips also mocked his Jewish business associates in his diary: "Bernard Morrison, my little Jewish friend from Boston, who has a habit of butting into my affairs, called me to suggest that the estate should sell to some Jewish friend of his in New York the Phillips building."¹¹⁷

As Under Secretary of State, Phillips refused to relax existing immigration law requirements, which could have resulted in an increase in the number of visas issued to German Jewish immigrants. Moreover, until mid-1936, Phillips was not only Carr's superior "but also his closest ally in the battle for restriction" at the State Department. ¹¹⁸ For example, in 1933 Phillips wrote to Judge Joseph Proskauer that: "[a] consular officer has no authority to waive the production of the documents required if they are obtainable." ¹¹⁹ In 1935, Phillips, in response to an earlier meeting with representatives of the American Jewish Committee, the

¹¹⁶ Kraut, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," 8-9.

¹¹⁷ Shafir, "The Impact of the Jewish Crisis on American-German Relations, 1933-1939", 162, n. 23.

¹¹⁸ Breitman, *American Refugee Policy*, 36. On August 4, 1936, Phillips was appointed Ambassador to Italy and ceased having a direct role in the implementation of American immigration law.

¹¹⁹ Letter to Joseph Proskauer from William Phillips, August 5, 1933, American Jewish Committee Executive Office--*Morris Waldman Files* (Exo-29), American Jewish Committee Records, Box 18, Folder 6, page 2 (YIVO Institute Archives).

American Jewish Congress and B'nai B'rith, he stated that he would consider their appeal for the government to aid German Jewish refugees. Although he later informed William Dodd (Ambassador to Germany, 1933-1937) of the meeting, Phillips stated, "The foregoing is communicated to you solely for your information." There was no recommendation from Phillips to take any action whatsoever.¹²⁰

Phillips was keenly aware of allegations from American Jewish groups who charged that anti-Semitism was responsible for the State Department's narrow interpretation of immigration law. In an effort to soften such criticism, Phillips suggested to Roosevelt that the President appoint Judge Julian W. Mack to act as an intermediary between Jewish organizations and the State Department.¹²¹ Simultaneously, Phillips confided in his diary that he and Carr would work with the Labor Department in order to devise "some new scheme which

¹²⁰ Acting Secretary Phillips to Dodd, July 31, 1935, U. S. Department of State, *Foreign Relations of the United States Diplomatic Papers* (Washington, DC: U.S. Government Printing Office, 1952), 1935, Vol. II, 404 (hereafter *FRUS*). Available from University of Wisconsin Digital Collections, <http://digital.library.wisc.edu/1711.dl/FRUS.1935v02>; Zucker, *In Search of Refuge*, 69.

¹²¹ In the absence of official government support to assist the increasing number of refugees, American Jewish leaders sought government assistance through "quiet diplomacy." This strategy attempted (1) to influence privately the Roosevelt administration to assist German Jewish refugees and (2) to avoid "more public approaches," which they believed would increase anti-Semitism in the United States. Lazin, "The Response of the American Jewish Committee to the Crisis of German Jewry, 1933-1939," 284-285.

while not opening the doors to an influx of Jews, will satisfy them that we are doing everything possible within the law."¹²²

Phillips not only completely ignored credible press accounts of increasing acts of anti-Semitic violence against German Jews, but he misrepresented the seriousness of the situation to the White House.¹²³ In addition, he consistently argued that the United States was not responsible for their safety. For example, in mid-1933, Harold Debrecht, a prominent rabbi and feature editor of the *Jewish Forum*, telegraphed Roosevelt and implored the President "to reassure American Jews that their 'brethren in Germany' would not be 'massacred.'"¹²⁴ The White House forwarded Debrecht's communication to Phillips. The Under Secretary replied to Roosevelt: "I am happy to inform you that no reports from our representatives in Germany afford any ground for crediting the accuracy of the press dispatches in question . . . [and] . . . that our representatives will continue to be alert to and active in behalf of the rights of American nationals."¹²⁵

Even reports that rampaging bands of Nazi SA attacking Jews and screaming "the best Jew is a dead Jew" two years later did not motivate Phillips to take any official action.¹²⁶ For example, in 1935, Phillips met with eight representa-

¹²² Breitman, "Anti-Semitism in the State Department, 1933-44", 177.

¹²³ See, e.g., *The New York Times*, "Terror in Germany Amazes Novelist," March 21, 1933, "Christian Leaders Protest on Hitler," March 22, 1933, "Nazi Attacks Stir British Catholics," March 24, 1933.

¹²⁴ Breitman, *American Refugee Policy*, 36.

¹²⁵ *Ibid.*, 86.

¹²⁶ Morse, *While Six Million Died*, 177.

tives of four major Jewish organizations, who gave the Under Secretary a memorandum detailing the evidence of the increased violence against German Jews, the effects of “Aryanization” and the continuing deprivation of their civil rights. Despite the overwhelming evidence of the Nazi’s increasing violence against German Jews, Phillips refused to commit himself to any course of action.

Phillips’ contemporaries also perceived his anti-Semitism. For example, in 1933, James G. McDonald, head of the League of Nations High Commission for Refugees from Germany (“High Commission”) and later delegate to the Evian Conference in 1938, told a group of prominent American Jewish leaders that Phillips held anti-Jewish attitudes.¹²⁷ In 1934, Louis D. Brandeis, Associate Justice of the Supreme Court, correctly recognized the Under Secretary’s anti-Semitic attitude and accurately predicted that “Phillips’ wrong action on Germany’s Jews will not end until [Phillips] leaves the State Department.”¹²⁸

As a result, when American Jewish leaders requested a relaxation of the LPC provision, Phillips urged his colleagues at the State Department that the pleas of the refugees’ representatives should not affect the implementation of American immigration law. In 1935, the AJC, B’nai B’rith, and the Jewish Labor Committee wrote to Phillips in support of the High Commission’s attempt to

¹²⁷ Julian W. Mack to Rabbi Stephen S. Wise, October 17, 1933, *Stephen Wise Papers*, P-134, Box 105, American Jewish Historical Society (YIVO Institute Archives). See note 188, *infra* for a discussion of McDonald’s role in international attempts to resolve the Jewish refugee crisis.

¹²⁸ Breitman, “Anti-Semitism in the State Department, 1933-44”, 176-77.

gather international support to aid the plight of German Jewish refugees.¹²⁹

Phillips replied that “the American people are always sympathetic” to the maintenance of “the concepts of religious freedom and liberty of conscience for all” in the United States “as well as in other nation.”¹³⁰ Phillips’ tepid response and non-committal position are consistent with the advice he gave Hull when he counseled against American participation in the High Commission because he feared that American Jews might use the entity “as a wedge to break down U.S. immigration policy.”¹³¹

From the perspective of American Jewish leaders and others who watched the increasing anti-Jewish atmosphere within Germany with great concern during the 1930s, the actions of senior State Department such as Carr and Phillips were “at the least indifferent and at worst callous.”¹³² American Jewish refugee organizations presented evidence anti-Semitism against the State Department as early as the summer of 1933 when the AJC alleged that FSOs had deliberately manipulated American immigration law in order to limit the issuance of visas to German Jewish immigrants:

[A]nother recent arrival from Germany . . . furnished me with a circumstantial story of arbitrary refusals of visas by United States consular officers in Berlin . . . He did . . . send a letter, . . . show-

¹²⁹ See note 188, *infra* on the work of the High Commission.

¹³⁰ American Jewish organizations to Phillips, July 26, 1935; Phillips to organizations, July 29, 1935, Chronos, American Jewish Committee Records (YIVO Institute Archives).

¹³¹ Breitman, *American Refugee Policy*, 36.

¹³² *Id.*

ing that proffers of aid from relatives and friends here are summarily disregarded by consular officers. We have shown the letters to others, who advise us that their own German relatives rendered reports to them of a similar character.¹³³

Predictably, Richard W. Flournoy Jr., the legal adviser to the State Department, responded in August 1933 that the agency had acted within the letter of the law and that the charge of anti-Semitism was baseless.¹³⁴

Messersmith's record of anti-Semitism also had a long history. On July 7, 1920, while FSO in Antwerp (1920-1922), he revealed his anti-Jewish prejudice in a letter to the State Department when he wrote of his observations regarding the arrival of Polish Jews in Antwerp. He wrote: "There is no doubt that many of these people leave Poland without a passport and the American visa . . . they receive letters from relatives or friends in America . . . with an order for a steamer ticket enclosed, and they are told in the letter 'to go to Antwerp.' Then American relatives and friends give them advice as that in the way they proceeded to the

¹³³ Letter from Max Kohler to Secretary of State Cordell Hull, August 28, 1933, *Morris Waldman Papers*, Box 14, Folder 266 entitled "Germany, 1930-1933," American Jewish Committee (YIVO Institute Archives).

¹³⁴ Flournoy stated that FSOs should consider whether the conditions in Germany were so difficult for the applicant to obtain the documents required by Section 7(c) of the 1924 Act that his admission to the United States would be virtually impossible. In that case, he opined that the FSO could not deem the documents "available". However, Flournoy noted that the mere fact that a Jew had been required to leave Germany to escape persecution or had found it expedient to do so, did not in and of itself, exempt the applicant from the document requirement, if it was reasonably possible for him to obtain such documents. Zucker, *In Search of Refuge*, 83.

United States years ago. These people are in rather a pitiable condition.”¹³⁵ In a letter to George E. Anderson (FSO-Rotterdam) later that year, Messersmith made the unsubstantiated allegation that many Polish Jews who escaped to Germany in order to avoid military service arrived in Antwerp to seek American visas.¹³⁶

Strong circumstantial evidence suggests that Messersmith’s antipathy towards Jews was responsible for his attitude toward the issuance of visas to German Jews during the 1930s. Although the Third Reich had been openly persecuting Jews from the moment Hitler came to power, Messersmith insisted that adherence to the letter of the law took precedence over the Nazi’s persecution of the Jews. As a result, the number of visas issued to German Jewish applicants was limited to only 40.48% of the total available annual quota between 1933 and 1939.¹³⁷

In the late summer of 1933, American Jewish leaders complained about Messersmith’s anti-Semitism. For example, a letter from Max Kohler, an attorney who was an expert on immigration issues and a leader in the American Jewish community, to Hull described an incident in which Messersmith made an anti-Semitic remark:

. . . [I]nformation of a disturbing character has reached us . . . a gentleman recently arrived from Germany [who]. . . was recently sent by one

¹³⁵ Zosa Szajkowski, "The Consul and the Immigrant: A Case of Bureaucratic Bias," *Jewish Social Studies* 36, no. 1 (1974): 8.

¹³⁶ *Id.*

¹³⁷ Stiller, *George S. Messersmith, Diplomat of Democracy*, 50; Bodvarsson, *The Economics of Immigration: Theory and Policy*, 363; see page 4, *supra*.

of our immigrant aid societies to me for professional service. He informed me that when he attempted to acquaint one of our consular officials in Germany with particulars as to atrocities Jews there were subjected to, he was interrupted by the official with the statement: '*You Jews are only afraid for your own skins! We consular officials are here to maintain the good relations between the two countries.*' (Emphasis added) ¹³⁸

In the fall of 1933, Messersmith professed to Jacob Billikopf, a well-known leader of various Jewish organizations, that he would "favor the Jew much more than the Gentile, because [he] realize[s] under what conditions the former is forced to live." ¹³⁹ Nevertheless, Messersmith never allowed any humanitarian factors to motivate him "to bend the rules" in favor of German Jews. ¹⁴⁰ Even after the Austrian *Anschluss* in March 1938, Messersmith, who then was Assistant Secretary of State, stressed the importance of "staying the course" in a letter to John Wiley. Messersmith reminded Wiley of the vital importance of the continued implementation of restrictive immigration policy and wrote, "[p]ersons seeking immigration visas are seeking a privilege and not a right." ¹⁴¹

Similarly, on March 2, 1938, Messersmith held a meeting with several Jewish lawmakers (including congressman Emanuel Celler, a long-time critic of the State Department's visa policy) who implored Messersmith to relax the Department's visa restrictions. Unmoved by their pleas, Messersmith articulated

¹³⁸ Letter from Max Kohler to Secretary of State Cordell Hull, August 28, 1933, *Morris Waldman Papers*, Box 14, Folder 266 entitled "Germany, 1930-1933," American Jewish Committee (YIVO Archives).

¹³⁹ See page 33, *supra*; Zucker, *In Search of Refuge*, 175.

¹⁴⁰ *Id.*

¹⁴¹ Taylor, "Experts in Misery," 87.

his professed concern about a possible anti-Semitic backlash in the United States with unfortunate consequences for American Jews if the State Department relaxed its visa policy. The legislators capitulated and concurred with Messersmith's assessment and by the end of the meeting, the FSO had persuaded the group that "the times were in-appropriate for revision." Subsequently, Messersmith informed Hull that he took a great deal of satisfaction in knowing that his "mission had been accomplished."¹⁴² After the *Anschluss* occurred ten days later, which resulted in an enormous increase in the number of visa applications by German Jews, Messersmith repeated his concern that a large influx of refugees would not be welcome in the United States.¹⁴³

Others were aware of Messersmith's anti-Jewish bias. Immediately after the *Anschluss*, for example, Herbert Feis, the senior specialist in international trade and economics at the State Department (1931-1943), wrote to Felix Frankfurter that Messersmith was a "real obstacle" to any relaxation in the immigration laws.¹⁴⁴ Feis' observation is particularly perceptive because

¹⁴² Zucker, *In Search of Refuge*, 174.

¹⁴³ Minutes of President's Advisory Committee on Political Refugees, May 16, 1938, *Stephen Wise Papers*, Box 65, American Jewish Historical Society (YIVO Institute Archives).

¹⁴⁴ Feis wrote: "The last week or ten days have been doing my best to awaken my colleagues to the plight particularly of the Jews in Austria. Something finally may happen. The President seems definitely interested and the Secretary quite acquiescent. Surprisingly enough, one of the real obstacles has been G.S.M. [Messersmith]--slow to recognize the inadequacy in this instance of the usual methods of our immigration arrangements, inclined to fear any new though wholly reasonable and justified flexibility in our laws." Letter from Herbert Feis to Felix Frankfurter, March 22, 1938, *Felix*

Messersmith knew, based upon correspondence from Geist, that the Jewish refugee situation had become critical in the aftermath of *Kristallnacht*. For example, on December 5, 1938 Geist wrote: “Now the situation is somewhat hopeless. The Germans are in a mood of triumph and victory over their success in Czechoslovakia; and they consider that their course forward is positively irresistible. They have embarked on a program of annihilation of the Jews and we shall be allowed to save the remnants. If we choose; but I am afraid that the chances of getting any cooperation from the persons who are now firmly in power are slight indeed.”¹⁴⁵ Nevertheless, Messersmith maintained that “irrespective of what our feelings may be and what the situation may be, we must carry through the law as it stands for that is doing the best service all around” and never encouraged or supported any significant change in the American immigration policy.¹⁴⁶

Jewish refugees continued to irritate Messersmith, even when he became Assistant Secretary of State. He wrote that they "seem to feel that the U.S. owes them a debt of some kind and that we of all countries are chosen to be their savior." Messersmith wrote that every day he received “rude shocks” from “some of the most extraordinary letters from professors and others who seem to be very

Frankfurter Papers, Manuscript Division, Library of Congress.

¹⁴⁵ Letter from Geist to Messersmith, December 5, 1938, *Messersmith Papers*; see also letter from Geist to Messersmith, October 21, 1938, *Messersmith Papers*. Despite his appointment as Assistant Secretary of State in July 1937 and return to Washington, DC, Messersmith continued to correspond frequently with his former protégé about the plight of German Jews.

¹⁴⁶ Letter from Messersmith to Geist, November 30, 1938, *Messersmith Papers*.

resentful that we are not giving them on a golden platter a position which native-born Americans would be glad to get at the end of a long and hard fought career. In that same letter, he also wrote that he was "glad to say that this country belongs to the native-born American" and was hopeful that "the ideals of our native-born Americans may continue to control."¹⁴⁷

Like his mentor Messersmith, Geist served as FSO in Berlin. Both closely monitored the German Jewish situation because they were responsible for implementing visa policy during the 1930s.¹⁴⁸ Geist revealed his antipathy towards Jews beginning in early January 1934 as a result of the publication of "German Refugees and American Bureaucrats" in *Today* magazine. The article sharply criticized the visa decisions made by FSOs and asserted that anti-Semitism existed in the State Department.¹⁴⁹ In response to the article's allegations, Geist explained to Hull that the primary obstacles to an increase in German Jewish emigration to the United States were German laws that prohibited the transfer of property and capital and the "inadequate means of poorer Jews."

¹⁴⁷ Messersmith to John C. Wiley, June 28, 1938, page 3, *Messersmith Papers*.

¹⁴⁸ Breitman, *American Refugee Policy*, 43. Although Messersmith was Geist's immediate superior at the American consulate in Berlin (1930-1934), they developed a personal friendship that continued after Messersmith was appointed Ambassador to Austria (1934-1937) and Assistant Secretary of State (1937-1940).

¹⁴⁹ Edwin Mims, Jr., "German Refugees and American Bureaucrats," *Today*, January 20, 1934; Breitman, *American Refugee Policy*, 23.

Geist emphasized that if the LPC provision were relaxed, *undesirable* persons would undoubtedly receive visas.¹⁵⁰ Consistent with his views expressed earlier, Geist wrote to Hull that the best method to bar their admission to the United States was through the strict application of the LPC provision.¹⁵¹ As in other examples of Geist's anti-Semitism, this was an indirect reference to Jews.¹⁵²

Subsequently, Geist professed sympathy for the plight of the Jews after *Kristallnacht*.¹⁵³ Nevertheless, he failed to exercise his discretionary authority and continued to restrictively interpret the LPC provision, which barred the majority of German Jewish visa applicants to the United States. In response to Messersmith's concerns in April 1939 that the American Friends Service Committee (a Quaker relief organization) was offering assistance in order to increase German Jewish immigration, Geist replied that he agreed with his former mentor's assessment of the situation. He also agreed that FSOs should continue to limit the issuance of visas to German Jewish applicants.¹⁵⁴ It is difficult to reconcile Geist's professed change of heart after *Kristallnacht* with his actions, especially since he remained just as stubborn as Messersmith with respect to the issuance of more visas to German Jewish applicants.

¹⁵⁰ Zucker, "Frances Perkins and the German Jewish Refugees," 47, n.46.

¹⁵¹ See letter from Geist to Secretary Hull, February 2, 1934, note 60, *supra*.

¹⁵² See letter from Geist to Secretary Hull, September 10, 1934, note 59, *supra*.

¹⁵³ See, e.g., letter from Geist to Messersmith, December 5, 1938, *Messersmith Papers*.

¹⁵⁴ Letter from Geist to Messersmith, April 12, 1939, *Messersmith Papers*.

Chapter IV

There was No Merit to the Arguments Advanced by State Department Officials in Support of the Restrictive Issuance of Visas to German Jews

Carr, Phillips, Messersmith and Geist justified their decisions to restrict the granting of visas to German Jews based upon three claims. First, allowing large number of German Jewish immigrants to the United States would result in the replacement of American workers with these refugees. Second, they urged that Jewish immigrants were “all radicals, anarchists or at least malcontents.”¹⁵⁵ Third, they maintained that the German Jewish refugee crisis was exclusively a Jewish problem.¹⁵⁶ These arguments lacked merit. They were merely pretexts to disguise the anti-Semitism of these State Department officials that was the primary factor in the restrictive issuance of visas to German Jews.¹⁵⁷

1. A “Huge” Influx of German Jewish Immigrants Deprived Americans of Employment

As a result of the Great Depression, approximately 15,000,000 Americans became unemployed and economic hardship was widespread by the end of

¹⁵⁵ Dobkowski, “The Policies of Restrictionism,” 206.

¹⁵⁶ Messersmith to Geist, December 20, 1938, 1938, *Messersmith Papers*.

¹⁵⁷ These arguments closely paralleled anti-Jewish misconceptions held by many Americans during the 1930s, which the AJC identified in an internal memorandum. These erroneous beliefs were “(1) refugees take jobs away from Americans and thus add to our unemployment problem; (2) the refugee problem is exclusively a Jewish problem; (3) refugees are considered to be largely radicals and (4) large numbers of refugees, some even say millions, are coming into this country annually.” Frank Trager to Henry Levy, March 17, 1939 in *Morris Waldman Papers*, Box 19, Folder 10 entitled “Immigration, Refugees, Articles”, American Jewish Committee (YIVO Institute Archives).

1932.¹⁵⁸ In light of the very limited availability of employment, rumors spread that the United States had admitted a “huge” wave of Jewish immigrants and deprived thousands of Americans of jobs, especially at Jewish-owned department stores in New York, such as Macy’s, Bloomingdales and A & R Strauss. The alleged replacement of American workers with Jewish immigrants for scarce jobs purported to add *significantly* to the unemployment problem and greatly increased anti-alienism and anti-Semitism in the United States.¹⁵⁹

In an effort to enhance the State Department’s role in successfully barring the admission of immigrants, including German Jews, to the United States and thus ameliorating the unemployment problem, Carr proudly wrote in 1933: “Since 1930 it is estimated that some 500,000 aliens have been unable to establish to the satisfaction of FSOs and of this Department that they would not be likely to become public charges if granted visas and admitted to this country and they have therefore remained abroad instead of coming here to join the ranks of the 12,000,000 unemployed already here. It may be said that there is still a registered demand in our consulates of some 276,000 aliens who are seeking visas to come to this country, notwithstanding existing economic conditions.”¹⁶⁰

¹⁵⁸ Brody, "American Jewry, Refugees and Immigration Restriction," 220.

¹⁵⁹ Haim Genizi, "New York Is Big: America Is Bigger: The Resettlement of Refugees from Nazism, 1936-1945," *Jewish Social Studies* 46, no. 1 (1984): 64.

¹⁶⁰ "The Problem of Aliens Seeking Relief from Persecution in Germany," April 20, 1933, *Carr Papers*. The 500,000 figure to which Carr referred was the total of *all* immigrants denied admission, regardless of country of national origin.

Carr's statement greatly exaggerated the truth and as a result, American relief organizations and academic institutions expended significant time and effort during the 1930s to counteract such hyperbole.¹⁶¹ For example, a 1939 study commissioned by the American Friends Service Committee entitled *Refugee Facts: A Study of the German Refugee in America* effectively discredited this misconception. The study concluded that (1) between July 1932 and December 1938, the number of German Jewish refugees who entered the United States totaled 65,404 and (2) approximately 22,362 refugees returned to German-occupied lands during the same period. Therefore, the net increase of German Jewish refugees who came to America totaled 43,042, or an average of only 6,622 annually.¹⁶²

Similarly, an article entitled *Those German Refugees—Facts Do Not Justify the Propaganda About Refugees Displacing American Job Holders* stated that: “In the current fiscal year, which ends June 30, 1939, we may expect an

¹⁶¹ See, e.g., Bernard Kahn, “Refugees and Organized Aid,” *Proceedings of the 1935 National Conference on Jewish Welfare* (The National Council of Jewish Federations and Welfare Funds: New York, NY, January 3-6, 1935), Records of the Central Committee for the Relief of Jews Suffering Through the War, Volume II, Box 211/3 entitled “Various Reports A-Z, 1935, 1939, 1947.” (Yeshiva University Archives).

¹⁶² American Friends Service Committee, *Refugee Facts: A Study of the German Refugee in America* (Philadelphia, PA: American Friends Service Committee, 1939), 9. In 1932, 2,755 German Jewish immigrants were admitted to the United States. American Jewish Committee, *American Jewish Year Book 1945-1946*, 653. Subsequently, during World II, a study commissioned by Columbia University published *Refugees at Work*, which conclusively proved that immigrants admitted to the United States between 1933 and 1940 had not deprived Americans of employment. Rather, they had actually increased employment through their “transplanted skills.” Sophia Moses Robison and Committee for Selected Social Studies, *Refugees at Work* (New York, NY: King's Crown Press, 1942); David Brody, “American Jewry, Refugees and Immigration Restriction,” in *American Jewish History*, edited by Jeffrey S. Gurock, Vol. 7 (New York, NY: Routledge, 1997), 226.

immigration from Germany (including Austria) equal to the total allowable by our quota regulations—27,370.”¹⁶³ It concluded that less than 75,000 German Jewish immigrants were admitted into the United States between July 1, 1932 and June 30, 1938.

In addition to the false rumors concerning the number of German Jewish immigrants admitted into the United States, reports circulated that immigrants were replacing Americans at their places of employment. These rumors were similarly unfounded. In an effort to rebut these claims, in late November, 1938, Macy’s, a major New York City department store, issued a public declaration that emphatically denied such rumors: “For some two months past we have heard from time to time an utterly false and malicious rumor to the effect that store people in New York have been let go to hire refugees from Europe. Now the papers have heard the rumor, and have asked us what we know about it. So far as this store is concerned not one word of truth supports such a statement.”¹⁶⁴

The admission of approximately 75,000 German Jewish refugees to the United States between 1932 and 1939 hardly constituted a “huge” influx of immigrants given the fact that the average annual unemployment rate in the United

¹⁶³ Dr. Henry Smith Leiper, "Those German Refugees—Facts Do Not Justify the Propaganda About Refugees Displacing American Job Holders," *Current History* (May, 1939): 1.

¹⁶⁴ “Stores Here Deny Refugee Rumors,” *The New York Times*, November 26, 1938.

States between 1923 and 1939 was 16.09%.¹⁶⁵ Furthermore, many of the refugees could not work, *e.g.*, elderly people and children.¹⁶⁶ Thus, the admission of 75,000 German Jewish refugees could not and did not deprive *significant* numbers of Americans of employment opportunities.¹⁶⁷

2. German Jewish Immigrants Were “Infected with” Bolshevism and Held Radical Political Beliefs

After the 1917 Bolshevik Revolution overthrew Czarist Russia, Americans feared the spread of a “sinister influence”, *i.e.*, Communism, which they believed sought the overthrow of democracy and capitalism in the United States. Moreover, many Americans believed that Eastern European Jews were “infected with Bolshevism . . . [and that they were] unpatriotic, alien, [and] unassimilable.”¹⁶⁸

Both of these erroneous claims intensified anti-Semitism in the United States

¹⁶⁵ Robert Vangiezen and Albert E. Schwenk, “Compensation from before World War I through the Great Depression,” *Compensation and Working Conditions, Bureau of Labor Statistics* (Fall 2001): 20. U.S. Department of Labor, Bureau of Labor Statistics. Available from www.bls.gov/opub/cwc/archive/fall2001art3.pdf. Accessed on March 28, 2011. It should be borne in mind that the estimated number of German Jewish refugees who immigrated to the United States between 1933 and 1939 varies. *See* note 5, *supra*.

¹⁶⁶ In May 1933, the AJC wrote to Hull to attempt to have Hoover’s 1930 directive modified. The AJC argued that the LPC provision reduced immigration far below the quota because it excluded non-breadwinners, *i.e.*, the elderly and wives and children of citizens who were unlikely to become public charges. The AJC subsequently dropped its request on the condition that FSOs would not use the LPC provision arbitrarily to refuse visas to eligible political and religious aliens. Lazin, “The Response of the American Jewish Committee to the Crisis of German Jewry, 1933-1939,” 297.

¹⁶⁷ Inclusion of the 2,755 with the statistical data cited in note 5 *supra* yields a total immigration of 74,885 from 1932 to 1939. In light of the estimated nature of these statistics, the total German Jewish immigration cited in *Refugee Facts and Those German Refugees* is consistent with the approximately 75,000 German Jewish immigrants who came to America during this period.

¹⁶⁸ Sheldon Morris Neuringer, *American Jewry and United States Immigration Policy, 1881-1953* (New York, NY: Arno Press, 1980), 165.

during the 1920s and contributed to the implementation of restrictive immigration law in the interwar period.¹⁶⁹ Furthermore, allegations that “the Jews in America were more loyal to their tribe than to their country” were common in America during the 1930s. In light of their desire to remove the "Red" from the "true blue," Americans focused on the Jew, who represented “that symbol of ancient, hidden enemies” and slammed the door completely in order to “eliminate the guess-work.”¹⁷⁰

Claims that the majority of German Jewish immigrants held radical political beliefs were not true. First, in the years immediately preceding World War I, many Americans mistakenly equated radicalism with Eastern European Jews based upon the publication of the alleged *The Protocols of the Elders of Zion*, which was “one of the most infamous documents of anti-Semitism”.¹⁷¹ Although proven a complete fabrication in 1921, the influence of the *Protocols* endured and provided the “antiradical rationale for anti-Semitism throughout the 1920s.”¹⁷²

¹⁶⁹ Dobkowski, "American Anti-Semitism: A Reinterpretation," 179-80.

¹⁷⁰ Breitman, *American Refugee Policy*, 87, 114.

¹⁷¹ Dobkowski, "American Anti-Semitism: A Reinterpretation," 179; Stephen Eric Bronner, *A Rumor About the Jews: Antisemitism, Conspiracy, and the Protocols of Zion* (Oxford, UK; New York, NY: Oxford University Press, 2000), 1. The *Protocols* allegedly contained the minutes of 24 meetings of the 12 tribes of Israel whose purpose was a worldwide Jewish conspiracy to dominate the world. In fact, no meetings ever occurred. Published sometime after 1894, the *Protocols* were created by the secret police in Czarist Russia and became widely circulated around the world, including in the United States. As one historian observed: “what the real Communist Manifesto was for marxism, the fictitious *Protocols* was for anti-Semitism.” *Id.*

¹⁷² Breitman, *American Refugee Policy*, 114.

For example, Messersmith disapproved of the alleged radicalism of German Jewish professors, which he cited as grounds for the denial of their visa applications. He claimed that they would compete with American academicians who, he said, had greater knowledge of human relations and "experienced more real contact with the life of our people." He thought that the ideas of these academics were "totally out of accord with our own social and economic ideas" and were "in direct opposition to U.S. social order." Moreover, Messersmith asserted that universities should invite Jewish refugee professors only "after thoughtful consideration" because of the allegedly dangerous influence of the majority of them. At times, he compared the Americanization of "the average Jew . . . who . . . will be very glad . . . to make a home for himself in our country and to fit himself into our picture" with the problems raised by the admission of these scholars "who feel that they have a mission in life" and who "may potentially be a danger to us . . . which we cannot ignore."¹⁷³ There is no evidence to support Messersmith's claims about German Jewish professors; his statements served as a pretext for his anti-Semitism.

A May 1934 report entitled *Jews and Communism* published a New York City consulting firm, represented an early effort to discredit the misconception that all German Jewish immigrants held radical political beliefs. *Jews and Com-*

¹⁷³ Shafir, "George S. Messersmith: An Anti-Nazi Diplomat's View of the German-Jewish Crisis," 36.

munism disproved the claim that Jews in the Soviet Union, Germany and the United States played significant roles in promoting Bolshevism in those countries. The report estimated that the number of Jews in the American Communist party represented only "one-tenth of one percent of the total Jewish population," with the highest concentration of Jewish communists in New York City. *Jews and Communism* concluded with the assurance that communist tactics tended "to alienate rather than attract Jews" because American Jews tended to enter the legal, medical or educational professions or membership in labor unions that were firmly anticommunist and committed to the American way of life. Moreover, the report stated that Jews generally rejected the Communist Party's anti-religion and anti-Zionist convictions.¹⁷⁴

Similarly, a joint report by three major American Jewish organizations entitled *A Public Statement on Communism and Jews* in 1935 disputed the claims that Jews dominated the "Communist movement in Germany and the senior leadership in Soviet Russia." In rebuttal, the *Statement* argued that no Jew served as a Communist Deputy in the Reichstag in 1933 and none of the three senior leaders of the Soviet Union was a Jew. Moreover, the majority of the Jews who

¹⁷⁴ *Jews and Communism*, a report by Information and Service Associates, American Jewish Committee, Chronological File, Folder entitled "May 1934." (YIVO Institute Archives) In addition, the report (1) noted that Jews were not prominent in the leadership of the American Communist Party and (2) emphasized that there were only 31 Jews among 224 district and section organizers of the party in the United States.

voted in elections held during the Weimar Republic (1919-1933) were affiliated with the liberal democratic parties. Finally, the *Statement* strongly criticized “the cloak of a so-called link between Jews and communism, which has no existence in fact, but which is being used to confuse the minds not only of Germans, but of people all over the world.”¹⁷⁵

Three years later, in May 1938, the AJC released its *Confidential Report on [an] Investigation of Anti-Semitism in the United States*, which was based upon the results of a survey conducted by the Opinion Research Corporation that conducted field work for the Gallup polls.¹⁷⁶ In response to the question, "do you think they [Jews] tend to be more radical in politics than other people?" 43% said yes and 24% stated they had no opinion. Furthermore, when asked whether Jews were more conservative or more radical than others were, 31% responded “more radical,” 21% responded “more conservative” and 48% said about the same. The survey cleared revealed that American’s popular perception was that Jews were politically different from other Americans *but not necessarily more radical*.¹⁷⁷ Results of such surveys disproved misconceptions held by State Department officials that all German Jewish professors held “radical” beliefs.

¹⁷⁵ American Jewish Committee, B'nai B'rith and Jewish Labor Committee, *A Public Statement on Communism and Jews* (New York, NY, 1935). Reprinted in “Jews Here Reply to Hitler’s Charge,” *The New York Times*, October 21, 1935.

¹⁷⁶ Breitman, *American Refugee Policy*, 116.

¹⁷⁷ "Confidential Report on Investigation of Anti-Semitism in the United States in the Spring of 1938," American Jewish Committee, Chronological File, Folder entitled “September-December 1938.” (YIVO Institute Archives)

Second, during the 1930s there was a general trend towards rapid "Americanization" among German Jewish immigrants. The vast majority of them were "workmen, businessmen and manufacturers" who were motivated by the desire (1) to attain "economic success and recovered status" and (2) to be a contributing member of American society.¹⁷⁸ Beginning in the late 1880s, Jewish immigrants established *landsmanshaftn* (local aid associations) in various localities, e.g., New York City, in order to achieve these goals. The *landsmanshaftn* promoted "immigrant acculturation" and significantly contributed to the immigrant's Americanization.¹⁷⁹ As Rabbi Stephen Wise declared: "We are Americans, first, last, and all the time. Nothing else that we are, whether by faith or race or fate, qualifies our Americanism."¹⁸⁰ Thus, in contrast to the mistaken belief of many Americans, the majority of German Jewish immigrants did not hold radical beliefs and were not a threat to the American way of life.

¹⁷⁸ Strauss, "The Immigration and Acculturation of the German Jew in the United States of America," 91; *Refugee Facts*, 15-16.

¹⁷⁹ In an effort to ease the Jewish immigrant's assimilation into the American way of life, the *landsmanshaftn* offered various social services, including burial in a Jewish cemetery, health benefits, insurance, educational and credit services. Anat Helman, "Hues of Adjustment: 'Landsmanshaftn' in Inter-War New York and Tel-Aviv," *Jewish History* 20, no. 1 (2006): 41, 55.

¹⁸⁰ Stephen S. Wise, *As I See It* (New York, NY: Jewish Opinion Publishing Corporation, 1944), 67.

3. The Jewish Refugee Crisis is Exclusively a Jewish Problem

During the 1930s, there was a widespread perception in the United States that the Jewish refugee crisis was exclusively a Jewish problem.¹⁸¹ Consistent with the “politically conservative attitudes” of the Roosevelt administration with respect to Germany, State Department officials and many Americans believed that it was fruitless to try to help Jewish refugees because “nothing that will be done will in any way avoid further action against the Jews.”¹⁸²

Although President Roosevelt and Secretary Hull could have instructed State Department officials to relax the interpretation of the LPC provision and/or the implementation of visa policy, they delegated that responsibility to their subordinates. Their actions were consistent with the official position of the Roosevelt administration that the Nazi persecution of the Jews was an internal matter and only informal efforts should be used to “moderate” the situation. As Hull wrote in early 1933: “The German authorities are treating the Jews shamefully and the Jews in this country are greatly excited. But this is also not a governmental affair. We can do nothing except for American citizens who happen to be made victims.

¹⁸¹ Frank Trager to Henry Levy, March 17, 1939 in *Morris Waldman Papers*, Box 19, Folder 10 entitled “Immigration, Refugees, Articles”, American Jewish Committee (YIVO Institute Archives).

¹⁸² Spear, “The United States and the Persecution of the Jews in Germany, 1933-1939,” 217; Wyman, *Paper Walls*, 212; Messersmith to Geist, December 20, 1938, *Messersmith Papers*, page 3.

We must protect them and whatever we can do to moderate the general persecution by unofficial and personal influence ought to be done." ¹⁸³

Messersmith wrote that it was useless to think, ". . . that the outside world will allow itself to be blackmailed into some scheme to help Germany through the use of the Jews as pawns."¹⁸⁴ The refugee situation in Greater Germany had exasperated him because he contended that any relaxation in America's restrictive immigration policy would result in a much bigger European Jewish problem. Messersmith was convinced that: ". . . there is no action, international or private, which can adequately take care of the refugee movement. No matter if all the governments in the world were to join together and give large financial grants and no matter if we opened up three or four new Palestines . . . it would not be a solution of the refugee problem."¹⁸⁵

The claim that the refugee crisis was exclusively a "Jewish problem" and that there was no solution to it was erroneous, *i.e.*, by the late 1930s, the plight of the German Jewish immigrants had become a *world* problem. ¹⁸⁶ In April 1933,

¹⁸³ Hull to the Charge d'Affaires in Germany (George Gordon), March 24, 1933, *FRUS*, 1933, Vol. II, 330. Available from University of Wisconsin Digital Collections, <http://digital.library.wisc.edu/1711.dl/FRUS.1933v02>. Accessed on April 1, 2011.

¹⁸⁴ Shafir, "George S. Messersmith: An Anti-Nazi Diplomat's View of the German-Jewish Crisis," 41.

¹⁸⁵ Messersmith to Geist, December 20, 1938, page 4, *Messersmith Papers*.

¹⁸⁶ Although the majority of the persons whom the Third Reich declared to be "non-Aryan" were Jews, other ethnic groups, such as the Roma (formerly known as Gypsies), were also victims of Nazi persecution and extermination. *See, e.g.*, Sybil Milton, "'Gypsies' as Social Outsiders in Nazi Germany," in *Social Outsiders in Nazi Germany*, edited by Robert Gellately and Nathan Stoltzfus (Princeton, NJ: Princeton

the Third Reich began to implement its anti-Jewish legislation based upon its malevolent anti-Semitic ideology.¹⁸⁷ As a result, an “unprecedented migration” of Jewish refugees occurred in Europe who desperately sought to escape their misfortune and establish a new life in other countries, including the United States.

Since such a large displacement of people created international instability and global tensions, it was apparent that the cooperation of the international community would be required to find a solution to the dire plight of the German Jews. By 1935, the Jewish refugee crisis had indeed become a concern of “international politics.” As a result, the League of Nations created the High Commission for Refugees from Germany, which represented that former’s belief that the problem must be “shared” by the global community because no one country could

University Press, 2001 (212-232); Michael Zimmermann, "Intent, Failure of Plans, and Escalation: Nazi Persecution of the Gypsies in Germany and Austria, 1933-1942," in *Roma and Sinti: Under-Studied Victims of Nazism: Symposium Proceedings*, edited by Paul A. Shapiro and Robert M. Ehrenreich (Washington, DC: United States Holocaust Memorial Museum, Center for Advanced Holocaust Studies, 2002), 9-22; Michael C. Mbabu and Anna Marie Evans, "Other Victims of the Holocaust," *Dialectical Anthropology* 25, no. 1 (March, 2000): 1-25.

¹⁸⁷ The Third Reich enacted approximately 400 pieces of anti-Semitic legislation that progressively excluded Jews from all areas of public life, including civil service employment, the legal, medical and academic professions, publishing, entertainment, and the arts. Possibly the most famous example of these anti-Jewish laws was the enactment on September 15, 1935 of the Nuremberg Racial Laws. This series of legislation was intended to prevent any sexual contact between German “Aryans” and non-Aryans and defined the position of the so-called *Mischlinge* (“mixed” or “half-breed”) with respect to sexual relations in general and marriage in particular. Sibylle Quack, *Between Sorrow and Strength: Women Refugees of the Nazi Period* (Cambridge, MA: Cambridge University Press, 2002), 16; Klaus P. Fischer, *The History of an Obsession: German Judeophobia and the Holocaust* (New York, NY: Continuum, 1998), 260; Jeremy Noakes, "The Development of Nazi Policy Towards the German Jewish Mischlinge," *Leo Baeck Institute Year Book* 34, no. 1 (1989): 310-11.

be expected to carry the burden.¹⁸⁸ As John Hope Simpson, a liberal British politician, observed, “. . . the German Government is placing the other governments of the world in a dilemma. Either they have got to open their doors to hundreds of thousands of poverty-stricken Jews, non-Aryans and political refugees, or they have got to close their doors and to share the responsibility . . . That is not a fair dilemma in which to place the world. As a result of this National Socialist policy there has been an exodus of about a hundred and fifty thousand refugees. Of these the great majority are Jews. . . . This problem is one which demands international action . . .”¹⁸⁹

¹⁸⁸ The League of Nations established the High Commission on October 11, 1933 to resolve the growing Jewish refugee problem and appointed James G. McDonald as the Commission’s head. McDonald later became the first American Ambassador to Israel. However, after two years of virtually no significant accomplishment and a great deal of frustration, McDonald resigned. Claudena M. Skran, "Profiles of the First Two High Commissioners," *Journal of Refugee Studies* 1, no. 3-4: 289, 294; Spear, "The United States and the Persecution of the Jews in Germany, 1933-1939," 224; Michael R. Marrus, *The Unwanted: European Refugees from the First World War through the Cold War* (Philadelphia, PA: Temple University Press, 2002), 161. In his letter of resignation, McDonald recommended that the international community apply “moral pressure” on the Third Reich to halt its persecution of the Jews. Moreover, he emphasized the critical need to tackle the underlying problem, *i.e.*, foreign countries would not relax their immigration laws in order to accept German Jewish immigrants because he believed that “considerations of diplomatic correctness” took precedence over a humanitarian response. *The New York Times*, December 30, 1935.

¹⁸⁹ John Hope Simpson, "The Refugee Problem," *International Affairs (Royal Institute of International Affairs 1931-1939)* 17, no. 5 (Sep-Oct., 1938): 616, 618. Similarly, Dorothy Thompson wrote in 1938: “This chaotic migration has added prodigiously to world unrest . . . we must record the growth of anti-Semitism in countries which never before were conscious of having a ‘Jewish problem,’ and where, prior to the past five years, the Jews were satisfactorily assimilated to the whole society. The growth must be regarded with alarm, not only for humanitarian reasons but because it contains in itself a germ destructive of the essential principles of democratic society, of any society

Another attempt by the international community to solve the German Jewish refugee crisis occurred in July 6-15, 1938, when delegates from 32 nations met at Evian les-Bains, France.¹⁹⁰ The representatives recognized that the refugee problem was extremely complex and decided to “to set up machinery to alleviate the distress of the German and Austrian refugees” and where possible, establish connections with other refugee organizations.¹⁹¹ Although the American and European press initially proclaimed the Evian Conference “the great humanitarian event of the year,” it proved to be ineffective.¹⁹² Unfortunately, the sole result of the gathering was the decision to establish a permanent intergovernmental com-

based on principles other than those of primitive racialism.” Dorothy Thompson, "Refugees: A World Problem," *Foreign Affairs* 16, no. 3 (1938): 377.

¹⁹⁰ The countries represented at the Evian Conference included Great Britain, Germany, the United States, France, Canada, Australia, Switzerland, Argentina, and Brazil. Roosevelt appointed James G. McDonald as the Acting Chairman of his Advisory Committee on Political Refugees.

¹⁹¹ Eric Estorick, "The Evian Conference and the Intergovernmental Committee," *Annals of the American Academy of Political and Social Science* 203 (1939): 137.

¹⁹² S. Adler-Rudel, "Before 1933 and After: The Evian Conference on the Refugee Question," *Leo Baeck Institute Year Book* 12, no. 1 (Jan., 1968): 239. The primary cause of the Conference's ineffectiveness was that the delegates refused to follow the example of the United States, which at least combined its German and Austrian quotas in March 1938 in a small effort to increase immigration of German Jews. These representatives cited the tense economic and social situations in their respective countries and refused to relax their restrictive immigration provisions. There was also concern among the representatives that the acceptance of German Jewish immigrants would set a precedent, *i.e.*, other countries might begin to expel unpopular groups from their own populations. Michael Schäbitz, "The Flight and Expulsion of German Jews," in *Jews in Nazi Berlin from Kristallnacht to Liberation*, edited by Beate Meyer, Hermann Simon and Chana C. Schütz (Chicago, IL: University of Chicago Press, 2009), 50-51.

mittee to investigate possible resettlement locations for refugees and to negotiate an agreement with Germany with respect to the systematic emigration of Jews.¹⁹³

Nevertheless, nations *did* come together on two occasions in an attempt to resolve the crisis. The mere existence of the High Commission and the Evian Conference demonstrates that international cooperation during the late 1930s could have “made a difference” in the plight of these refugees, *i.e.*, any or all of the participating countries at the Conference *could* have relaxed their immigration laws and admitted more German Jewish refugees. The fact that no country would relax its quota restrictions “provided the Nazi's regime anti-Semitic campaign a propaganda bonanza” and four months later, *Kristallnacht* occurred.¹⁹⁴

After *Kristallnacht*, the Nazi's persecution of the Jews became increasingly brutal and destructive. By that time, the Third Reich had denied Jews their right to earn a living, stripped them of basic civil rights, deprived them of their assets and stigmatized them as “parasites” who must be removed from German society. Messersmith and Geist, with the support of Carr and Phillips restricted the issuance of visas to German Jews based upon pretexts to conceal their anti-Jewish bias. As a result, they successfully prevented the immigration of the vast majority of German Jews to the United States.

¹⁹³ *Proceedings of the Intergovernmental Committee, Evian, July 6-15, 1938 ... Resolutions and Reports* (London, 1938), in Yitzhak Arad, Israel Gutman, and Abraham Margalio, eds., *Documents on the Holocaust: Selected Sources on the Destruction of the Jews of Germany and Austria, Poland, and the Soviet Union* (Lincoln, NE; Jerusalem: University of Nebraska Press; Yad Vashem, 1999), 97-98.

¹⁹⁴ Brustein, *Roots of Hate*, 2.

Conclusion

During the period 1933 to 1939, Carr, Phillips, Messersmith and Geist established and implemented the State Department's policy of severely restricting the issuance of visas to German Jews. Of the approximately 300,000 visa applications submitted by German Jews, only 75,000 were granted. All of these officials shared a common bond of anti-Semitism, which the evidence establishes was the primary factor influencing their conduct as government officials. The arguments they advanced to justify their decisions were unconvincing, lacked merit and were pretexts to conceal their antipathy towards Jews.

On the eve of World War II, Chaim Weizmann sadly observed that the world had become divided into two camps, one of countries expelling the Jews, and the other of countries, which did not admit them.¹⁹⁵ The refusal to grant more visas to German Jews had disastrous results. By December 31, 1939, 213,390 Jews remained in Germany and 60,000 remained in Austria.¹⁹⁶ Of the approximately 6,000,000 people slaughtered by the Nazis, it is estimated that approxi-

¹⁹⁵ Adler-Rudel, "Before 1933 and After: The Evian Conference on the Refugee Question," 236. During the interwar period, Weizmann was a prominent figure in various Jewish organizations and served, for example, as the President of the World Zionist Organization (1920-1931) and the Jewish Agency (1929-1946). He was also the driving force behind the creation of the State of Israel and served as its first president (1949-1952). Israeli Ministry of Foreign Affairs. Available from <http://www.mfa.gov.il/MFA/Facts+About+Israel/State/Chaim+Weizmann>. Accessed on April 1, 2011.

¹⁹⁶ Herbert A. Strauss, ed., "Jewish Emigration from Germany: Nazi Policies and Jewish Responses (I), Vol. 25, *Leo Baeck Institute Year Book* (January 1, 1980): 326; American Jewish Committee, *The American Jewish Year Book 5706: 1945-46*, 606.

mately 60% (130,000) of German Jews and 83% (50,000) Austrian Jews perished in the Holocaust.¹⁹⁷

¹⁹⁷ Raul Hilberg, *The Destruction of the European Jews*. Vol. III (New Haven, CT: Yale University Press, 2003), 1321.

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