

Frances Perkins and the German-Jewish Refugees, 1933-1940 by Bat-Ami Zucker.

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Shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our forefathers arriving in this land? Shall oppressed humanity find no asylum on this globe?

Thomas Jefferson, First Inaugural Address(1)

When President Roosevelt appointed Frances Perkins as Secretary of Labor in 1933, the news was greeted with suspicion. Never before in the history of the United States had a woman been appointed to the cabinet. Moreover, the fact that she was the first Secretary of Labor outside the trade unions aroused resentment in labor and industrial circles. Supreme Court Justice Louis D. Brandeis may have been convinced that "no man or woman in the United States was so well qualified" for that position, but many in the media and Congress expressed doubts as to whether Perkins was capable of meeting the challenge of America's serious labor unrest and economic upheaval.(2) Perkins loyalist Charles E. Wyzanski, Jr., a solicitor general at the Labor Department, noted that congressmen did not like to listen to long lectures about the need for reforms from a woman who seemed to them "a combination of their mothers, teachers, and blue-stocking constituents," especially when she had failed to develop a strong supporting constituency on Capitol Hill, among industrial officers, or in union circles.(3)

Upon her death in 1965, the Times of London praised Perkins as "one of the chief architects of the New-Deal," a woman of "true sense of justice and humanity." The New York Times on the same occasion observed that "through all the strikes, peaks of unemployment, technological relocation and mobilization for the war, Miss Perkins presided efficiently and with restraint, withstanding repeated private and public attack."(4) In fact, she had gained her reputation as Industrial Commissioner already in the late 1920s while serving under Governors Smith and Roosevelt in New York. Perkins's efforts to secure safety measures to avoid factory fires and her humanitarian approach to human suffering, helped prepare her for a prominent role in the New Deal. Deeply committed to the goal of a governmental social security system to meet the requirements of the unemployed, the infirm, the aged and the dependent, she spearheaded enactment of the Social Security Act of 1935, her greatest single contribution to American society. Wyzanski recalled:

I never met a person, who equaled her firm adherence to principle. Her determination to follow the public interest and not a selfish, least of all an egotistical, interest, and her unswerving loyalty to her superiors, her

colleagues, and her subordinates, so long as each was true to the best in himself as his own vision saw the best.(5)

Labor historian C. E. Daniel, who considered Perkins the outstanding Secretary of labor in the whole history of the country, remarked, "It is hard to think of any [New Deal] accomplishments related to labor that don't reflect the contributions of Frances Perkins."(6) An aristocratic progressive who retained her maiden name after marriage, Perkins remained a product of the nineteenth century with a Puritan social ethic.(7)

Perkins's firm stands on what she considered "just causes" was especially evident on the issue of Jewish refugees from Nazi Germany. No one could intimidate her or deflect her from following "the command of duty," even if that meant facing animosity and criticism from the Department of State; as she put it, "Immigration problems usually have to be decided in a few days. They involve human lives. There can be no delaying."(8) Humanitarian needs were indeed pressing. Hitler began his reign of terror immediately upon ascending to power in January 1933. German Jews were soon stripped of their civil rights and were unable to obtain passports from their government. Few visas were being issued by the State Department, which adhered strictly to the provisions in U.S. immigration law barring entry to those deemed "likely to become a public charge." U.S. consuls in Nazi Germany were consistently and systematically using various means to deny emigration visas to desperate German Jews, who became refugees in their own country.(9) President Roosevelt, moreover, refused to consider relaxing America's tight immigration restrictions. From his first days in office, FDR was kept informed as to what was happening to Jews in Germany, but in view of his domestic political problems, America's economic difficulties, the anti-alien climate in Congress, and popular opposition to the prospect of "a flood" of Jewish newcomers, FDR preferred to follow the advice of conservative officials in the Department of State, to whom he gave a free hand on immigration matters despite their harsh and sometimes even antisemitic attitudes concerning refugee policy.(10)

Although secondary to the Department of State in visa affairs, the Department of Labor was until 1940 in charge of immigration and naturalization issues, and it soon emerged as a prominent factor with respect to the German- Jewish refugee issue.(11) Concerning the policies and procedures of obtaining immigration visas, Perkins articulated strong humanitarian sentiments despite the fact that her department's pressing priorities lay in issues such as public works, minimum wages, maximum hours, unemployment insurance, and other social welfare needs.(12) Even within the field of immigration there were serious problems, including the need to reorganize the service, eliminate corruption, and hire better qualified staff.(13)

Nevertheless, the desperate conditions of German Jews under the Nazi regime moved Perkins to help. Beginning in April 1933 Perkins made it her cause. She stood alone in Roosevelt's cabinet as an advocate for the liberalization of immigration procedures, boldly confronting the Secretary of State and his deputies when trying to find ways and means to enable the entry of as many Jewish refugees as possible into the United States. At a cabinet meeting on 18 April 1933, for example, she advocated a new executive order to bypass

President Hoover's 1930 executive order requiring strict adherence to the aforementioned "likely to become a public charge" clause. Her suggestion, had it been accepted, would have enabled the admission of many more German Jewish refugees. It should be emphasized that the immediate hardship Jewish refugees faced was not the availability of quota numbers--during the years 1933 to 1939 the German quota was never filled. The main difficulty had been the implementation of Hoover's order by U. S. consuls in Germany. A modification of that order, or its cancellation, could have made a major difference. Yet both Secretary of State Hull and his undersecretary, William Phillips, refused to recognize any connection between Hoover's order and the low percentage of refugees admitted. They succeeded in persuading Roosevelt that since the German quota was unfilled there was no need for further action.(14) Perkins vainly tried to combat their influence, even threatening to unleash Jewish pressure if no action was taken. She reminded Phillips that the right of asylum was based on American tradition, and it was up to her department, not State, to decide whether such admission would affect economic conditions in the United States.(15)

An ally of Perkins's efforts was Judge Julian W. Mack of the U.S. Circuit Court, a leader of the American Jewish Congress and an expert on immigration. In the spring of 1933 he came across a long-overlooked provision of the Immigration Act of 1917 which allowed the Secretary of Labor to accept a bond as a guarantee that a potential immigrant would not become a public charge. Max Kohler, a consultant to the American Jewish Committee on immigration, concurred that the provision could open the door for German-Jewish refugees who had been barred admission into the United States on the basis of the public charge clause.(16) At a meeting with Jewish officials in Washington on 22 September 1933, Perkins pledged "that she herself is prepared to accept the responsibility--if legal--to bond German refugees."(17a) But Kohler soon had second thoughts. He warned it was very important to make sure that no newly arrived Jewish refugees should become public charges as "that would queer all our efforts."(17b) Some Jewish leaders held a view similar to that of the State Department --although for different reasons--that masses of Jewish immigrants could cause an inflammation of domestic antisemitism.(18)

Three refugee-related matters were on the Secretary of Labor's agenda. The most urgent was to prevent State's systematic abuse of the "likely to become a public charge" clause. Perkins sought legal authority to permit a bond in advance of the immigrants' arrival in the United States as a guarantee that the potential immigrant would not become a public charge. Also under consideration was a plan to bring 250 German-Jewish children into the United States, another to prolong the stay of German-Jewish visitors who were already in the United States.

The Issue of Bonds

The issue of bonds was legally complicated. The point of contention was Section 21 of the Immigration Act of 1917, which the Departments of State and Labor interpreted differently. The disagreement over public-charge bonds led to a legal battle between the two departments and personal animosity between Perkins and State Department officials with each side trying to win the president's favor.

Two main questions were raised. First, whether the bonding procedure, already contained in

Section 21 of the Immigration Act of 1917, was meant to cover more than occasional hardship cases and whether it was intended to operate only after arrival at U.S. ports with an immigrant visa, as the Department of State argued, or if it could be done before the consul reached his conclusions, with the discretion to decide given to the Department of Labor. Second, whether the Immigration Act of 1924 invalidated Section 21 of the Immigration Act of 1917. Section 21 stated that "any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis in any form or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary"(19)

It should be emphasized that the section did not expressly state that an alien must be at America's shores before the Secretary could take action. Taken at face value, the statute seemed to allow the Secretary of Labor to act before or after the alien arrived. Moreover, the Department of Labor regulation applicable to that section provided that after such bond had been disposed the Department of Labor "may in its discretion authorize the admission of such alien."(20)

An opinion prepared for Perkins by Labor Department Solicitor Charles Wyzanski, Jr., argued that this rule, or one similar, had existed ever since there was a possibility that an alien would find himself rejected while still abroad on the ground that he was likely to become a public charge.(21) In his opinion the history of Section 21 indicated the "propriety of accepting bonds" for aliens not yet in the United States.(22) Thus, Wyzanski concluded, since the Secretary of Labor had been authorized by Congress to remove the "public charge" bar by accepting a bond, she could legally declare that the alien was no longer inadmissible so far as the public charge ground was concerned. An alien for whom bond had been accepted, even though the consul may have believed that he was likely to become a public charge, was, if otherwise inadmissible, entitled to a visa.(23)

The Department of State refused to accept this interpretation. It held fast to the policy that the law did not permit the Department of State or the consuls abroad to accept a bond before a visa had been granted. Moreover, State did not believe that posting such a bond "is merely by itself adequate to meet the public charge requirements of the law."(24) Richard W. Flournoy, Jr., legal adviser to the State Department, argued that "no immigration visa shall be issued to an immigrant if it appears to the consular officer, from statements in the application, or in the papers submitted therewith, that the immigrant is inadmissible to the United States under the immigration laws" and "when the provision of Section 21 of the Act of February 5, 1917, concerning admission under bond was adopted, Congress had in mind only cases of aliens who should have arrived at ports of entry in the United States and should have been denied admission by the immigration authorities upon the ground that they appeared to be likely to become public charges."(25) Flournoy also pointed to the rules and regulations for the enforcement of the Immigration Act of 1924, which includes a note (48) about bonds:

Consular officers are not authorized either to require or to accept bonds

in immigration cases. The question of bond does not, therefore, arise until after an alien has received a visa and actually arrives at a port of entry to the United States. (26)

In his opinion the principal object of the 1924 act was to prevent hardships and expenses from aliens who faced denial of entrance at ports. Therefore, he concluded, the bonding procedure could not be made to fit into the framework of the existing law. In Flournoy's view, not only did Section 21 of the 1917 act make no reference to the case of an alien who was in a foreign country when the bond was offered, but the proposed procedure would oblige the consul to accept the ruling of the Secretary of Labor, notwithstanding the consul's finding. Moreover, the law did not request the approval of the Commissioner General with regard to facts outside the United States. That was left to the discretion of the consul abroad. The procedure of bonds in the manner recommended by the Secretary of Labor would violate the language and meaning of the 1924 act. It would deny the legal requirement that granted the issuance of a visa solely upon the exercise of a consul's judgment and discretion, and "the double check provided by the Act of 1924 would be made ineffective." (27)

Although it was agreed that the two departments send a joint request to the Attorney General to decide on the proper interpretation of the laws on the issue of bonds, the Secretary of Labor sent a request along with her solicitor's opinion directly to the Attorney General. (28) The Attorney General was asked for his opinion on three issues: Was the Secretary of Labor authorized to accept in advance of an alien's arrival a public charge bond? Was the Secretary of Labor required to exercise this power in behalf of those aliens whose applications are made first, or has the Secretary of Labor discretion to make selections regardless of chronological order? And was the Secretary of Labor authorized to recommend to the Secretary of State a regulation which denied the consuls the discretion to refuse to issue a visa to that alien on the ground that he was likely to become a public charge?

Three weeks later the Department of State followed with similar questions and a memorandum prepared by the Legal Adviser of the Department of State. (29) Assistant Secretary of State Wilbur Carr urged firm adherence to the department's policy, stressing that in view of the interpretation given the law since 1924, the department "has no sound basis on which to change its position in favor of a different construction of the law." He added, however, that he did not oppose any proper effort to obtain an authoritative construction of the law: "If the Attorney General determines the existing interpretation to be wrong" the Department of State should accept it at once. (30)

Attorney General Homer Cummings turned over the requests to his assistant, Alexander Holtzhoff, who found Labor's argument convincing. The formal opinion signed by the Attorney General and delivered to the Secretary of Labor on 26 December 1933, complimented Labor's "excellent memorandum," authorizing Perkins to proceed on all three points. He confirmed her right to accept bonds prior to the alien's arrival and select beneficiaries of the bond proceedings regardless of chronological order of application, and he also approved Labor's requested change in the Consular Regulations. However, he did

leave some discretion to the consuls. When the consul had reason to believe that "the alien is inadmissible to the United States for some reason other than the likelihood of his becoming a public charge," he had to act upon the law which prohibited the issuance of immigration visa in such cases.(31)

The Attorney General's ruling sparked hostile reactions from prominent Visa Division officials in the State Department, who raised not only legal doubts but also gave vent to antisemitic sentiments. C. Paul Fletcher, a division officer, warned that when "ships begin to arrive in New York City laden with Jewish immigrants," the "sleeping" State Department would be blamed for betraying the interests of the United States.(32a) Another division officer argued that since the attorney general's opinion had been requested and obtained solely "to facilitate the admission ... of aliens of the Jewish race, there existed a grave risk that Jews would flood the United States":

Experience has taught that Jews are persistent in their endeavors to obtain immigration visas, that Jews have a strong tendency, no matter where they are, to allege that they are the subjects of either religious or political persecution, that Jews have constantly endeavored to find means of entering the United States despite the barriers set up by our immigration laws ... unrestrained acceptance of bonds of Jewish aliens would soon develop the common understanding that for some reason the immigration laws of the United States operated to admit nothing but Jews ... I am convinced that should the public suddenly learn that this control was simply taking over the Jewish population of European countries, there would be a great deal of objection ... Moreover ... Jews so admitted could gradually effect the admission of thousands of other Jews under the first and second preference and nonquota provisions of the Immigration Act of 1924.(32b)

The anti-Jewish undertone and familiar antisemitic stereotypes reflected the common view of Jews among Visa Division officials. Some of them wanted prompt action. Eliot Coulter, later promoted to Visa Division Chief, urged bringing the matter at once to the attention of the House Committee on Immigration to consider a reduction of the quotas and to inform the president, who "probably would make a recommendation to Congress.(33) When there was no legal means to bypass the Attorney General's opinion, the Department of State made sure the public knew that the procedure of bonds was entirely the responsibility of the Department of Labor and that "consular officers will not undertake independent investigation" with regard to such cases.(34)

The two departments agreed that the Department of Labor would prepare new regulations to be delivered by the Department of State to the consuls abroad in accordance with the

Attorney General's ruling. The Department of Labor, however, was slow in formulating such instructions.(35) As late as August 1934 they were still not ready.(36) Only in the summer of 1935, upon receiving a draft of the regulations from the Department of State and following the advise of Wyzanski, the Secretary of Labor recommended these regulations for the guidance of American consuls abroad, prepared by the Department of State and the Immigration and Naturalization Service.(37) The delay seems to have been due to Commissioner MacCormack's second thoughts concerning the advisability of promoting the new procedure. Discussions between MacCormack and several liberal groups concluded with a general agreement that advance bonds should be limited to certain arbitrarily chosen favored classes, principally immediate relatives, political and religious refugees, and children under the age of 16. They also decided that such bonds should as a rule be filed only after the application had been made at the consulates, except in cases of children under 16 and of certain cases of particular hardship.(38)

It is difficult to evaluate clearly Commissioner MacCormack's attitude to the question of bonds. At first he cooperated with the Secretary of Labor, but at the same time tried to convince Jewish leaders that masses of Jewish refugees would arouse antisemitic agitation that could force Congress to consider reducing immigration.(39) Moreover, in a meeting with Carr in July 1934, he went so far as to express Labor's willingness to reduce as the quotas by 40 percent or more.(40)

Wyzanski, too, was unsure if bringing in a significant number of immigrants was advisable. He was worried about the possible political repercussions. The president, the Secretary of Labor, and Commissioner MacCormack were already being criticized by restrictionist and patriotic groups for allowing any immigrants into the country.(41) As a Jew, Wyzanski was particularly worried about antisemitic propaganda. In a speech to the Hebrew Immigration Aid Society in February 1934, Wyzanski argued against using the bond procedure on a large scale. To Perkins he suggested a limit of 500 immigrants per month from Germany, with only half using public charge bonds.(42) However, when Attorney General Cummings asked Perkins if she had any objection to publication of the decision on public charge bonds, Wyzanski favored publication if only to show that the Department of Labor, which sponsored it, did not object to publicity.(43)

Perkins, alone against her own advisers' opinions, urged entertaining applications for bonds for the full German quota of 25,957. She fully identified with the suffering refugees. Referring to Roosevelt's statement at the 18 April 1933 cabinet meeting, she stressed that German immigrants had contributed before and that admitting them would eventually aid the economy. On a practical level, however, little was achieved. Although the American Jewish Committee reported in January 1935 that there had been an increase in the number of visas granted to German-Jewish applicants due to the Department of Labor and the ruling of the Attorney General, it nevertheless admitted that the new ruling would facilitate the entry of only those "desirable persons" who otherwise would have been excluded. The report acknowledged there had been no increase of the existing quota limit "because of the continuing unemployment."(44)

Jewish leaders themselves disagreed as to how warm a welcome America might offer

German-Jewish refugees. After a visit to Washington, Julian Mack reported finding widespread fear that any large-scale immigration would increase antisemitism and would lead to extremely adverse congressional action, "especially if ... it would result in the entire German quota being filled" by Jewish refugees.(45) American Jewish leaders were always cautious not to accuse the administration or Congress. They kept insisting that they were aware of the economic situation in the country and would not do anything to jeopardize the welfare of their fellow citizens.(46)

MacCormack preferred to ignore the bond procedure.(47) In an informal breakfast conference with Judge Mack, Dr. Henry Moskowitz, and Cecilia Razovsky, the Jewish representatives asked what disposition had been made of the decision by the Attorney General. MacCormack replied that since visas were favorably handled, there had been no urgency to practice the bonds measure. He added that he was opposed to initiating the question of the posting of bonds not only because the time was not favorable for such consideration but because any effort on the part of the Labor Department would be frustrated by patriotic organizations and would strengthen the existing prejudice against the Labor Department, particularly against the secretary and himself. He pointed out that one patriotic publication had even advocated the impeachment of the secretary and himself for their attitude towards immigrants. "It would be a boomerang ... we would be killing a sparrow with a siege gun," he argued.(48) MacCormack preferred to postpone any decision on the bonding procedure, explaining that he was "a person with a single track mind." Since all his time and attention were devoted to a new legislative program on the issue of deportation, it was undesirable to aggravate an entire bloc of Southern congressmen who constantly opposed any liberalization of immigration procedures.(49) The fact that Perkins herself, previously a champion of the bonds proposal, refrained from pushing forward with the bond issue even after the State Department expressed its readiness to transmit new instructions to the consuls, suggests she may have been influenced by other quarters--perhaps by the president, whose opposition to increasing immigration was well known.(50)

The Department of State, which continued to object to the use of bonds for German-Jewish refugees, seems to have taken advantage of Labor's reluctance to press the issue. Two statements in 1937 indicated that the State Department was having its way after all: Visa Division Chief Simmons asserted in September that no alien immigrant "may be admitted at a United States port of entry without having previously obtained a consular Immigration visa," and in November Simmons explained to Congressman Jerry J. O'Connell that "the question of bond does not arise until an alien has obtained his visa and has arrived at a port in the United States."(51)

The Plan to Bring German Jewish Children to the U.S.

A more promising avenue was the possibility of bringing to the United States 250 German-Jewish children with the use of bonds. Jewish leaders believed the plight of children would arouse less antagonism, perhaps even some sympathy; since children would not compete with other Americans for jobs, they might more readily gain admission. Moreover, the Secretary of Labor, who had the legal authority to accept bonds for unaccompanied children without invoking the public charge clause, was "sympathetic to the idea."(52)

The executive board of the American Jewish Committee discussed the plan at its meeting on 1 September 1933, and the Joint Council on German Jewish Persecutions, consisting of representatives of the American Jewish Committee, the American Jewish Congress, and B'nai B'rith, appointed a subcommittee to deal with aiding German-Jewish children. At its meeting on 26 October 1933, the council decided to inquire about the possibilities both in government and among Jewish families in the United States and Germany. Noting the antisemitic climate in the United States, all agreed to pursue the matter with discretion.(53) The discussions dragged on; it was only a year later that a substantive plan began to take shape.(54) At that point the effort to bring the children was adopted by a relief organization, the German Jewish Children's Aid, Inc. The only departure from normal immigration procedure would be that the corporation would provide a \$500 bond for each child to ensure that none of those children would become a public charge.(55) This provision had nothing to do with the advance posting of bonds for adults since the Secretary of Labor had a statutory right to accept such security for unaccompanied children.(56) Commissioner MacCormack agreed to cooperate, but asked that no children be admitted before 1 June 1934.(57) But in July, MacCormack reversed himself on one of the key points of his informal agreement with the Jewish leadership. When Cecilia Razovsky of German Jewish Children's Aid came to meet him in Washington to work out details, she was told he was too busy to see her and had instead sent his deputy, I. F. Wixon, who was against the plan from the start. Much to Razovsky's dismay, MacCormack proposed a temporary visitor status for the children instead of the permanent immigration visa as had been previously agreed.(58) Max Kohler of the American Jewish Committee was furious: "I consider MacCormack's modification absolutely unsuitable, a grave violation of our understanding with him and likely to do more harm than good."(59) The German Jewish Children's Aid group continued with the necessary preparations, choosing the children, raising funds, and completing the arrangements abroad and in the United States to make sure that the children could leave as soon as possible.(60)

The change from permanent to temporary visas also created confusion in the Department of State despite the fact that officials there never liked the plan at all. Now they were aggravated because MacCormack had not consulted them, which they considered another attempt to bypass them.

Legally the children could not be classified as visitors or even students since they hoped to stay longer. Visa Division officials feared that in such a case the responsibility would be shifted to the consuls abroad, who would have to confirm the children's statements about a brief stay, knowing them to be untrue.(61) In a meeting with Visa Division Chief Simmons, and after pleas from Professor Chamberlain, Judge Mack, and Cecilia Razovsky, MacCormack eventually agreed to alter the requirement from placing bonds in advance to requesting them only upon arrival, if necessary.(62)

It should be stressed that beyond State's legal objections, the department also feared "possible future criticism of this action on the part of patriotic and restrictionist groups, should knowledge of the matter come to their attention." State therefore made sure that it should act only as a transmitter of information given by the Department of Labor to the consuls in Germany.(63) In other words, only the Department of Labor would be

responsible. If the matter were handled in that way, Simmons concluded, there would "be very little justified criticism on the Department of State." (64) After revisions in accordance with the State Department's terms, the final form was presented to Professor Chamberlain on 28 August 1934. (65) Its main paragraphs included a confirmation of the children's immigrant status, a written guarantee by German Jewish Children's Aid to place the children in proper homes, to make sure they would not become public charges, and to ensure they would attend school until at least the age of 16. The organization was also responsible for the administrative arrangements in the United States to ensure that traveling expenses of the children from Germany to the United States were defrayed from a fund formed by subscriptions from individuals and distribute by an individual acting as their agent. It was also agreed that each individual applicant be found by the examining consular officer to qualify for admission to the United States under the immigration law, with due consideration given to the information and findings received by him from the Department of Labor. (66)

The German Jewish Children's Aid agreed to all the terms, and the first 10 children arrived in New York on 9 November 1934. (67) But this was not the last bridge that had to be crossed. Although the parties tried to operate in full discretion, the arrival of the children was published, and soon the American Coalition of Patriotic, Civil and Fraternal Societies was blasting the Department of Labor for its cooperation in the "systematic importation of indigent alien children." (68) Its spokesman, Captain John B. Trevor, called for a congressional investigation to examine if there had been a violation of the immigration laws. The State Department was bombarded with phone calls complaining that "international sentimentality runs riot and governs ... the immigration laws of the United States." (69) Trevor even spread rumors that the children came from Communist families. (70)

Another unexpected difficulty arose when it proved impossible to find enough homes. Evidently no one had contemplated the possibility that finding 250 Jewish homes in the United States would constitute a problem. As a result, from November 1934 to the end of April 1935 only about 100 children were admitted, and even for them the German Jewish Children's Aid had to provide each family with \$500 annually to help support the child they housed. (71) It was lack of resources and the insufficient number of families willing to take in the children that brought the plan, a year later, to its end. In June 1935 the German Jewish Children's Aid asked the German children's committee to stop sending the children, although 30 more arrived in September.

Nonetheless, Frances Perkins did not give up. In December 1937 and September 1938 she ordered the new commissioner, James Houghteling, to renew efforts to continue the plan. (72) The Secretary of State said he had no objection. (73) However, in November the commissioner asked the Department of State to take upon itself the finding in advance of the alien's arrival; "it would be preferable to have the Technical Advisers stationed at Stuttgart and Berlin pass upon the admissibility of the children sought to be brought to the United States under the arrangement made with the German Jewish Children's Aid, Inc." That brought the old animosity between the two departments to a head. The Visa Division considered such a request an attempt to back away from the cases that might arouse criticism. (74) In a polite and detailed letter to Frances Perkins, Assistant Secretary of State George Messersmith contended that the proper procedure "would appear to be to have the

cases of the Jewish children presented to our consular officers in the same manner as that of other applicants for immigration visas."(75) The Secretary of Labor nevertheless continued encouraging her department to find procedures that would safeguard "as fully as possible the welfare of children unaccompanied by their parents." A July 1939 report by the commissioner indicated that the department had urged the German Jewish Children's Aid to find child-caring agencies in various communities in the United States. After such arrangements are made, he stated, "Many more children could be cared for in the same way."(76)

Perkins now began to explore the idea of legislation to permit a set number of children under 18 to enter outside the quota system; this concept was later embodied in the Wagner-Roger Bill, which failed in Congress in mid-1939. She also suggested an additional quota for Alaska that would help refugees.(77) These initiatives were blocked by opposition within the Labor Department and by Congress.(78)

In the end, a well-organized plan that could have saved many Jewish children in Nazi Germany ended with only approximately 400 children rescued because of lack of money and Jewish interest.(79) In this case, as in the matter of the bond procedure, Frances Perkins's good will and efforts fell on deaf ears. The plan to bring German Jewish children was in large measure an American Jewish failure.(80)

Prolonging the Stay of Visitors Already in the United States

Looking for means to enable more refugees to come into the United States, Perkins had consulted Commissioner MacCormack as early as the spring of 1933 with a plan to use temporary status for German Jews. MacCormack was concerned that such temporary admission would eventually be converted into permanent stay. After granting admission to the refugees on the grounds of racial or religious persecution the United States could hardly force them to return to the oppressive land from which they had fled. "Temporary refugee means in effect permanent admission," he argued.(81) The Secretary of Labor opted to set aside the idea and proceed with the aforementioned bond proposal. Later that summer, however, MacCormack informed Dr. Isador Lubin, Chief of the Bureau of Labor Statistics, that the Department of Labor had adopted a liberal policy with reference to extending the visitor's permits of German Jews already in the United States and would continue to do so, probably without seeking a legal opinion.(82) This practice blunted the defeat of two bills introduced by Representative Samuel Dickstein in early 1934 calling for a two-year extension of temporary admission into the United States in the cases of aliens who could prove to the Department of Labor that they were in the country as a result of religious or political persecution.(83)

By 1938 the plight of European Jewry was back in the headlines. The German occupation of Austria (Anschluss) in March with its accompanying persecution of Austrian Jews and the nationwide German pogroms of Kristallnacht in November shocked American public opinion. There were fresh calls from the Jewish community and beyond for humanitarian intervention.(84) Perkins, again defying the furious opposition of the State Department, proposed that American consuls abroad adopt a more flexible approach in granting visitor's

visas to people who could not meet the requirement of returning to Germany and that the president should extend the stay of such visitors in the United States until the situation in Germany improved. A typical objection, this from a Visa Division expert in October 1938 and supported by the department's legal adviser, argued that "a political refugee would not seem to be properly classified under the Act (Immigration Act 1924, Section 3 [2]) as a nonimmigrant visitor." He added, however, that the administrative definition of a temporary visitor within the meaning of section 3(2) could be changed "by the Secretary of State, upon the recommendation of the Secretary of Labor, provided the Secretary of State should concur in such recommendation." (85) In other words, the opinion confirmed that the president had the authority to waive the requirement for passports and visas for nonimmigrants. (86) But when the Department of State received confidential information to the effect that the Secretary of Labor intended to urge the president to extend the visitor's visas of German nationals, it reacted swiftly. Officials in the Department of State were appalled at the possibility of the "complete breakdown of our whole visa practice" and warned:

If German refugees should be permitted to come to the United States as non-immigrants ... the quota restriction would become a farce. No one will bother about getting a quota visa. Once the refugees were in the United States, we would have to keep them, since they could not be returned to their countries of origin ... thus, they would have gained permanent admission ... without immigration visas and without quota restrictions. (87)

In a strictly confidential letter to the Secretary of State, Assistant Secretary Messersmith revealed Labor's plan to extend the stay of temporary visitors and warned that the Secretary of Labor intended to recommend it to the president. Messersmith urged the Secretary of State to take rapid action, emphasizing that if approved by the president the plan would have serious effect. Even "if a loophole in the law could be found, it would be contrary to the spirit of our immigration laws" and must be prevented. (88) In December Messersmith argued that the president had no such discretion under the law and reiterated that any action to extend visitors' stays indefinitely "would have the effect of breaking down our whole immigration practice." (89) In a telephone conversation a few days after Kristallnacht, Messersmith advised the Secretary of Labor that the State Department strongly opposed her "illegal" proposal for an executive order: such an order "would make possible the extension of stay of persons in this country on temporary visitors' visas to a degree that would practically mean their remaining in this country permanently." (90) The atrocities of Kristallnacht convinced President Roosevelt to take at least some limited action to aid the refugees, despite objections by the State Department. Since it was highly undesirable from a political point of view to tamper with immigration laws, and since he held legal authority with regard to visitors who were already in the United State, he accepted Perkins's recommendation. (91)

In addition to her proposal to extend the stay of visitors and to display greater flexibility in the granting of visitor's visas, the Secretary of Labor also favored the granting of visitor's visas to those waiting their turn for monthly allotment of quota numbers. In a letter to Messersmith early in December 1938, Perkins suggested an emergency procedure to enable

such aliens to "to put up a bond or have friends put it up for them, thus permitting [the aliens] to come in promptly and take their place on the quota later."

Messersmith rejected her suggestion outright. Not only was it unfeasible administratively and against the public interest, but it would be "contrary to the law and could not under existing legislation be considered." It would be impossible to grant visitors' visas to persons whose declared intention was to remain in the United States, he asserted.(92) Furious at the latest developments, Messersmith now regarded the Secretary of Labor as "almost an element of danger," labeling her actions hysterical.(93) From a legal point of view Messersmith's considerations were justified. If the basis for granting visitor's visas was a declaration on the part of the applicant that he intended to stay in the country only temporarily, then to grant visitor's visas to aliens whose initial intention was to immigrate was a clear violation of the law, or at least a subterfuge. Prolongation of the stay of visitors already in the United States, while it represented a significant bending of the regulations, could be acceptable, although it might be, as Messersmith strongly argued, against the spirit of the law.

Despite the State Department's objections, FDR announced at a press conference on 18 November 1938 that 12,000 to 15,000 visitor's visas already granted to German-Jewish visitors would be extended for at least six months. Up to then the policy had been to extend visitor's visas for one to two months in special cases.(94) Since the law did not specify how many six-month extensions could be granted, there was ostensibly no limit to the number of times such visitor's visas could be extended. The president explained that since Germany had cancelled the visitors' passports as of 30 December 1938, and in view of the dangers awaiting the returning visitors in Germany, "it could be a cruel and inhumane thing to compel them to leave here in time to get back to Germany ... I cannot, in any decent humanity, throw them out."(95) The Department of State complied, albeit reluctantly, with Roosevelt's decision. Messersmith conceded that the department could do nothing with regard to people already staying in the United States on visa permits, "whom we cannot well deport on account of what we know would be their fate." Nevertheless, he remained strongly opposed to this procedure on the possibility that it would become common practice.(96) In a personal letter to Consul Geist in Berlin, Messersmith lamented that "irrespective of what our feeling may be and what the situation may be, we must carry through the law as it stands."(97) Realizing that the State Department had lost the battle for visitors already in the United States, the Visa Division decided to limit the granting of visitor's visas to people still in Europe. Overall regulations relating to the granting of visitors were not liberalized. On the contrary, the State Department and its consuls abroad adopted a stricter policy.(98) The Department of Labor, nevertheless, "continued to permit refugees who entered the country on visitors' visas to apply for further extensions and ... permission has been granted where a showing was made that the visitor would be subject to prosecution if compelled to return to Germany."(99)

The exact number of Jewish aliens who entered the United State between 1933 and 1940 on a visitor's permit and eventually acquired citizenship was never confirmed officially since consular officers kept no register. Given that the movement of aliens arriving on visitor's permits seeking permanent residence grew from 1936 onwards, a reasonable estimate of the

overall number of such aliens for the years 1933 to 1940 would be between 20,000 and 30,000.(100)

The tragic years for Jews under Nazi occupation called for an emergency solution. Because of its humanitarian tradition, its history of granting asylum to the needy, and its rhetoric of freedom and democracy--and because much of the rest of the world was closing its doors--America in the 1930s was to German Jews the most sought-after shelter. However, the Great Depression, with its millions of unemployed, exacerbated the already widespread antiimmigration, antialien, and often antisemitic public mood. Immigration laws and the strict administration of those laws by the Department of State and its consuls abroad, not to mention the president's inaction, ensured that even the limited, authorized quotas would not be filled. Dorothy Thompson wrote at the time, "It is a fantastic commentary on the inhumanity of our times that for thousands of people a piece of paper with a stamp on it is the difference between life and death."(101) The plight of the masses of innocent people desperately seeking refuge presented for the United States a serious moral dilemma, challenging America's professed commitment to freedom and compassion. Secretary of Labor Frances Perkins was an exception to the indifference and often patronizing attitudes within government circles towards the suffering of Jewish refugees.(102) Although Perkins was overwhelmed by the country's many economic problems, including unemployment and the need to initiate and advance social programs for workers, she never forsook her humanitarian credo despite a constant barrage of criticism from cabinet members, State Department officials, restrictionist congressmen and patriotic and nativist groups.(103) The House Judiciary Committee even considered impeaching her, although its investigation ultimately found "a lack of any evidence to evade responsibility to enforce the law, or of failure or neglecting or refusing to enforce the law against any alien."(104) A congressional effort in 1940 to reorganize the Department of Labor was motivated by hostility toward Perkins, as Representative John Taber declared: "We are going to vote for this reorganization plan because the President has not the patriotism nor the courage to remove the Secretary of Labor, a notorious incompetent, and one who for the last seven years had steadily and steadfastly failed and refused to enforce the Immigration Law, and continuously admitted and kept here those who were not entitled to stay."(105) Perkins had to endure attacks for using her maiden name or the title "Madam." She was even accused of fabricating her genealogy by the American Vigilant Intelligence Federation, which in 1935 accused her of fraud, revealing what it called "the truth about the Secretary of Labor": that she was really Jewish and had been born Matilda Watski.(106) The rumors provoked a series of inquiries from journalists asking to see her birth certificate, school records, medical records, and marriage license, among other things.(107) The "real" Frances Perkins was an extraordinarily kind and generous person who stood up valiantly against the forces of nativist restriction and antisemitism, symbolizing traditional American values as she fought a lonely fight in the cabinet and beyond on behalf of refugees from Hitler, a ray of light in the deep darkness engulfing the victims of Nazi Germany.

(1.) Thomas Jefferson, First Inaugural Address, 4 March 1801.

(2.) Cited in Charles E. Wyzanski, Jr., former legal advisor, Department of Labor, "Obituary, May 15, 1965," Box 1, Folder 4D, Perkins Papers, Columbia University, New York

(hereafter PP-CU).

(3.) Times of London, cited in Wyzanski, "Obituary," p. 2.

(4.) Cited in Mount Holyoke Alumnae Quarterly, Summer 1965, Perkins Papers, Connecticut College Library, New London (hereafter PP-CC).

(5.) Cited in Wyzanski, "Obituary," p.2.

(6.) Cited in Seth Stern, "Madam Secretary: The Frances Perkins Cornell Knew," Cornell Sun, 4 July 1994, 2.

(7.) See, for example, her firm stand on the issue of keeping her maiden name. In a letter to Ruth Hale she argued that there was a legal right to keep one's maiden name and concluded that "a woman is liable for all obligations contracted in her maiden name," referring Miss Hale to an attorney who had advised Perkins on the matter. Perkins to Ruth Hale, 4 September 1918, Box 1, Folder N15, PP-CU.

(8.) Cited in Lillian Holman Mohr, Frances Perkins: That Woman in FDR's Cabinet (Croton-on-Hudson, N.Y., 1979), 131.

(9.) Bat-Ami Zucker, In Search of Refuge: Jews and U.S. Consuls in Nazi Germany, 1933-1941 (London, 2000). See also D. W. MacCormack, Commissioner to Dr. Isador Lubin, Chief, Bureau of Labor Statistics, Department of Labor, 23 August 1933, File 55817/273, PP-CC: "It appears to me that the situation is not one depending on new legislation but on the degree of rigidity in the enforcement of the consular regulations."

(10.) Richard Breitman and Alan M. Kraut, American Refugee Policy and European Jewry, 1933-1945 (Bloomington and Indianapolis, 1987), esp. Chapter 12; David L. Porter, The Seventy-Sixth Congress and World War II (Columbia, MD, 1979). See also the letter from the "Committee Formed to Eliminate Dickstein" to Division of Communication and Records, Department of State, 3 April 1933, 150.626 J, National Archives, Washington, D.C. [hereafter NA]: "The US is overrun with foreigners who pay no taxes, contribute nothing to the welfare of the Country, who are 99% of the time the cause and effect behind racketeering, hold-ups, kidnapping and murder, who are the cause of the present low standard of living, that it is adding insult to injury to insinuate that the bars might be lowered to admit any more, particularly more JEWS, or KIKES, whichever you like who never were of any good for this country except to earn and hoard all its money." See also John B. Trevor, Chairman, American Coalition of Patriotic Civic and Fraternal Societies, to the president, 21 March 1933, 150.626J, NA; Freda Kirchwey, "Jews and Refugees," The Nation 151 (20 May 1939), 577; "State Department Versus Political Refugees," The Nation 153 (28 December 1940), 648-9; "A Scandal in the State Department," The Nation 154 (19 July 1941), 45. Tabitha Petran and William Walton, "Long Is Responsible for Refugee Scandal," Foreign, 11 February 1941, 7: "At best Mr. Long's views are anti-democratic. If he is not anti-Semitic himself, he has certainly countenanced anti-Semitism in the administration of a problem for which he is responsible."

(11.) On 10 August 1933, the Bureaus of Immigration and Naturalization were combined into the Immigration and Naturalization Service by executive order. There were 22 principal divisions in the Washington bureaus and 58 independent districts in the field; they were reduced to 6 main branches in Washington with responsible officers in charge of each and 22 field districts. The INS was in charge of matters relating to the status of aliens in the U.S. and to the deportation of undesired aliens. See D. W. MacCormack, Commissioner of Immigration and Naturalization, "The Spirit of the Service," Lecture No. 1, 12 February 1934, U. S. Department of Labor, Immigration and Naturalization Service, Washington, D.C. In 1940 the INS was transferred to the Justice Department.

(12.) George Martin, *Madam Secretary: Frances Perkins* (Boston, 1970), 2.0-30, 34-7.

(13.) Her new Commissioner of Immigration, Scottish-born Colonel Daniel MacCormack, had no previous professional contact with immigration matters and lacked political connections, but Perkins recognized his other qualities: in a letter to President Roosevelt in March 1933 she wrote, "Col. MacCormack is a man of integrity and extremely practical, as well as forceful in handling all administrative problems. He has a sufficiently broad social point of view with regard to public policy and has that inestimable quality of Drive combined with good will which is so important to executive position." See Perkins to the president, 15 March 1933, Box 2, and File MC-13, PP-CU. Another loyal assistant was her legal advisor, Charles E. Wyzanski, Jr., who was recommended by Supreme Court Justice Felix Frankfurter.

(14.) On 13 September 1930 the Department of State, on President Hoover's directive, ordered the consuls abroad "to pass judgment with particular care on whether the applicant may become a public charge ... If the consular officer believes that the applicant may probably be a public charge at any time ... he must refuse the visa." (U.S. Department of State press release, 13 September 1930, 176-7) See also "Statement of Wilbur J. Carr, Assistant Secretary of State before the Committee on Immigration of the House of Representatives," 12 March 1934, F. W. 150.01/2200, NA, p. 3: "The existing application of the public charge clause is being continued under the present administration and so long as that is done ... there is no chance of any material increase in immigration." Also note Harry F. Ward, Chairman, American Civil Liberties Union, to the president (signed by 34 prominent professors and ministers), 7 September 1933, p. 2: "The greatest obstacle to the admission of these refugees is the executive order of President Hoover's in the form of a news release issued on September 8, 1930, under which the State Department warned consular officers in view of the serious unemployment to take particular care before issuing immigration visas. The warning had the effect practically of stopping all immigration." See also Consul Raymond Geist, Berlin, telegram, to Secretary of State, 2 February 1934, 150.626 J/56, NA.

(15.) Both Jay Pierrepont Moffat, chief of the Division of Western European Affairs, and Assistant Secretary of State Wilbur J. Carr commented on the matter in their diaries. See entry of 20 April 1933, *Diary of Jay Pierrepont Moffat*, Moffat Papers, Houghton Library, Harvard University, and Carr Diary, entry of 20 April 1933, Carr Papers, Manuscript

Division, Library of Congress.

(16.) Max Kohler was appointed to the Joint Council, composed of representatives of the American Jewish Committee, American Jewish Congress, and B'nai B'rith, to advance the issue of German-Jewish refugees. Max Kohler to Senator Alfred M. Cohen, 22 September 1933, in Max Kohler Papers, 1888-1934, Box 1, American Jewish Historical Society (hereafter AJHS), New York.

(17a.) Kohler to Cohen, 22 September 1933.

(17b.) Max Kohler to Eugene S. Benjamin, HIAS, 12 December 1933, Cecilia Razovsky Papers, Box 1, AJHS.

(18.) The 1934 annual report of the Executive Committee of the American Jewish Committee for 1934 stated: "Our underlying principle continues to be, as in the past, not to take any step or embark upon any project which ... may in the slightest degree, directly or indirectly ... weaken the position of Jews in the United States." American Jewish Committee, "Draft of Annual Report of Executive Committee to be submitted to Twenty-Eighth Annual Meeting, New York, January 6, 1935." Felix Warburg Papers (hereafter FWP), Box 296/9, p. 1, American Jewish Archives (hereafter AJA), Cincinnati.

(19.) Immigration Act, 5 February 1917, 39 Stat. 891, United States Criminal Code, Sec. 158.

(20.) Immigration Laws and Rules, 1 January 1939, Rule 13, Subdivision C.

(21.) Charles Wyzanski, Jr., "Opinion of the Solicitor of the Labor Department on the Secretary's Right to Accept Bonds against Likelihood to Become a Public Charge before Consuls Act on Applications for Visas," memorandum to Frances Perkins, 3 November 1933, Volume 597: x933, pp. 53-65, American Civil Liberties Union Archives, Mudd Library, Princeton University (hereafter ACLU).

(22.) Wyzanski, "Opinion."

(23.) Wyzanski, "Opinion."

(24.) Acting Secretary William Phillips to Justice Proskauer, 5 August 1933, 150.626 J, NA, pp. 5-6.

(25.) Opinion by Legal Advisor, "Proposed Acceptance by the Secretary of Labor of Bonds, under Section 21, Immigration Act of 1917, in Cases of Aliens Denied Visas by Consuls upon the Ground That They Are Likely to Become Public Charges," 5 October 1933, 150.01/2155 1/2, NA; Section 2 (f) of the Immigration Act of 1924, 43 Stat, 153; U.S. Code, Title 8, Sec. 202.

(26.) Notes to Section 361, Consular Regulations, revised to 1 July 1932.

(27.) Opinion by Legal Adviser, "Proposed Acceptance," p. 14. See also "Memorandum in Regard to the Requests of the Delegation Headed by Judge Lehman Representing Various Jewish Organizations in Relation to Facilitating the Immigration to the United States of Jewish Refugees from Germany, 13 October 1933, 150.626 J/31 V2, NA.

(28.) See Wilbur Carr to William Phillips, 17 November 1933, 150.01/2155 1/2, NA; William Phillips to Judge Julian Mack, 17 November 1933, 150.01/2155B, NA. Secretary of Labor to the Attorney General, 4 November 1933, 150.01/2151 1/4, NA.

(29.) Acting Secretary William Phillips to the Attorney General, 17 November 1933, 150.01/2157A, NA.

(30.) Carr to Phillips, 24 November 1933, 150.01/2158, NA.

(31.) Attorney General Cummings to Secretary of Labor, 26 December 1933, in "Frances Perkins: Immigration-Public Charge Bonds," NA.

(32a.) Fletcher to Hodgdon, 8 January 1934. 150/01 2168, NA.

(32b.) Wilkinson to Hodgdon, 3 January 1934. 150.01/2168, NA.

(33.) Eliot Coulter to Hodgdon, 8 January 1934, 150.01/2168, NA.

(34.) William Phillips to Julian W. Mack, 22 January 1934, 150.01/2173, NA; William Phillips to Baldwin, 1 February 1934, 150.626 J, NA.

(35.) John Farr Simmons, Visa Division, to Carr, 23 February 1934, 150.01/2169, NA.

(36.) Colonel MacCormack to Roger N. Baldwin, 14 June 1934, Volume 691: 1934, ACLU.

(37.) Wyzanski to the Secretary of Labor, 21 August 1935, File: Immigration General, PP-CC; Volume 691: 1934, ACLU.

(38.) Judge Mack to the Secretary of Labor, 20 March 1934, 150.062 PC, NA; John Farr Simmons to Carr, 23 April 1934, 150.01/2211, NA.

(39.) Max Kohler to Senator Alfred M. Cohen, 22 September 1934, Max Kohler Papers, Box 1, AJHS, and MacCormack memorandum for the Secretary of Labor, 26 January 1934, 150.062 PC/6771/2, NA; Confidential Report by Judge Julian Mack, Memorandum of Washington Trip, 30 October 1933, File: Germany-State Department, Morris Waldman Papers, American Jewish Committee Archives, YIVO Institute for Jewish Research, New York (hereafter AJCA).

(40.) Cited in Carr to Simmons, 13 July 1934. 150.01/223 1, NA.

(41.) See, for example, James H. Patten, "The Immigration Crew," reprinted by the American Vigilant Intelligence Federation in 1935: "On the New Deal Rail Road: Frances Perkins-Engineer, Daniel MacCormack-Fireman, Samuel Dickstein-Conductor," pp. 10-1.

(42.) Charles Wyzanski, Jr., "Immigration and the New Deal," cited in Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933-1945* (Bloomington and Indianapolis, 1987), 22-3.

(43.) Attorney General Cummings to the Secretary of Labor, 9 January 1934, File: Frances Perkins-Immigration: Charge Bonds," Record Group 174, File: Frances Perkins -- Immigration: Charge Bond, NA.

(44.) Draft of Annual Report of Executive Committee, American Jewish Committee, 6 January 1935, pp. 35, 37, Box 296/9, FWP, AJA.

(45.) Julian Mack, memorandum of Washington trip, 30 October 1933, File: Germany-State Department, Morris Waldman Papers, YIVO. Thomas Bailey probably exaggerated when he estimated that perhaps only one-fourth of the Jews wanted the refugees to come in. Thomas A. Bailey, *The Man in the Street: The Impact of American Public Opinion on Foreign Policy* (New York, 1948), 45.

(46.) Summary of Minutes of the Committee on German-Jewish Immigration Policy, 4 November 1935, File: National Coordinating Committee, Box 330, FWP, AJA. An article by Edwin Mims, Jr., "German Refugees and American Bureaucrats," published in *Today* on 29 January 1934, aroused fears among Jewish leaders as well as spurred inquiries to the State Department and the consulates in Germany. See American Vice-Consul Malcolm C. Burke, Hamburg, to the Secretary of State, 23 February 1934, 150.626 J/70, NA, and Raymond H. Geist, Consul in Berlin, to the Secretary of State, "Observations with regard to an article published in 'To-Day', entitled 'German Refugees and American Bureaucrats,'" 5 March 1934, 150.626 J/74, NA. Cecilia Razovsky of the German Jewish Immigration Policy Committee of the National Council of Jewish Women, chief of the technical advisers of the Committee on Ellis Island and an active member of the special committee for German Jewish Children's Aid, remarked in February 1934 that Jewish organizations had never asked for special favors, and it was only because of the situation in Germany that they were asking that an exception be made.

(47.) MacCormack to Miss Jay, 30 April 1935, File: Immigration-General, PP-CC.

(48.) Informal Breakfast Conference, 6 November 1935, Felix Warburg Papers, Box 330, Folder: National Coordinating Committee, p. 3, AJA.

(49.) MacCormack, memorandum for the Secretary of State, 12 January 1934, Record Group 174, Frances Perkins -- Immigration: Charge Bonds, NA; Max Kohler to Perkins, 6 April 1934, Box 320, FWP, AJA.

(50.) Eliot B. Coulter to Carr, 26 January 1934, 150.01/2169, NA.

(51.) Simmons to Jay Pierrepont Moffat, Chief of the Division of Western European Affairs, 2 September 1937, 150.01/2552, NA; Simmons to Congressman Jerry O'Connell, 20 November 1937, 150.626 J/324, NA.

(52.) Commissioner MacCormack to Isaac Landman, editor, The American Hebrew, 24 August 1933, File 1 19: Bureau of Immigration, PP-CC.

(53.) Verbatim minutes of sub-committee meeting, 26 October 1933, Box 303, FWP, AJA. Also see Simmons to Carr, 21 November 1934, 150.623 J/123, NA.

(54.) Concerning the difficulties in advancing the plan see Max Kohler to Senator Alfred M. Cohen, 22 September 1933, Box 1, Max Kohler Papers, AJHS.

(55.) Max Kohler to Secretary of Labor, 6 April 1934. Box 296/8, FWP, AJA.

(56.) Sec. 3 of the Immigration Act, 1917, U.S. Code, Title 8, sec. 13, subd M., pursuant to Sec. 21 of the same act.

(57.) He was concerned about the legislation he wanted to get through Congress in the spring session.

(58.) MacCormack to Dr. Solomon Lowenstein, Chairman, German Jewish Children's Aid, 14 July 1934, Folder 16: Correspondence, 1934, Chamberlain Papers, YIVO; Lowenstein to Chamberlain, 26 July 1934, Folder 16: Correspondence, 1934; Chamberlain Papers, YIVO; Chamberlain to Lowenstein, 31 July 1934, Folder 16: Correspondence, 1934, Chamberlain Papers, YIVO.

(59.) Max Kohler to Chamberlain?, telegram, 19 July 1934, Folder 16: Correspondence, 1934, Chamberlain Papers, YIVO.

(60.) Cecilia Razovsky to Dr. Henry Moskowitz, 30 July 1934, and Chamberlain to MacCormack, 20 August 1934, Folder 16: Correspondence, 1934, Chamberlain Papers, YIVO.

(61.) Simmons to Carr, 17 July 1934, 150.626 J/94, NA.

(62.) Razovsky to Chamberlain, 13 July 1934, and MacCormack to Chamberlain, 28 August 1934, Folder 16: Correspondence 1934, Chamberlain Papers, YIVO.

(63.) Simmons, memorandum for file, 23 August 1934, 150.626 J/100, NA.

(64.) Simmons, memorandum, 23 August 1934; Simmons to Phillips, 30 August 1934, 150.626 J/101, NA; Under-Secretary Phillips to the Secretary of State, 13 September 1934, 150.626 J/97, NA; Secretary of State Hull to Secretary of Labor, 30 November 1934, 150.626 1/117, NA.

- (65.) Simmons to Carr, 8 October 1934, 150.626 J/101, NA.
- (66.) MacCormack to Chamberlain, 28 August 1934, Folder 16: Correspondence 1934, Chamberlain Papers, YIVO.
- (67.) Undated letter to Commissioner MacCormack from Dr. Solomon Lowenstein, Chairman of the German-Jewish Children's Aid, Folder 16: Correspondence 1934, YIVO.
- (68.) The coalition represented 98 individual organizations and--it claimed--a vast membership. Its antiimmigration propaganda was often tinged with antisemitism.
- (69.) American Coalition of Patriotic, Civil and Fraternal Societies to "all officers of Societies represented on the Board of the American Coalition, members of their organization, and other individual associates in patriotic endeavor," December 1934, Folder 16: Correspondence 1934, Chamberlain Papers, YIVO. Also see Carr to Simmons, 23 November 1934, 150.626 3/123, NA.
- (70.) German-Jewish Children's Aid Board, minutes, 14 February 1935, Folder 249: German-Jewish Children's Aid, Chamberlain Papers, YIVO.
- (71.) Barbara McDonald Stewart, United States Government Policy on Refugees From Nazism, 1933-1940 (New York and London, 1982), 208-9.
- (72.) See James Houghteling's letters to the Secretary of State, 20 December 1937, 150.626 J/341, NA, and 22 September 1938, 150.626 J/497, NA.
- (73.) Secretary of State to Secretary of Labor, 7 October 1938, 150.626 J/497, NA; reconfirmed by Labor Commissioner Houghteling to Secretary of State, 29 November 1938, 150.620 J/559, NA.
- (74.) Labor Commissioner Houghteling to Secretary of State, 29 November 1938, 150.620 J/559 NA; Visa Division to Coulter, 16 December 1938, 150.626 J/559, NA; and Chief, Visa Division, A. M. Warren, to Mrs. Armistead, 26 June 1940, 1938, 150.626 J/ 559, NA: "Such children will apparently have to obtain immigration visas from American consular officers abroad, and in each case the consul will need evidence from a person sponsoring the admission of the child to show that the child will have adequate assurance of support to meet the requirements of the law."
- (75.) Assistant-Secretary Messersmith to Secretary of Labor, 16 December 1939, 150.626 J/559, NA.
- (76.) James L. Houghteling and Katherine F. Lenroot to the Secretary of Labor, 22 July 1939, Folder 19: German Jewish Children Aid Correspondence, 1939-1940, Chamberlain Papers, YIVO.

(77.) Perkins to Messersmith, 3 December 1938, File: Frances Perkins-State Department 1938, Record Group 174, NA; Messersmith to Welles, 15 December 1938, 150.01/2617 1/2; and Wyman, Paper Walls, 75-115.

(78.) Breitman and Kraut, American Refugee Policy, 232-3.

(79.) James L. Houghteling and Katharine F. Lenroot to the Secretary of Labor, 22 July 1939, Folder 19: German Jewish Children Aid, Correspondence, 1939-1940, Chamberlain Papers, YIVO.

(80.) For quarrels among the various Jewish aid organization, see Minutes, Governing Board, German Jewish Children's Aid, Inc., 1 December 1936; 4 November 1937, Folder 249, Chamberlain Papers, YIVO. By contrast, the British plan proved more successful. Before the outbreak of the war some 20,000 Jewish children came to Britain on special transports; see Louise London, *Whitehall and the Jews, 1933-1948* (Cambridge, 2000), 116-22.

(81.) Commissioner MacCormack to the Secretary of Labor, 3 June 1933, File: Immigration Bureau, III B/1 29, PP-CC.

(82.) MacCormack to Isador Lubin, 23 August 1933, Perkins Papers, III B/I 18, PP-CC.

(83.) Simmons, memorandum to file, 28 February 1934, 150.626 J/66, NA.

(84.) See, for example, National Refugee Service Records, RG 248, Folders 502, 648, YIVO; American Friends Service Committee Records, Folder: Refugee Service-General 1938, American Friends Service Committee Archives, Philadelphia.

(85.) Unidentified signature, Visa Division, "Does the President Have Authority to Abolish or Waive the Requirement of Passports and Visas in the Cases of German Religious, Racial, or Political Refugees?" 24 October 1938, 811.111 Regulations/2176 1/ 2, NA.

(86.) The Act of 1918 as amended in 1921, which relates to the entrance into the United States of nonimmigrants, vested in the president broad discretionary powers to admit such groups of persons with or without passports or visas. See Warren to Messersmith, 24 October 1938, 811.111 Regulations/2176 1/2, NA.

(87.) "Does the President Have Authority."

(88.) Messersmith to the Secretary, 25 October 1938, 811.111 Regulations/2175 1/2, NA. Such a view was expressed later in ?, Visa Division, to Coulter, 8 December 1938, 150.01 Bills/48, NA.

(89.) Messersmith to Acting Secretary Wells, 15 December 1938, 150.01/2617 1/2, NA.

(90.) Cited in Messersmith to the Secretary of State, 17 November 1938, 150.01/2617 1/ 2, NA.

(91.) Concerning the question of whether or not Roosevelt could have done anything beyond the extension of the visitors' visas, given the restrictionist mood in Congress, see Wyman, Paper Walls, Chapter 3.

(92.) Secretary of Labor to Messersmith, 3 December 1938, 150.01/2609 1/2, NA; Messersmith to Perkins, 6 December 1938, 150.01/2608 1/2, NA.

(93.) Messersmith to Consul Geist in Berlin, 8 December 1938, Item 1093, Messersmith Papers (hereafter MP), University of Delaware Archives.

(94.) Cecilia Razovsky to Deputy Commissioner Edward J. Shaughnessy, 21 April 1938, Folder: Chamberlain, James G. McDonald Papers, Columbia University. It should also be noted that while Roosevelt referred to 12,000 to 15,000 refugees in this category, the Commissioner of Immigration and Naturalization later estimated that the number did not exceed 5,000. See Commissioner James L. Houghteling, address at Rotary Club, Washington, D. C., 11 January 1939, New York Times, 12 January 1939, 7.

(95.) Roosevelt press conference, 18 November 1938, described in Donald B. Schewe, ed., Franklin D. Roosevelt and Foreign Affairs: September 1938-November 1938, Volume 7 (New York, 1979), document 1418.

(96.) Messersmith to Coulter, 7 December 1938, 150.01 Bills/48, NA.

(97.) Messersmith to Geist, 30 November 1938, Item 1084, MP.

(98.) Zucker, In Search of Refuge, 128-32.

(99.) Frances Perkins to Archbishop J. D. Rummel, Archdiocese of New Orleans, 13 July 1939, File: Immigration Bureau, III B/I 29, PP-CC.

(100.) "Rescue of the Jewish and other Peoples in Nazi-Occupied Territory," extract from Hearing before the Committee on Foreign Affairs, House of Representatives, 78th Congress, 1st Session, 26 November 1943, 41; Wyman, Paper Walls, 169; Arie Tartakower and Kurt R. Grossmann, The Jewish Refugee (New York, 1944), 91; Field Representative G. Cohen, Jewish Welfare Board, to Harry Schneidman, American Jewish Committee, "Summary of Jewish Immigration to the United States," 20 April 1939, Folder 8: Immigration, 1936-1939, Morris Waldman Papers, YIVO.

(101.) Dorothy Thompson, Refugees: Anarchy or Organization? (New York, 1938), 7.

(102.) For more on America's response to Nazism, see Arthur D. Morse, While six Million Died: A Chronicle of American Apathy (New York, 1968); Wyman, Paper Walls (New York, 1968); Henry L. Feingold, The Politics of Rescue (New Brunswick, N.J., 1970) Saul Freidman, No Haven for the Oppressed: United States Policy Toward Jewish Refugees (Detroit, 1973); David Wyman, The Abandonment of the Jews: America and the Holocaust

(New York, 1985); Richard Breitman and Alan M. Kraut, *American Refugee Policy* (Bloomington and Indianapolis, 1987); and Rafael Medoff, *The Deafening Silence: American Jewish Leaders and the Holocaust, 1933-1945* (New York, 1987).

(103.) The new commissioner, James Lawrence Houghteling, did not agree with her ideas. Barbara McDonald Stewart summed up the difference between the two commissioners: "MacCormack had tended to do what was right even if there was no law forbidding it. The new Commissioner looked for the law to give permission first" (Stewart, *United States Government Policy*, 410).

(104.) Perkins to Congressman John Taber, May 27, 1940, File: I-19, PP-CC.

(105.) Cited in Perkins to Congressman John Taber, May 27, 1940, File: I-19, PP-CC.

(106.) See, for example, James H. Patten, "The Immigration Crew."

(107.) See, for example, the letter from W. P. Kelley, *Los Angeles Times*, to the Alumnae Secretary, Mount Holyoke College, 14 February 1936: "Would you be so kind as to inform me whether the college records contain data about Miss Perkins's birthplace, parents, and marriage? We are checking numerous sources following receipt of a purported copy of a marriage certificate allegedly proving that Miss Perkins was born in Russia and not in Boston but so far have been unable to obtain any information as to the authenticity of this certificate, issued by the City Clerk of Newton in 1910" (Box 1, Folder 4D, PP-CU).

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