

“HUMANITY IS NOT CONCERNED WITH US: THE UNITED STATES CONGRESS
AND THE JEWISH REFUGEE PROBLEM, 1936-1941”

A Thesis

Presented to

The Faculty of the Department

of History

University of Houston

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Arts

By

Kristen Williams

May, 2013

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ABSTRACT

The purpose of this thesis is to expand on the existing historiography of the United States and the Holocaust by examining the actions of Congress between 1936 and 1941. By looking at congressional documents from both public and private hearings, it is possible to see that that legislators knew about the events happening in Europe and had opportunities to intervene on behalf of persecuted Jews, yet did not take any action. Despite the feasibility of Jewish rescue and resettlement efforts, Congress opposed, and eventually defeated, every proposal. The bills failed largely because of the opposition of a powerful group of politicians who feared the effect that Jewish refugees would have on the nation, and, more importantly, its immigration policy. In hearings on individual and large-scale bills, these legislators demonstrated a lack of interest in European affairs and instead they chose to use economic, legal, and social reasoning to argue against the bills. The efforts of restrictionist congressmen are largely responsible for the congressional failure to help Europe's Jews and, therefore, must be examined to understand America's inaction during the years of the Holocaust.

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For my parents

Introduction

“How could it be possible for them to burn people, children, and for the world to keep silent?”¹ The question that plagued Elie Weisel in his autobiographical novel *Night* has haunted the minds of Americans ever since the first images of Buchenwald and Auschwitz appeared in film reels and newspapers. Why did no one help the Jews? During the world's most swift and systematic genocide, why did more people not speak up on their behalf and work to bring them safely away from a regime that was slowly exterminating them? What more could the United States have done to save the lives of Europe's persecuted population? The search for answers to these questions has led people to different conclusions. Some argue that the Allies should have bombed the rail lines that led to death camps. Others believe that the United States should have launched a rescue effort for Europe's Jews prior to the outbreak of the war. There are still others who believe that the nation should have taken a more proactive stance at international meetings like the Evian and Bermuda Conferences, but the fact remains that none of these courses of action were taken, and the United States maintained an attitude of indifference and non-involvement toward the persecution of European Jews.²

1 Elie Weisel, *Night* (New York: Bantam, 1982), 30. The title for this thesis comes from the same work.

2 The historiography about the American response to Jewish refugees is expansive and covers a myriad of different factors that influenced the government's actions. The first major study on American politics and the Holocaust was conducted by Arthur Morse. His book, *While Six Million Died: A Chronicle of American Apathy* (New York: Random House, 1967), is still considered to be an important cornerstone in the historiography. Morse's work focuses mostly on the executive branch during the war years and argues that the State Department and Assistant Secretary of State Breckinridge Long were the main forces that drove exclusionary policies in Washington and at foreign consulates abroad. Historian David S. Wyman further validated Morse's assertions. His books *Paper Walls: America and the Refugee Crisis 1938-1941* (Amherst: University of Massachusetts Press, 1968) and *The Abandonment of the Jews: America and the Holocaust 1941-1945* (New York: Pantheon Books, 1984), echo Morse's grievances against the State Department. He also states that Franklin Roosevelt must bear some responsibility for America's inaction in the Holocaust. He argues that the President's main failure was in giving too much liberty to the State Department and not making an effort to challenge their decisions. Shortly after the publication of *The Abandonment of the Jews*, historians Richard Breitman and Alan Kraut released their work *American Refugee Policy and European Jewry, 1933-1945* (Bloomington: Indiana University Press, 1987). Their book can be considered to be one

Historians blame different individuals or entities for the American failure to proactively address the Holocaust. Historians and journalists have harshly criticized President Franklin Delano Roosevelt, for not creating a refugee agency in the early war years. Assistant Secretary of State Breckinridge Long and the State Department have also been blamed for his unwillingness of adjust American visa and immigration policy. Additionally, there is evidence that suggests that politicians the federal government attempted to suppress the confirmed reports of the genocide in Europe.³ While there is validity to the criticisms of the United States military and the executive branch, there is one governmental institution that has remained largely in the background of the narrative: the United States Congress.

Legislators in Congress were critical actors in America's response to the Holocaust. From Adolf Hitler's ascension to the chancellery of Germany on January 20, 1933 until the entry of the United States into World War II on December 8, 1941, Capitol Hill was one of the places where the fate Europe's Jews was decided. In the pre-war years, legislators had multiple opportunities on both a large and an individual scale to aid the persecuted peoples of the Reich, and yet consistently failed to address the growing crisis in Europe through the creation of an effective refugee policy.

The House Committee on Immigration and Naturalization was the site where most of

of the most comprehensive accounts of the refugee crisis. Their conclusions echo those of Wyman, saying that the “bureaucratic indifference” of Wilbur Carr, Breckenridge Long, George Messersmith and others was one of the main reasons behind the failure of American refugee efforts in the 1930s and beyond. They also argue that Roosevelt's main failure was in his passivity and his refusal to alter the immigration system. Their analysis has a wider timeline than previous works, which allows them to include important context that other authors miss. To date no authoritative study has been conducted on the culpability of Congress in the American response to the Holocaust. The role of Congress is discussed in Nancy Beck Young's upcoming book *Why We Fight: Congress and the Politics of World War II* (Lawrence: University Press of Kansas, 2013), which addresses the Jewish refugee question as part of her larger study of the legislature during the war years.

3 “The United States and the Holocaust,” United States Holocaust Memorial Museum, Accessed 25 April 2013, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005182>.

the major legislative debates over the Jewish problem took place, particularly in the pre-war years. After World War I, the resurgent anti-Semitism in Europe led tens of thousands of Jews to immigrate to the United States both legally and illegally. In the 1930s the state-sanctioned persecution taking place in the Reich caused more Jewish immigrants to seek refuge in the United States, sometimes employing extralegal methods to gain entry. Meanwhile, hundreds of Jewish immigrants already in the nation on temporary visas were unwilling to return to their countries of origin because of the threat of invasion, persecution, and political instability. The burgeoning population of resident aliens became a consistent topic of discussion in congressional hearings, and by the middle of the decade, it had become a vexing problem for legislators. The petitions for refuge were split among the branches of the government depending on the situation. Congress was charged with the responsibility of handling aliens already residing in the nation, while the State Department was charged with the management petitions for visas coming from abroad.⁴

In the 1930s and 1940s, hundreds of hearings took place within the walls of Congress to determine how to best deal with political and religious refugees from Europe. The majority of these proceedings were held on behalf of people who were up for deportation or had visas that were about to expire. In an effort to remain in the country, endangered resident aliens petitioned for citizenship or permanent residence so that they could keep their jobs, stay with family, and avoid the troubles going on within Europe. In these hearings, business associates, family members, politicians, and community members testified on the supplicant's behalf in an attempt to prove that they would be good, contributing citizens and assets to the nation if granted amnesty. Legislators then reviewed the submitted testimonies and rendered a

4 Theodore S. Hamerow, *Why We Watched: Europe, America, and the Holocaust* (New York: W.W. Norton, 2008), 271.

decision as to whether or not the person was worthy of remaining in the United States on a permanent basis.

In addition to the individual immigration hearings, legislators were also presented with opportunities to aid refugees on a larger scale. Rather than helping immigrants already in the country, these hearings were designed to bring in endangered refugees from foreign nations. In the spring and summer of 1939, only a few months before Hitler's invasion of Poland, Congress debated, and eventually killed, a bill that would have allowed roughly 20,000 Jewish refugee children to come to the United States until the danger in Europe had passed.⁵ In August of 1940, almost a year after the outbreak of war, a number of other bills were proposed that would have allowed a select number of eastern and central European children, Jews and non-Jews, to be sheltered in the United States for the duration of the war.⁶ Disagreements arose over the logistics of the legislation, and the inability to compromise prevented the bills from ever being enacted. The proposals for relief and refuge were defeated because of the fierce resistance that they met in both legislative houses. The restrictionists, a heterogeneous group of politicians from all parties and regions, favored tight immigration regulation and stood firmly behind the maintenance of existing American immigration policy, which incidentally put them in direct competition with the needs of Europe's Jewish refugees.⁷

In this thesis, I argue that the congressional restrictionists were a driving force in the fight to keep Jewish refugees out of the United States in the pre-war years. By examining

5 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "Admission of German Refugee Children," 76th Congress, 1st session, May 24, 1939.

6 House Committee on Immigration and Naturalization, "To Provide a Temporary Haven from the Dangers of Effects of War for European Children Under the Age of Sixteen," 76th Congress, 3rd Session, August 8, 1940.

7 Breitman and Kraut, 8.

their statements in hearings in the years preceding the American entry into the war, it is possible to see how they influenced legislative debates and shaped the nation's policy toward the persecuted peoples of Europe. Using existing American nativistic anti-immigrant and anti-Semitic sentiment to their advantage, these politicians were able to garner support for their beliefs, effectively destroying any hope for a more liberal refugee policy, or, in fact, a consistent refugee policy of any kind. Additionally, their power was compounded by existing indifference in Congress. Distracted by other issues, moderates in both houses did not pay much attention to the refugee problem. Without a strong coalition to counter their passionate advocacy for American non-involvement, restrictionist politicians were able to maintain a firm grip on congressional decisions, preventing any significant legislation from reaching the floor.⁸

Restrictionist politicians like Martin Dies (D-TX), James Van Zandt (R-PN), William “Bob” Poage (D-TX), A. Leonard Allen (D-LA), and others argued that increased immigration, even for humanitarian purposes, would ultimately be detrimental to the United States and its citizens. Even when faced with the gravity of the events unfolding in Germany and elsewhere, they refused to alter their position, stating that new immigrants would take American jobs, drain and defraud American society, and subvert American social norms.⁹

Although these concerns were certainly real in the minds of legislators at the time, I contend

⁸ Young, 135.

⁹ Wyman, *Paper Walls*, 13. In the pre-war years, central and Eastern European immigrants were viewed with particular distrust by restrictionists. Legislators feared that new arrivals would bring with them Nazi propaganda and other anti-American philosophies. To ensure that the supplicant was not a fascist sympathizer or a subversive, congressmen would interrogate the applicant about his or her political beliefs. The number of people who overstayed their visas also made legislators leery of the moral character of the petitioner. People found violating of American immigration law were often painted as criminals and were accused of being guilty of crimes of “moral turpitude.” Restrictionists thus felt that it was their responsibility to keep these undesirable elements out of American society. This fear of immigrant subversion is illustrated in U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 8711”, unpublished hearings, 75th Congress, February 16, 1938. See also U.S. Congress, Senate, Committee on Immigration, “Deportation of Aliens,” 75th Congress, 1st Session, 27 April, 1937.

that the antagonism against Jewish refugees and immigrants went much deeper than simple economics or politics. At the heart of the restrictionist opposition there was a deeply-seeded desire to maintain the status quo of the United States and to keep the nation as racially, religiously, and ethnically homogenous as possible. The influx of eastern European immigrants, particularly those of Jewish heritage, posed a threat to the restrictionist ideal of a nation that was “one hundred percent American,” and, therefore, had to be stopped.¹⁰

Restrictionists also feared the long-term consequences that a liberalized refugee policy would have on the future of American immigration law. In the 1930s, immigration policy was restrictive, discriminatory, and complicated, making it incredibly difficult for new immigrants to come to the nation. The existing system, with all of its flaws, benefited people who believed that the United States should remain as demographically consistent as possible. It therefore became the mission of congressional restrictionists to protect the existing policy at all costs. In the eyes of anti-immigration legislators, to shelter the poor, oppressed people of Europe would set a bad precedent for the future. They believed that by allowing Europe’s Jews to enter the nation freely, they would be encouraging the eventual breakdown of American immigration law. This desire to preserve the existing quota system characterized the restrictionist opposition to Jewish immigration. Although the persecution of the Jews was lamentable, restrictionists believed that it was not their responsibility to shelter the world’s persecuted minorities and that the United States should not develop a reputation of doing so. Instead, they attempted to shift the political focus away from the tyranny in Europe, choosing

10 In *Paper Walls*, David S. Wyman explains the attitudes of the “one hundred percenters” saying that they functioned off of “two nativist anxieties: concern to preserve American resources for American citizens and the fear of the alien as a threat to American culture in all its aspects.” In the hearings that follow, these patterns of thought emerge regularly in the rhetoric of restrictionist politicians. A further discussion of existing American nativism can also be found in John Higham, *Strangers in the Land: Patterns of American Nativism, 1860-1925* (New York: Ateheum, 1965).

to focus their statements on issues that directly affected Americans.¹¹ They demonstrated a consistent indifference to the plight of the Jews and believed that their only responsibility was to care for their constituents and protect the American way of life. All other cases of human suffering, however regrettable, were secondary concerns.

Congress's inability to pass any sort of legislation in favor of Europe's Jews is indicative of the influence that restrictionist politicians wielded on Capitol Hill. In the following pages I will examine in more depth the beliefs and arguments of these politicians to show how they stymied any and all legislation that could have led to the rescue of thousands of Europe's Jews. The documentary record proves that representatives in Congress knew about the persecution and violence against Jews in Europe and had many opportunities to help them; however, the restrictionist bloc in both houses effectively put down each and every proposal for action through their convincing and unyielding opposition. By looking more closely at these opportunities for rescue and the politicians who opposed them, it is easier to comprehend why the United States never instituted an effective refugee policy. This thesis is intended to complement and round out the existing understanding of the American response to the Holocaust. When coupled with the existing scholarship on the executive branch, this study proves that indifference and inaction were pervasive throughout Washington and that politicians in every branch bear some responsibility for the failure of American refugee policy in the 1930s and 1940s.

Throughout the pre-war years there was a constant stream of hearings and bills that dealt with the Jewish problem, and as international conditions changed, so too did the debate in the United States. As such, the Jewish refugee debate in Congress can be divided into two general phases: The immigration years and the refugee years. Each of these eras will be

¹¹ Young, 146.

discussed at length in the individual chapters of this thesis. Chapter one will cover the immigration years which lasted from roughly 1936 through the spring of 1939 when Congress began to debate serious rescue and resettlement efforts for Jews. In this first phase of debate, hundreds of Jews and other opponents to the Nazi regime came before Congress requesting that they be allowed to remain in the country. In the hearings, petitioners mentioned the horrible conditions experienced by Jews in Europe, as well as the potential danger that they would face if they returned home. The restrictionists present in the hearings were often unsympathetic to their plight and fought to vote down the proposals for relief to ensure that deportation orders were upheld and carried out.

One such example took place in the early spring of 1939. The bill was introduced to cancel deportation orders for Isaac Zarembsky, a Polish Jew who had been living in the United States for thirteen years.¹² Zarembsky was under investigation because his visa application was found to be inaccurate, stating that he was born in Germany rather than his native country of Poland. Paul Goldman, the nephew and legal representative of the supplicant, stated that his client was an innocent victim of the complicated Johnson-Reed application process and was unaware of his wrongdoing. Speaking only Hebrew, Zarembsky could not understand consular officials in Germany when they described the application process and was subsequently duped into buying a fraudulent visa.¹³ Because of his forged papers, Zarembsky faced deportation.

Goldman plead on behalf of his uncle saying, "I do not have to tell the people of this committee the conditions under which people of his faith have to live in Poland today . . . To send a man back to Poland is really to pass a sentence of death upon him, and I really appeal

12 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "H.R. 2090, A bill for the relief of Isaac Zarembsky", unpublished hearings, 76th Congress, 1st session, May 17, 1939.

13 Ibid., 70.

to the committee to take that into consideration.”¹⁴ Despite the impassioned words of the young lawyer, the restrictionists on the committee remained unconvinced. Robert Poage remained particularly skeptical of the supplicant and made no secret of his opposition to the case, berating the man with questions, interrupting Goldman's statements, and condescendingly addressing the petitioner's lack of English proficiency.¹⁵ After a lengthy line of questioning, the committee adjourned and reconvened the following day. When asked to render a decision, the committee was divided. Chairman Samuel Dickstein recommended that the bill be laid over until the following year to “give [Zaremsky] every opportunity to get out of [deportation].” Others on the committee, however, recommended that the bill be thrown out completely.¹⁶ Representative Allen, who favored tabling the bill for later consideration, immediately countered saying, “Mr. Chairman, we have cut others off under the same circumstances . . . I would like to see a vote on this.” The vote was held, and the bill was tabled.¹⁷ Congress did not return to the case until after the conclusion of the war.¹⁸

Allen's statement that other people had been cut off from amnesty was absolutely true. Unfortunately, Zaremsky's case was not unique. In the pre-war years, visa scams proliferated throughout Europe and became a common problem in congressional hearings. Congressmen heard dozens of cases where unscrupulous steamship operators and con-men took advantage of the confusion and the sluggishness of the American immigration process. People found with false papers lived under constant threat of deportation for their error. It was also common for supplicants to be brought before Congress because they were found to

14 Ibid., 88.

15 Ibid., 82-83.

16 House Committee on Immigration and Naturalization, “H.R. 2090, A bill for the relief of Isaac Zaremsky,” unpublished hearings, 76th Congress, 1st session, June 28, 1939.

17 Ibid.

18 Though the Zaremsky case was never returned to in the war years, a congressional list of deportation suspensions from 1950 (64 Stat. A322) shows that Zaremsky remained in the country and was officially given a deportation suspension eleven years after filing his original petition.

be living in the United States on expired visas. The majority of the pleas to congressmen and senators in the mid-1930s came from people already in the United States who had lived in the country for decades and were hoping to stay with their businesses and family. Most of them had already set up comfortable lives within American borders and hoped to maintain them.

Jews in the United States were particularly invested in remaining in the country because they knew that not only would they be separated from their jobs and relatives, but they would also be returning to countries that were politically and economically unstable with a wide populace that was antagonistic to their religion. The response from restrictionist representatives to their requests was largely callous and unsympathetic. They accused recipients of forged passports of attempting to defraud the American government so that they could take advantage of benefits and employment offered to residents of the United States. They argued that anyone who violated immigration law, even unwittingly, did not deserve to stay in the country. From 1936 through mid-1939, restrictionists opposed petitions for relief hoping to stem the tide of immigration to keep the nation “one hundred percent American.” Though politicians used moral and economic rhetoric to defend their position, they were mostly concerned with minimizing the number and influence of foreign-born individuals in the United States and ensuring that deportation procedures be strictly enforced.¹⁹

The first phase of the Jewish debate focused almost entirely on immigration issues and visa errors. During these years, the situation in Europe was worsening, but politicians did not see the need to intervene. The hearings held between 1936 and 1939 were mostly

19 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 11172: A Bill to further reduce Immigration,” 74th Congress, 2nd session, March 25, 1936; U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “Deportation of Aliens,” April 1937; U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 6795: To Authorize the Deportation of the habitual criminal,” 74th Congress, 1st session, April 1935; House Committee on Immigration and Naturalization, “Admission of German Refugee Children,” May 1939, 230.

individual hearings on behalf of resident aliens who were not directly experiencing the effects of the Nazi regime. The restrictionist attitudes in these hearings, however, directly correlate to the larger debate over Europe's Jews, showing how indifferent anti-immigration politicians were to endangered immigrants. Additionally, these hearings prove that even on an individual scale, restrictionists refused to aid potential victims of Hitler's genocide.

In the spring of 1939, the tone on Capitol Hill began to change, moving beyond the individual hearings that had been happening for the past three years. In April, Senator Robert Wagner (D-NY) and Representative Edith Nourse Rogers (R-MA) proposed a bill that would have allowed twenty thousand Jewish refugee children into the United States. The introduction of the Wagner-Rogers Bill was a turning point in congressional discussion. Up until that point, the cases of German, Polish, and Lithuanian Jews had been considered as immigration issues, mostly being handled in the committee of Immigration and Naturalization; however, with the Wagner-Rogers bill the Jewish problem ceased to be an immigration issue and became a refugee issue. If passed, the bill would bring in thousands of refugees who would be taken care of by willing families and charitable organizations. The legislation foreshadowed a coming shift in the immigration debate. The situation in Europe was rapidly deteriorating, and Congress had to decide how to deal with the growing number of displaced and countryless people coming out of the continent.²⁰ Because of the Nazi annexation of new territories, temporary and illegal immigrants in the United States became refugees who had no country to return to. The change in international conditions was a key factor that led to the change in congressional focus, harkening in an age of debate over the newly-created refugee issue.

The second phase of debate took place in the late 1930s and lasted until the American

²⁰ Young, 142; Hamerow, 318.

entry into the war in 1941 and is the topic of chapter two. In this period, the immigration committee still saw cases of accidental visa violations and protests against deportation, but they also had to deal with a new set of supplicants defined as “hardship cases.” Many of the applicants came before Congress saying that they literally had no country to return to, and, therefore, must be considered as refugees from the belligerent Nazi regime. Much of eastern Europe had been annexed into the Reich, giving them no place to go. The situation in Europe posed a problem for restrictionist legislators. Congress refused to deport people to Germany and other Nazi-occupied territories, which meant that applicants from those areas by default had to remain in the United States until international relations stabilized. Anti-immigration forces in Congress feared the precedent that they would set by allowing refugees to remain in the United States indefinitely, so they made every effort to ensure that wartime amnesty was temporary.

The most common strategy used by restrictionists was to take no action on the bills at all by tabling them indefinitely or simply leaving them open, thus staving off a decision that may lead to an increased population of immigrants in the nation. In the hearings, restrictionists fought hard to guarantee that refugees in the United States would either be counted against the existing quota numbers once the post-war map of Europe was redrawn or that they would be returned to their country of origin at the end of the war. Special exemptions and non-quota status were hard to come by, even for people who did not know which country's quota under which they should technically be charged. Despite the obvious changes that were happening internationally, restrictionist politicians refused to consider any revision to the quota system. They stood so firmly behind the Johnson-Reed system because they feared that a liberalized immigration policy would turn the United States into a haven

for the destitute, oppressed, and the countryless people of the world.²¹

The case of Romanian immigrant Avram Butnariu and his Austrian wife Ida, exemplified the change in congressional attitudes in mid-1939. While Congress considered the Wagner-Rogers proposal in May 1939, Representative Franck Havenner (D-CA) introduced a bill to provide for the permanent admission of the couple. Havenner recommended relief because of the likelihood that they would encounter religious and political persecution if they returned to Austria, where they had been living for eighteen years.²² The couple originally entered the United States in July of 1938, four months after Hitler's annexation of Austria. They came into the country on temporary visas, but when their visas expired, they remained in the country to avoid the danger that awaited them in the newly annexed country. Representative Robert Poage, however, was unsympathetic to the cause of the couple saying, "If he came after Hitler took over Austria, then they are simply some of the thousands seeking to flee from the German government, just today there are millions who want to do that . . . then he obviously came with the intention of staying to defraud the United States."²³ Representative Leonard Allen agreed saying that the whole case seemed "suspicious."²⁴ Because of the doubts about the case's validity, the committee laid over the bill for later consideration.

The committee returned to the case in April 17, 1940. The outbreak of the war changed the logistics of the debate, but it did nothing to faze the opposition to the bill. Sympathetic representatives in the hearing testified to the wealth and intelligence of the

21 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "H.R. 8294, A Bill to Enable Vladas Barciauskas to Remain Permanently in the United States", unpublished hearings, 76th Congress, 3rd session, February 20, 1940, 2; House Committee on Immigration and Naturalization, "Admission of Jewish Refugee Children," May 1939, 7.

22 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "H.R. 3266, A Bill for the relief of Avram and Ida Butnariu," 76th Congress, 1st session, May 18, 1939.

23 Ibid., 43

24 Ibid., 45.

supplicants as well as their assimilability, but restrictionists present in the hearing remained unconvinced of the merits of the case. James Van Zandt opposed the permanent admission of the couple on the grounds that “they violated the laws of the nation when they overstayed the passport visa,” making them criminals who were undeserving of American citizenship.²⁵ Later in the hearings, Van Zandt argued that the admittance of Butnariu would also “replace the jobs of American workmen.” Allen followed up on Van Zandt's economic reasoning saying that there were already too many Americans who were unemployed and unable to pay their rent and to admit more immigrants would only exacerbate the existing economic crisis. In addition, he stated that the allotment for Austria was already overextended, making it inadvisable to admit more people, even if they were charged to the year's quota. He argued the system was already strained from the numerous exemptions and visa approvals for hardship cases and war refugees. He then looked to Samuel Dickstein and said, “I was just wondering if we should not stop it, Mr. Chairman.”²⁶ Charles Kramer (D-CA) recommended that the bill be tabled for future consideration. The motion passed, and the couple never reappears in the congressional record.

The Butnariu case demonstrates several of the features that characterized the refugee debates in the first years of the war in Europe. Restrictionists saw the quota system being stretched to its limit as petitions from homeless refugees became more common. In response, they fought hard to enforce the numerical allotments for each nation. With each case they tried to end the congressional pattern of granting amnesty to all people displaced by the war. Because the State Department was unable to deport people to countries affected by the war, anti-restrictionist Congressmen pressed for approval for permanent residence for refugees.

²⁵ Ibid., 11.

²⁶ Ibid., 13.

Restrictionists countered by voting to table bills for future consideration. By staving off a verdict, it was possible to leave the case open until regular immigration and deportation procedures could be resumed, thereby leaving eventual deportation as a viable option in the future. Without strong moderate support or an organized anti-restrictionist leadership, restrictionists emerged victorious in the hearings and kept the committee from acting on behalf of European refugees.²⁷

The beliefs held by restrictionist congressmen were by no means limited to Capitol Hill. The opinions of anti-immigration and anti-Semitic congressmen and senators were shared by people in the State Department, Labor Department, and elsewhere in the United States. Congressional opposition alone was not the only factor that led to the failure of American refugee efforts in the 1930s and early 1940s, but the vocal antagonism to rescue and refugee efforts in the legislature did contribute to the lack American of action in response to the Holocaust. To understand why America remained silent, it is important to examine the congressional voices that prevented the nation from taking action to help Europe's persecuted Jews.

²⁷ Young, 135-136.

Chapter One:

Seeds of Indifference

When the assessing the American response to Jewish cries for help, it is important to first examine the political and social situation in Europe in the 1930s that necessitated American action. The slow march toward genocide began in the final days of January, 1933. Aging German president Paul von Hindenberg was troubled because of the precarious state of the German government. Bitterly divided between several parties, including the new National Socialist German Worker's Party (NSDAP), the Reichstag faced dissolution. The growing popularity of charismatic, forty-three year old Adolf Hitler worried the president who feared that the volatile politician threatened the credibility and stability of his administration. Under pressure from all sides, Hindenberg had to decide how to deal with the young politician to bring peace between their opposing parties, ensuring that the German government did not fall apart. In an effort to control and monitor him, the president appointed Hitler to the German chancellery on January 20, 1933.¹

Less than two months after Hitler's appointment, an unidentified arsonist set fire to the Reichstag building. In response to the perceived terrorist attack, the German parliament passed the Enabling Act, which effectively gave Hitler absolute and unchallenged power over the nation.² That same week, the first German concentration camp was built at Dachau, a small town roughly ten miles northwest of the Nazi party's birthplace in Munich. Originally intended as a detention center for political prisoners and Communists, the camp eventually became one of the most infamous sites associated with the extermination of Europe's Jews.³

1 Joachim C. Fest, *Hitler* (Harcourt Brace: San Diego, 1974), 364-366.

2 Ibid., 391-398.

3 David J. Hogan, ed., *The Holocaust Chronicle: A History in Words and Pictures* (Lincolnwood:

Later that year, new legislation banned Jews from jobs in the civil service and the arts, as well as broadcasting, agriculture, and law.⁴ Though Nazi officials had not yet instituted the “Final Solution”, the first signs of the coming events were beginning to manifest themselves.

As Hitler's term continued, the discrimination against the nation's Jews increased. In May 1934, all Jews were banned from having health insurance.⁵ The following year, the Reichstag instituted the infamous Nuremberg Laws which legitimized the Nazi party's racial purity ideology and ushered in a new era of heightened Jewish persecution. The laws set strict regulations codifying the Fuhrer's belief in the sub-humanity of the Jewish “race.”⁶ Once in place, the Nuremberg Laws revoked the citizenship of all non-Aryans and forbade marriages and sexual relations between Aryans and Jews.⁷ Each year of the Nazi regime brought new regulations and dictates that stifled the Jewish population and robbed them of their ability to make money, travel, or practice their religion.

By 1938, Jews were unable to own businesses or to travel without identification. All Jews were forced to register and carry identification cards, and all Jews with any previous legal conviction were deported to concentration camps.⁸ The oppressiveness of Nazi policy and the extreme resurgence of anti-Semitism in eastern Europe caused Jews to flee en masse from the area in the second half of the 1930s. American consulates in Berlin, Hamburg, Vienna, Warsaw, and beyond were inundated with visa requests. By the end of June 1938,

Publications International, 2003), 61.

4 Ibid., 69.

5 “Chronology of Jewish Persecution: 1934” Jewish Virtual Library, accessed November 11, 2012, http://www.jewishvirtuallibrary.org/jsource/Holocaust/Chronology_1934.html.

6 Scholars disagree as to whether or not the Jews can be considered a race. For the purposes of this thesis, the term “Jew” refers to anyone of Jewish faith or lineage who was classified and persecuted as a non-Aryan under the Nuremberg Laws. The term “Jewish race” is only to be used when referring to Nazi racial theory and belief.

7 “Nuremberg Laws,” Yad Vashem, accessed November 11, 2012, http://www1.yadvashem.org/odot_pdf/Microsoft%20Word%20-%205971.pdf.

8 Chronology of Jewish Persecution: 1938” Jewish Virtual Library, accessed November 11, 2012, http://www.jewishvirtuallibrary.org/jsource/Holocaust/Chronology_1938.html.

more than 317,000 people were registered at American consulates across the globe, with the greatest demand for visas coming from consulates in Europe; however, the massive influx of applications coupled with the tense social conditions in Europe made escape a perplexing, time-consuming, and oftentimes expensive endeavor.⁹

The apex of pre-war Jewish oppression came during the night and early morning of November 9-10, 1938. Over the course of twenty-four hours, hundreds of synagogues across the country were vandalized or burnt down, approximately one hundred Jews were murdered, and Nazi officers arrested roughly 30,000 Jewish men.¹⁰ The pogrom, later deemed *Kristallnacht* or “The Night of Broken Glass”, was a major turning point in the persecution of Europe's Jews. It was the first wide-spread, publicly condoned demonstration of anti-Semitic violence in Hitler's Germany and was the first time that arrests and deportations were made on account of Jewish heritage alone.¹¹ Scholars pinpoint the event as the moment when Jews went from being a persecuted minority to refugees within their own country.¹²

Kristallnacht was an eye-opening event for Europe's Jews as well as the rest of the world. The unhindered violation of rights throughout the country proved that Hitler's oppression could no longer be ignored, justified, or dismissed. For the hundreds of thousands of Jews remaining in the Third Reich and the surrounding areas, the events of November 1938 were the final indicator that they needed to seek refuge in a new homeland. The weeks

9 Bat-Ami Zucker, *In Search of Refuge: Jews and US Consuls in Nazi Germany, 1933-1941* (London: Vallentine Mitchell, 2001), 77.

10 Lawrence Rees. *Auschwitz: A New History* (New York: Public Affairs, 2005), 12-13; “Kristallnacht: The November 1938 Pogroms,” United States Holocaust Memorial Museum, accessed November 11, 2012; Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust, Second ed.* (Langham: Rowman & Littlefield, 2009), 85-86; Because of the secretive nature of much of the German persecution in the Holocaust, numbers and figures vary greatly depending on the sources. There is a degree of disagreement about the statistics from Kristallnacht. Some scholars, like Rees, state that 1,000 synagogues were desecrated, while the United States Holocaust Memorial Museum lists only 267 documented cases of synagogue vandalism. Similar disagreements exist over the number of arrests and murders carried out on The Night of Broken Glass.

11 Bergen, 88.

12 Zucker, 17.

and months following the pogrom saw a dramatic increase in petitions for American visas and led to the highest rates of German immigration since the inception of the Nazi regime.¹³ In the first years of Hitler's reign, roughly 120,000 refugees were able to secure entry into the United States, but thousands more waited for their turn to cross the ocean for a new homeland.¹⁴ Consulates in Germany, Poland, Switzerland and elsewhere were inundated with so many applications that they were unable to handle the number of cries for relocation. Additionally, American quota allotments simply could not accommodate the large numbers of visa applications filed in the mid-1930s.

The obvious miscarriage of justice on Kristallnacht drew the world's attention of to Germany and made the Jewish situation public knowledge. Newspapers reported of bands of men roaming the streets and looting shops, completely unmolested by German police.¹⁵ *The New York Times's* coverage of the story in particular drew attention to the plight of the Jews trapped in the Reich. The paper reported that Nazi officials told Jews in Munich that they were required to permanently evacuate the city. They were given forty-eight hours to “hand over the keys to their dwellings and garages. . . No notice was taken of the objection that most Jews were without passports. The only Jews with passports [were] those who have already made preparations to emigrate.”¹⁶ The *Times* article pointed out the conundrum that Europe's Jews were facing. The Nazi government desired a complete exodus of the nation's Jewish population either voluntarily or by force, but could not achieve it because of its own oppressive policies. Without access to passports, finances, family documents and reliable

13 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “Admission of Jewish Refugee Children,” May 1939, 146.

14 David S. Wyman, *Paper Walls: America and the Refugee Crisis 1938-1941* (Amherst: University of Massachusetts Press, 1968), 211.

15 “Nazis 'Justify' Looting, Arson” *Daily Boston Globe*, 11 November 1938, 1.

16 “Jews Are Ordered to Leave Munich” *The New York Times*, 11 November 1938, 3.

transportation, the feasibility of securing passage to the United States or another country in the west dissipated. By the late 1930s, the domestic conditions within the Reich and the lack of international acceptance of refugees, made it nearly impossible for remaining Jews to escape. Despite attempted eviction and continued persecution, existing Nazi policy counteracted all efforts to drive the “non-Aryan” population out of the country. The limits on assets, documentation, and transportation for Jews made it nearly impossible for them to leave, which troubled and frustrated advocates of Hitler’s racial purity agenda.

In January of 1939, a mere eight months before his invasion of Poland, Hitler addressed the problem in a speech to the Reichstag. It was the sixth anniversary of his appointment to the Chancellery, and in his time in office, he had failed to rid the country of its “undesirable” and “parasitic” minority. Despite the horrors committed under the Nazi flag, Hitler used the speech to chastise the rest of the world for their moral failure in dealing with the nation's Jews, saying:

In connection with the Jewish question I have this to say: it is a shameful spectacle to see how the whole democratic world is oozing sympathy for the poor tormented Jewish people, but remains hard-hearted and obdurate when it comes to helping them which is surely, in view of its attitude, an obvious duty. The arguments that are brought up as an excuse for not helping them actually speak for us.¹⁷

The Fuhrer's words rang with a sad truth. Jews all over Europe were lined up at consulates across the continent hoping for visas that, for many, would never come, and when they asked for help from the west, their pleas went largely unanswered.

After the outbreak of the war, emigration went from difficult to all but impossible. The danger of traveling in war-torn areas, the difficulty in procuring necessary paperwork, and the tight restrictions on where and when Jews could travel made legal escape a daunting

17 Norman H. Baynes, ed., *The Speeches of Adolf Hitler, Volume I* (London: Oxford University Press, 1942), 737-738.

task. The hope of immigration was further dashed in the summer of 1941 when the United States closed its foreign consulates in occupied territories, thereby altering the already complicated immigration process.¹⁸

The turmoil in Germany severely limited the number of Jews who were able to leave the country and immigrate to other nations; however, Hitler's tyranny cannot solely be blamed for the inability of Jewish people to escape the Reich. American immigration policy and the foreign consuls that enforced it in the 1930s were also largely responsible for keeping persecuted peoples in eastern Europe and helped create the refugee crisis that would eventually move into congressional debates.

The roots of America's exclusionary policies appeared almost a decade before Hitler's rise to power. The Immigration Act of 1924, otherwise known as the Johnson-Reed Act, was the cornerstone of American immigration policy in the inter-war years and dictated much of the Jewish refugee debate for the coming decades. The act was designed to restrict and regulate the number of immigrants who were legally able to enter the United States each year. The act set immigration quotas at "[two] per centum of the number of foreign-born individuals of such nationality resident in the continental United States as determined by the United States census of 1890" with the minimum quota allotment being set at one hundred.¹⁹ The benchmark year for quota levels predated much of the immigration from eastern European nations, leading to higher allotments for more developed western European countries like Ireland, England, and Germany. The goal of the act was to preserve the racial makeup of the United States, favoring countries that were culturally, religiously, and racially

¹⁸ Zucker, 4.

¹⁹ *Immigration Act of 1924 (An act to limit the immigration of aliens into the United States and for other purposes)* 43 Stat. 153. 68th Congress; May 26, 1924.

similar to Americans.²⁰ In addition to its obvious lopsidedness in European quotas, the act maintained the parameters of the Chinese Exclusion Act of 1882, completely barring immigration from Asiatic nations.²¹ The exclusion of Asian immigrants as well as the low quota numbers for eastern European, African, and Middle Eastern nations demonstrates the chasm between the white west and the exotic east in the first half of the twentieth century. The obvious imbalances within the system have led some historians to criticize the quota system for creating “a global racial and national hierarchy that favored some immigrants over others.”²²

The parameters of the act were so strict that even “desirable” countries with relatively large quota allotments did not always have high approval rates for American visas. All immigrants were required to provide multiple copies of their current, valid passport, a detailed financial statement, a certificate of good health from a public health official, and a police certificate stating that the applicant had no criminal record and was in good standing with the law.²³ All applications without proper documentation could be immediately rejected by the consul in charge. Though the application process was difficult for residents of all nationalities, the paperwork was particularly hard to come by for Jews in Nazi Germany and Austria where access to finances and personal records was severely limited.

Jews also often fell victim to another provision of the Immigration Act of 1924. The act included a stipulation that stated that applicants could be rejected if the consular officer had any reason to believe that the prospective immigrant could potentially become a public

20 Mai M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, New Jersey: Princeton University Press, 2005), 27.

21 *Immigration Act of 1924*.

22 Ngai, 3.

23 Zucker, 81.

charge.²⁴ If the applicant could not provide proof of financial stability, future employment in their new country, or family willing to support them, the consul had the right to reject them immediately.²⁵ The provisions of the clause, however, were vague, leaving it up to each individual consul to determine the social, financial, and physical fitness of each petitioner.²⁶ Historians argue that the non-specific wording of the clause allowed consular officers to arbitrarily reject applications without substantial reason.²⁷ The prevalence of consular rejection is evident in the numbers of visa denials in the 1930s. The majority of the quotas for eastern European nations went unmet in the pre-war years despite the high demand for visas. Between 1933 and 1937, none of the quotas for Czechoslovakia, Hungary, Lithuania, Poland, Romania, or Germany were ever filled.²⁸ The non-specificity of the LPC clause made it possible for personal bias, racism, and anti-Semitism to become a factor in the visa approval process at foreign consulates. Between 1933 and 1944, almost ninety percent of the German immigrants to the United States were Jewish.²⁹ Additionally, a large proportion of the immigrants from Eastern Europe were also of the Jewish faith. Jews, however, were not broadly liked or accepted in the United States. Public opinion polls from the late 1930s and early 1940s reveal that almost one fifth of those polled felt that Jews were a “menace to America,” while over a third felt that Jews had “too much power.”³⁰ Distrust of prospective Jewish immigrants and their perceived otherness made them undesirable candidates for American residency in the eyes of anti-Semitic politicians and consuls as well as the

24 Immigration Act of 1924.

25 Ibid.

26 Zucker, 86.

27 Wyman, *Paper Walls*, 161; Zucker, 87; Breitman and Kraut, 8.

28 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “Admission of Jewish Refugee Children,” May 1939, 146.

29 Richard Breitman and Alan Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington: Indiana University Press, 1987), 9.

30 Ibid., 22.

American population at large.

Though the implementation of the Johnson-Reed system lay with the State Department, Congress bears some responsibility for the failures of the quota system. Several opportunities to amend immigration policy were presented before the House Committee on Immigration and Naturalization in the pre-war years, but all efforts to fix the flaws in the system were met with antagonism from the restrictionist bloc in Congress. In the hearings of the early 1930s, restrictionist congressmen demonstrated the same immovable attitude that later became a regular component of private immigration proceedings. For example, in 1933, after many accusations of “gross injustice” and discrimination at American consulates in Europe, Congress made an effort to review the practices of consuls abroad and to institute a system that would ensure more oversight for immigration officials.³¹ After a lengthy discussion of the anti-Semitic persecution happening in Germany, The American Jewish Congress submitted a statement saying that many Jews were being “excluded [from emigrating] because of the opinion of the particular consular officer having jurisdiction that they are likely to become public charges.” The statement continued saying that many of the rejections were “unjust and based upon insufficient reasons.”³² They argued that changes needed to be made to make the immigration process more efficient and equitable with less room for discrimination. Despite their statement and additional testimonies on behalf of the Council of Jewish Women, The Hebrew Sheltering and Immigrant Aid Society, and the American Jewish Committee, restrictionists in the hearings still opposed the legislation saying that the United States did not “owe any rights to an alien who is seeking admission

31 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “Review of Refusals of Visas by Consular Officers,” 73rd Congress, 1st session, May 18, 1933, 3.

32 Ibid., 8.

into [the] country.”³³ They later echoed the opinion in hearings over the Jewish refugee problem. Though legislators on both sides of the immigration debate sympathized with the Jewish cause, legislators never reached an agreement over the future of consular visa procedure and never made any tangible changes to the application and approval process as instituted by Johnson-Reed.

The next year, the committee held another hearing to amend immigration laws. Once again, the Jewish question came into the conversation. Chairman Samuel Dickstein (D-NY) pointed out that there were somewhere between 100,000 and 150,000 refugees who had “escaped Germany for fear of their lives” on waiting lists in France, England, and Switzerland for visas into the United States.³⁴ Thousands of these people were barred from entry because of an inability to meet the educational, legal, and financial eligibility requirements set up under the Johnson-Reed Act. People from all over Europe petitioned Congress to loosen the requirements for admittance so they could safely enter the country, but restrictionists in the hearings were not enthused with the idea of liberalizing the existing immigration policy to admit evacuees from the Reich. Representative Martin Dies, one of the more vocal restrictionists in the House, testified in opposition to the bill saying, “if there is any fault, it has been in the leniency that was exercised in admitting aliens to citizenship.”³⁵ Dies stated that there were already too many uneducated and dangerous immigrants in the nation and advocated a strict deportation policy as well as elevated educational and literacy requirements for people seeking entry into the country.³⁶ Though Dies did not achieve his

33 Ibid., 27.

34 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “Amendments to the Immigration Laws As Recommended by the Department of Labor and by the Secretary's Ellis Island Committee,” 73rd Congress, 2nd session, May 8, 1934, 93.

35 Ibid., 188.

36 Ibid., 187-188, 191.

desired changes to existing law, he and the other vocal restrictionists succeeded in preventing the proposed easing of the requirements of existing immigration law.

The hearings of the early 1930s presented opportunities for Congress to make the process of immigrating to the United States more efficient and equitable, but resistance on Capitol Hill prevented any real changes from being made. The restrictionist support for the rigid Johnson-Reed system continued into the second half of the decade and shaped the debate over United States refugee policy in the years leading up to the American entry into the war. The lack of action in the early 1930s set the tone for the debates that would take place later in the decade. Had the efforts to loosen immigration requirements been successful, it is possible that more Jews could have legally escaped the Nazi program and found safety in the United States before the peak years of persecution; however, as the conditions in Germany continued to deteriorate and the pleas for help became more desperate, the anti-immigration bloc in Congress refused to alter its position. The unflinching support for immigration limitation and the quota system remained a key part of the restrictionist ideology throughout the entirety of the war and had a definitive effect on public and private immigration and refugee hearings.³⁷

The hearings of the early 1930s were important in laying the groundwork for the future Europe's refugees. In most of the hearings, the conditions in Germany remained a secondary topic of congressional discussion, but by the middle of the decade, the problem had become so severe that it could no longer be relegated to the background of immigration debates. Frantic requests for citizenship, admittance, and delay of deportation flooded the

37 Theodore S. Hamerow, *Why We Watched: Europe, America, and the Holocaust* (New York: W.W. Norton, 2008), 386-387.

mailboxes of politicians from every district.³⁸ Requests from Poland, Austria, Lithuania, Romania, and the United States became commonplace as families tried to reunite with loved ones trapped in countries that were steadily becoming more unstable and dangerous. Additionally, hundreds of immigrants already in the United States who were facing deportation asked their congressman to suspend their eviction, allowing them to stay in the country indefinitely so they would not have to return to countries where they faced persecution and, in some cases, death or internment in a concentration camp.

Congressmen and senators responded with varying levels of enthusiasm to the requests for relief. Some chose to ignore the pleas of their correspondents, many of whom were constituents with families abroad; however, a lucky few supplicants were able to find a sympathetic politician who was willing to bring their case before larger audience on Capitol Hill. Throughout the 1930s and early 1940s, hundreds of individual hearings were held to address these requests and provide relief for the applicants. Restrictionists on the committee of Immigration and Naturalization were very vocal in the individual hearings, expressing skepticism at the claims of the individual supplicants. Their words and actions consistently showed a fear of the effect immigrants would have on the nation and the quota system.³⁹ The behaviors of restrictionists in these hearings are demonstrative of wider trends in Congress and help cultivate an understanding of how and why the United States refused to intervene on behalf of European Jewry.

38 One example of the extensive numbers of petitions for visas and delays of deportation can be found in the Senatorial Papers of Harry S. Truman in boxes 82, 83, and 84 at the Harry S. Truman presidential library in Independence, Missouri. The majority of the correspondence are petitions for visas for family members and demonstrate the desperation that many Jewish-Americans were experiencing because of the restrictions of the quota system. The boxes also include correspondence between Truman and consular officers abroad that demonstrate the obdurate attitude toward immigrants that was prevalent at foreign consulates.

39 Hamerow, 128.

Chapter One:

The Immigration Years, 1936-1939

On May 26, 1936, the House Committee on Immigration and Naturalization heard the cases of forty-eight European immigrants residing in the United States. All of the individuals before the committee faced deportation because they possessed fraudulent or illegal visas. Committee members addressed cases where the supplicants were charged with having irregular paperwork at the time of their entry into the country, thereby making their stay illegal. In the hearings, not a single petitioner claimed that he or she was purposefully perpetrating fraud at the time of immigration. Instead, the fraud was often the result of seemingly-legitimate visa scams in which steamship agencies colluded with American consuls to provide illegal visas to desperate immigrants. The steamship racket was commonplace at United States consulates overseas and became a key concern for lawmakers.¹ The vast majority of the supplicants before the committee had been residing in the country for over a decade and had established families and businesses within the nation's borders, completely unaware of any discrepancy in their paperwork.²

For lawmakers, the May 1936 hearing was an introduction to a debate that would continue until the middle of 1939. In these years, hundreds of Jewish immigrants came before Congress asking for permanent residence for a variety of reasons, not least of which was the persecution of Jews that was taking place all over Europe. It fell to the men on the immigration committee to determine how to fairly and effectively handle the cases of illegal immigrants who were reluctant to return to the lands that they had fled decades earlier. Not

1 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization. "Private Relief Bills Regarding Irregular Admission Documents at the Time of Entry," 74th Cong., 2nd Sess., May 26, 1936, 74.

2 Ibid., 38, 49, 54, 69.

all of the supplicants before the committee had Jewish backgrounds, but the majority of the private cases from Hungary, Austria, Czechoslovakia, Latvia, Lithuania, Poland, and Germany were Jews fleeing anti-Semitism and persecution.³

The omnibus May 25th hearing was the first major attempt to deal with Jewish immigrants from Europe, but the debate about how to respond to their stories continued into the early 1940s. The testimonies of petitioners and witnesses in the individual hearings unveiled stories of black market visa scams, consular corruption, and general confusion over American immigration procedures. Additionally, the changes in the European map in the years after World War I complicated the application process for citizens of newly autonomous nations like Latvia, Lithuania, Poland, and Czechoslovakia, the majority of whom were Jews seeking to escape the resurgent anti-Semitism that had become popular across the continent.⁴ Officially, the responsibility to handle immigration issues lay with the State Department, but congressional representatives had the ability to intervene on behalf of constituents who faced deportation. In special cases, individual legislators introduced bills to the Committee on Immigration to grant relief to worthy supplicants, thereby legalizing their residence in the United States.⁵ The influx of petitions in the 1930s was problematic for legislators who had to find a way to address the cases of petitioners fairly while still protecting existing American immigration policy.⁶ Opinions diverged in the hearings as to

3 Ezra Mendelsohn, *The Jews of East Central Europe Between the World Wars* (Bloomington: Indiana University Press, 1983), 25, 123, 225.

4 It is difficult to determine the exact percentage of the immigrants from the Baltic and eastern European nations that were Jews; however, from the hearings in Congress as well as the analysis of scholars Bat Ami Zucker, Richard Breitman, and Alan Kraut, it can be deduced that at somewhere between fifty to seventy-five percent of the immigrants petitioning the committee had Jewish heritage or faced other forms of persecution in Europe.

5 Nancy Beck Young, *Why We Fight: Congress and the Politics of World War II* (Lawrence: University Press of Kansas, 2013), 146.

6 Richard Breitman and Alan Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington: Indiana University Press, 1987), 8.

how to handle the cases, but the strong opposition from anti-immigration politicians kept the number of approvals to a minimum and created a policy of exclusion and inaction toward European Jews.

These individual hearings presented the first opportunity for Congress to intercede on behalf of European Jews. Though it was only on a case-by-case basis, American legislators had a real opportunity to aid victims of persecution by legalizing their residency in the United States. The congressional response to the cries of desperate immigrants, however, was less than enthusiastic. In the second half of the 1930s, Congress heard the cases of hundreds of immigrants who were up for deportation but only approved a small fraction of them. The inaction on the individual bills was symptomatic of the congressional antagonism toward immigrants that was born out of nativistic anxieties and cultural bias. Anti-immigration politicians were fearful of the effect that racially and culturally divergent eastern European immigrants would have on the nation and opposed their petitions for help. The congressional opposition to the cases of Jewish immigrants in the late 1930s led to the rejection and postponement of countless relief bills and set a pattern of inaction and indifference on behalf of endangered European Jews.⁷

In the first years of the Jewish immigration debate in Congress, restrictionist politicians were the driving force that kept the committee from making any efforts to help persecuted Jews. The restrictionist bloc was composed of southern conservative politicians who favored a policy of strictly limited immigration based around the desire for ethnic and cultural homogeneity in the United States.⁸ The group strongly supported the Johnson-Reed quota system and used the law as an excuse to oppose Jewish refugee and immigration cases

⁷ Young, 135.

⁸ Ibid., 138.

in the pre-war years and into the early 1940s. Restrictionists were present and well-represented in the House Immigration Committee and were very vocal about their views. The restrictionists, however, were by no means unopposed. Anti-restrictionists in the hearings, including Caroline O'Day ((D-NY) and committee chair Samuel Dickstein (D-NY), supported the cases of Jewish immigrants, but their coalition was disorganized, leaderless, and disagreed on how to handle the problem. As such, anti-restrictionist politicians were never able to garner enough interest and support to counter the cohesion and strength of the conservative restrictionist bloc.⁹

Though their opposition was by no means unwavering, restrictionists in the hearings were the most distrustful of the cases before them and thoroughly questioned the supplicants about every aspect of their cases before voicing any kind of support or approval.

Representative Joseph Pfeiffer (D-NY) expressed the restrictionist ideology well when he told the committee that they should not pass too many bills, only allowing people who were “one hundred percent plus” to come into the country. He continued on to say that the committee “had to separate the wheat from the chaff.”¹⁰ For restrictionists, the preservation of American culture was a paramount concern, and they wanted to keep out anyone who appeared to be unassimilable, immoral, or impoverished out of the country. They believed that granting individual exceptions to the existing law would lead to the downfall of the quota system, ushering in a new age of unlimited immigration. It was this desire to limit immigration and to protect the status quo that prevented them from supporting any Jewish rescue or resettlement efforts and subsequently led to the failure of all congressional proposals for action on behalf of persecuted Jews.

⁹ Ibid., 135, 142.

¹⁰ U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 4584: A Bill for the Relief of Ladislav Frank,” unpublished hearings, 77th Congress, 1st session, June 4, 1941, 14.

Because the Nazi regime was still developing, the individual immigration hearings in the mid and late 1930s were largely devoid of references to Hitler's government and its persecution of the Jews. It was not until late 1938 and early 1939 that the Third Reich's persecution of Jews entered the immigration dialogue.¹¹ However, the actions and statements of legislators in private hearings during this crucial time period foreshadowed the resistance that they would show toward large-scale efforts for Jewish rescue efforts in the coming years. Additionally, restrictionist attitudes in the years before Hitler's invasion of Poland consistently demonstrate a lack of concern or empathy for the persecuted minorities of Europe. Though legislators could not have foreseen the events that would soon drag Europe into total war and lead to the annihilation of millions of Jews, their indifference to stories of persecution and their efforts to deny amnesty approvals show how, even on an individual scale, restrictionist legislators fought against the entry and naturalization of endangered European Jews, a pattern that would continue into the peak years of the Holocaust.

In 1924 the United States instituted the Johnson-Reed quota system, Europe was still in the process of rebuilding from the Great War that had concluded six years prior. In the wake of the war, thousands of Europeans, specifically people from eastern nations, attempted to flee the war-ravaged continent to make a new home in the United States. The new restrictions on immigration, however, ensured that not every potential immigrant could enter the nation. It became commonplace for consuls to deny visas based on quota restriction, even though the allotments were still unfilled. As a result, it was common for prospective immigrants to wait years for a visa, sometimes with wait times exceeding a decade.¹²

11 David S. Wyman, *Paper Walls: America and the Refugee Crisis, 1938-1941* (New York: Pantheon, 1968), 67.

12 Ibid., 31; Bat-Ami Zucker, *In Search of Refuge: Jews and US Consuls in Nazi Germany, 1933-1941* (London: Vallentine Mitchell, 2001), 136.

Overcrowded consulates and oversubscribed quota numbers in the post-war years led to the proliferation of a number of immigration scams and corrupt backdoor consular dealings that allowed people to circumvent the traditional immigration procedure. For thousands of desperate immigrants, the enterprises seemed like legitimate, legal endeavors that would alleviate the stress of the application process. However, once their visas came up for renewal, the discrepancies in the paperwork revealed that the immigrant's visa was invalid. To avoid deportation, desperate immigrants wrote to their congressman or senator, pleading for him or her to bring their case to the committee.

In the four years preceding the outbreak of World War II, legislators held hundreds of hearings to determine how to deal with the cases of immigrants already living in the United States under fraudulent visas. According to the Immigration Act of 1924, any individual found to have entered the country illegally was to be arrested and deported.¹³ Though the act was explicit in its wording, Congress was still inundated with appeals from individuals who felt that their case was exceptional and warranted further inspection. When the supplicants came to testify before the committee, representatives disagreed as to how to handle their cases. Restrictionists argued that the supplicants, regardless of their situation, were in the nation illegally and voted against the majority of Jewish immigration cases. Anti-restrictionists and moderates, however, sympathized with the plight of illegal immigrants, and encouraged their fellow committee members to approve their cases.¹⁴

Most of the supplicants came from territories that the Central Powers had occupied during the war and had subsequently become autonomous nations. Because of the new borders, some applicants were confused as to the quota under which they should apply. When

13 Immigration Act of 1924, Section 14.

14 Wyman, *Paper Walls*, 4, 125.

called to testify before the committee in 1936, one suppliant, Lazer Limonsky, admitted, “I don't know where I was born. When I was born Lithuania was under Russia, under the Czar, so I did not know where I was born, whether in Lithuania or in Russia.”¹⁵ The sense of confusion was common in the testimonies of the people before Congress. In one case, the petitioner came from an area in Lithuania that Russia still claimed as its own. With both countries claiming sovereignty over the area, the suppliant testified that “the states themselves did not know” which territories were rightly theirs.¹⁶ As a result, people living in contested territories believed that they could apply for visas under the quota of either nation. The post-war border disputes and the resulting territorial confusion became the foundation upon which illegal visa scams were predicated.¹⁷

The scheme followed a consistent pattern from Lithuania to Poland to Italy. The operators loitered outside of consulates and other public places. When the scam artist heard a person discussing immigration difficulties, he approached the individual and inquired as to whether or not he or she wanted to go to the United States. Oftentimes the person responded with a yes, immediately followed by a description of why they could not get a visa. The scam artists then explained that there were loopholes in the system and that they could procure a visa and a steamship ticket on behalf of the individual for a nominal fee, generally between \$150 and \$200.¹⁸ Some of the operators took the money to a corrupt consular officer who pushed through an illegal preference visa. The consul in Berlin was particularly infamous for colluding with steamship companies.¹⁹ To get the paperwork through, the consul or

15 House Committee on Immigration and Naturalization, “Private Relief Bills Regarding Irregular Admission Documents,” 92.

16 Ibid., 41.

17 Ibid., 74, 219.

18 Ibid., 71, 83, 93, 104.

19 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “HR 1757: For the Relief of Theodore Rosenberg,” unpublished hearings, 76th Congress, 1st session, May 17, 1939, 36.

steamship agent acquired forged birth certificates and passports that indicated that the individual was eligible for admission under the large German quota. Unaware of the backroom dealings between the consuls and the steamship operators, the prospective immigrant believed that the system was legal, and often it was not until a decade later when the notice of deportation arrived that they knew that there was a discrepancy in their paperwork.²⁰

Since the majority of the supplicants were completely unaware of their wrongdoing, they proceeded to build lives and businesses in the United States without fear of deportation. Many of the supplicants had lived in the country for over a decade, and in the intervening time had gotten married and had children.²¹ The question of how to handle supplicants with American-born families became an important factor in congressional hearings of the mid and late 1930s, and was the main determinant of what made a “hardship case.” People who had spouses and children in the United States were often given more lenient treatment in the hearings because it was understood that deportation would not only be a penalty to the immigrant himself, but also to his spouse and family.²² In one case the supplicant, Lithuanian-born Gitte Ferman, explained, “My mother is now with me. I am the only one to take care of her. She lives with me in my nice home. My husband also has his father he is taking care of. If anything should happen to me, gentlemen, my mother, well, it would be her ruination, because there is not a soul we could go back to.” She then looked to the committee

20 House Committee on Immigration and Naturalization, “Private Relief Bills Regarding Irregular Admission Documents,” 38, 49, 54, 69.

21 Ibid., 79-80.

22 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 7608: To Authorize the Cancellation of Deportation proceedings in the case of Christian Josef Mueller,” unpublished hearings, 75th Congress, 1st session, June 21, 1937; U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “HR 3332: For the Relief of Jona Sheftel Bloch,” unpublished hearings, 75th Congress, 1st session, March 10, 1937.

and said, “I appeal to all of you ladies and gentlemen not to break up my home.”²³ When faced with such testimonies, the line between immigration fraud and hardship became blurred. Though members of Congress could not justify purposeful violations of U.S. immigration policy, cases of accidental visa fraud were more difficult to handle, especially when the supplicant's whole family resided in the United States. To deport them would mean sending them back to a country where they would be alone and possibly in danger, while leaving behind relatives that may or may not be able to support themselves. As a result, congressmen had a hard time determining whether the cases of Ferman and others should be determined as rightful hardship cases.²⁴

Family became a contentious issue within the hearings. Dozens of people came forward claiming that they deserved to be listed as a hardship case because of their family. Sympathetic members of the committee, like Sol Bloom and Caroline O'Day, introduced several of the 1936 bills to the committee and fought hard in their defense, but the restrictionist opposition held fast to their beliefs, claiming that regardless of the home situation of the immigrant, he still needed to be held accountable for his illegal entry into the country.²⁵ For example, in one case the supplicant claimed that he deserved to stay in the nation because he had a wife and three children who were legal residents of the United States who depended on him. Restrictionists on the committee argued that the man's story did not warrant special treatment and that he should be deported regardless of his family situation. Bloom addressed the opponents of the bill saying, “Suppose the wife should die; this man is over in Poland and he cannot come back to this country. He has three children over in this

23 House Committee, “Private Relief Bills Regarding Irregular Admission Documents,” 80.

24 Ibid., 45; U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “HR 7168: A Bill for the Relief of Louis Samolski, Rebecca Samolski, and Martin Samolski,” unpublished hearings, 75th Congress, 3rd session, April 5, 1938.

25 Ibid., 2, 213-214.

country who are here legally. Then what will happen to them? Is that a hardship? My God! If there ever was a hardship case, that is this case.” Representative Charles D. Millard (R-NY) showed little concern for the supplicant's situation, saying, “So far as I am concerned, [the children] are going to go back with him.”²⁶ Restrictionists feared that too many people were using the excuse of family to remain in the United States and fought hard against such cases.

In addition to starting families, the immigrants before the committee built successful businesses and careers in the United States that they would have to abandon if deported. Supplicants before the committee tried to explain that their work in the United States was important and provided a vital contribution to the American economy. In the depression years, employment was hard to come by, and businesses run by immigrants were flourishing. Eight out of the forty-eight supplicants testified before the Immigration committee saying that they functioned as job creators for dozens of Americans who would be left unemployed if the business owner was forced to leave the country.²⁷ Additionally, if deported, the immigrant himself would not only be depriving his employees of their livelihood, but he would also be surrendering his only chance to make a living. One testifying witness came forward begging the committee to allow his uncle to stay in the United States, claiming that “when he would go back [to Poland] his business is destroyed and his life is just destroyed over there. To go back there he would have to starve in no time at all.” Therefore, the man stated, the case should be considered a hardship case worthy of exceptional treatment.²⁸ For legislators, business ties became a main point of consideration. Often supplicants provided

26 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 3176: A Bill for the Relief of Chazkiel (or Charles) Lekowski,” unpublished hearings, 75th Congress, 1st session, March 11, 1937.

27 Committee on Immigration and Naturalization, “Private Relief Bills Regarding Irregular Admission Documents,” 25, 31, 76, 82, 85, 91, 97, 103, 189, 196, 220.

28 House Committee on Immigration and Naturalization, “H.R. 2090,” 89.

documentation and correspondence from their employers, business associates, and banks demonstrating their social and economic value to their company and their community.²⁹ Such strong endorsements from reputable businessmen strengthened the overall merit of the case, and made deportation seem all the more objectionable. For restrictionists, the woman's demonstrated ability to seamlessly fit with established American culture was the most important aspect of her case, and they strongly favored approval for permanent residence. To many members on the committee it seemed undesirable and unfair to send such upstanding, contributing members of society back to their country of origin.³⁰

International factors also led to the increased Jewish immigration in the 1920s and 1930s and eventually factored into individual congressional hearings. After World War I, there was a resurgent culture of anti-Semitism in Europe that was steadily increasing in strength. The "stab in the back" myth that Jews were responsible for the outcome of the war was one contributor to the growing anti-Jewish feeling. Additionally, the fear that the Jews were in league with communists contributed to the distrust felt by the general population.³¹ Pogroms also became more commonplace in the years following the Treaty of Versailles, making life dangerous and difficult for Jews in Europe.³² It was in response to this anti-Jewish fervor that many of the immigrants decided to come to the United States. Throughout the mid and late 1930s, the anti-Semitism and persecution throughout Europe played a small but significant part in the decision-making process for politicians in Washington.³³

29 House Committee on Immigration and Naturalization, "Private Relief Bills Regarding Irregular Admission Documents," 16-17, 46-47, 91.

30 House Committee on Immigration and Naturalization, "H.R. 2090," 89.

31 "Anti-Semitism in History: World War One" United States Holocaust Memorial Museum, accessed March 22, 2013, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10007166>.

32 Examples include the Lwow pogrom of 1918, the Polish pogroms of 1919, and the pogroms during the Russian civil war. For more information see Ezra Mendelsohn, *The Jews of East Central Europe Between the World Wars*.

33 Breitman and Kraut, 50-51.

Jewish supplicants from Lithuania, Poland, and formerly Russian territories were particularly vocal when relating their experiences. In 1936 one Lithuanian supplicant explained that he had seen thousands of people hide from pogroms in cellars and basements while another man testified that Jews were “killed by the hundreds” in Eastern Europe.³⁴ Since the majority of the supplicants came to the United States years before the Nazi takeover of Germany, most of the stories of persecution were generalized, referring to widespread, disorganized persecution that was endemic to Europe at the time of their immigration in the 1920s. Even before the peak years of Jewish persecution, witnesses and anti-restrictionist legislators saw the potential danger that existed for Jews and fought hard to keep Jewish supplicants in the United States. One such example was Richard J. Welch (R-CA), who, though not on the committee, came to testify on behalf of one of his constituents, Max Weinrib. Weinrib, like the others before the committee, was found to have a forged visa and was ordered to be deported back to Poland. Welch came forward and pleaded on behalf of the man saying, “If what we hear of conditions in Poland are true, or if what is published in the papers is half true, Mr. Weinrib would be better off if he were sent to Alcatraz Prison out in San Francisco Bay for the rest of his life than if he were sent to Poland inasmuch as Weinrib is a Jew.”³⁵

Members of the committee were aware of the persecution happening across Europe and questioned immigrants about their experiences with anti-Jewish violence; however, the danger of anti-Semitism in Europe remained a secondary concern of lawmakers in the mid and late 1930s. Though the question of persecution was addressed, the committee focused most of their questions on other aspects of the case like employment, family, and community

34 House Committee, “Private Relief Bills Regarding Irregular Admission Documents,” 94, 83.

35 Ibid., 114.

involvement. For example, in the case of Lithuanian Jewish immigrant Max Rittenberg, Joseph Starnes (D-AL) asked the suppliant if there was any religious or political persecution in his home country. Rittenberg responded by saying that there was. Without replying to the man's statement, Starnes immediately changed the subject, never again mentioning the danger of persecution Rittenberg would face if deported.³⁶ Other cases were handled in a similar fashion, with politicians acknowledging the reality of persecution without examining it.³⁷ This pattern of behavior was typical for restrictionists in Congress. The repeated testimonies of persecution and violence indicate that legislators were aware of the problem that existed in Europe, and yet the restrictionist bloc did not let the persecution of the Nazi regime affect their decisions. Instead, despite the blatant truth that Jews were being tortured and killed, the restrictionists chose to focus their questions and statements on the economic and social issues that affected the United States.

Restrictionist legislators' statements in hearings consistently demonstrated their lack of concern about Jewish persecution. In one case in 1938, congressman Donald O'Toole (D-NY) came out in defense of the Polish supplicants Rebecca and Louis Samolski, saying that if they were deported they would be in extreme danger because of religious persecution, which had been consistently escalating since they entered the United States in January 1930.³⁸ In response Charles Kramer (D-CA) said, "Why should we be concerned if we send him out? He can go anywhere he chooses. He smuggled his way in. I don't see any hardship in this case."³⁹ Kramer, though much more moderate than others on the committee, voiced the opinion that was shared by restrictionists who felt that determination of hardship should

36 Ibid., 9.

37 Ibid., 94, 114.

38 House Committee, "HR 7168: A Bill for the Relief of Louis Samolski, Rebecca Samolski, and Martin Samolski."

39 Ibid.

not be made on the basis of persecution alone.

Rather than focusing their questioning on the plight of Jews in Europe, restrictionists spent more time analyzing other aspects of the cases, building their opposition on a series of legal arguments. Restrictionists consistently attempted to undermine the credibility of the immigrants before them, scrutinizing their testimony to determine if their story was valid. They demonstrated a consistent suspicion toward immigrants that directly affected their attitude toward bills. Restrictionists often portrayed the people before them as criminals and liars, who were undeserving of citizenship in the United States.⁴⁰ Instead they believed that most illegal immigrants were not the caliber of people that should be in the nation and that their presence would have a detrimental effect on their communities and the country as a whole. They were not always obdurate in their opposition, however, and admitted that some cases were legitimate instances of accidental fraud, but such occurrences were rare.⁴¹

People who misrepresented their country of birth were put under particular scrutiny. The restrictionists present in the hearings felt that the stipulations of the Johnson-Reed Act made it exceedingly clear that prospective immigrants were only allowed to apply under one quota, as determined by birthplace. Joseph Starnes (D-AL), William Schulte (D-IN), and Everett Dirksen (R-IL) were particularly hard on the immigrants in the 1936 congressional hearings. One of the cases presented to the committee was that of Max Natenson, a Lithuanian Jew who was told he could apply under a German quota since his city of birth was in a post-war disputed territory. Schulte had a hard time believing the story saying, “Is it not right to assume that a person trying to come over to this country knows where they were

40 U.S. Congress, House of Representatives Committee on Immigration and Naturalization, “H.R. 1757: For the Relief of Theodore Rosenberg,” unpublished hearings, 76th Congress, 1st session, January 4, 1939, 19; U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 4024: For the Relief of Nicholai Demechuk,” unpublished hearings, 76th Congress, 1st session, March 8, 1939, 34.

41 House Committee, “Private Relief Bills Regarding Irregular Documents,” 79.

born? They are not that ignorant, are they?”⁴² Dirksen followed up by saying that Natenson and other Lithuanian Jews were “perpetrating a deliberate fraud because it is presumed that virtually everybody at the age of discretion knows where he is born.”⁴³ Both congressmen had similar perspectives on the man's situation. Either he was purposefully violating American law by applying under a larger quota, or he was simply not an intelligent man. Either way, he was not the sort of person who warranted special treatment under the existing law.

The numerous cases of immigration fraud involving corrupt foreign consuls and international steamship agencies also troubled legislators. To restrictionists, the concerted effort to bring people into the country illegally violated American immigration law and made for hundreds of unwanted illegal immigrants. Starnes responded to the repeated stories of victimized immigrants by saying, “There is enough testimony of corruption, bribery, falsehood, and deceit, and conspiracy to violate the laws and make a mockery of the laws of this country.”⁴⁴ His statement, however, was not just aimed at the people running the scam. Starnes and the other restrictionists present at the hearings held the participants in the system responsible as well. At one point, Dirksen criticized the people who had purposefully or accidentally participated in the scheme, and that to allow them to remain in the United States would violate the principles that the quota system was built on. He expressed his thoughts on the matter saying, “Suppose five hundred million people on continental Europe are under the impression that you can go to anybody who tells you to come up to his office and got a passport to come to the United States, what should we do about it?” He continued on saying that seemingly every supplicant claimed ignorance to the illegality of his or her actions, and

42 House Committee, “Private Relief Bills Regarding Irregular Admission Documents,” 31.

43 Ibid., 32.

44 Ibid., 74.

at some point the committee had to take a firm stand against all people who entered the country through illegal means.⁴⁵ Though Dirksen's example was obviously hyperbolic, he shared the fears that many restrictionists had: If unchecked, the black market for visas would grow, inflating the numbers of newcomers into the nation, despite the painstaking efforts of the government to limit immigration.

The desire to curtail the influx of immigrants, particularly immigrants from undesirable nations, underlay much of the restrictionist thought process. For restrictionist, non-Christian, non-English speaking immigrants from eastern European countries did not fit with the established and ideal culture in the United States, and therefore, visa approvals had to be kept at a minimum. The perceived otherness of European Jewish immigrants, therefore, must be seen as an important factor in the refugee debates in the pre-war years.⁴⁶

Later in the hearing, Starnes expressed his skepticism about the supposed innocence of the victims of the steamship racket. In one case, the supplicant, David Leo Lieb, a

45 Ibid., 141; Dirksen repeated the same logic throughout the hearings, stating that if more illegal immigrants continued to come to the country illegally, "it would be an almost impossible task to cope with the problem."

46 Multiple historians have undertaken studies to examine the perceptions of the racial and ethnic differentness of immigrants and its effect on American immigration policy. In his book *Unwelcome Strangers* (New York: Columbia University Press, 1998), historian David M. Reimers argues that politicians prior to and during World War II saw eastern European immigrants as "separate and inferior races" that were undesirable for citizenship in the United States. Because politicians believed that too many of the "wrong races" were entering the nation, they used economic and assimilation-related arguments to keep immigration limited. In her book *The Qualities of a Citizen* (Princeton: Princeton University Press, 2005), Martha Garder approaches the ethnic, moral, and gender-related ideals that were created by American immigration policy. She argues that immigration legislation created "a system of belonging and not belonging." She also states that the existing laws in the United States created race and gender categories that created a hierarchy of desirability. The perceived differentness of newcomers to the nation heavily influenced not only American political behavior, but the behavior of immigrants themselves. Historian Desmond King also approaches the topic in his book *Making Americans: Immigration, Race, and the Origins of the Diverse Democracy* (Cambridge, Mass.: Harvard University Press, 2000). He points out that politicians in the United States believed in a distinction between the "old stock" of genuine Americans and the "new stock" of immigrants, who were perceived to be different, unassimilable, and unintelligent. It was these perceived differences that led to the creation of the National Origins Act and other restrictive, discriminatory immigration policies in the twentieth century. There is a good degree of consensus in the historiography that the created and perceived cultural, linguistic, and racial differences between immigrants and native-born Americans directly affected immigration policy and led to the discrimination against and outright exclusion of new immigrants to the United States. The same issues of desirability, assimilability, and otherness directly affected the way legislators handled the Jewish refugee debate in the 1930s and 1940s.

Lithuanian and a Ph. D. candidate at Columbia University, explained that a steamship agent approached him at a consulate in Berlin and told him that he was eligible to apply under the German quota despite being born in Lithuania. Starnes was skeptical of the man's story stating, "I am going to be perfectly frank and state that your case does present a serious problem because you are highly intelligent, and therefore, of course you knew the gravity of the crime that was being committed."⁴⁷ Whether or not the supplicant actually knew about the illegality of his actions, the restrictionists pointed out discrepancies in the story, thus calling his credibility into question and providing another aspect of the case for committee members to consider. Though they did not call for immediate deportation of the lawbreaking immigrants, restrictionists made every effort to expose possible holes in the their testimonies.

The skepticism of the restrictionists did not wane as the years progressed. In the later hearings, restrictionists portrayed illegal immigrants as purposeful violators of American law. In one case in 1939, A. Leonard Allen (D-LA) expressed his thoughts on criminal immigrants, saying that any form of illegal entry to the country, even if it was accidental, made a man undeserving of citizenship. In the hearing he addressed the committee saying, "Now we are asked to say that that which is admittedly illegal is legal, and I do not see how this committee can do that." He went on to say, "A man must come in with clean hands, and this man is illegally here."⁴⁸

That same year, two hearings were held for the relief of Theodore Rosenberg, a Lithuanian Jew who came into the United States with a German passport. Robert Poage (D-TX) echoed Allen's disapproval when he said that "[Rosenberg] was bound to know he was lying. He was bound to know he was not born in Germany. . . . I do not see how we can

47 House Committee, "Private Relief Bills Regarding Irregular Admission Documents," 186.

48 House Committee, "H.R. 4024: For the Relief of Nikolai Demechuk," 34.

escape the conviction that the man himself brought about this situation by his own positive act.”⁴⁹ When Congress returned to the Rosenberg case a few months later, Poage's stance on the case became more extreme, saying that if the man was indeed a deliberate lawbreaker he was “not the kind of man we want in the United States,” and his petition for a stay of deportation should be denied. As before, the restrictionists argued that immigrants to the nation should be of a high intellectual and moral caliber, thus preserving the perceived exceptional character of the nation. Like restrictionists in earlier hearings, Poage alleged that the immigrants before the committee were well aware of their misdeeds and could not be exonerated for their crime. The attitude toward illegal immigrants reflected other aspects of the later immigration debate. Restrictionists demonstrated an unsympathetic attitude toward the pleas of immigrants, believing that it was not their responsibility to rectify or sympathize the mistakes made by the petitioners before them. Even as the persecution of Jews escalated in the 1938 and 1939, the restrictionists held strong to their belief that all men who violated the law, regardless of their situation, deserved to bear the consequences of their actions.

In addition to the direct accusations against immigrants, restrictionists also used domestic factors to support their beliefs. They chose to focus their opposition on economic and social issues that directly affected American legislators and citizens. Their argument was based on nativistic sentiment that showed a clear preference toward the needs of American people rather than the needs of others. Additionally, they demonstrated a cultural bias that favored American traditions over those of any other nation and demonstrated a concern about the effect that increased immigration would have on the United States. Their most commonly used protest was related to the economic and employment situation in the United States. They

49 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 1757: For the Relief of Theodore Rosenberg,” unpublished hearings, 76th Congress, 1st session, January 4, 1939, 51.

believed that by allowing the petitioners to remain in the country, they were robbing native-born and naturalized American citizens of the opportunity for employment. The employment argument was a mainstay of restrictionist ideology throughout the depression years. During first major hearings about Jewish immigrants in 1936 the nation was still experiencing the devastating effects of the depression, with unemployment rates above 16 percent. By the end of the decade the unemployment rate had risen to 19 percent.⁵⁰ Because of the problem of joblessness in America, the economic argument was particularly logical and regularly used as evidence to get moderates to vote against individual and large-scale refugee bills.

The argument looked roughly the same throughout the 1930s and early 1940s. In the 1936 omnibus hearing, Dirksen was the most vocal advocate of American economic interests. At multiple points during the three day hearing, he asked the committee questions like, “Just where shall we draw the line to protect the interests of the people of this country which has twelve million unemployed at the present time?”⁵¹ He went on to tell one supplicant that by his admission to the country he would be “usurping the opportunity of somebody else.”⁵² After the 1936 hearing, as the unemployment rate rose, the economic argument became a much more common element in the restrictionist arsenal. In hearings in 1939 other restrictionists used Dirksen's logic to argue against individual immigration cases before the committee. In one case the supplicant, Kurt Wessely, was a skilled dentist who needed to have his visa problems rectified before he could legally work in the United States. Rather than seeing the man's skills as an asset, Poage believed the man's work to be a liability that could not be afforded in depression-era America. When discussing the case he told the

50 U.S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970, Bicentennial Edition, Part Two* (U.S. Government Printing Office: Washington D.C., 1975), D 85-101.

51 House Committee, “Private Relief Bills Regarding Irregular Admission Documents,” 215.

52 Ibid., 215.

committee that by giving Wessely citizenship, the committee would be “depriving somebody of an opportunity to fill that position. If the position is not filled by this young man, it will be filled by someone who is now an American citizen. . . . The question is whether he will take away an expected opportunity to make a living by some other man who is now an American citizen.”⁵³ Allen agreed with Poage on the case, telling the committee that he could not support the idea “of a foreigner receiving good American dollars that [were needed] for some good American boy.”⁵⁴ In a later case, Allen repeated the same argument, saying,

We see these cases come in here. He simply takes a job in our country and he takes a job away from some American. We are not responsible for his getting in this fix. He is probably in a bad fix, but we are not responsible. In that connection how far will we go to help a fellow out like that? Will we help those fellows out or help our own people?⁵⁵

In his brief statement, Allen summarized the restrictionist argument. The anti-immigration bloc in Congress recognized that although the people before them were in terrible situations, they did not believe that it was the nation's responsibility to condone their actions or correct their legal mistakes at the expense of American citizens. Their main goal was to ensure that American economic and social interests were protected above all else. The dichotomy between the restrictionists' concern for American citizens and their indifference toward European immigrants demonstrated the nativism that was endemic in restrictionist thought and eventually contributed to inaction on behalf of persecuted Jews. They justified their actions by focusing their attention inward and pushing the German problem to the background of debate. By keeping the committee's attention on domestic issues rather than

53 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 2846: To Record the Lawful Admission for permanent residence of Kurt Wessely,” unpublished hearings, 76th Congress, 1st session, February 15, 1939.

54 Ibid.

55 House Committee, “H.R. 4024,” 31.

international ones, restrictionists were better able to make their case for inaction.

The nativist ideology in immigration debates went far beyond economics. Poage, Allen, Starnes, and others wanted to ensure that the people who remained in the United States were suitable for citizenship and fit with their cultural ideal of the country. In the early hearings, the nativistic inclinations of the restrictionists were evident in the questions that they asked supplicants. Queries like, “Do you employ Americans?”, “Do you believe in our country?”, and “Do you speak English?” were regular parts of the congressional inquiry and were often discussed in great detail.⁵⁶ If the supplicant could demonstrate proficiency and understanding of the language, politics, and culture of the United States, restrictionists were more likely to respond favorably for their case. For example, in the case of German Jew Lena Handel, Representative Schulte called the woman “a credit to [the] nation” because she raised her children to believe in the United States and taught them how to speak impeccable English.⁵⁷ The woman's case was further helped when she expressed her support for the American form of government and the Constitution. Additionally, she explained that her husband was an employer of American laborers, thus helping the nation alleviate its unemployment problem. Both Schulte and Starnes voiced the support for the woman's case because of her obvious desire to assimilate into American culture.⁵⁸ Assimilability was a strong point of concern for restrictionists. They feared that immigrants would bring with them political, linguistic, and cultural traditions that were contrary to the existing mores of American culture. Therefore, if additional immigrants had to be brought in the nation, it was desirable for them to demonstrate a willingness to accept and embrace American ideals, thus preserving the cultural status quo in the United States.

56 House Committee, “Private Relief Bills Regarding Irregular Admission Documents,” 13, 25.

57 Ibid., 24.

58 Ibid., 23.

The final arm of the early restrictionist argument revolved around the fear of setting a bad precedent. The anti-immigration forces in Congress backed the quota system and had no tolerance for people who tried to circumvent its provisions. They argued that the committee was developing a bad pattern of approving too many immigration cases, which could be exploited in the future.⁵⁹ Even as early as 1936 the committee was considering the long-term effects of its decisions. When speaking to one petitioner, Dirksen explained that if the committee decided favorably on cases of immigration fraud, it would be delivering the wrong message to the rest of the world, making it appear that immigration law was flexible and poorly enforced, thus leading to higher rates of illegal immigration.⁶⁰

As the committee faced more individual cases in 1938 and 1939, their fear of setting a precedent became more pronounced, and the restrictionists at the hearings regularly made their opinions on the matter heard. In the case of Theodore Rosenberg, anti-restrictionists and moderates on the committee argued in favor of the supplicant, fearing his deportation would be unfair because he had a wife and a child in the United States.⁶¹ Allen, however, did not think that the case was strong enough to outweigh the man's illegal entry into the country. He looked to Dickstein and said, "What you are doing, Mr. Chairman, is setting a precedent here."⁶² In another case for the relief of Kurt Wessely, the argument over the long-term effects of the committee's decisions came to a head. Wessely, unlike many of the other supplicants, did not have fraudulent paperwork and was not the victim of a steamship scam. He was a law-abiding citizen who was educated at some of the best universities in America. He petitioned the committee for an extension of his visa so that he would not have to return

59 House Committee, "H.R. 2846".

60 Ibid., 207.

61 House Committee, "H.R. 1757," June 14, 1939, 19.

62 House Committee, "H.R. 1757," May 17, 1939, 53.

to his homeland in Czechoslovakia where he believed he faced possible imprisonment or death at the hands of the Nazis.⁶³ Since the man was so reputable and intelligent, Representative Noah Mason (R-IL) and Representative Robert Grant (R-IN) championed his cause, but restrictionists were not so easily convinced. Allen conceded that the case was certainly meritorious, but he feared that the committee would be establishing a bad precedent by favorably reporting the bill.⁶⁴

The deeper issue for Allen and other restrictionists was the defense of the American quota system. He weighed in on the case saying, “If we pass this bill favorably, is that tantamount to going over the quota of this country? Isn't that tantamount to saying we will let him in regardless of the quota?” He then asked, “Is it wise for this committee to take it in our own hands and say we will let one in regardless of the quota?”⁶⁵ Poage agreed wholeheartedly saying, “Mr. Allen has raised that we are in effect amending out quota system and even though we are not doing it to any [appreciable] extent we are still telling the world that we are wiping out our quota system by adding to it.”⁶⁶ Even Dickstein recognized the dangerous territory on which the committee was treading and admitted, “It is setting a precedent. I think this committee should decide if it approves this bill that you are not setting up a precedent for anybody. We cannot open the door to everybody.”⁶⁷ Dickstein's statements echoed the concerns of restrictionist lawmakers who wanted to ensure that the bars to immigration up to prevent an influx of immigrants. Even persecuted Jews and victims of international immigration scams were not always seen as exceptional cases; they were instead viewed as a small fraction of the millions of immigrants attempting to enter the

63 House Committee, “H.R. 2846”.

64 Ibid.

65 Ibid.

66 Ibid.

67 Ibid.

country, and to approve their cases, the nation would be inviting others to come in through similar means, inflating the population of immigrants in the nation.

Later that year, Senator Robert Wagner (D-NY) and Representative Edith Nourse Rogers (R-MA) brought a proposal for new humanitarian legislation to the legislature, giving Dickstein and the members of his committee a new opportunity to open the doors to oppressed people from Europe. The legislation was first heard in joint hearings before the Senate Committee on Immigration and the House subcommittee of Immigration and Naturalization. With the introduction of the legislation, the face of the congressional immigration debate changed. Instead of focusing on individual cases of immigration violations, the Wagner-Rogers bill shifted the debate in Congress toward sweeping humanitarian legislation. The debate over the bill opened on April 20, 1939. The bill was simple in its description. It called for the admission of 20,000 German children into the United States between 1939 and 1940. All of the children were to be under 14 years of age, with no special preference given to race or creed, though it was estimated that roughly half of the selected participants would be Jewish.⁶⁸ The child evacuees in the program were to be selected based on intellectual and physical fitness, ensuring that the program only brought exceptional children into the United States.⁶⁹ The children would then be fostered into individual homes selected by a variety of non-profit and religious organizations.⁷⁰ Provisions were included to ensure that the participants in the Wagner-Rogers program were either to be returned to their families in Europe or given American citizenship after the unrest in Europe

68 U.S. Congress, Joint subcommittee on Immigration, "Admission of German Refugee Children," 76th Congress, 1st session, April 20, 1939, 6.

69 Ibid., 168.

70 Ibid., 69.

settled.⁷¹ The hearings in the spring of 1939 centered on discussions of the feasibility and desirability of the bill as well as how it would affect American interests, but for restrictionists, the immigration aspects of the bill were the chief concern.

The proposal was the first American attempt at a concerted effort to save European Jews, calling for a one-time exception to immigration restrictions for victims of the Nazi regime. Because of the scope and intentions of the bill were unprecedented in the existing debate over Jewish immigration policy, in the bill introduced Congress to a new era of debate in which humanitarian interests were paramount. Unlike in previous years, the committee was not dealing with established, Americanized immigrants who wanted to avoid anti-Semitism in Europe; with Wagner-Rogers the committee had to make the choice to conscientiously bring thousands of new European people into the nation. The change in course was unsettling for restrictionists because it would bring in children who were not familiar with American culture and traditions and were not as easily assimilable as the adult immigrants they had interacted with in the past. Additionally, they feared that bill endangered the quota system and set a bad precedent for the future.⁷²

The authors of the Wagner-Rogers bill were careful when drafting the measure to ensure that it was purely humanitarian and made no long-term changes to the quota system. In his opening statement before the committee, Senator Wagner explicitly stated that the legislation was not going to “modify immigration policies long established, or to suspend existing immigration quotas with respect to adults. It is special legislation drafted to meet a special situation.”⁷³ Rather than emphasizing the immigration aspect of the bill, Wagner tried to prove that the act was a natural extension of the American promise of democracy and

71 Ibid, 36.

72 House Committee, “H.R. 2846”.

73 Joint subcommittee, “Admission of Jewish Refugee Children,” April 20, 1939, 6.

global good will. He continued his statement by saying, “By long tradition America has been a haven for the oppressed. The admission of a handful of unfortunate children can mean very little in the economic life of a nation of 120,000,000 people, but it means a great deal for us and for the whole world as a symbol of the strength of our democratic convictions and our common faith.”⁷⁴

Wagner's hope was that the United States would use its vast wealth and resources to fulfill its social responsibility to care for the oppressed children of Germany. The restrictionists, however, never fully accepted the humanitarian interpretation of the bill. Like in the individual cases in the past, their main concern revolved around the direct effects that they believed the bill would have on the nation, as well as its immigration policy.

Representative Poage argued that since the measure would bring in American residents, it was an immigration bill and could not be separated from the wider immigration debate in Congress that had been happening on an individual scale for the past three years.⁷⁵

Witnesses from humanitarian and religious organizations testified to the atrocities that were already happening in Europe at the time of the hearings. Clarence Pickett, the executive director of the Nonsectarian Committee on Refugee Children, was particularly vocal in the support of the bill. Having worked with refugee children since the end of the Great War, he was aware of the suffering that refugees experienced. He explained to the committee that Jewish children in Europe were some of the greatest sufferers of Nazi tyranny, saying that they were robbed of their rights as citizens as well as their ability to have a fun and carefree childhood. He also pointed out that Jewish children had to live in constant fear and under the constant threat of violence and pogroms. Additionally, the Nazis excluded them from

⁷⁴ Ibid., 6.

⁷⁵ House Committee, “Admission of Jewish Refugee Children,” May 24, 1939, 8.

attending school and were presented with the ever-present reality that their parents could be deported to a concentration camp at any time.⁷⁶ He also testified to the horrors of Kristallnacht the previous year, telling stories of violence and vandalism against Jewish people and religious institutions.⁷⁷ The testimonies before the committee made it clear that the violence against the Jews was no longer generalized and disorganized; instead, it was condoned by the state and practiced by large portions of the German population. The extreme circumstances, in the opinions of Pickett and other supporters of the bill, warranted humanitarian action.

Even restrictionists realized how dangerous conditions were in Europe and expressed their deepest sympathies for the victims of Nazi persecution, and like the supporters of the bill, they understood that the situation had the potential to escalate. In the second hearing over the legislation *Collier's Weekly* editor William L. Chenery testified in favor of the bill, saying that it was the American duty to pass the measure. He also pointed out that his readers were supportive of the bill and wanted the government to take action.⁷⁸ During the questioning of the witness, representative Poage asked, "I was thinking of the fear of the liquidation of the Jews in Germany. Do you believe that there is a danger of that?" The man responded saying, "Hitler said to another friend of mine that his only mistake in dealing with the Jews was not to push them into the pit when he had the opportunity. With that bitter and insane spirit abroad it is impossible to say or to forecast what events will be."⁷⁹ Poage's question and the subsequent response prove that anti-immigration politicians were not ignorant of the conditions in Europe, and that they understood that the Jews were at risk of

76 Joint subcommittee, "Admission of Jewish Refugee Children," April 20, 1939, 56, 73.

77 House Committee, "Admission of Jewish Refugee Children," May 24, 1939, 18.

78 Ibid., 167.

79 Ibid., 169.

total annihilation. Despite the direct implication that genocide was possible, the restrictionists still fought hard against the bill. The new focus on rescue and resettlement changed the way Congress as a whole approached cases of Jewish refugee policy and led to an era of increased awareness and advocacy on behalf of the Jews in Europe, but even in the new humanitarian debates, restrictionists maintained the same strategies that they had employed in earlier private hearings.

Support for the bill poured in from Wagner's constituents as well as supporters from all over the nation.⁸⁰ Dozens of public organizations, including the Child Welfare League of America, the Y.W.C.A., the Congress of Industrial Organizations, and multiple religious organizations publically endorsed the bill and asked for immediate action.⁸¹ The supporters of the bill also presented fifty-eight editorials from periodicals all over the nation that voiced their overwhelming support for the legislation.⁸² One article from the *Bridgeport Post* demonstrated a critical attitude to the American political indifference to the suffering taking place in Europe, saying, "Other nations are opening their doors to quotas of these children. America alone among the great nations has failed to take in any save those who fit within the ordinary immigration quotas. In this case nothing is asked of the government except an act of generosity which would appeal to the hearts of all."⁸³ Other editorials echoed the same criticisms of the inflexibility of American immigration policy. One writer went so far as to say,

Beating the drowning people off our raft, striking them with
our oars so that their despairing hands let go and they slip back

80 Joint subcommittee, "Admission of Jewish Refugee Children," April 20, 1939, 7-8.

81 Ibid., 78, 107, 149, 151.

82 Ibid., 7-8, 15, 150.

83 Ibid., 32; The article's statement that "other nations were opening their doors" can only be considered to be partially correct. Though Switzerland, Spain, Portugal, England and other nations took in thousands of Jews, no programs were instituted on the same scale as Wagner-Rogers.

into the sea . . . isn't that just what we, the luckier nations of the world are doing every day to the refugees in flight from the despotism of middle Europe? . . . What else are we doing, and in heaven's name, what more can we do? Not much. But a little more than we are doing – a little more. So little – but something.⁸⁴

Other articles presented to the committee echoed the same thoughts, pleading with politicians to consider the bill carefully.⁸⁵

Though there was documented support for the bill, national opinions on the legislation were still divided. Polls of politicians and the general populace demonstrated widespread opposition to the bill, with disapproval rates rising above sixty percent.⁸⁶ The American Coalition, the Daughters of the American Revolution, and the Child Welfare League of America all expressed their opposition to the bill in the hearings.⁸⁷ The chosen representative for The Allied Patriotic Services, Edward R. Huling, argued that focusing on the refugees would be detrimental to Americans who were suffering from the effects of unemployment and poverty, stating that it was “absolutely against the best interests of the United States to accept [the] refugee children.”⁸⁸ Witnesses from other patriotic societies argued that the bill was undesirable because it increased the quota for Germany which was already had one of the largest allotments based on the Johnson-Reed Act.⁸⁹ Another witness testified that approval of the bill would set a bad precedent, forcing the United States to act on behalf of children in all suffering countries in Europe and Asia.⁹⁰ The arguments put forth by witnesses in the subcommittee hearings on the Wagner-Rogers bill bore all of the trademarks of restrictionist ideology. They cited precedent and economics as main reasons to

84 Ibid., 30.

85 Ibid., 24-28.

86 Ibid., 95.

87 Ibid., 85, 149, 215, 230, 236; Wyman, *Paper Walls*, 79.

88 Joint subcommittee, “Admission of Jewish Refugee Children,” April 20, 1939, 82, 190.

89 Ibid.; 184.

90 Ibid., 206.

restrict immigration, and they voiced their unwavering support for the quota system. Because of the numerous statements in opposition to the bill, restrictionist politicians kept their personal interjections to a minimum, allowing the witnesses to express their own reasons for disapproval. The opinions of the anti-immigration witnesses demonstrate the wide support for the restrictionist cause outside of Washington, giving legitimacy and strength to the opposition to the bill.

People present at the April hearings remarked that the opposition to the bill during the joint sessions was minimal and unconvincing and that the act would almost surely be reported favorably by the subcommittee.⁹¹ In May of 1939, the bill moved out of the joint subcommittee and into the House Committee on Immigration and Naturalization, and the tone of the debate changed dramatically. It was in this second hearing that the anti-immigration politicians, namely A. Leonard Allen and Bob Poage, began to voice their opinions on the legislation. Though the purpose of the proposal was completely different from any case that had previously come before the committee, restrictionists used the same logic to support their opposition to the bill as they had in private immigration cases in the past. As in previous hearings, they argued that the immigration provisions of the measure would hurt the American economy and set a bad precedent for the future.

Allen was particularly vocal, specifically focusing on the immediate effect that the bill would have on the American economy and its people. Throughout the hearings he expressed his fear of the effect that these children would have, wondering why congressmen would “advocate bringing hordes of Europeans here when the record shows that we have thousands and thousands of poor people in this country who are in want?”⁹² He continued

91 Wyman, *Paper Walls*, 87.

92 Ibid., 35.

with his argument saying, “Those who care most about American children, do they want to go to the extent of bringing European children over here to take the bread away from American children?”⁹³ Later in the hearing he once again reiterated his belief, telling one witness that the Wagner-Rogers children would “eat American grub that some American child would like to have.”⁹⁴

For Poage, the main concern was not the immediate economic effect of the immigrant children. Instead, he looked to the future, fearing that once the children came of age, they would exacerbate the existing unemployment problem. He used economic reasoning to justify his position saying, “We have a definite given number of unemployed and you increase the number of people in your country suddenly or artificially increase it by dumping more people in the country without changing the economic conditions. . . . Don't you just add that many more unemployed when you get through?”⁹⁵ Additionally, because they were willing to perform similar labor for lower wages, he feared that they were more likely to be hired than native-born Americans.⁹⁶ Allen agreed with his colleague's argument, saying, “When they are twenty-one [the children] will be competitors.”⁹⁷ Both Poage and Allen's economic arguments were steeped in nativistic language, declaring that the interests of American citizens were their first priority, and that the needs of refugees should not come before the needs of their constituents. As before, the persecution of Jewish people, even Jewish children, was not as pressing as the unemployment situation in their districts.

In the debate over the Wagner-Rogers bill, they took their nativistic argument further, stating that not only were they trying to protect the American economy, but the American

93 Ibid., 49.

94 Ibid., 134.

95 Ibid., 156.

96 Ibid., 156.

97 Ibid., 157.

way of life as a whole. They feared that immigrants would be unassimilable and could potentially bring with them subversive ideas that were contrary to the ideals of the United States. Allen was particularly afraid of the political beliefs that the Wagner-Rogers children would bring with them across the Atlantic. Since the bill specifically focused on Germany, he believed that there was a threat that the children entering the United States could have Nazi or Communist sympathies.⁹⁸ Allen did not want to risk potentially bringing in people with undemocratic ideas, and stated that he could not approve the bill without a provision to protect undesirable political opponents from entering into the country.⁹⁹ Poage did not fear the Communist and Nazi influence as much as his colleague did, but he still demonstrated concern for preserving the traditions upon which the country was built. He complained that the bill was going to bring in “people who cannot speak the English language and have no knowledge whatever of American traditions.”¹⁰⁰ He continued on, claiming that to allow 20,000 new immigrants into the country would be breaking down the “safeguards of Americanism” that were important for the well-being of the country.¹⁰¹ As in previous immigration debates, the concern over cultural homogeneity was a regular part in the Wagner-Rogers debate. For Poage and Allen, the preservation of American culture was equally as important as maintaining American jobs. They viewed United States culture and politics as sacred and made every effort to prevent outside forces from changing the nation's long-held traditions.

Though the economic and cultural arguments of congressional restrictionists were important, their biggest fear was the breakdown of the quota system and the establishment of

98 Ibid., 81.

99 Ibid., 82.

100 Ibid., 203.

101 Ibid., 204.

a precedent. Both Poage and Allen were faithful believers in the quota system, and they fought hard to defend it in the 1939 hearings. Despite assurances to the contrary, neither man believed that the law could be passed in its original form without somehow amending the quota system, either in the short or the long term.¹⁰² To the contrary, Poage saw the bill as the first step toward the eradication of all immigration barriers that were keeping the country safe from massive waves of immigration. When he broached the topic with the committee he said, “Do you suggest as fundamentally sound that we go back to the policy that America followed for a hundred years, of unrestricted immigration and the bringing in of everybody that can get onto our shores?”¹⁰³ His statements make it clear that he saw direct links between the Wagner-Rogers bill and previous immigration hearings. For him, the proposal was simply another immigration bill that had to be decided by the committee, and, as before, he was leery of the long-term effect that the bill would have on immigration policy in the United States. He stated that the only way he could even consider supporting the bill was if provisions were included to ensure that the quota for Germany was never increased. In a long monologue before the committee Poage expressed his thoughts, stating that he could not support a bill that would “bring in a single additional person not authorized by law.” He continued by expressing his firm belief that the committee should not raise foreign quotas, even if it was for a short-term humanitarian effort.¹⁰⁴ The Texan later articulated his thoughts saying, “If we pass the bill as it is now written, just as the Wagner-Rogers legislation is written, of course, we have broken down the quota laws for two years and probably have extended an invitation to break down others.”¹⁰⁵

102 Ibid., 154.

103 Ibid., 158.

104 Ibid., 202.

105 Ibid., 230.

The final argument that restrictionists used to defend their position was the desire to avoid setting a precedent. As Poage mentioned, he feared that exemptions to the quota system in the short term would lead to similar situations in the future. Allen and Poage both referred to children in Spain, whom they believed to be experiencing conditions equal to those in Germany.¹⁰⁶ They feared that accepting the bill would be establishing a precedent, making America a haven for all of the oppressed peoples of the world. Poage pointed out that opening the doors to Germans would have unforeseen circumstances, eventually forcing the United States to bring in immigrants from Russia, Spain, and Poland.¹⁰⁷ He argued that the committee was being shortsighted by giving so much support to the bill, saying, “We have to look ahead a little longer than two or three months.”¹⁰⁸ Dickstein, tried to point out that no other countries were under consideration, and, therefore, the fears of Allen and Poage were unfounded, but both men refused to alter their stance, remaining firmly convinced that the legislation would set a bad precedent for the future.¹⁰⁹

For the restrictionists, the debates over the Jewish refugee children were directly tied to the immigration hearings that had been held in the previous months and years. In their eyes, the provisions of the Johnson-Reed system were becoming more and more lax because of the numerous exemptions and preferences that the committee was considering in other hearings. They feared that the increased flexibility of immigration law threatened to cause the whole Johnson-Reed system to fall apart. Even Representative Kramer, who was otherwise favorable to the legislation, stated that the government's immigration policy was “leaning a

¹⁰⁶ Ibid., 33.

¹⁰⁷ Ibid., 7.

¹⁰⁸ Ibid., 8.

¹⁰⁹ Ibid., 10.

little bit too much to the left” and needed to be reined in more.¹¹⁰ For restrictionist legislators, the Wagner-Rogers bill was simply a large-scale version of the cases they had been hearing for years. They addressed the same issues and made the same arguments that they did in smaller hearings and refused to see beyond the immigration aspects of the bill.

After the hearings concluded, no clear winner emerged from the debate. Groups still lobbied for the legislation, hoping to counteract the vociferous attacks on the bill by restrictionists.¹¹¹ Their efforts, however, came to nothing. In June of 1939, Representative Caroline O’Day, a strong supporter of the bill, asked President Franklin Roosevelt if he would provide his opinion on the proposed legislation. The president responded by writing back, “File No action FDR.”¹¹² The Wagner-Rogers bill was dead, and so was the greatest opportunity that the United States Congress had to aid the persecuted Jews of Europe.

After Wagner-Rogers, the Jewish refugee debate in Congress changed in two important ways. First, the debate over the bill demonstrated how close the nation was to supporting short-term immigration reform to help European refugees. In the years following the hearings, restrictionists became more vocal and antagonistic in individual immigration hearings, and were much more careful cognizant of the possibility setting a bad precedent and becoming the protector of the world's oppressed minorities. Secondly, the outbreak of war in Europe completely reshaped the way Congress handled immigration and refugee cases. The war made it harder to get people out of Europe, but more importantly to restrictionists, it made it almost impossible to send illegal immigrants back to their home countries. In the years following failure of the Wagner-Rogers bill, the shift in the focus of congressional debates proves that legislators were no longer facing a Jewish immigration

¹¹⁰ Ibid., 90.

¹¹¹ Wyman, *Paper Walls*, 92-93.

¹¹² Ibid., 97.

problem. They were facing a Jewish refugee problem.

There were important shifts in the immigration debate in the second half of the 1930s that set the groundwork for the refugee hearings after the outbreak of the war. At the start of the immigration hearings in 1936, the Nazi menace in Germany was not yet a determining factor when deciding the outcome of individual cases. Though there was an extensive knowledge of the anti-Semitism and persecution in Europe, discussion of it was generalized and detached and was only one variable that factored into the decisions of legislators on the committee.

The people coming before Congress in the first stage of debate were generally seeking relief so that they could stay with families and businesses, and despite fearing the anti-Semitic culture in Eastern Europe, very few supplicants built their cases around it, choosing instead to focus on the tangible ties that they had within the United States. Hardship cases were often determined on a similar bases, with legislators being more concerned about work and relatives than they were about the situation in Europe.

The Wagner-Rogers bill symbolized the change that occurred in congressional immigration debates in the late 1930s. Anti-Semitism and Jewish persecution moved out from the background of debate, forming a central part of the anti-restrictionist and supplicant arguments. The bill was the first act that called the United States to shelter political and religious refugees from Nazi Germany, and despite the benevolent intentions of the bill, congressional restrictionists saw the legislation as an outgrowth of years of increasingly liberalized, lenient immigration policy that allowed too many people to escape the provisions of the quota system. As such, the restrictionists approached the Wagner-Rogers debate with the same tactics that they used in earlier private immigration hearings, arguing that an

increase in the foreign-born population in the United States would have a detrimental effect on American culture, employment, and law.

After the death of the Wagner-Rogers legislation, the tone in immigration debates forever changed. Representatives on the Committee on Immigration and Naturalization could no longer ignore the danger that the Nazi government posed, and the persecution of the Third Reich became a defining feature of the second half of the Jewish immigration debate in Congress. Restrictionists were forced to tread new ground in the second phase of the Jewish refugee debate, having to decide how to approach the Nazi problem without setting a bad precedent or loosening immigration policy.

Chapter Three:

The Refugee Years, 1939-1941

The Wagner Rogers proposal of 1939 came in response to international conditions that threatened the livelihood of Jews living in the Third Reich. Hitler's annexation of Austria and his occupation of the Sudatenland in 1938, as well as his heightened persecution of the Jews after *Kristallnacht*, were the galvanizing forces that led to the introduction of the rescue bill and continued to affect congressional debates for the coming years. The Fuhrer's aggression was problematic because it created two new classes of wartime refugees, both of whom sought help from the legislature. The first group consisted of individuals who were already in the United States who could not return to their home countries, most of which had been absorbed into Hitler's Germany. The second group consisted of people trapped in Europe who needed help getting out. As before, Congress heard individual petitions for relief from people who wanted to remain in the United States, but in the post-Wagner-Rogers years, Congress also received and debated multiple proposals for rescue and resettlement of Europe's Jews. The outbreak of war and the heightened violence against Jews changed the tone in debates, with anti-restrictionists advocating for bills from a humanitarian, rather than immigration, perspective. Though the conditions surrounding debate were different during between the years of 1939 and 1940, restrictionists responded to refugee bills with the same antagonism that they had shown in the past, demonstrating that, though the debate itself had changed, the restrictionists had not.

Throughout the spring of 1939, the Committee on Immigration and Naturalization convened individual immigration hearings that were similar to the ones they held over the previous four years. The same steamship scams and visa infractions that they had debated

since the mid-1930s still troubled the committee, but after the war broke out in Europe in September, the committee faced new logistical issues that further complicated the debates. With the annexation of Czechoslovakia and the invasion of Poland, the committee literally had nowhere to send the petitioners if they decided in favor of deportation. Moreover, since the quota system was based on national origins, the dissolution of formerly independent nations made it difficult to discern exactly how to handle deportations and quota numbers. The committee also refused to deport people back to territories within the greater Third Reich. Most of the supplicants were people who, for one reason or another, were in the United States at the time that hostilities broke out in Europe, so the committee was forced to decide how to handle the individuals who were now trapped in the United States and could not return to their countries of origin.¹

Without the option of deportation, congressional restrictionists reworked their strategy to minimize the long-term effects of any approved refugee legislation. Because private supplicants faced similar problems as the prospective incoming refugees, the two types of bills were not seen as disparate. Instead, restrictionists saw them as two facets of the same problem and feared that too many individual approvals could be used as a precedent for large-scale rescue efforts. Because of the obvious linkages between the two types of legislation, restrictionists in Congress used much of the same logic to oppose them both. As before, they used the nativistic, economic, and legal arguments to oppose cases, but instead of voting down bills as they had in the past, they generally argued to put off deciding on the bills until a later date. By postponing their decisions, restrictionists left the possibility of future deportation open, avoided setting an undesirable precedent for the future, and

¹ U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "HR 9027: A Bill for the Relief of Doctor Gustav Weil, Irma Weil, and Marion Weil," unpublished hearings, 76th Congress, 3rd session, May 29, 1940.

prevented the United States from becoming the permanent home of some of Europe's displaced peoples.

By the spring of 1939, lawmakers were aware of the persecution that Jews were facing in Europe, which in turn changed the way sympathetic legislators approached their cases. *Kristallnacht* was the most obvious indicator of the deteriorating conditions in which German and Polish Jews lived, but individual testimonies before the committee further demonstrated how horrible things had gotten. Unlike in the first private relief hearings, the majority of the supplicants in the post-Wagner-Rogers era were present during the first years of Hitler's anti-Semitic persecution in Europe. In their testimonies, they referred to systematic violence rather than simply a generalized, disorganized anti-Jewish feeling. In one case, the supplicant was a German Jewish doctor who came to the United States at the end of September 1938. The man left the country because "Jews were being expelled from Germany" at the time. His brother was sent to a concentration camp, and the supplicant, Gustav Weil, was scheduled to be sent to one as well. Rather than succumb to his fate, Weil fled the country and procured legal entry into the United States.² The committee noted that if the man was deported he, as well as his wife and children, would be in danger of being shot or sent to a concentration camp.³ Stories of concentration camps and firing squads recurred in the testimonies of supplicants and proved that survival in the Reich would still be difficult for returning emigres.⁴ In another case, the petitioner was a high ranking judge who, because of his Jewish background, was dismissed from his post in the first year of Hitler's reign.⁵

2 House Committee, "H.R. 9027: For the Relief of Doctor Gustav Weil, Irma Weil, and Marion Weil."

3 Ibid.

4 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "H.R. 6546: For the Relief of Benno von Mayrhauser," unpublished hearings, 76th Congress, 1st Session, July 19, 1939, 4.

5 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "H.R. 8295: For the Relief of Leo Neumann and his wife Alice Neumann," unpublished hearings, 76th Congress, 1st Session, February 21, 1940, 6.

Together the stories demonstrated that Jews in Hitler's Germany were incapable of maintaining employment or living in safety.

Despite the constant reminders of the dangers that applied almost exclusively to Jews and other political “undesirables,” the war caused people facing persecution to be lumped in with the wider group of refugees in the United States. In the mid-1930s, as the anti-Semitic legislation in Germany developed, eastern European Jews were given special consideration because their situation was more precarious than that of other European immigrants. Though anti-restrictionists were the most sympathetic to the plight of European Jews, even anti-immigration politicians recognized that the dangers of deporting a Jew were different than other supplicants. The hearings in both periods of debate were rife with references to the possible persecution and death that the supplicant would potentially face if returned to their country of origin, but the attention given to persecution varied significantly. Though the anti-Semitism in Europe and the danger it posed for Jewish immigrants was not always a major point of discussion in the early hearings, it was still recognized and considered as part of the overall merit of the case. With the outbreak of war, however, things changed. No longer were Jews the only people who were in danger if deported back to Europe; instead, the persecution of Jews and the looming possibility of concentration camps simply became another unfortunate part of the gruesome war happening in the east. For legislators, it appeared that the plight of the Jews was no worse than any other class of people, because they all faced death if deported back to Europe.

The new outlook on Jewish cases can be seen in the hearings for the relief of German Jew Walter Sittner. The man came before the committee petitioning for permanent residence after a temporary stay in the United States. Because Sittner lived in Germany under the

Nuremberg Laws, his passport was had been stamped with a J for “*Juden*” or Jew.

Representative John L. McMillan (D-SC) explained that the mark on the passport put the man's life in danger if returned to Germany. E.J. Shaughnessy, a representative for the Labor Department who was present at many of the hearings, responded by saying, “He is like hundreds of others. I see no difference between this case, Mr. McMillan, and many other cases of aliens temporarily here.”⁶ Several other members of the committee shared Shaughnessy's opinion. Because of the outbreak of war, all supplicants, Jews and non-Jews alike, were in danger if returned to Germany. Additionally, because of Hitler's violent expansion, all types of eastern European immigrants were countryless, thus making it impossible to deport them. As such, Jewish supplicants faded into the wider refugee class and were not treated any differently than other immigrants before the committee.

Between the outbreak of war in Europe and the American entry into the conflict in 1941, there were other important changes in the hearings, particularly in the type of supplicants that came before the committee. The impending danger of Hitler's tyranny caused thousands of Jews to flee the Reich in the mid and late 1930s. The rush to flee the country made immigration a necessity rather than a deliberate decision. Some had to leave their property and savings behind and entered their new countries less-prepared to set up new lives than the immigrants of the 1920s.⁷ In the first phase of the immigration debate most of the petitioners had been living in the United States for at least a decade. They often asked for amnesty because they had built lives within American borders and had little to return to in Europe.⁸ Though a few of the supplicants in the late 1930s and early 1940s came for the

6 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “HR 9593: For the Relief of Walter Sittner,” unpublished hearings, 76th Congress, 3rd session, May 29, 1940.

7 House Committee, “H.R. 6546: For the Relief of Benno von Mayrhauser,” 4.

8 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “Private Relief

same reasons, most of the hearings before the committee were for people who came to the United States to flee persecution, not to build businesses or reunite with families.

Additionally, in the fall of 1939, thousands of European visitors were in the nation on temporary visas. For these people, there was no intention to stay in the United States permanently, but with Hitler's invasion of Poland they lost all other options and sought assurance that they would not be sent back to their war-torn nations. The committee also saw more cases where the individual supplicants purposefully came to the United States without a visa in a desperate, last-ditch attempt to escape the events that were unfolding in Europe. In the majority of the illegal entry cases, the supplicant bought a ticket on a steamship that was scheduled to stop in the United States on its way to another destination. Once reaching American shores, the immigrant disembarked, never continuing on to their purported final destination. The “ship-jumpers” became a problem for the committee in the same way the steamship scams were in previous years.⁹

For legislators, the new types of immigrants complicated the decision-making process. Some of the supplicants were the innocent victims of international events who had no intention of ever violating American immigration law. Others committed a purposeful illegal act in a desperate attempt at self-preservation. Additionally, the committee was still dealing with the repercussions of the same steamship scams and illegal consular corruption that had been present in immigration hearings since the middle of the decade.¹⁰ The problem that lawmakers faced was that even in the most egregious cases of illegal entry, deportation

Bills Regarding Irregular Admission Documents at the Time of Entry,” May 25, 1936.

9 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 9279: To Enable Ernest Hermann Schmidt to Remain Permanently in the United States,” 76th Congress, 3rd Session, June 11, 1940, 32.

10 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “S 2760: For the Relief of Mjio Stanisic,” unpublished hearings, 76th Congress, 3rd session, June 12, 1940.

to Europe was not an option.

There was little that restrictionists could do to deport the newly countryless refugees, but by adapting their strategy, they were able to minimize the number of cases that the committee approved for further consideration. Because deportation was not an option, restrictionists attempted to delay action on the bills for as long as possible. With few other options, anti-restrictionists often fought hard for full citizenship or permanent residency for many of the supplicants; however, the restrictionists argued that since they had no options it was unnecessary for the committee to make a decision. Instead, they tried to convince their colleagues to put off their decisions on the cases until a later date when they could see which direction the situation in Europe was heading. By pushing the vote back, the possibility remained open for them to eventually deport illegal immigrants back to their home countries.

As in previous years, they relied on a combination of nativistic, economic, and legal foundations to support their views. Despite the nation's marked economic improvement, the economic argument still remained an important aspect of the restrictionist argument. As in the previous hearings, Representative James Van Zandt (R-PN) was the loudest advocate of the employment argument. In several of the hearings in 1940 he regularly reminded the committee that there were millions of people in the United States who were still suffering from the effects of unemployment, including his own constituents. To allow more people to remain in the United States, he argued, would only further exacerbate the problem.¹¹

Restrictionists used the economic argument because they contended that each new resident displaced a deserving American laborer who was more worthy of employment than a foreign

11 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "H.R. 8294: To Enable Vladas Barciauskas to Remain Permanently in the United States," unpublished hearings, 76th Congress, 3rd Session, May 2, 1940, 2; House Committee on Immigration and Naturalization, "H.R. 5640: To Admit Richard Paul Rehn Permanently to the United States," unpublished hearings, 76th Congress, 1st Session, March 13, 1940.

resident. Van Zandt even voiced his opinions in cases where the suppliant was highly educated, highly skilled, and well-employed. In one case, the suppliant, Dr. Frantisek Blonek, was a pioneer in the field of cancer research and prevention who was employed at the University of Chicago. Witnesses on his behalf testified that the man brought with him skill and expertise from the best schools in Europe that was unrivaled in the United States.¹² Van Zandt, however, testified against the man saying, “I cannot believe that we have not any doctors in the United States who could not do that work, and there are a lot of them out of work.”¹³ Representatives Edward Herbert Rees (R-KS), Noah M Mason (R-IL), and Albert E. Austin (R-CT) reminded Van Zandt that Blonek used a technique that was new and revolutionary in the field and that he was irreplaceable to medical researchers in the United States. The chair, Samuel Dickstein (D-NY) agreed, saying that it would be impossible to find an American laborer with an equivalent education and skillset.¹⁴ Van Zandt, however, remained skeptical of the case's merits and never retracted his statements or voiced any sort of support for the bill.

By the 1940s the economic and employment arguments were difficult for restrictionists for a variety of reasons. The first and most obvious was the steadily declining unemployment rate in the United States. Since the peak years of refugee legislation in 1938, the total unemployment rate dropped from over 19 percent to less than 10 percent in 1941. After the American entry into the war in 1942, it dropped to 5 percent.¹⁵ As such, Van Zandt's statement that there were 10 million unemployed workers in the country was miscalculated.

12 House Committee on Immigration and Naturalization, “H.R. 10326: For the Relief of Doctor Frantisek Blonek and Erna Blonek,” unpublished hearings, 76th Congress, 3rd Session, August 22, 1940.

13 Ibid.

14 Ibid.

15 U.S. Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970, Part One*, 135.

Though the nation was not yet out of the Great Depression, the economic argument used by restrictionists was slowly losing weight. The slow upturn in the American economy caused the unemployment argument to fall to the background of immigration hearings by 1941.

The economic nativism advocated by the restrictionists was supplemented with a sense of cultural nativism that pervaded the individual refugee hearings. As before, restrictionists demonstrated concerns over the assimilability of immigrants, fearing that they would subvert American political and cultural ideals. With the triumph of fascism in Italy and Germany, legislators believed that immigrants and refugees with un-American political views would come to the United States.¹⁶ Therefore, restrictionists felt that it was vital to ensure that any approved supplicant was supportive of the American political system and would be able to fit in with the nation's established culture. In the hearings for the relief of German brothers Benno and Oskar von Mayrhauser, the issues of nativism decisively shaped the opinions of the committee toward the petitioners. Like other supplicants before the committee, the brothers faced the possibility of being sent to a concentration camp if returned to their home country. The men, however, had an advantage over the other supplicants before the committee. Unlike most of the other petitioners, they had deep American roots that strengthened their case. Their mother was a native-born American who surrendered her citizenship when she married her German husband. Because of her American background, the woman raised her sons to have the utmost respect for American culture, which the brothers used as an important part of their defense. The congressman who introduced the bill, C. Jasper Bell (D-MO) informed the committee that the gentlemen were descendents from

16 U.S. Congress, Senate, Subcommittee of the Committee on Immigration, "H.R. 4860: An Act to Amend Existing Law So As to Provide for the Exclusion and Deportation of Aliens Who Advocate the Making of Any Changes in the American Form of Government," 76th Congress, 2nd and 3rd Sessions, July 28, 1939 and April 25, 1940.

“some of the best blood in the country and they [knew] something about American traditions and institutions.”¹⁷ Dickstein also pointed out that the defendants were in control of sufficient capital that they had entrusted to American banks, and they were planning to establish businesses which would employ American labor.¹⁸ After discussing the democratic political opinions of the family and their extensive network of American relatives, the committee approved the bill, passing it on for further consideration.¹⁹

Assimilation, or lack thereof, also became an issue in other hearings. In one hearing, the supplicants, the Butnariu family, were Romanians who had come to the country on temporary visas in 1938. In the debates over their request for relief, assimilability was discussed at length by opponents to the bill. At the time of their hearing, the Romanian quota was already over-subscribed by twenty years, and restrictionists feared that the people testifying before them were not as assimilable as some of the desperate immigrants back in their home country. Several members of the committee agreed that because of the family’s perceived unassimilability, it would be better to bring in someone on a waiting list in Europe than to give the family permanent citizenship.²⁰ Van Zandt and Allen argued that since Romania still existed as a sovereign nation, there was no reason why they could not be deported. Supporters of the case, however, still believed that it would be inhumane to deport the family.²¹ In the end, the committee chose to handle the case in the same fashion as the other refugee cases and tabled the bill for later consideration.²²

17 House Committee, “H.R. 6546: For the Relief of Benno von Mayrhauser,” 2.

18 Ibid., 6-7.

19 Ibid., 7, 9.

20 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 3266: For the Relief of Avram and Ida Butnariu,” unpublished hearings, 76th Congress, 3rd session, April 17, 1940, 11.

21 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 3266: For the Relief of Avram and Ida Butnariu,” unpublished hearings, 76th Congress, 1st session, May 18, 1939, 41.

22 Ibid., 10, 14.

Restrictionists were also still concerned with the long-term effect that the immigration cases would have on the quota law. With all of the proposals for exceptions and preferences within the quota system, anti-immigration politicians believed that the existing law was being stretched to its breaking point. They feared that with each favorable decision, they were further loosening the provisions of the quota system and setting a dangerous precedent that could be exploited in later hearings. In one case, the quota question became a central feature of the debate. The defendant, Hungarian Marcel Stark, was petitioning the committee for permanent residence in the United States. The man originally entered the country on a temporary visa for work, but when the war broke out, he realized that returning home was both dangerous and difficult.²³ Though Hungary had not yet been invaded at the time of the hearing, the enemy occupation in surrounding territories made it nearly impossible to get people in or out of the country. Despite the logistical problems posed by the Nazi advance, William Schulte (D-IN) and Albert Austin of the committee still remained unconvinced of the merits of the case. The opposition to the man's story came almost completely from politicians who remained loyal to the Johnson-Reed system. Austin argued that if Stark was admitted to the United States permanently, he would be taking the place of a person in Hungary who was waiting for a quota number. Because of their strict devotion to the Johnson-Reed system, restrictionists refused to allow the man to remain in the country without charging him against the quota. Unable to reach a consensus, the committee agreed that the only fair option was to reject or table the bill.²⁴ Representative Austin believed that the man's case was a deliberate attempt to gain entry into the nation saying, the man's entry into the country was "nothing

23 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "HR. 9738: A Bill for the Relief of Marcel Stark," unpublished hearings, 76th Congress, 3rd Session, May 10, 1940, 13.

24 Ibid., 13.

more or less than an attempt to circumvent the quota law,” which was unacceptable.²⁵ Rees made a movement to table the bill, which was seconded by Lewis Rockefeller (R-NY). The motion passed, and the committee moved on to other business.²⁶

To counteract the possible liberalization of immigration law that came along with refugee rescue proposals, restrictionists used the individual cases as an opportunity to demonstrate the supremacy and inflexibility of the Johnson-Reed system. Rather than making exceptions to the law to allow for the extenuating foreign circumstances, the restrictionists held fast to the provisions of the quota system and showed no tolerance for people who attempted to get around it.

With the outbreak of war, each individual immigration case took on a new and different importance. Lawmakers were still debating about how to best handle the refugees who were stranded in the United States. Since the United States did not have a consistent policy regarding foreign nationals trapped within American borders, every case became a building block that set the pattern for future discussion. Restrictionists thought that if the committee voted favorably in too many cases, it would set a bad precedent. The restrictionists feared that if they gave amnesty to the supplicants, the United States would forevermore be seen as a haven for refugees. Restrictionists made their opinions on the matter perfectly clear, regularly stopping debate to ask if they would be setting a precedent by approving any individual case.²⁷ Their argument was that if they approved one case, they would be forced to approve dozens, if not hundreds of others. For example, in one hearing, the supplicant, Chaim Wakerman, petitioned the committee for permanent residence so he would not have to return to Nazi territory. The man testified that he was in danger of being

²⁵ Ibid., 14.

²⁶ Ibid., 15.

²⁷ House Committee, “H.R. 6546: For the Relief of Benno von Mayrhauser,” 5.

taken to a concentration camp if deported back to his home in Poland. In response to his story, Representative Allen replied, “The only question about it is the minute we pass this then many more come in.” The supplicant's defense attorney reminded the politician that Wakerman's case was atypical and that approval of it would not be setting a precedent. Satisfied with the lawyer's guarantee, Allen moved that the bill be favorably reported, and the motion was carried.²⁸

In 1941, the committee's war-time confusion and disagreement came to a head with the case of Ladislav Frank. Frank came to the United States from Hungary in October 1939. He entered the country legally under a temporary visa, receiving several legal extensions from the Department of State. By the time his visa expired, Hungary had capitulated to Nazi aggression, leaving the man without a home country.²⁹ Because of his inability to return to Europe and the unavailability of quota numbers, Frank petitioned the committee for permanent residence. Allen immediately came out in opposition to the bill, arguing that the man's case was no different than the cases of the thousands of other refugees who fled to the United States to escape the effects of the war.³⁰ Representative Mason argued that Frank came to the United States on legitimate business, and, therefore, could not be grouped with other refugees who deliberately came to the country to avoid the Nazi advance. Allen responded, “The record shows that the war broke out in September of 1939, and this gentleman came in in October 1939, so the gentleman from Illinois is incorrect there.”³¹ Because Allen considered the supplicant to fall within the refugee class, he moved that the

28 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “S. 56: To Record Lawful Admission to the United States for Permanent Residence of Chaim Wakerman, known as Hyman Wakerman,” unpublished hearings, 77th Congress, 1st Session, November 19, 1941, 4-5.

29 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 4584: For the Relief of Ladislav Frank,” unpublished hearings, 77th Congress, 1st Session, June 4, 1941, 2.

30 Ibid., 3.

31 Ibid., 4.

bill be tabled like the other refugee cases. He pointed out that since the man could not be deported “no harm could be done” by leaving the bill for a later date.³² He continued, saying that there were at least 18,000 people in the United States in the same situation, and that it was unfair to approve the petitions of the few lucky refugees who were able to get politicians to take up their cases.³³ The vote was taken and the committee was evenly divided: six in favor of the bill, and six in favor of inaction. Without a clear majority, the committee moved on to other business.³⁴

The Frank case exhibited the characteristics that defined the second phase of refugee debate. Though the man was in the country legally and had not come to the United States with the specific purpose of escaping the war, he was still lumped in with the rest of the European refugee class, which restrictionists handled differently than any other class of immigrant in the country. Restrictionists argued that since the committee could not feasibly hear every refugee’s petition, it seemed only fair that they not take action on the selected cases that came before them.³⁵ By putting off action, the restrictionists avoided setting a precedent in which refugees would be given preference under the law and left the possibility open for deportation in the future.

The most common restrictionist argument was that illegal immigrants, regardless of their situation, were deliberate lawbreakers who should not be awarded for their malfeasances. The legal argument became more important in the second phase of debate because of the changed international conditions. Unlike in the mid-1930s, when many of the supplicants had unwittingly committed immigration fraud, the committee saw more cases in

32 Ibid., 2.

33 Ibid., 3.

34 Ibid., 18.

35 Ibid., 14.

the late 1930s that involved intentional violations of immigration procedure out of desperation to escape their home countries. Even though the conditions in Europe were undeniably horrific, restrictionists did not believe that they justified illegal actions by immigrants. In one case, the immigrant, Vladas Barciuskas, came to the United States under a visitor's visa. During his time in the country, his home nation of Lithuania was taken over by Russian troops, leaving him without a nation to return to.³⁶ Though there was no proof that the man came to the country with the purposeful intention to overstay his visa to escape Russian aggression, Van Zandt was unsympathetic to the man's case saying that by approving the petition the committee would be "assisting him to circumvent the law." In response representative Mason said, "We are assisting him to stay here in order to avoid things that none of us know about and that we would want to avoid."³⁷ The Pennsylvanian remained unconvinced and continued to argue against the bill for the duration of the hearing, but in the end, despite Van Zandt's objection, the committee favorably reported the bill.³⁸ In response to the numerous approvals for illegal immigrants, Van Zandt said, "We encourage violation of the law."³⁹

Van Zandt was not the only representative who was unsympathetic to the stories of the illegal immigrants testifying before the committee. Restrictionists on the committee regularly returned to the legal argument in the private bill hearings, which was consistently a point of contention among the legislators. In one case, Van Zandt expressed his thoughts saying, "The price of citizenship is too valuable to me to let violators of the law to come in."

36 House Committee, "H.R. 8294: A Bill to Enable Vladas Barciauskas to Remain Permanently in the United States," 1940, 1.

37 Ibid., 2.

38 Ibid., 2.

39 House Committee, "HR.3266: For the Relief of Abram and Ida Butnariu," April 17, 1940, 13.

Allen immediately stated that he agreed with his colleague.⁴⁰ In another case, the supplicant, German Ernest Hermann Schmidt, had lived in the United States for over a decade and originally entered the country by deserting a steamship when it came to dock temporarily in New York. His case received vocal opposition from the restrictionists on the committee. Allen came out against the bill, saying, “The record shows that this man, according to his own admission, at the time he got on the boat, intended to violate immigration laws. . . . he certainly shouldn't be here.”⁴¹ William Robert Poage (D-TX) and Van Zandt, who also fought hard against the bill, supported Allen’s opinions. Both men pointed out how easy it was becoming for people to slip into the United States undetected and to remain permanently with no repercussions.⁴² In both cases, restrictionists showed suspicion toward the cases of illegal immigrants and argued that U.S. citizenship as a sacred right that should not be bestowed on such criminals. Mason reminded the men that the situation in Europe had to be taken into consideration, saying that the outbreak of war “might be considered as proper grounds for favorable consideration.” Representative Austin, however, remained unconvinced, saying, “Would it not be true that we would be to that extent, perhaps, condoning his offense?”⁴³

The Schmidt case posed a problem for restrictionists that was common in the second phase of the refugee debate. The committee was unable to deport supplicants back to Germany and its newly acquired territories, making it more difficult for restrictionists to achieve their desired goal of immigration limitation. The war gave anti-restrictionists a form

40 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, “H.R. 6008: A Bill for the Relief of Frank Schmitz,” unpublished hearings, 76th Congress, 3rd Session, June 12, 1940, 22; Historian David Reimers points out in his book that long before World War II Jewish immigrants, in particular, already had a reputation as criminals. He argues that the association of Jews and crime made politicians and the American people more likely to oppose Jewish immigration than other immigrant classes.

41 House Committee, “H.R. 9279: To Enable Ernest Hermann Schmidt to Remain Permanently in the United States,” 28.

42 Ibid., 32.

43 Ibid., 31.

of leverage that they did not have in the early immigration hearings. Because of the lack of deportation options, anti-restrictionists had another reason to encourage favorable consideration on the individual bills. Restrictionists, faced with a lack of options, realized that rejection of the bills would be useless because deportation, even if ordered, would not be carried out, so instead of voting against the bills as they had in previous years, they simply advocated inaction and postponement. The Schmidt case was one of the dozens of bills that was left open because of restrictionist opposition in Congress in the early 1940s.⁴⁴

The language of inaction was also prevalent in other hearings. In the case of Gustav Weil, for example, Austin recommended doing nothing and setting the bill aside. He told the committee that since the man could not be deported, the man would still be in the nation at the beginning of the next legislative session when the committee could reconsider his case. Representative Mason countered by saying, “The probability is that this man would worry himself to death” in the meantime.⁴⁵ A similar interchange happened in the case for Frank Schmitz, another case of illegal entry into the United States by desertion of a ship in an American harbor. Van Zandt was the first representative to recommend inaction on the bill, which was met with agreement by both Poage and Allen, the latter of whom remarked, “Why take any action at all? Is it not inconsistent for us to take action?”⁴⁶ Allen's response indicated the new methods that the restrictionists were using to prevent immigrants from securing citizenship and permanent residence in the United States. It became the policy of the committee to remain completely ambivalent to the cases of refugees of all classes.

Sympathetic listeners in the hearings, however, did not share the restrictionist outlook.

Representative Charles Kramer (D-CA) responded by saying that the man's mind would be at

⁴⁴ Ibid., 33.

⁴⁵ House Committee, “H.R. 9027: For the Relief of Doctor Gustav Weil.”

⁴⁶ House Committee, “H.R. 6008: A Bill for the Relief of Frank Schmitz,” 21.

ease if the bill was approved, giving him assurance that he would not be deported to Europe and to possible death. Mason agreed, stating that it was unfair to leave the case “hanging in the air.”⁴⁷ Despite the opposition, the restrictionists on the committee held firm to their opinions, fighting hard against the bill. Once again returning to the legal argument, Van Zandt argued that American citizenship was for law-abiding people and that the committee was granting the blessings of citizenship to undeserving people. He stated that too many cases of illegal entry were being sent to the House to be voted on, and at some point, the committee had to become more selective. Allen immediately voiced his agreement with Van Zandt's statement.⁴⁸ The discussion continued for a few more minutes before the committee decided to move to other business without making a decision on the case.

Without an official policy for handling refugee cases, restrictionists were able to encourage a strategy of inaction toward refugee cases. By pointing out how expansive the refugee situation was, the restrictionists were able to convince the committee that there was a dangerous precedent being set. It would be inadvisable, and altogether impossible, to approve every legal and illegal refugee case before the committee, and since they could not help everyone, it seemed only appropriate that the majority of refugee cases remain open until conditions in Europe stabilized.

While the Immigration Committee handled the individual Jewish petitions, other members of Congress concentrated on helping wartime refugees still trapped in Europe. After the annexation of Poland and the subsequent outbreak of war, anti-restrictionist legislators introduced a number of bills to help refugees enter the United States. Because of the failure of the Wagner-Rogers bill, sympathetic congressmen and senators had to come up with new

⁴⁷ Ibid., 21.

⁴⁸ Ibid., 22.

strategies to aid the displaced peoples in Europe. Legislators proposed several different measures, each of which proposed different methods, both overt and concealed, for dealing with the growing refugee crisis in Europe. However, none of the bills for eastern European rescue and resettlement efforts ever made it to a vote. As with Wagner-Rogers and individual immigration bills, restrictionists argued that newcomers to the nation, regardless of the situation, were undesirable for U.S. citizenship and would have a detrimental effect on the nation as a whole. Together, the debates over these proposals prove that members of Congress were aware of the Jewish plight in Europe and had multiple opportunities to act, all of which were squandered because of restrictionist opposition.⁴⁹

The next major attempt to bring in refugees after the death of the Wager-Rogers bill was through a proposal that was introduced by Senator William Henry King (D-UT) and Representative Franck R. Havenner (D-CA). The hearings over “The Act for the Settlement and Development of Alaska,” otherwise known as the King-Havenner Bill, took place in the Senate Committee on Territories and Insular Affairs. The bill called for an increase in investment in Alaska to help develop and cultivate the state's natural resources. To achieve the desired goal, the measure proposed subsidies for investors and workers who moved to the state to work in fisheries and internal improvement industries. The act also encouraged permanent settlement in the sparsely populated state.⁵⁰ To achieve the desired increase in residency, the legislation allowed participating companies to employ equal numbers of American citizens and immigrant laborers from foreign countries⁵¹

The inclusion of foreign immigrants in the bill was its most controversial element.

49 Nancy Beck Young, *Why We Fight: Congress and the Politics of World War II* (Lawrence: University Press of Kansas, 2013), 163-164.

50 U.S. Congress, Senate, Committee on Territories and Insular Affairs, “Settlement and Development of Alaska,” 76th Congress, 3rd session, May 13, 1940, 1.

51 Ibid., 3.

Under the original wording, workers employed under the act could enter the country as non-quota immigrants. The bill also included a stipulation that stated that after five years of continuous residency in the state of Alaska, the foreign workers would be eligible to receive quota numbers and subsequently apply for citizenship.⁵² Witnesses and the members of the committee insinuated that the selected immigrants would likely be skilled Jewish refugees and other persecuted people from central and eastern Europe. Despite its economic merits, restrictionists on the committee took issue with the immigration portions of the bill and disliked the idea of bringing more foreigners into the country.⁵³

Like their counterparts on the Committee of Immigration and Naturalization, restrictionists on the Insular Affairs Committee opposed the legislation on economic, legal, and social grounds. The key opponent of the bill was dedicated restrictionists Robert Rice Reynolds (D-NC), who vocally expressed his distaste for the bill, using nativistic reasoning to argue that the bill would break down the walls of immigration policy and rob deserving Americans of the opportunity for employment. Though witnesses attempted to testify to the economic and social benefits that the act would bring, he consistently turned the conversation back to the immigration aspects of the bill, making it clear that the refugee aspect of the legislation was his main point of contention.⁵⁴

The restrictionists opposed the legislation because they believed that the proposal was an outright attempt to skirt American immigration law and bring in unwanted refugees. Although they were given assurances that the bill would in no way “extend, or to break down the general principle of the quota system,” anti-immigration politicians remained skeptical.⁵⁵

⁵² Ibid., 4.

⁵³ Ibid., 6.

⁵⁴ Ibid., 85.

⁵⁵ Ibid., 13.

Reynolds demonstrated particular concern, saying that the proposal was “merely a bill to get in the back door and break down our immigration laws.”⁵⁶ He later accused the authors of the bill of being disingenuous with their drafting of the bill, asserting that “the whole bill [was] just a smoke screen to bring into the United States, by way of Alaska, thousands of refugees.”⁵⁷ Much like the restrictionists in the other house of Congress, Reynolds was dedicated to the quota system and, and aimed to defend it at all costs. The restrictive policies of the Johnson-Reed system worked well for restrictionist politicians who did not want large numbers of “un-American” immigrants in the nation.

Senator Homer Truett Bone (D-WA) agreed with Reynold's statements, taking the quota argument one step further than his colleague. He stated that the bill was clearly “wholly humanitarian in its impulse” and that the writers were allowing their good will to outweigh their responsibility to uphold the law saying, “We could say our moral responsibility is too plain and to let down the bars; let every person upon whom cruelties are visited into the United States. That would be the logic of your argument.”⁵⁸ For restrictionists, the committee was treading on dangerous ground. In their eyes, the creative effort to bring in refugees and was the first step toward turning the United States into a nation that was overrun by unwanted, persecuted minorities. Anti-immigration legislators, however, were not blind to the suffering of European refugees. Like their counterparts in the House, the restrictionists in the Insular Affairs committee knew about the widespread anti-Semitism and persecution that was happening in Nazi-occupied Europe, but they argued that the nation did not have the ability or moral obligation to let in every desperate soul that came to its

56 Ibid., 92.

57 Ibid., 138.

58 Ibid., 73.

shores.⁵⁹

For Reynolds and others, approval of any effort to bring in refugees would set a dangerous precedent for the future and had the potential to dismantle the quota system forever. Like politicians before them, they argued that passage of the legislation would have unforeseen long-term repercussions, namely that it would put America in the position of being the custodian of the world. Because of the ever-deteriorating conditions in Europe, as well as the growing size of the Third Reich, the fear of setting a precedent became even more pressing. If Congress acted on behalf of the Jews of Germany, it was possible that they would also be forced to take in Jews from Hungary, Romania, and other European nations. Restrictionists, therefore, argued that the bill would allow for the future immigration of millions of additional people from Nazi-occupied countries.⁶⁰

Restrictionists also feared that the implementation of a refugee rescue program would lead to a disproportionate number of immigrants in the nation, which American immigration law was specifically designed to prevent. An influx of immigrants for any reason, humanitarian or not, put the dominant culture under siege, which was a scary thought for restrictionist proponents of a “one hundred percent” American nation. Reynolds voiced his concern over the matter saying, “If we are going to take care of the world, the Americans had better just move out now.”⁶¹ For restrictionists, the United States and its resources were for citizens of the nation, and a deluge of immigrants would threaten the foundations of American culture, rob the native-born people of their deserved luxuries, and open the doors for future waves of refugees. Reynolds made it clear that his opposition to the bill was based almost entirely on the immigration components of the bill. He felt that the legislation should

⁵⁹ Ibid., 74.

⁶⁰ Ibid., 139.

⁶¹ Ibid., 95.

be designed purely for the benefit of people already living in the country, rather than providing employment to people to whom the United States had no moral or legal responsibility. He expressed his opinions on the matter saying that he “would be glad to support [the] bill if its benefits were limited to American citizens,” but if the immigration portions of the legislation remained in the text of the bill, he could not give the act his approval.⁶² As before, the economic merits of the act, as well as its potential benefits for tortured Jewish refugees, were largely ignored, and restrictionist legislators shifted the focus of the hearing toward the immigration components of the bill that directly affected people in the United States.

The nativism of the restrictionists in the hearings on the King-Havenner bill can most easily be seen in their discussion of the economic impact of the legislation. As in previous debates, they argued that unemployment in the United States was a key concern and that immigrants would function as job-takers in an already strained employment market. Reynolds made his opinions on the matter rather clear when he asked the committee, “With all the unemployed in this country, do you think it is necessary for us to go to Europe and bring people over here to develop our property?”⁶³ The bill, which was still designed to stimulate American employment with or without the refugee provisions, provided a good opportunity to widen the American job market, but restrictionists still felt that it was unfair that foreign laborers would comprise fifty percent of the workforce. In their eyes, it would be better to reject the bill in its entirety than to bring in unwanted immigrants who would remain in the nation long after the development projects were completed. Their approach to the bill demonstrated how desperate restrictionists were to keep new immigrants out of the nation

⁶² Ibid., 85.

⁶³ Ibid., 126.

and how important the refugee issue was in the first years of the war. Despite the merits of the plan, restrictionists pushed for its dismissal altogether because it would bring more refugees and minorities into the United States.

Overall, the restrictionist opposition to the Alaska Settlement and Development Bill revolved around a desire to serve American citizens before foreign immigrants. Throughout the three days of testimony restrictionists argued that their responsibility to protect the interests of their constituents and other citizens of the nation superseded their obligation to aid foreign victims of persecution and war. For example, on the opening day of debate over the bill Senator Bone said, “I have no quarrel with the idea of helping the other fellow, but I always have this problem on my doorstep, and if we can't relieve our own, how can we relieve any other fellow?”⁶⁴ Likewise, the next day, Reynolds told the committee, “I want to take care of the people in the United States before I bring everybody from central Europe and Europeans into the United States to provide more competition.”⁶⁵ Later in the hearing, to make his point clear, the senator questioned one of the proponents of the bill, asking, “Do you think that the American people ought to have the work first, or do you think we ought to divide it with refugees and aliens who are not American citizens and to whom we owe no earthly obligation?”⁶⁶ Reynolds's statement encompassed much of the restrictionist ideology in the early years of the war. He believed that the United States, though sympathetic to the suffering in Europe, was in no way morally obligated to help people abroad and that the concerns of people living in the nation were paramount.

In the King-Havenner hearings, restrictionists maintained their position of sympathetic non-involvement toward European refugees. Primarily they argued that it was

⁶⁴ Ibid., 74.

⁶⁵ Ibid., 94.

⁶⁶ Ibid., 128.

neither their place, nor their responsibility to intervene on behalf of European citizens. Additionally, they also argued that the refugee problem was simply too expansive to be effectively handled by acts of Congress, and that the efforts of the United States would be ineffectual abroad and destructive at home.⁶⁷ As a result, restrictionists contended that it was better to do nothing than to try to solve such an immense crisis through acts of humanitarian legislation. For restrictionists, the crusade to save the Jews seemed to be a lost cause that was unsolvable through congressional action.⁶⁸ They believed that the institution of a liberalized refugee policy would do more harm than good to the American people because it would have only a minute impact on the situation in Europe while taking a drastic toll at home. It therefore seemed that a costly refugee resettlement program was not worth the time, effort, and money of the American government.

In the end, the restrictionist voices in Congress outweighed the bill's proponents, and the bill never made it out of the subcommittee.⁶⁹ The death of the King-Havener bill once again proved how strong the undercurrents of restrictionist ideology were in Congress. Reynolds and others made it clear that they opposed the bill almost entirely because of its humanitarian undertones and decried it as an effort to circumvent American immigration law.⁷⁰ Restrictionists argued that the problem in Europe was so extensive that their efforts would either be, at best, ineffectual or, at worst, would lead to the realization of the restrictionist fear of the United States becoming the global protector of refugees and immigrants. The best answer, they asserted, was to simply do nothing.

The failure of the King-Havener bill once again demonstrated how devoted

⁶⁷ Ibid., 139.

⁶⁸ Ibid., 139.

⁶⁹ Wyman, *Paper Walls*, 110.

⁷⁰ Senate Committee, "Settlement and Development of Alaska," 138.

restrictionist politicians were to keeping European refugees out of the nation, even if it meant sacrificing employment and development opportunities that would benefit the United States. However, only a few months after the defeat of the Alaska bill, as the Nazi menace crept closer to the western coast of Europe, a new refugee proposal was brought before Congress. The new piece of legislation, known as the “Mercy Ships Bill,” called for an amendment that would allow American ships to transport British and other refugee children out of England.⁷¹ Officially, the bill stated that refugee children from all nations would be eligible for inclusion in the program, but it was understood that the first and primary beneficiaries of the act would be from the British Isles.⁷² The measure, which was sponsored by Representative Thomas C. Hennings, Jr. (D-MO), was taken to the House Committee on Foreign Affairs in July of 1940, where its merits were debated and discussed. The bill, though not aimed at Jewish or Eastern European refugees, reveals interesting aspects of the Jewish refugee debate in Congress. The vastly different congressional opinions on bills aimed at British children and bills designed to help Jewish children prove that there was a social and cultural component to the restrictionist opposition, and that their antagonism to Jewish rescue was not a simple matter of immigration policy and quota limitation.

Unlike the Wagner-Rogers bill, which had similar intentions for Jewish children, the hearings over the Hennings bill were short, lasting only one day, and the usual complaints of restrictionists were largely absent from debates among legislators. Instead of focusing the debate on quota numbers, unemployment rates, or precedent-setting, the committee expressed concern with how to get the children across the ocean without provoking attacks

71 U.S. Congress, House of Representatives, Committee on Foreign Affairs, “Evacuation of Refugee Children from War Zones,” 76th Congress, 3rd Session, July 25, 1940.

72 *Congressional Record*, 76th Congress, 3rd Session, 1940, 86, part 9: 10017.

from belligerent nations.⁷³ The preservation of American neutrality was the most important factor that politicians discussed. All of the legislators present agreed that the act was well-intentioned and would be an important, landmark piece of legislation, but they had to find a way to enact the program without provoking hostility or entering the war.⁷⁴ Almost all of the politicians present in the hearing, restrictionists included, lauded the humanitarian purpose of the legislation, and the most controversial point of debate was the bill's implementation rather than immigration or economic issues.⁷⁵ It did not take long for the committee to develop some strategies that would help ensure the continued non-involvement of American military as well as the safety of the children in the Mercy Ships program. In total, from its introduction to its reporting, the bill spent only four days in the subcommittee before being unanimously approved by all present.⁷⁶

Once the committee approved the bill, it moved to the House floor where opinions were more divided. The question of how the legislation would work with the quota system was a point of contention for several politicians; however, the authors of the bill were never accused of trying to break down American immigration barriers as the proponents of the Wagner-Rogers and the King-Havenner bills were. Most of the restrictionists and moderates in Congress agreed to support the bill as long as the child participants in the program were brought in under the provisions of the quota system, with numerical limitations put in place to prevent massive waves of refugee immigration in the future.⁷⁷ Additionally, the potential economic repercussions of the bill's enactment were also discussed, but Representative Jerry Voorhis (D-CA) pointed out that the bill would neither help nor harm the unfortunate people

73 House Committee, "Evacuation of Refugee Children from War Zones," 5, 9, 10, 20.

74 Ibid., 17, 20,

75 Ibid., 3.

76 Wyman, *Paper Walls*, 122.

77 CR, 10005-10006, 10011, 10016.

in the country and that all economic arguments against the bill were simply invalid.⁷⁸

Members of the House revealed extreme amount of sympathy and concern for the people of England to a degree that was never shown for the first victims of the Nazi regime in Poland, Lithuania, and Germany. The bill was so widely supported the chair of the committee stated that to his knowledge, there was no opposition to the bill either in Congress or from the wider public.⁷⁹ Such overwhelming support was never shown to similar proposals to aid Jewish refugees who faced imminent danger in Europe. Interestingly, at the time of the Mercy Ships proposal, very few direct attacks had been made on British soil, but legislators foresaw the possibility of hostilities moving across the English Channel. Hamilton Fish (R-NY), a strong advocate for both Jewish and English rescue efforts, expressed his concern for the children of Britain saying, “No one knows when total war will break out in England. No one knows whether it will break out this week or next month, but when it does English cities may be wiped out by airplane bombs.”⁸⁰ Fish’s concern was well founded. In the summer of 1940, while the committee considered the bill, German Luftwaffe bombers began attacking strategic positions in England, beginning the devastating Battle of Britain. Though not originally aimed at civilian targets, they demonstrated the necessity of the Mercy Ships bill.⁸¹

Though the concern for the future of Britain was well founded, sympathizers for Jewish refugees, namely Sol Bloom (D-NY) and Samuel Dickstein, fought hard to ensure that Eastern European children were included in the language of the bill, but their statements were not given much attention. When Bloom attempted to draw attention to the suffering of children in Nazi- occupied Poland and Belgium, Fish dismissed his statement saying, “I

78 Ibid., 10026.

79 House Committee, “Evacuation of Children from War Zones,” 24.

80 CR, 10005;

81 Richard J. Evans, *The Third Reich at War* (New York: Penguin, 2008), 144.

rather think at the moment the children in the greatest danger are the British children.”⁸² One of the most impassioned pleas for the rescue effort in England was Congressman Emanuel Celler (D-NY) who said, “To send our ships which are now lying idle is an act of sheer mercy – the *n*th degree of humanity – to save and spare these helpless children from the Nazi holocaust. We have the means – transports and funds. Dare we refuse? I think it would be a blot upon our national escutcheon which would remain forever.”⁸³ Celler's monologue was met with applause on the floor of the House. His statement would later prove to be terribly accurate, though the victims of the Nazi holocaust would not be the children of Britain, but instead would be the central and eastern European Jews that Congress had twice failed to help.

The words of lawmakers in the hearings show a degree of enthusiasm and sympathy for British refugee rescue that was never shown to Eastern European and Jewish refugees. While all attempts at Jewish rescue were dismissed because of their legal and economic implications, the Mercy Ships bill met little resistance from restrictionist legislators. The Senate had similar opinions on the bill and unanimously approved it. With very little debate and even less dissension, the bill was passed on August 27, 1940, less than a month and a half after its original introduction to the committee.⁸⁴ It was the only successfully implemented refugee effort approved by Congress prior to the U.S. entry into the war. The bill was a success and a step forward in American refugee policy. Less than a month after its approval, the predictions of legislators came true when German bombers launched the “London Blitz,” killing 40,000 civilians in the nation’s capital. In November 1940 they

82 CR, 10005-10006.

83 Ibid., 10008.

84 Wyman, *Paper Walls*, 126.

bombed another civilian target at Coventry, killing at least 380 civilians.⁸⁵ Though the bill helped some British civilians escape these later bombings, it still failed to help the people in Europe who had been suffering under Hitler's rule for years.

The divergent receptions of the Hennings Bill and previous Jewish rescue bills are striking, leaving many questions as to why they Congress was so quick to enact the former bill while rejecting the others. Certainly, ethnic differences played a role in the decision-making process for representatives in Congress. Politicians believed that the largely Christian, English-speaking children of America's former ruling nation would assimilate better into the country's culture than the Jewish, non-English speaking eastern European immigrants. The longtime association of the two countries, especially after the first World War, further solidified the bond between the two nations. Public opinion must also be taken into account when discussing the swift passage of the Mercy Ships Act. As executors of the nation's will, legislators were bound to the tides of public opinion, which supported English refugee efforts exponentially more than Jewish ones. A Gallup Poll conducted during the debate over the Mercy Ships bill revealed that sixty-three percent of Americans were in favor of the legislation.⁸⁶ Conversely, a poll taken in the months preceding the Wagner-Rogers bill showed that sixty-seven percent of Americans were against bringing in Jewish refugee children.⁸⁷ In addition to the public opinion polls, periodicals also demonstrated the overwhelming national support for the rescue of British children. Articles across the nation testified that it was "our duty" to aid the endangered children and that the problem demanded

⁸⁵ Evans, 144.

⁸⁶ Gallup Poll, Aug, 1940. Retrieved Feb-24-2013 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut.

⁸⁷ Gallup Poll (AIPO), Jan, 1939. Retrieved Feb-24-2013 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut.

urgent and immediate consideration by politicians.⁸⁸ The national difference in opinion naturally affected legislative decisions. The enthusiastic support for the Hennings bill demonstrates that a cultural component that influenced congressional responses to refugee legislation. The opposition to Jewish rescue efforts was not simply the product of anti-immigrant sentiment, but rather were the result of individual and widespread bias against culturally dissimilar people from eastern Europe. In effect, the refugees coming out of Lithuania, Poland, Czechoslovakia, and Germany were placed in a separate, less-important category than their counterparts to the west, and their perceived differences prevented the public from supporting an organized effort to bring them out of the hands of the Nazi occupiers.

The Mercy Ships Act was implemented in the late summer and fall of 1940 and was the last and only major refugee effort undertaken by the United States before its entry into the war. In August of 1940, Congress held one final set of hearings over proposals for Jewish refugee legislation. Coming immediately on the heels of the Mercy Ships Act, sympathetic legislators attempted to enact similar policies for other European refugees and introduced a variety of options for Congressional action. The hearings focused on six separate bills, all of which were designed to facilitate the immigration of children from every corner of Europe. The proposals called for the rescue and resettlement of refugee children from Poland, Czechoslovakia, Finland, and other endangered European nations.⁸⁹ The committee decided that the bills would be considered in one set of hearings and were eventually merged into H.R. 10323, which pulled together aspects of the individual bills into a single piece of

88 "Refugee Children: Our Duty" *The New York Times*, July 22, 1940; "The Refugee Children" *The Hartford Courant*, 13 July 1940.

89 U.S. Congress, House of Representatives, Committee on Immigration and Naturalization, "To Provide a Temporary Haven from the Dangers of Effects of War for European Children Under the Age of Sixteen," 76th Congress, 3rd Session, August 8, 1940, 1.

legislation. In his opening statement, Dickstein told the committee that the situation in Europe was so terrible that it had become “a problem of humanity” that had to be dealt with. It was not a Jewish problem, nor was it simply a European problem. He mentioned that millions of people stood to die of starvation or hard labor while others were doomed to live interned within a concentration camp.⁹⁰ His opening statement drew attention to the sad reality of the events taking place in Europe, showing that Congress could no longer hesitate to act. The situation required immediate action.

Restrictionists present in the hearings, however, returned to the same arguments that they used in the previous hearings on Jewish and Eastern European refugee measures. As before, concern over the economy was a main point of contention. Even though the children coming into the nation under the legislation would be under the age of sixteen, anti-immigration politicians on the committee still saw them as job competitors. The restrictionist response to the proposals was strikingly similar to their thoughts on the Wagner-Rogers bill. Van Zandt, particularly, went out of his way to argue that if the war endured into the coming years, the children would still be in the country when they entered adulthood, making them competitors for jobs, thus contributing to the problem of unemployment and robbing American citizens of opportunity.⁹¹ The congressman later took his argument further, saying that even the children not old enough for employment were still going to be diverting resources away from deserving American children.⁹² He argued that the children in the program would be coming to the nation just so they could stay permanently and take advantage of American “luxuries” which should be reserved for American citizens.⁹³ At one

⁹⁰ Ibid., 2.

⁹¹ Ibid., 6.

⁹² Ibid., 33.

⁹³ Ibid., 10.

point he addressed the committee saying, “We have quite a problem with our own children. We have thousands of children who are undernourished.” Henry Sandager (R-RI) responded by saying, “That is true. But our children are not facing death from the sky. That is the difference.”⁹⁴ The humanitarian argument did little to sway the opinions of the restrictionists on the committee who continued to oppose the legislation. Van Zandt also argued that the danger of German torpedoes was too great and that the United States should not jeopardize bringing the children across the Atlantic if they felt they might become targets of enemy aggression.⁹⁵ Though Congress addressed and resolved concerns about safe passage and childcare in the previous hearings over the Mercy Ships bill, restrictionists maintained that the current legislation was simply too risky for enactment.

As always, the quota argument was at the center of the debate over the refugee rescue bills. The war in the east was already threatening to break down the quota allotments for each of the nations. Restrictionists asserted that to allow new immigrants into the nation under different preferences and exemptions would only further complicate the problem.⁹⁶ Their fear was that after the war many of the smaller European nations would no longer exist, thereby making it impossible for them to return the selected children back to Europe. Without sufficient guarantees that the children would be sent back after the war, restrictionists could not offer their support for the bill.⁹⁷ Additionally, as with previous proposals, restrictionists feared that approval of the act would open the doors for future waves of immigration after the war. With the children in the United States, they argued that it would be easier for family members to secure preference or non-quota visas to join their families. Restrictionists argued

94 Ibid., 9.

95 Ibid., 14.

96 Ibid., 6.

97 Ibid., 5.

that the bill had to be defeated to preserve the quota system.

On the second day of the hearings, after the discussion over the six individual proposals, Representative William Schulte introduced the bill that was designed to combine and supersede all of the piecemeal bills. The new bill was limited in its scope, but functioned as a good compromise between both sides. The composite bill stipulated that the United States would let in a limited number of refugee children over the following two years. The children, however, had to be supported by an individual or a group that could prove to the Attorney General that the child would be at no risk of becoming a public charge. The participants in the program would be allowed in under temporary visitors visas and were not allowed to be joined by parents or other caretakers. Upon resolution of the hostilities in Europe, the participating children were to be sent back to their countries of origin.⁹⁸ Though the new bill was still met with derision from Van Zandt and others, it was passed to the Rules Committee, where it disappeared, never to be taken to a vote on the House floor.⁹⁹

The defeat of the Schulte Temporary Haven bill was further proof of the antagonism that Congress felt toward Eastern European refugees. Though the bill, unlike the Wagner-Rogers or King-Havener proposals, made it out of the committee, it was still met with criticism by politicians who felt that America's first priority was to protect her own people and that it was better to do nothing than to risk the nation's future or its neutrality. The failure of the bill shared many similarities with the Wagner-Rogers bill, both in the way it was approached and in the way it was eventually defeated. In both cases the strong restrictionist opposition crafted a convincing case against enactment of the legislation that was based on ideas of cultural and economic nativism. Without strong enough support from Congress or

⁹⁸ Ibid., 25.

⁹⁹ Wyman, *Paper Walls*, 131.

the American public, both bills faded into oblivion. Both the Wagner-Rogers and the Schulte bills presented feasible opportunities for Congress to take action to aid Europe's Jews, but in both cases, the political voices of dissension and indifference prevented the proposals from ever making it to a vote.

The multiple proposals of the 1940s tied directly with the wider immigration and refugee debate in Congress. The arguments used by restrictionists remained almost identical to the ones employed in the earlier individual immigration hearings of the 1930s. Rather than seeing the private immigration bills as separate efforts for humanitarian intervention, restrictionists viewed the rescue efforts as inextricably linked to the wider immigration debate happening in public and private hearings in Congress. To approve the proposals for temporary haven would directly affect the way that individual hearings would be decided, and leniency in private hearings could likewise be used to set a precedent for new refugee efforts.

Because of the outbreak of war in Europe, United States refugee debates underwent significant changes between 1939 and 1940; however, despite the new international conditions, restrictionists refused to alter their thoughts on European immigrants and refugees. Rather than seeing supplicants in the United States as refugees entitled to special treatment under the law, restrictionists viewed the people before them as members of a new sub-class of immigrants that were bound to the same legal code as all other newcomers to the nation. In both large-scale and individual hearings, the restrictionists espoused the same arguments that they had been utilizing for years to keep central and eastern European immigrants from gaining permanent admission into the United States. Economic and cultural nativism underscored every restrictionist argument, and their hyper-American outlook gained

enough supporters in both houses of Congress to block and defeat all humanitarian legislation aimed to bring in European refugees. Though they were unable to reject several of the proposals before them, politicians found that the most effective strategy toward refugees was one of conscientious inaction.

In December of 1941, the refugee debate took one final turn. The bombing of Pearl Harbor and the subsequent entry of the United States into the war shifted the priorities of Congress, making the refugee question a tertiary concern of legislators. Though politicians made some attempts to help eastern European refugees during the war years, the window of time for refugee rescue had closed, leaving the rest of Europe's Jews with few options for escape. Though legislators made other attempts to help foreign refugees in the 1940s, the global war made them all but impossible to execute. By the end of 1941, Congress had defeated all major attempts at refugee rescue, while other private bills remained suspended in limbo. With the American entry into the war, the possibility for American action was gone and Hitler's effort to rid Europe of its Jews was well underway.

Epilogue

By the end of 1941, the peak years of the debate over Jewish refugee policy were over. Congress had defeated several proposals for action, either on the floor of the House or in committee, and hundreds of other individual cases remained in limbo after being tabled by the Committee on Immigration and Naturalization. Though Zionists and anti-restrictionists brought proposals before Congress throughout the duration of the war, the growing turmoil abroad and domestic opposition to refugee legislation made it difficult for rescue measures to garner support from politicians.

Several international factors in late 1941 and early 1942 made immigration and rescue more difficult and limited the feasibility of foreign intervention. The declaration of war between Germany and Russia, in particular, in June 1941 changed the logistics of refugee rescue. The new warfront in the east cut off escape routes into Asiatic nations, which Jewish refugees had previously used as transit points on their way overseas. Most importantly, Hitler's eastern offensive made it almost impossible for refugees to use the transportation hub of Shanghai, China, as an avenue to get off the continent.¹ To make the problem worse, in the summer of 1941 the State Department mandated that all foreign consulates be closed, making it more difficult for anyone, Jew or non-Jew, to procure a visa to enter the United States.² Additionally, by the end of 1941 and the beginning of 1942 the majority of Jews in occupied countries were already residing in ghettos where Nazi soldiers

1 Harry L. Feingold, *The Politics of Rescue: The Roosevelt Administration and the Holocaust, 1938-1945* (New Brunswick: Rutgers University Press, 1970), 164. For more information on the Chinese involvement in refugee movement and rescue, see Bei Gao, *Shanghai Sanctuary: Chinese and Japanese Policy toward European Jewish Refugees during World War II* (London: Oxford University Press, 2013).

2 Bat-Ami Zucker, *In Search of Refuge: Jews and US Consuls in Nazi Germany, 1933-1941* (London: Vallentine Mitchell, 2001), 154.

carefully monitored residents, thus limiting their mobility.³ Together these factors rendered Congress impotent, making large-scale refugee rescue operations infeasible.

Prospects for rescue diminished further after January 1942 when Nazi leaders decided to escalate the rate of killing in occupied territories. Top ranking Nazi officers made the decision at a conference held at the suburb of Wannsee, just outside of Berlin.⁴ Though the Holocaust was already well underway, the Wannsee Conference turned the “Final Solution” into an official state policy. After the meeting, SS officers began to utilize gas chambers in their prison facilities, turning concentration camps like Auschwitz, Chelmno, and Trablanka into efficient factories of death. The increased capacity of extermination camps expedited the liquidation of ghettos and hastened the pace of killing in Hungary, Lithuania, Poland, and elsewhere.⁵ Because of the new changes in Nazi policy, 1942 and 1943 became the peak years of killing when the majority of its Jewish victims were murdered.⁶ By early 1942, the fate of Europe's Jews was seemingly sealed. War conditions prevented Allied intervention, and the increasing swiftness of murder meant that even the strongest American rescue legislation would not be able to save European Jewry.

In late 1941 and 1942 the United States also underwent changes that affected the ability of Jews to enter the nation. After the bombing of Pearl Harbor, the U.S. government became more concerned with the protection of the American people and the implementation

3 “Chronology of Jewish Persecution: 1941” Jewish Virtual Library, accessed November 11, 2012, http://www.jewishvirtuallibrary.org/jsource/Holocaust/Chronology_1941.html.

4 Richard Breitman, *Official Secrets: What the Nazis Planned, What the British and Americans Knew* (New York: Hill and Wang, 1998), 86-87; Lucy Dawidowicz, *The War Against the Jews* (New York: Holt, Rinehart and Wilson, 1975), 136.

5 “Chronology of Jewish Persecution: 1942” Jewish Virtual Library, accessed November 11, 2012, http://www.jewishvirtuallibrary.org/jsource/Holocaust/Chronology_1942.html.

6 Doris L. Bergen, *War & Genocide: A Concise History of the Holocaust, Second ed.* (Langham, Maryland: Rowman & Littlefield, 2009), 183

of effective wartime policies than humanitarian intervention overseas.⁷ Consequently, no private relief bills for Jewish supplicants came before the House Committee on Immigration and Naturalization in the years immediately after the American entry into the war.⁸ Because of the national focus on winning the war and the existing restrictions on movement and immigration abroad, Congress made no major attempts to bring in Jewish refugees in the war years, leaving it to the State Department to handle refugee issues; however, anti-restrictionist politicians and Jewish leaders remained concerned with the issue and continued to push for refugee legislation.

In September of 1942, despite the failure of previous efforts at rescue and resettlement, Emmanuel Celler (D-NY) made one final effort to aid the Jews of Europe. With rumors circulating about the imminent deportation of France's Jews, Celler pushed Congress and the President for action on their behalf.⁹ He drafted a measure that would have opened the doors to refugees who could prove that the Nazis or the Vichy government threatened them with deportation. He sent the proposal to the House Committee on Immigration where it languished and eventually died without a hearing.¹⁰

Later that year, Congress had another opportunity to make a small impact with the Third War Powers Bill, which was designed to loosen some of the restrictions that kept people from moving freely into the United States. Like previous immigration-related bills, the proposed legislation met resistance by restrictionists in Congress. Despite assurances that Roosevelt did not intend to use the legislation to bring civilian refugees into the country, the

7 David S. Wyman, *The Abandonment of the Jews: America and the Holocaust 1941-1945* (New York: Pantheon Books, 1984), 6.

8 Nancy Beck Young, *Why We Fight: Congress and the Politics of World War II* (Lawrence: University Press of Kansas, 2013), 152.

9 Feingold, *The Politics of Rescue*, 165.

10 Wyman, *The Abandonment of the Jews*, 56.

committee remained suspicious of the intentions of the bill and unanimously voted it down because of its immigration provisions.¹¹ The committee then redrafted the legislation, removing its immigration aspects altogether.¹² Once again, the restrictionist politicians in both houses had successfully blocked another piece of legislation that could have saved a small number of Jews and from the occupied territories of the Third Reich.

While Congress debated the War Powers Bill, the United States got startling news from Europe. In August 1942, a German industrialist approached members of the World Jewish Congress in Geneva, saying that he had confirmed reports of a Nazi plan to exterminate the Jews in Europe. The vice-consul at the American consulate in Switzerland subsequently sent the message to Jewish leaders and high-ranking politicians in the United States. Officials in executive agencies remained skeptical of the message, refusing to believe it until they received further corroboration. Not wanting to spark an unnecessary outcry from activists in the states, they agreed that it was better to keep the information secret until they had confirmed reports of the Nazi policies toward Jewish people.¹³

The news from Geneva also reached Rabbi Stephen Wise, a Jewish activist deeply concerned with the refugee issue. Unwilling to keep the information secret, he publically confirmed that there was systematic genocide happening in Germany. On November 24, 1942, Wise held a press conference where he detailed the mass-murder going on in Europe stating that there were confirmed reports that the Nazis had already killed at least two million Jews. After his announcement, American citizens and politicians no longer had the ability to

11 Richard Breitman and Alan Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington: Indiana University Press, 1987), 242-243.

12 Ibid., 57.

13 Wyman, *The Abandonment of the Jews*, 43-45.

claim ignorance of the situation.¹⁴ A Gallup poll conducted in January of 1943 confirmed the widespread belief in the Jewish Holocaust. The study found that 47 percent of Americans knew about and believed the stories of Nazi atrocities and the murder of two million Jews.¹⁵ Despite the awareness of the murder of the Jews, efforts to intervene on their behalf still stalled in Washington.

In the spring of 1943, at the behest of the British Parliament, the United States participated in an international conference to establish a consistent policy for handling the flood of refugees who were entering neutral and Allied nations.¹⁶ Congressman Sol Bloom (D-NY) and Senator Scott Lucas (D-IL), attended the conference as representatives for the U.S. legislature.¹⁷ Even though it was an international conference, American politicians in Bermuda showed the same attitudes that had been present in U.S. congressional debates for years. For example, correspondence in reference to the conference demonstrates a concern about the future of the quota system if the United States instituted a new refugee program. Secretary of State Cordell Hull wrote to the president about the matter, saying that representatives at the conference needed to keep any policy changes within the parameters of the Immigration Act of 1924. He said that any attempt to amend the quota system would “[throw] the whole refugee question into Congress, where there is a prevailing sentiment for even more drastic curtailment of immigration into this country.”¹⁸ Hull's statement demonstrated the wide understanding of the power of the restrictionist bloc in Congress and the force it wielded over legislative decisions. He understood that restrictionists would not

14 Ibid., 61.

15 “‘We Will Never Die’: Shattering the Silence Surrounding the Holocaust, United State Holocaust Memorial Museum, accessed April 3, 2013, <http://www.ushmm.org/wlc/en/article.php?ModuleId=10007036>,

16 Department of State, *Foreign Relations of the United States Diplomatic Papers, 1943, General* (Washington: Government Printing Office, 1963), 134.

17 Ibid., 147.

18 Ibid., 177.

support any measure that loosened American immigration policy, even if it was for temporary humanitarian reasons. The fear of congressional backlash forced the hand of representatives at the conference and ensured that all efforts decided upon in Bermuda were limited in their effects on American immigration policy.

The Bermuda Conference failed to achieve any significant changes to refugee policy in the United States and fit with the existing pattern of American inaction toward European Jews. The “infeasibility” of rescue efforts, coupled with the fear of congressional reprisal and interference, constricted the delegation and prevented them from making any substantive changes to international refugee policy. The final report released to the public declared that the representatives of each country were going to make several confidential “concrete recommendations” on the issue to their respective governments, with no specifics listed.¹⁹ The press harshly criticized the Bermuda conference as being a “failure” and a “mockery.”²⁰ Though the public outcry against the international meeting was more widespread than in previous years, the inadequacy of the Bermuda conference was just one more missed opportunity in a decade of political inaction and indifference.²¹

In late 1943, after the ineffective conference at Bermuda, another opportunity for action came before Congress when Edith Nourse Rogers (D-MA) and Joseph Clark Baldwin (R-NY) introduced a rescue resolution in the House on behalf of the Zionist Emergency Committee to Save the Jewish People. The authors of the measure hoped that its passage would encourage Roosevelt to intervene on behalf of the Jews by creating a governmental rescue agency for victims of Hitler’s regime. Senator Guy Gillette (D-IA) sponsored identical

19 Ibid., 173.

20 “Scant Hope Seen for Axis Victims” *The New York Times*, April 25, 1943; “Bermuda Conference is Termed Mockery” *The Hartford Courant*, April 29, 1943; “Conference Seen As a Second Munich” *The Los Angeles Times*, May 5, 1943.

21 Breitman and Kraut, 142-143.

legislation in the Senate, and eleven other senators joined him in introducing the bill.²² The measure first moved to the House Foreign Affairs Committee where it met resistance from Breckinridge Long and longtime Jewish refugee advocate Sol Bloom. Long testified in a private executive session that the organization was unnecessary because the State Department already had rescue measures in place.²³ Additionally, Bloom argued that the cost of the bill was too high and that if it achieved its goal of rescuing 100,000 people, it would end up costing American taxpayers over 200 million dollars.²⁴ Despite Bloom's and Long's criticisms, the Rogers-Baldwin bill maintained broad support in Congress, particularly in the Senate Foreign Relations Committee where it was also up for consideration. The only dissenting voice was committee chair Tom Connally (D-TX); however, when Connally was absent from a committee meeting, the remaining members unanimously approved the legislation without him. The resolution was scheduled to come before the full Senate in January 1944, but two days before it could go to a vote, President Roosevelt signed Executive Order 9417, which created the War Refugee Board (WRB).²⁵

The creation of the War Refugee Board marked a high point in American refugee policy and was the first significant measure to address the growing problems of persecuted and displaced persons in Europe. The order had two purposes: to aid in "the rescue, transportation, maintenance and relief of the victims of enemy oppression" and help with "the establishment of havens of temporary refuge for such victims."²⁶ The WRB dealt exclusively with the refugee issue, and its creation marked an important step forward in the

22 Wyman, *The Abandonment of the Jews*, 193-194; Young, 155.

23 Feingold, *The Politics of Rescue*, 231; Young, 156.

24 Wyman, *The Abandonment of the Jews*, 195.

25 Young, 157.

26 Franklin D. Roosevelt: "Executive Order 9417 Establishing the War Refugee Board.," January 22, 1944.

debate over refugee policy.²⁷ Roosevelt's order, though a victory for advocates of rescue efforts, was controversial among politicians, particularly among the Department of State and the cabinet. And, like Hull before him, the president also feared the congressional backlash that would come about if he used the Board to bring thousands of refugees into the United States without legislative approval.²⁸ As a result, the order was limited in its effects and did not go as far as it possibly could have.

The WRB served several important functions in the final years of the war. It instituted procedures that cut through some of the bureaucratic red tape that had been prevented refugees from entering the United States and included provisions for negotiating for the movement of refugees to new homelands.²⁹ The program helped facilitate refugee movement by opening escape routes in the Balkans, which functioned as the gateways to important transit countries like Turkey, Spain, and Italy.³⁰ The WRB also fought hard on the behalf of Hungarian Jews who were the victims of some of the most expansive deportations and mass-killings in the Holocaust.³¹ The Board also attempted to pay foreign nations to allow their Jews out of the country, but the results were minimal, with only a few thousand Jews being saved from deportation.³² Though the Board's efforts came too late to make a decisive effect on the extermination of Europe's Jews, its establishment and efforts in 1944 demonstrate the new American consciousness of the plight of Jewish refugees that came about in the final years of the war.

Though the Board was a step in the right direction toward refugee rescue, historians

27 Arthur Morse, *While Six Million Died: A Chronicle of American Apathy* (New York: Random House, 1967), 310; Breitman and Kraut, 191

28 Ibid., 198.

29 Henry L. Feingold, *Bearing Witness: How America and its Jews Responded to the Holocaust*, (Syracuse, NY: Syracuse University Press, 1995), 145-146.

30 Wyman, *The Abandonment of the Jews*, 215, 221, 227.

31 Ibid., 237.

32 Ibid., 252. Feingold, *Bearing Witness*, 166.

have heralded it as “too little, too late.”³³ By the time of the creation of the WRB, the Holocaust was already well underway, and over 75 percent of the victims of the genocide were already dead.³⁴ However, the Board’s achievements cannot be ignored. Between its creation and the end of the war in 1945, the Board helped to save the lives of roughly 200,000 Jews.³⁵ The WRB not only showed an effort to aid the Jews of Europe, but it demonstrated a concern for refugees that had otherwise been absent from legislation in the previous years.

At the end of the war and in the following years, the world scrutinized the United States government for its actions over the past decade. To counteract their inaction during the Holocaust, politicians made efforts in the post-war years to facilitate refugee immigration and to ensure that a similar genocide would never happen again. President Truman attempted to mitigate the lingering effects of the war against the Jews with his Statement and Directive on Displaced Persons, which reiterated the government's concern for refugees in Europe.³⁶ That same month, over a year after its original introduction by Senators Robert Wagner and Robert Taft (R-OH), Congress passed the much-debated Palestine Resolution which called for free entry of Jews into Palestine.³⁷ The UN's 1948 Convention on the Prevention and Punishment of the Crime of Genocide also brought attention to the Nazi crimes against humanity and aimed to prevent similar genocides in the future, but the problem remained that the United States and the world had taken little action in the pre-war years for the rescue and resettlement of Jews.³⁸

33 Feingold, *The Politics of Rescue*, 291.

34 Bergen, 183.

35 Wyman, *The Abandonment of the Jews*, 285.

36 Harry S. Truman, “Statement and Directive on Displaced Persons” December 22, 1945.

37 Young, 157, 163; Wyman, *The Abandonment of the Jews*, 172.

38 Adam Jones, *Genocide: A Comprehensive Introduction*, (London: Routledge, 2006), 12.

In total, the United States took in roughly 250,000 Jews between 1933 and 1944; however, during these years the global immigration numbers were never met. Though quotas for Europe were significantly over-subscribed, quotas from other nations remained unfilled, leaving the rates of total immigration at 54 percent of the cumulative global allotment as determined by the Immigration Act of 1924.³⁹ It is therefore reasonable to believe that the United States had the ability to bring in significantly more Jewish immigrants and refugees than it actually did, despite petitions from politicians saying that the country was not economically or socially capable of absorbing any more foreign residents.

All branches of the federal government share responsibility for the American failure to aid Jewish refugees in the 1930s and 1940s. The State Department and its consuls were responsible for the large number of visa denials in the 1920s and 1930s, which affected the ability of Jews to emigrate from dangerous territories.⁴⁰ President Roosevelt also failed to take decisive action until the end of the war, leaving the majority of refugee-related matters to be handled by the State Department.⁴¹ Historians agree that all branches of the United States government should have acted significantly earlier to aid the Jews of Europe and that by the time politicians took any noteworthy action, it was too late for them to make a decisive difference.⁴²

For Congress, in particular, the time to act was before the U.S. entry into the war, with the best opportunities for rescue coming in the spring of 1939. The records from public and private hearings show that Congress had multiple opportunities to bring Jews out of Europe, yet refused to act on any of them. Instead, a strong restrictionist bloc in both houses

39 Breitman and Kraut, 9.

40 Zucker, 179.

41 Wyman, *Paper Walls: America and the Refugee Crisis: 1938-1941* (New York: Pantheon, 1985), 212.

42 Wyman, *The Abandonment of the Jews*, 5, 331; Feingold, *Bearing Witness*, 170.

opposed and eventually helped defeat each of the measures, regardless of their merits. In the hearings restrictionist legislators demonstrated a consistent indifference toward the plight of persecuted people abroad. Instead of focusing the hearings on the persecution taking place overseas, anti-immigration politicians chose to highlight on domestic issues that directly affected themselves and their constituents.⁴³ Restrictionists clearly stated that they felt their true obligation was to the American people, and that they had no moral obligation to help aliens and refugees.

Restrictionists argued that any Jewish rescue or resettlement operation would have devastating effects on the United States. They believed that rescue efforts would harm the American people by breaking down the quota system and setting a bad precedent for the future. They stated that any approved rescue legislation would lead to an influx of not just Jewish refugees, but also victims of persecution from all corners of the globe. They expressed similar concerns in individual hearings where they argued that if they gave citizenship to one European refugee, they would have to give citizenship to all countryless refugees. The fear of an increased population of immigrants in the United States made defeat of refugee proposals even more important to restrictionists who already believed that their desired American culture was under siege. Anti-immigration legislators opposed the bills almost entirely because the proposals aimed to bring in classes of people that were deemed as “undesirable” for American citizenship. In an effort to protect the racial and social status quo in the United States, restrictionists fought hard against all proposals for Jewish refugee legislation, and their efforts prevented the United States from enacting multiple bills that could have saved tens of thousands of people from Nazi-occupied Europe.⁴⁴

⁴³ Young, 146.

⁴⁴ Ibid., 147

Though responsibility cannot be laid on Congress alone, legislators on Capitol Hill must bear some of the guilt for the American failures in its response to the Holocaust and the Jewish refugee problem. Members of Congress stymied progress on the Jewish refugee situation by maintaining the strict quota system, rejecting petitions for new immigration and rescue programs, and encouraging postponement and inaction in the cases of immigrants already in the United States. Congress as a whole also failed to create an explicit and proactive refugee policy, thereby giving restrictionists more leverage to push their anti-immigration agenda in committee hearings. Taken with the State Department's limitation of immigration, Congress's actions barred thousands of Jewish refugees from entering the United States. Historians, therefore, must include congressional actions in the historical dialogue about how and why Americans were able to ignore the cries of the persecuted peoples in Europe.

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