OF 3186
Political Refugees
Oct - Dec 1940
To ask Grace about on Monday:

Grace:

Brock Long sent note data on three radio of two weeks ago, wants to know if he needs to record it in the files. RF issued like

you to glance in the P's basket to see if it is there: will you let him know?
October 2, 1940.

MEMORANDUM FOR

THE UNDER SECRETARY OF STATE

Please tell me about this.

There does seem to be a mix-up.

I think I must see McDonald.

F. D. R.

Memorandum from Mrs. Roosevelt, 9/28/40, for the President, with attached folder containing letter from George L. Warren, Executive Secretary, President's Advisory Committee on Political Refugees, 122 East 22nd St., NYC, 9/27/40 to Mrs. Roosevelt, with attached two memorandums, one, containing the comments of the Committee on Breckinridge Long's letter to the President (appendix 8); and, two, a memorandum by Mr. Malin on the S.S. Quanza, and other papers dealing with arrangements concerning refugees.
Mr. Warren, who is now working with Mr. McDonald on your Committee, talked to me yesterday about the situation which these letters which I am enclosing, concern.

Mr. Welles promised to explain to you that Mr. Long's letter to you was entirely erroneous regarding the situation. They now enclose these letters with a refutation because they feel that this has not been presented correctly.

They handed 2000 names to the State Department and the consuls abroad have not certified more than 50 to come to this country.

If the consuls could be induced to make this agreement work, it might come to an end, but as it is, it has not worked.

Mr. McDonald is so wrought up about it, he wants to talk to you for about 15 minutes. He would come to Washington, and I promised to help him. Because he feels that their good faith has been impugned and because he also feels that there is something he ought to tell you which makes him extremely uncomfortable in relation to the whole situation, and about which he does not wish to write, he is asking for an appointment.

(see next page)
September 28th.

F. D. R.: [Signature]

Mr. Warren, who is now working with Mr. McDonald on your Committee, talked to me yesterday about the situation which these letters enclose concern.

Mr. Welles promised to explain to you that Mr. Long's letter to you was entirely erroneous regarding the situation. They now enclose these letters with a refutation because they feel that this has not been presented correctly.

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over
I am thinking about these poor people who may die at any time and who are asking only to come here on transit visas, and I do hope you can get this cleared up quickly.

E. R.
Dear Mrs. Roosevelt:

Thank you most kindly for listening to me at such length this morning. Enclosed are two memoranda, one containing the comments of the President's Advisory Committee on Mr. Long's letter to the President (appendix 8); and, two, a memorandum by Mr. Malin on the S. S. Quanza. There are also enclosed the following appendices:

1. Circular instruction American Diplomatic and Consular Offices
2. Letter of the President's Advisory Committee to the Department of State and the Department of Justice confirming the arrangements concerning refugees
3. Response of the Department of Justice
4. Response of the Department of State
5. Sample letter recommending refugees
6. Sample response of the Department of State
7. Letter of the President's Advisory Committee to the Department of State and the Department of Justice confirming extension of areas to include Switzerland and Sweden
8. Letter of Breckinridge Long to the President
9. Letter of Secretary Hull to Mr. McDonald proposing modification in procedures
10. Response of the President's Advisory Committee to Mr. Hull

You will recall that we have two important concerns: 1) to correct the impression given by Mr. Long's letter; and 2) to have the President's comment on what is to be done about those refugees already recommended, and the future of the arrangements.

If this material is in any sense lacking or raises questions in your mind, I can be reached over the week-end at 19 Fifth Avenue, Gramercy 3-4870, or Saturday morning at the office, 122 East 22 Street, Gramercy 5 - 1093.

With sincere appreciation of your helpfulness, I am,

Yours very truly,

George L. Warren
PRESIDENT'S ADVISORY COMMITTEE ON POLITICAL REFUGEES

Memorandum on "political, intellectual and other refugees" with particular reference to the letter to the President (Appendix 8 attached).

The arrangements for facilitating the issue of visas to intellectual, political and other refugees caught in unoccupied France and contiguous areas concluded between the Department of State, the Department of Justice, and the President's Advisory Committee on Political Refugees at a conference in the office of the Undersecretary of State on July 26th have proved largely ineffective because the goodwill so essential to their operation has been lacking in the Department of State. On two occasions, without notice to the Department of Justice or the President's Advisory Committee, instructions were sent to the Consuls so modifying the arrangements as to reduce their effectiveness appreciably. The second restriction still in effect limits visas to prominent writers and labor leaders. Out of the 567 names recommended to the two Departments by the President's Advisory Committee on Political Refugees and passed upon favorably by them, less than 20 seem to have been granted visas.

In a recent letter to the President (Appendix 8) Mr. Long described the arrangements as mandatory on the Department. This is refuted by the language of the circular instructions (Appendix 1) and all letters (Appendices 2, 3, and 4) between the President's Advisory Committee and the Departments confirming the understanding of the arrangements. It is also refuted by the fact that so few visas have been issued in proportion to the number of persons recommended, approved by the two Departments, and cabled to the Consuls.

The records of activity of a "very large number of persons" recommended are cited in the same letter as evident ground for doubt as to the propriety of admitting these persons. By way of illustration a German citizen is reported to have presented a letter from the German Legation in Lisbon
stating that she would be able to return to Germany. This case is the only one of its kind reported to us and moreover the applicant, Madame Helene Eliat, has been known over a period of years abroad to Mr. Paul Lester Wiener, brother-in-law of Secretary of the Treasury Morgenthau, who is himself well known to the Department of State and who has gladly offered to share with the Department all of his information concerning her. The other instance cited in the letter to the President involving interests in Panamerican holding companies has not yet been identified by the President's Advisory Committee. These cases are reported to cast serious doubt on the procedure followed by the President's Advisory Committee. They are not in themselves convincing nor is there any evidence that they are duplicated in "very large numbers" among those recommended.

The President's Advisory Committee has always understood that the Consuls abroad would consider the information cabled to them on the instance of the President's Advisory Committee and the Department of Justice as a part of the total information to be considered in the granting of visas.

The letter to the President (Appendix 8) states that 2,583 visas have been authorized by the Department of State. 1,131 of these were recommended by the American Federation of Labor. It is not known how many of these have received their visas but certainly not all, as is implied by the letter. Two lists of Jewish Rabbis account for a total of 732 names. These Rabbis are all in the Baltic countries. At the time that their representatives here requested action on their behalf in Washington the Consulates to which the Rabbis would have to apply were in the process of closing and no transportation facilities were available for their departure. The suggestion that visas might be issued to these Rabbis was a gesture of sympathy without hope of practical result.
Comparatively few visas have actually been issued to those recommended by the President's Advisory Committee. This situation became apparent to the President's Advisory Committee from the reports of the refugees themselves; and, contrary to the statement that the names recommended were "being augmented by an increasingly large number each week," no names have been submitted to the Department since eight days prior to the letter of the Department September 19th to the President's Advisory Committee (Appendix 9).

There is no evidence before the President's Advisory Committee that the emergency period during which most of those in danger have had an opportunity to be recommended on one or another of the lists has passed. Quite the contrary, it is our impression that the emergency has become more acute and it is a fact that comparatively few have actually received visas to date. While it is true that names should not be submitted in unlimited numbers experience with the arrangements to date clearly indicates the necessity of the following:

1. More liberal action on behalf of those already recommended.
2. A more concise statement of the qualifications of persons to be benefitted.
3. Closer adherence to the arrangement when such a statement is drafted, possibly in a second conference between the Department of State, the Department of Justice, and the President's Advisory Committee on Political Refugees.
To: Mr. George L. Warren  
From: Mr. Patrick Murphy Malin  

September 27, 1940

Memorandum on the Relation of the President's Advisory Committee on Political Refugees to the Landing of Passengers from the S.S. QUANZA at Norfolk September 14th.

On September 12th Mr. Edward F. Prichard, Jr., Special Assistant to the Attorney General, phoned you from Washington asking that a representative of the President's Advisory Committee on Political Refugees be sent to Norfolk in the matter of the S.S. QUANZA. You asked me to serve as that representative and I left immediately for Washington. There I went to the office of Major Lemuel B. Schofield, Special Assistant to the Attorney General, and was given a letter of introduction signed by him, which I turned over to Norfolk to Mr. Joseph J. Cole, a member of the staff of the Immigration Inspection Office there. I was also given a copy of Major Schofield's memorandum for Mr. Nixon, deputy Commissioner of the Bureau of Immigration and Naturalization, a copy of which I am attaching. Then I called at the office of Mr. Breckinridge Long, Assistant Secretary of State, to inquire as to anything else I should know before proceeding to Norfolk. He himself, at his own initiative, gave me a copy of his memorandum concerning the passengers on board the QUANZA. A copy of this is also attached. At his request, I then phoned from his office to Mr. Eliot B. Coulter, Acting Chief of the Visa Division of the Department of State, and he gave me additional names of passengers whose visas had been confirmed.

At Norfolk I reported at once on board the QUANZA to Mr. Prichard who had been designated to act for Major Schofield. Mr. Prichard read Major Schofield's instructions to the assembled immigration inspectors, who were under the charge of Mr. A. R. Archibald, District Director of the Immigration Service, Baltimore, Maryland. I then showed Mr. Long's memorandum to each of the two Boards of Special Inquiry. The consideration of individual passengers was then begun and continued throughout that evening and all day the 13th and 14th. No one participated in any of the examinations besides the immigration inspectors themselves, with the occasional exception of a foreign-language interpreter.

My own part consisted in being told by the Board of Special Inquiry at the conclusion of each examination the name of the passenger, the country issuing his passport, and the details of the visas stamped therein. When several cases had been assembled, I then phoned Mr. Coulter, relaying the above information to him for inquiry of the appropriate embassies or consulates concerning the confirmability of the visas. The names so confirmed were reported by me to the immigration inspectors and were added by them to the list of names which I had been given in Washington by Mr. Long and Mr. Coulter. In one way or another - by Mr. Long's original memorandum, Mr. Coulter's telephone conversation with me in Washington, or Mr. Coulter's reports over the phone to me at Norfolk - the visas of 35 persons were confirmed.

It does not follow that the remaining 46 persons held invalid visas, but simply that as of the time when the examinations were occurring aboard the QUANZA those other visas could not be confirmed. Of the remaining 46 persons five were named by me as coming properly under the procedure of the United States Committee for the Care of European Children, which had also asked me to represent it in Norfolk. The remaining 41 persons were all, much to my surprise, found by the examination under oath before the immigration inspectors to come within the President's Advisory Committee procedure, according to the terms of its administration included in the original exchange of letters between the
Committee and the Departments of State and Justice and the circular instructions concerning the procedure issued by the Department of State to American diplomatic and consular offices abroad. On receiving this information from the immigration inspectors concerning the 41 persons not admissible as the holders of confirmed visas or as persons covered by the United States Committee for the Care of European Children, I formally certified them for the President's Advisory Committee on Political Refugees, and the immigration inspectors granted them admission also.

The issuance of landing cards to all of the passengers and their actual departure from the ship was of course entirely under the control of the immigration inspectors and was already proceeding when Mr. Long informed me over the phone that he was displeased at the number of persons entering under the President's Advisory Committee procedure. When he told me that he felt he could not take responsibility for them, I informed him that they were already landing under the supervision of the immigration inspectors and he replied simply that he would not himself be responsible for it.

Of the 35 persons admitted as holders of confirmed visas, 15 were men over 18, one was an unattached woman, 4 were children under 16, 2 were children aged 16 and 17, and 10 were wives, daughters, etc. Of the 5 persons admitted under the United States Committee for the Care of European Children, 3 were children under 16 and 2 were mothers. Of the 41 persons admitted under the President's Advisory Committee procedure, 20 were men over 18, 8 were unattached women, 3 were children under 16, 2 were children 16 and 17, and 13 were wives, daughters, etc. Of the total of 81 passengers admitted, therefore, 38 were men over 18, 4 were unattached women, 10 were children under 16, 4 were children 16 and 17, and 25 were wives, daughters, etc.

I was astonished as well as pleased to note the apparently high quality in terms of personality, intellectual and economic substance of nearly all of the group. Most of those admitted under the President's Advisory Committee procedure had previously been inquired after by responsible people in this country who are now providing the necessary documents; for example, the Czechoslovak consulate in New York stands in that relation to 10 of the 41. The National Refugee Service and the American Committee for Christian Refugees, whose representatives were also in Norfolk, reported to me yesterday that nearly every one of the passengers had already appeared at one office or the other, and that the process of securing confirmation on the hitherto unconfirmed visas was well under way. The passengers who were admitted under the President's Advisory Committee procedure understand that in effect they have been granted simply transit privileges, and the National Refugee Service and the American Committee for Christian Refugees are cooperating completely with us in our determination that they shall leave the country as soon as possible. The National Refugee Service and the American Committee for Christian Refugees are supplying us with a complete record of personal information on each passenger and are keeping us informed of the progress achieved in each case toward the above end.

Patrick Murphy Malin
MEMORANDUM FOR Mr. WILSON

In re: Aliens aboard SS "Quandt", Norfolk, Virginia.

The Honorable Breckinridge Long, Assistant Secretary of State, has today informed the Department of Justice (Mr. Prichard) that the State Department will waive visas for aliens aboard the SS "Quandt" in the following cases:

1. Children;

2. Aliens holding valid visas for other countries than the United States;

3. Bona fide political refugees whom the President's Advisory Committee on Political Refugees will certify for admission. (This certification can be by telephone, to be confirmed by telegram.)

Please issue the necessary instructions at once to have Mr. Archibald set up a Board of Special Inquiry for each case where the alien is not in possession of a valid visa authorizing his entry into the United States.

An immigration report should be made in each case. Aliens are not to be excluded by the Board of Special Inquiry on the sole ground that they lack visas for the United States in those cases enumerated above.

I have designated Edward F. Prichard, Jr., Special Assistant to the Attorney General, to go to Norfolk and to act for me where necessary in connection with all these examinations. He is authorized by the State Department to waive visas.

You will please instruct Mr. Archibald to cooperate with Mr. Prichard with respect to the question of bonds and other questions which may arise, such as parole to various embassies, refugee organizations, the President's committee, etc.

Lemuel B. Schofield
Special Assistant to the Attorney General

LBS:fw
September 12, 1940

I told Mr. Prichard of the Department of Justice that we would apply to the passengers on board the Quanza the same principles which had guided us in our acceptance of persons into the United States in the emergency existing abroad. Primarily, these principles were as follows:

First, any persons aboard that ship recommended to us by the President's Advisory Committee as being political refugees in the sense that the Committee has exercised discretion in defining that category would be accepted by the Department and they would be admitted on visitor or transit visas.

Second, any and all children on the boat recommended to us by Marshall Field's committee would be admitted, provided the Field committee would make the customary arrangements about support, etc.

Third, any persons on the vessel who had legitimate valid and existing visas to enter other countries would be admitted for transit purposes.

Amongst those persons having visas recognized by other governments are the following:

Mr. and Mrs. Levy Moed and three children. The Mexican Embassy gives assurances.

Theodore De Jong. Counselor of the Netherlands Legation advises of definite assurances from Haiti.


Name unknown, a sister of a Mr. and Mrs. Bergman of Detroit who showed me a certification from the Nicaraguan Legation here.

In addition, Leopold and Gertha Steinreich. Congressman Bloom assures me the Costa Rican Legation here has seen their visas and believes them to be authentic - to be paroled in custody of Congressman Bloom for purpose of transit to Costa Rica.

Simon Czymonics, whose name was presented by Congressman Barry but whose papers are unconfirmed.

One name agreed to be admitted if the President's Advisory Committee recommended was Blanschild who goes by the stage name "Dalio" and who produced "The Grand Illusion". He is particularly desired by the German Government.

B. L.
CIRCULAR INSTRUCTION

American Diplomatic and Consular Offices

The following procedure has been adopted by the Department of State and the Department of Justice with a view to extending every facility and assistance permitted under the law to alien refugees living under difficult conditions who desire to come to the United States either as immigrants or as non-immigrant temporary visitors or transients, where the applicants are qualified under the law, are coming to the United States for a legitimate purpose and do not intend to engage in any activity inimical to the United States.

The procedure will be applicable only to individuals whose cases have been previously approved by joint action of the Department of State and the Department of Justice. The names of such individuals will be cabled to the appropriate consul in the country of the applicant's residence, with a reference to this instruction. If immigration, visitor's, or transit visas, cannot be immediately issued to such individuals, and to their wives, children, and other accompanying members of their families, the consuls are directed to notify the Department at once concerning the nature of any difficulty which has arisen in order that all practicable steps may be taken to remove such impediment to the issuance of the visas.

Before names are cabled to consular officers for action pursuant to this instruction the individuals in question will have been approved in Washington with respect to: first, the propriety of the purposes for which they seek to enter the United States; second, the matter of their departure from the United States at the conclusion of the period for which they shall have been permitted entry, in cases in which they are eligible only for
visitors' visas or transit certificates; and third, the existence and adequacy of assurances that they will not become public charges.

Immigration visas will be issued in all cases in which quota numbers are available for persons of the applicants' registration dates, and in which an immigration visa is desired. In cases in which quota numbers are not available and the applicants desire to apply for temporary entry, their cases should be considered under such categories as follows: Transit certificates may be issued to aliens in possession of visas with which they will be permitted to enter another country. In all other cases visitors' visas may be issued.

In all cases in which visitors' visas or transit visas are issued, the consul will inform the applicant that he is assuming the obligation to leave the United States as soon as it is possible for him to do so and to make immediate efforts in good faith to secure travel documents to this end. The application for a visa shall contain the statement that the application is made upon this understanding.

Particular attention is called to the fact that Section 7 (e) documents, including passports, military and police certificates and birth certificates, which are not readily available, may be waived under Note 87, Supplement A, Part II, Foreign Service Regulations. It is anticipated that under present conditions some or all of such documents will not repeat not be available.

Cases of other refugees than those covered by this procedure may be given every consideration in the light of their particular facts and evidence submitted by mail or telegraph relating to support and intention and ability to proceed to a third country at the conclusion of their visit.

You may in your discretion, and possibly upon request of the applicant, inform the authorities or other persons regarding the issuance of visas or the favorable preliminary consideration of cases, for possible assistance to the applicants in obtaining transit visas to place of embarkation.
July 31, 1940.

The Honorable
The Undersecretary of State
Department of State
Washington, D. C.

The Honorable
The Attorney General of the United States
Department of Justice
Washington, D. C.

My dear Mr. Undersecretary and Mr. Attorney General:

Reference is made to the conference on Friday morning, July 26, 1940, in the office of the Undersecretary, attended by Mr. Welles as Acting Secretary, by the Solicitor General, by other officers of the Department of State and the Department of Justice, and by Messrs. McDonald and Warren of the President's Advisory Committee on Political Refugees.

This letter is a statement of the understanding of the representatives of the President's Advisory Committee as to the conclusions reached in that conference and in the ensuing discussions with Mr. Rosner and Mr. Goulter of the Department of State and Mr. Hart of the Department of Justice.

A procedure will be established for expediting the issuance of immigration visas, visitors' visas or transit certificates to political, intellectual or other refugees who are now in special peril in Spain, Portugal, and southern France and the French African Colonies of Morocco, Algeria, and Tunis. This procedure, which will be in addition to and not in substitution for existing procedures, is outlined in a circular instruction prepared and cabled to American diplomatic and consular officers on July 26, 1940, to which reference is here made.

Under this procedure the names of particular individuals will be cabled to consular offices for expedited action in accordance with the circular instruction. Before such names are cabled, the individuals in question will have been approved by the Department of State and the Department of Justice with respect to:

"first, the propriety of the purposes for which they seek to enter the United States; second, the matter of their departure from the United States at the conclusion of the period for which they shall
have been permitted entry, in cases in which they are eligible only for visitors' visas or transit certificates; and third, the existence and adequacy of assurances that they will not become public charges."

It is understood that the President's Advisory Committee will act as a conduit to the two Departments for all names which are submitted for action in accordance with the circular instruction of July 26, 1940, and will supply them with information and assurances necessary to the giving of approval in the respects indicated. Names which are submitted to either Department independently, with a request for expedited action, will be referred to the President's Advisory Committee.

In considering names and in submitting them with a recommendation of approval, the Advisory Committee will take the following steps and act in accordance with the following procedure:

1. The Advisory Committee will inquire into the character of each individual in question and the purposes of his entry into the United States. In so doing, it will undertake to obtain from at least one reliable American citizen, and usually more, an affidavit to the effect that the individual in question is believed to be in danger; that the affiant does not believe that the activities of the individual, if admitted to this country, will be inimical to the United States; that the affiant will undertake to keep himself informed concerning the individual's activities after admission to the United States and to inform the Immigration and Naturalization Service concerning any such activities, not a matter of public knowledge, which may appear to be inimical to the United States; that the affiant has reason to believe in the good faith of the individual in question in attempting to fulfill any obligation he may assume with respect to leaving the United States at the expiration of any temporary period for which he may have been admitted. The Advisory Committee will use such resources as may be at its disposal to satisfy itself concerning all the points covered in such affidavits.

2. In addition to the foregoing affidavits, the Advisory Committee will obtain affidavits, in a form satisfactory to the two Departments, for the support of individuals whose names are submitted for the period of their stay in the United States. It is understood that individuals to whom visitors' visas are issued will ordinarily be admitted only as visitors for pleasure; that they will, therefore, be unable to accept employment without special permission from the Attorney General; and that the probable burden of the undertaking of support will be correspondingly heavy.

3. The Advisory Committee will itself assure the United States, and this letter shall constitute such assurances, that it will use all means at its disposal to secure the speedy admission into other countries of all individuals who may under this procedure be granted visitors' visas or transit certificates. These efforts will be directed toward securing from other countries assurances of such admission—either for particular individuals or for stated numbers of unnamed persons—in advance of the admission of persons into the United States. They will be directed, falling advance
assurances, toward securing necessary travel papers after admission into the United States. They will be directed in all cases toward effecting actual departure in accordance with the terms of admission into the United States.

It is understood that the procedure after submission by the Advisory Committee of approved names to the Department of State and the Department of Justice will be in accordance with the circular instruction of July 26, 1940.

On behalf of the President’s Advisory Committee on Political Refugees, the undersigned respectfully request confirmation of the Advisory Committee's understanding with the two Departments as herein stated.

Yours very truly,

James G. McDonald,    Chairman

George L. Warren,    Executive Secretary,
          PRESIDENT’S ADVISORY COMMITTEE
          ON POLITICAL REFUGEES.
August 5, 1940.

James G. McDonald, Esq., Chairman
George L. Warren, Esq., Executive Secretary
President's Advisory Committee on Political Refugees
122 East Twenty-second Street
New York City.

Gentlemen:

I have received your letter of July 31, 1940, which contains a statement of the understanding reached in the conferences and discussions on July 26, 1940, between representatives of the Department of State and the Department of Justice and of the President's Advisory Committee on Political Refugees, respecting a procedure for expediting the issuance of visas to political, intellectual or other refugees who are now in special peril in Spain, Portugal, southern France and the French African Colonies of Morocco, Algeria and Tunis.

I have the honor to confirm, on the part of the Department of Justice, your statement of the understanding reached in the conferences and discussions of July 26, 1940. In accordance with the procedure then agreed upon, this Department will be prepared to receive the recommendations of the President's Advisory Committee for expedited action in particular cases, and from time to time to refer to the Committee for its recommendation the names of individuals which are submitted to it with a request for such action.

Yours very truly,

ROBERT H. JACKSON
Attorney General.
In reply refer to
VD 811.111 Refugees/194

My dear Mr. Warren:

I refer to your letter of July 31, 1940 addressed jointly to the Department of State and the Department of Justice, and also to your letter of the same date to Mr. Coulter, concerning the procedure agreed upon for the submission of names of political refugees approved by the Committee, to the Department of Justice and the Department of State for approval and transmission to the appropriate consular officers to whom the refugees will apply for immigration visas, visitors' visas, or transit certificates. Your understanding is correct regarding the procedure agreed upon, which may, as you have indicated, cover the cases of refugees residing in European countries, and Morocco, Algeria and Tunisia.

While the names of political, intellectual, and other refugees will, where the circumstances appear to warrant, ordinarily be referred to the Committee for consideration under the procedure referred to, the Department may take up directly with the appropriate consular officers the cases of refugees submitted by individual sponsors or organizations for consideration under the usual visa procedure. It is believed that this reservation is necessary and will avoid placing a burden upon the Committee to examine cases of a large number of refugees which may be dealt with in a different manner.

A copy of your letter to the Department of State and to the Department of Justice has been referred to the Attorney General for his information, with a copy of this reply.

Sincerely yours,

BRECKINRIDGE LONG
Assistant Secretary.

Mr. George L. Warren, Executive Secretary,
President's Advisory Committee
on Political Refugees,
122 East Twenty-second Street
New York, New York.
August 16, 1940.

Mr. Henry M. Hart, Jr.
Special Attorney, Office of the Solicitor General
Department of Justice
Washington, D. C.

Mr. Eliot D. Coulter
Visa Division
Department of State
Washington, D. C.

Dear Mr. Hart and Mr. Coulter:

Enclosed are the documents on additional cases of applicants for United States visitors' visas who are in imminent danger in southern France, French Morocco, and Portugal. The documentation in each case consists of a brief summary statement identifying the individual, a notarized sponsor's affidavit, a notarized affidavit of support and the accompanying confirming statements. These documents are attached to Mr. Hart's copy of this letter on the assumption that he will review them and then send them on with his approval to Mr. Coulter for submission of the cases to the respective Consulates. Documentation is attached with respect to the following for whom visas are requested:

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Address</th>
<th>City, Country</th>
<th>Visa Requested</th>
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<tr>
<td>102</td>
<td>FLEISCHNER, Eugen</td>
<td>e/o Mr. F. Cejka, rua das Amoreiras 159</td>
<td>Lisbon, Portugal</td>
<td>LISBON Visitor</td>
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<tr>
<td>103</td>
<td>Ela, (Mrs.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Daniela (Miss)</td>
<td></td>
<td></td>
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<tr>
<td>105</td>
<td>CGWA, Dr. Sabine</td>
<td>Poste Restante, Casablanca,</td>
<td>French Morocco, TANGIERS</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(also known as SPEIRO)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>MOSER, Leo</td>
<td>Poste Restante, Nice, France</td>
<td>NICE</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>, Lya (Miss)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Yours very truly,

George L. Warren.
In reply refer to VD

My dear Mr. Warren:

I have received your letter of August 16, 1940 submitting the names of six (6) aliens, serial nos. 102 to 107, inclusive, for consideration as applicants for visitors' visas.

The names of three of these aliens, serial nos. 102 to 104, inclusive, were transmitted to the American Consul at Marseille by a telegram dated August 24, 1940, whereas two names, serial nos. 106 and 107, were transmitted to the American Consul at Nice by telegram on August 24, 1940. The name of Dr. Sabine Gowa, serial no. 105, was sent to the American Consulate at Casablanca on the same date.

Sincerely yours,

(signed) ELIOT B. COULTER
Acting Chief, Visa Division.

Mr. George L. Warren,
President's Advisory Committee on Political Refugees,
122 East Twenty-second Street,
New York, New York.
September 6, 1940.

The Honorable
The Undersecretary of State
Department of State
Washington, D. C.

The Honorable
The Attorney General of the United States
Washington, D. C.

Dear Mr. Undersecretary and Mr. Attorney General:

Reference is made to our letter of July 31st, 1940, stating the understanding of the representatives of the President's Advisory Committee on Political Refugees concerning the conference held on Friday morning, July 26th, 1940, and to the letters in reply from the Honorable Robert H. Jackson, Attorney General, dated August 5th, and the Honorable Brockinridge Long, Assistant Secretary of State, dated August 13th.

In accordance with word telephoned by Mr. Long to Mr. Patrick Murphy Malin of our office on Friday, August 23rd, 1940, the President's Advisory Committee on Political Refugees, through the undersigned, respectfully request confirmation of the extension of the territory covered by the procedures dealt with in the above letters to include Switzerland and Sweden.

Yours very truly,

James G. McDonald, Chairman

George L. Warren, Executive Secretary
PRESIDENT'S ADVISORY COMMITTEE
ON POLITICAL REFUGEES.
My dear Mr. President:

Secretary Hull has asked me to present to you the proposal to modify the procedure we have followed in regard to recommendations from the President's Advisory Committee on Political Refugees.

Under the system that has been in operation since July 26 the Committee has satisfied itself as to various persons who were in the category of "political, intellectual or other refugees" in special peril in Europe. Having come to its own conclusion the Committee has recommended names. These recommendations have been mandatory on the Department which has, accordingly, instructed the Consuls.

There has come to the attention of the Department substantial evidence to indicate that a very large number of the persons who have been passed in this manner have had records of activity abroad which indicate that their activities here would not be in entire accord with our policy and that for other reasons they were not properly within the category of intellectual leaders of the liberal movement in Europe and in imminent danger. It is reported to us that they are largely persons who our officers abroad feel are not of the desirable element and against whom there is evident ground for doubt as to the propriety of their admissibility.

For instance, a German citizen recommended by the President's Committee who had resided in Paris for sixteen years had been suspect to our officers for a very long time because of various circumstances in her past activity. The question was raised as to whether she would be able to proceed to any country outside of the United States at the expiration of the temporary visitor's visa. She shortly returned to the Consulate with a letter from the German Legation in Lisbon stating that she

The President,
would be able to return to Germany at the end of the period. On the face of it she was either not a refugee and in imminent danger or she was acting in the interests of the German Government.

Another instance was that of two French citizens who were recommended by the Committee and sponsored by substantial banking houses in this country. Under the existing procedure they obtained their visas in spite of the fact that certain documents which they ordinarily should have had were lacking. It subsequently appeared that their interests were in two Panamericana holding companies which it might be suggested were formed to avoid American legal requirements and control by the S.E.C.

These are simply two of a very large number of instances which have been brought to the attention of the Department, and which cast serious doubt on the procedure followed by the President's Committee.

Under the circumstances we feel that in the interests of our national defense a more careful check should be made abroad by our officers in Europe of the persons whose names we send to them on the recommendation of the President's Advisory Committee. We feel that a more careful examination of the individuals abroad would contribute largely to closing the loopholes against the penetration of German agents or the use of the courtesy and hospitality of the United States for ulterior purposes.

I am attaching a letter drafted for the signature of the Secretary addressed to Mr. McDonald, Chairman of the President's Advisory Committee on Political Refugees, indicating the change of procedure which the Department feels it desirable and advisable to adopt. The Secretary felt that you should be cognizant of it and, if you agree, give the matter contained in the letter your approval in as much as it was directed to the members of your Committee.

In closing may I say that since July 26 and up to September 17 we have authorized 2,583 visas over and above the quota (not including visas
granted to children in Great Britain). This number was largely made up of:

a) A list of the American Federation of Labor, guaranteed by William Green, and consisting of labor leaders and their families to the number of 1,151. This list has been closed, and Mr. Green will not ask for any more.

b) Two lists of Jewish Rabbis, alleged leaders of the intellectual thought of the Jewish religion and leading exponents of the Talmudic schools and colleges together with their families. One list consisted of 156 and another of 576 names. These lists have been closed and no further names are to be accepted.

c) The President's Advisory Committee on Political Refugees has submitted 561. These names are being augmented by an increasingly large number each week.

Considering that the other lists have been closed and that by this time most of the outstanding leaders of the liberal movement in Europe must have had their names on one or the other of these lists, it seems to us reasonable and desirable that the list of the President's Advisory Committee be closed for unlimited recommendation - except that names of refugees in imminent danger who are intellectual leaders of the liberal movement in Europe may continue to be presented by the Committee. This would continue the function of the Committee to pass upon outstanding intellectual refugees and of course the Committee's recommendations henceforth will not be mandatory. Other refugees would apply in the usual manner to our Consuls, and the usual precaution would be taken in the future.

It seems that our Consular officers abroad who are on the ground and who have access to information which we do not have and who come in
contact with the persons should be able to exercise their judgment as to whether or not the person desiring to come to the United States is, as a matter of fact, within the category you had in mind in setting up the President's Advisory Committee on Political Refugees.

In brief, it seems to us that there should be in the future some latitude of judgment left to our Consular officers abroad rather than to send them mandatory instructions from here to admit persons who are known to very few people in this country and about whom there is no record here of their past activity.

If you approve the proposal, I shall be very glad to advise the Secretary so that he may sign the letter.

Faithfully yours,

(signed) BRECKINRIDGE LONG

Enclosure:
Proposed letter to Mr. McDonald.
In reply refer to VD 811.111 Refugees/260

September 19, 1940.

My dear Mr. McDonald:

I refer to your letter of July 31, 1940 concerning the procedure agreed upon at a meeting in the Department on July 26, 1940 for the submission of names of political intellectuals and other refugees, approved by your Committee, to the Department of Justice, and to the Department of State for approval and for transmission to the appropriate consular officers.

The Department has received a considerable number of names of refugees which your Committee has approved after investigation, and which have received the approval of the Department of Justice. These names have been transmitted or are in process of being transmitted to the appropriate consular officers in the territories covered by the arrangement. If, as I think you will agree, sufficient time has been afforded for the presentation of the most pressing cases, I suggest that additional names should not be accepted by the Committee except, of course, of refugees in imminent danger who are intellectual leaders of the liberal movement in Europe. This would continue to make it advisable for your Committee to consider the case of an outstanding refugee intellectual which may be brought to your particular attention. Other refugees may, however, continue to take their cases up directly with the consuls for consideration under the usual visa procedure, and if they are able to establish their admissibility, they may be granted appropriate visas.

Consular officers in considering the visa applications of aliens whether or not covered by the arrangement, must necessarily conduct such examination as may be considered essential to ascertain that the applicants had not been engaged in questionable activities in the past and if permitted to come to the United States, will not engage in activities inimical to the United States. While the information
obtained by the Committee regarding the refugees before approving the cases is very helpful and while the refugees will for the most part be found to be eligible for visas, you can readily understand that full information regarding them may not be available in this country and that consular officers must therefore in our national interests conduct such investigations abroad as may be considered necessary.

I shall be very glad to receive your views regarding the modified procedure in these cases.

Sincerely yours,

CORDELL HULL
September 24, 1940.

Honorable Cordell Hull
Secretary of State
Washington, D. C.

Dear Mr. Secretary:

We have received your letter of September 19 in which you suggest that no additional names of refugees be accepted by the President's Advisory Committee on Political Refugees for transmission to the Departments of State and Justice except those of refugees in imminent danger who are intellectual leaders of the liberal movement in Europe.

We welcome your letter as an opportunity to review, as we have been planning to do for more than a fortnight, the arrangements made by the two Departments with our committee on July 28, 1940.

Since that date our committee has submitted in all the names of 567 persons. Of these all but 6 have been passed upon favorably by the Departments of State and Justice and their names cabled to the Consuls. Only 1 has been rejected, because of additional knowledge available to the Consul, and as to the remaining 5, supplementary investigation is in process. But of the 561 refugees whose names have been, on our recommendation, cabled by the Department of State, less than 15 visas have been issued to date according to the reports available to us.

This failure to ease the tragedy of those refugees in imminent danger is explained, in part at least, by the Department of State's action in modifying seriously the arrangements of July 28 without previous notice to the Department of Justice or to the President's Advisory Committee on Political Refugees. Instructions cabled by the Department of State to consuls not to issue visas to refugees who had not previously secured exit permits condemned most of these to remain where they were. Though this restriction was subsequently lifted, new instructions that visas be limited to famous authors or noted labor leaders, almost completely closed the door again. A relatively minor consequence of the changes made by the Department has been embarrassment caused to our committee - in its relations with the agencies and with the relatives and friends of refugees - through being encouraged to continue to act under an agreement which the Department had unilaterally and without notice to us fundamentally altered. It is noteworthy too that during the time when these alterations were being made without our knowledge, the Department of State extended the area covered by the agreement of July 28 and in addition requested us to take the responsibility of checking for transmission to the Department names of refugees in the former Baltic countries which at no time had been included in the original understanding.
In view of this record and because it is not fitting that the President's Advisory Committee should be engaged in an enterprise where the net effect of its efforts has been to arouse false hopes in the minds of men and women in desperate plight, we welcome the opportunity to discuss the whole problem with you and your colleagues. We suggest that -

1. With respect to persons recommended the Department return to the basis for admission previously worked out. This would involve cancellation of instructions, among others, limiting the application of these emergency visas to leaders of the liberal movement in Europe and the issue of new instructions in closer conformity with the original arrangements.

2. That, in view of the fact that an erroneous impression may have been conveyed to the President as to the actions of this Committee, we have an opportunity to present the full circumstances to him.

I cannot close without stating frankly the conviction of our committee that in forwarding as we have done, after careful examination, to the Department the names of several hundred refugees, we have been carrying out the intention of the President that every effort possible under the law should be made to rescue the innocent victims of the dual tragedy of persecution and war. Moreover, we feel that he will share our disappointment that the arrangements of July 26, entered into with such high hopes by us, have been administered in such a way as to defeat the purpose which the President has repeatedly expressed to us. There is no evidence before us that the need for these arrangements has passed; rather we are convinced that the selective formula should be more concisely stated and thereafter adhered to.

Very respectfully yours,

James G. McDonald, Chairman

George L. Warren, Secretary.
November 13, 1940

R.F.
Tell Long I okayed that on Sept. 18th.

F.D.R.

R.F.: Tie

What else can I do for you?

Original file handed to Mr. Sec. Long 11/18/40

MEMORANDUM FOR THE UNDER SECRETARY OF ST

Please tell me about th There does seem to be a mix-up. I think I must see McDonald.

F. D. R.
Memorandum to the President

Subject: American Visas for Political Refugees

Since July 26, 1940, under arrangements concluded with the Department of State and the Department of Justice, the President's Advisory Committee on Political Refugees has acted as a channel for the transmission of names of intellectual, political and other refugees caught in southwestern Europe to be cabled to the consuls by the Department of State. From August 1 to September 10, 567 names were submitted, and all but two still under investigation were approved by the two departments. Lists of certain rabbis in the Baltic countries urged on the Committee by Mr. Breckenridge Long are not referred to as the action on their behalf was never from the start more than a gesture of sympathy.

Reports indicate, however, that less than forty visas have been issued, and the Department of State now suggests that the arrangements be cancelled because sufficient time has elapsed to provide for important key persons and because doubt exists that the activities of the persons recommended would be in accord with sound policies of national defense.

The consuls must be the final judges, but the President's Advisory Committee from its knowledge of those sponsoring the persons recommended cannot believe that those still without visas present threats to the national interest. Deductions based on masses of refugees who have burst across European borders cannot fairly be drawn with respect to those nominated by persons known to the President's Advisory Committee and recommended only after every reasonable precaution has been taken.

The Spanish border is now closed and Lisbon is the remaining place of exit from Europe. Some of those recommended have reached Lisbon, but are still refused visas. Others may yet arrive there. The emergency is more rather than less acute. Only a few weeks may remain in which the original purpose of the arrangements may be carried out.

The President's Advisory Committee therefore recommends more favorable action on the names already recommended and continuance of the arrangements while Lisbon is still open. To close this last avenue of escape is to condemn many scientists, scholars, writers, labor leaders and other refugees to further sacrifices for their belief in democracy and to bring to an end our tradition of hospitality to the politically oppressed. The original arrangements were wisely and soundly planned. Their purpose is still to be achieved.
THE WHITE HOUSE
WASHINGTON

October 16, 1940

MEMORANDUM FOR

E. R. x (p72)

What does seem wrong?

F. D. R.

Telegram from Karl Frank, 8028 Lefferts Blvd., Kew Gardens, L.I., N.Y., 9/26/40 to Mrs. Roosevelt, in re cables from Marseilles advising that a new order to the consul to issue no visitors visas after October first, and letter from Mr. Sumner Welles, 10/10/40 copy of which is in our files, on which is notation "F.D.R. Something does seem wrong. E.R."
October 1, 1940.

My dear Eleanor:

The news from Mr. Frank is not quite accurate. The authority to issue visitors' visas for the refugees was limited to October 1 by original order. However, before the expiration of that date it was extended to November 1. Of course it can be extended again depending upon developments there.

We have been giving every attention to the plight of the refugees. However, the French authorities have taken exception to the extracurricular activities of Mr. Fry and of Dr. Bohn. A situation has developed over there which has been brought to the attention of their principals in this country, and they are asking them to cease and desist those particular efforts and suggesting their return to the United States.

Believe me,

Sincerely yours,

SUMNER WELLES

Enclosure:

Telegram from Mr. Frank,
September 26, 1940.

Mrs. Roosevelt,

The White House.
Mrs. Franklin D. Roosevelt
White House
Washington, D.C.

Dear Mrs. Roosevelt:

Since the day in June after the French disaster when you first were kind enough to allow me and my friends to talk to you about the desperate situation of the anti-Nazi refugees trapped in Southern France, you have done everything possible to help. I know you have been approached on several occasions since that time. You have gotten letters and memoranda and we all know how decisive your protective word was at a time when it looked as if the rescue action would come to a standstill.

I know therefore that you will not mind if today, about five months later, I come again with the enclosed memorandum. I have talked it over with my friends and particularly with Miss Ingrid Warburg, now secretary of the Kinondon Committee. It looks again as if only your word could once more help us to overcome the barricades and hindrances in this ghastly situation.

I want to thank you for all you have done and I dare to ask you for one more intervention. It is a terrible feeling for all of us who already have shelter in the United States to receive the S.O.S. calls of the friends we left behind in Europe, friends who are not less worthy to be helped than we were. I know that compared with the many tragedies in other continents, the tragedy of the unhappy political refugees in Southern France is only a relatively small one. But for us it is one in which we must try everything to help. I know that again you will not refuse your faithful support.

Sincerely yours,

Joseph Buttinger

Joseph Buttinger
MEMORANDUM

The situation of political refugees in Europe in early November.

It is now five months since a rescue action was started for the most worthy and the most endangered of the thousands of political refugees in Southern France. The results have been far from satisfactory and new difficulties now threaten practically to stop this work. Only about three or four hundred of these refugees have succeeded in reaching American ports. The action of the Jewish Labor Committee, the Emergency Rescue Committee (Kingdon Committee) working with the President's Advisory Committee on Refugees and of several other similar organizations has resulted in bringing not more than 250 people to the United States.

We do not know how many refugees the authorities have decided to let into this country on the basis of "emergency visitor's visas." But we do know that there are still several hundred for whom visas have been granted by the consuls or authorized by the State Department or for whom applications have been made, who now find that there are insurmountable obstacles in the way of their escape from Europe. Those who already have their visas cannot get out of France. Many whose visas have been authorized in Washington or whose applications were made long ago, have not received their visas. In the following paragraphs we shall attempt to analyze these difficulties.

1. Difficulties in the United States.

From various European cities comes the news that the consuls have recently received new instructions and orders, both in connection with issuing regular immigration visas and "emergency visas."
As far as Emergency Visitors' Visas are concerned, after a period of about six weeks in September and October, during which time - as far as we know - practically no new visas were authorized, we received new instructions from the President's Advisory Committee. These instructions emphasized more detailed biographical sketches, which must also contain references of prominent people in this country. Thus it would seem as if only the very prominent writers, artists, etc. could be considered, whereas labor leaders and others in similar categories - because of their lack of acquaintance with prominent people, can no longer be rescued even though their fate, if apprehended by the Nazis, is even more clearly outlined than some of the others.

Illustrative of the slow moving rescue action is the fact that from the 21st of October to the 25th of November, 150 cases were submitted by the Emergency Rescue Committee to the President's Advisory Committee in keeping with the new instructions. As far as we have been able to ascertain, only 31 cases have been forwarded to Washington - and during this period, about 4 visas were granted on cases submitted much earlier. There are hundreds of people waiting in Lisbon and Marseille whose applications were made by friends and relatives here weeks and months ago, and several whose visas have already been authorized. All of them are kept in the dark about their visas, and every day means that their liberty is more endangered and their opportunities for leaving Europe, are diminishing day by day.

In Marseille it may take many visits to the Consulate and many cables back and forth to America before an emergency visa, already authorized, is finally granted; in Lisbon, however, it is much more difficult. There are people whose visa authorizations were cabled from Washington to the Consulate in Lisbon more than two months ago and when these people apply to the Consul, they still receive a negative answer.
From reports that we have received, it is evident that there is a definite change for the worse in the matter of granting authorized emergency visas in October. The discrepancies between the old and new instructions to the Consuls have resulted in the delay over a period of months. Authorizations granted by Washington prior to the new instructions have not been carried out for reasons unknown to us.

The situation in regard to the granting of regular quota visas is even harder to understand. A report from Zurich earlier in October says that the Consul now has to report to Washington in each case of an immigration visa, whereas a week previously he would have been authorized to make an independent decision. We know of cases in which applicants had as many as four adequate affidavits, but the visa was not authorized. It seems fair to assume that the instructions in Washington gave the order to refuse "99%" of all applications, leaving only exceptions of rather well-to-do applicants.

Another report from Stockholm says that more severe instructions have been imposed there at apparently about the same time as in Switzerland. There are refugees there whose immigration visas should have long since become due, according to the previously established procedure. They possess affidavits and American bank accounts which, under the old practice, would have been more than adequate. Nevertheless their visas are being refused. The fact that some quotas are open and immigration visas could be obtained, should influence our rescue action more favorably, but so far the "red tape" and confusing instructions given by the Consuls to the people, seem to hamper issuance of any kind of visa more than ever. For instance, the Emergency Rescue Committee, in accordance with instructions, submits the case with the required affidavits, to the State Department. Abroad the people are told by the Consuls that they must have in their possession the affidavits, before they can even get a statement as to the status of their case. End result - no visa of any kind.
3. New Obstacles in Europe, France, Spain and Portugal.

France: In October, the French Ambassador to the United States announced in Washington that the Vichy government would liberalize its policy towards political refugees wishing to leave the country. He promised that henceforth "visas de sortie" would be granted to such refugees possessing visas for countries overseas. So far this has remained only a promise with very rare exceptions. Only local authorities in Southern France are still tolerant and frequently make possible unofficial departure without government permission. Unfortunately both Portugal and Spain have recently taken action which by making transit through those countries virtually impossible keeps the refugees prisoners in France in any case.

Portugal: Since October 1, Portuguese Consulates in France have been deprived of all authority to grant transit visas to foreigners. Every request for a transit visa must now be submitted to Lisbon. Furthermore requests for transit visas for persons having visas to go to China, Siam, the British Honduras, Costa Rica and Panama are refused altogether. The Portuguese Consulates will not even accept their applications. That may be understandable in the case of persons holding visas for Asiatic countries, with which there are no direct communications from Portugal. But why should Portugal refuse visas for people in possession of visas for American countries? Not even the Portuguese Consuls seem able to answer this question. Some of the more endangered people in France who expected eventually to get U.S. visas left France during the early days of the emergency with Asiatic and South American visas in order to wait in Lisbon for their U.S. visas. Now even this relative safety is denied them and the situation is made worse by the longer waiting period for American visas, as a result of the new instructions from Washington.
One of the reports we have received voices the fear that the new Portuguese policy may mean the end of immigration by way of Portugal. A report from Marseille dated October 12, states that from the 1st of the month until the date of writing, the Portuguese Consulate had referred nearly 400 requests for transit visas to Lisbon by telegraph. Of that number only one had been favorably acted upon and that was in the case of an American citizen with a Clipper ticket in his pocket. Apart from other political consideration it is certain that the accumulation of refugees in Lisbon who could not get their papers in order and leave the country has influenced the new ruling of the Portuguese government.

Spain: At the same time the Spanish authorities practically stopped the issuing of transit visas. Up until early in October, the Spanish had been willing to grant transit visas to refugees with American, even if they had no proper passports, but simply the paper given them by the American Consulate with their visa. (The overwhelming majority of endangered political refugees have no regular passports and the generous decision of the United States Government to waive this requirement and to supply them with an "Application Form" in lieu of a travel paper has made it possible for many to reach this country.) Early in October the Spanish policy was changed and Spanish frontier officials were instructed no longer to recognize the American paper. Persons whose valid Spanish transit visas had been stamped on the American paper were turned back at the frontier. Many of them have since been interned or arrested in France. Consuls no longer issue transit visas on such papers. Furthermore the Spanish Consulates frequently require a transit visa applicant to obtain affidavits from two Spanish citizens, a virtual impossibility for most political refugees.

In general, Czech and Polish passports which were previously recognized by the Spanish authorities are no longer acceptable for transit
visas, even if they are stamped with U.S. visas. There is no possibility for Italian refugees to get Spanish transit and of course it is impossible for Layalist Spaniards to go through.

We understand that these difficulties could only indirectly be overcome by American authorities, but it might not be impossible to let the French and Spanish applicants for American loans or food relief know that a friendly cooperation in easing the way of the unhappy refugee, particularly the refugee whom the United States has already agreed to admit, would be one of the prerequisites of any consideration of their requests.

4. Emergency visas in Sweden and Switzerland.

It must be mentioned finally that in contradiction to original promises as far as we know no "Emergency visitor's visas" have been granted for so much endangered regions as Sweden and Switzerland. In cases where applications were made two or three months ago and we were told that the same procedure would be followed as in France, the applicants were informed. Now after many weeks of hopeful waiting they learn that it was only a mirage.

* * *

The disappointment, the demoralization and the broken hopes which must be the result of these endless obstacles need not be described.
In order to illustrate some of the difficulties mentioned, we quote the follow-
ing paragraphs from the reports which we received from our official represen-
tative in Europe:

For there are Gestapo agents in Marseille. It was some time before I would
believe it though I heard rumors of it every day; but when I called on the
chief of the Bureau for Foreigners on a case, I also got some information that
France was powerless to resist German pressure and that pressure was increas-
ing daily. 'Yesterday', this man said, 'There were two Gestapo agents in my
office all afternoon. They went hither and yon looking into the files and
questioning various functionaries among my subordinates. Then they left on my
desk the names of several refugees they want me to arrest.'

Situation in the French camp unspeakable. Can't somebody do something about
them? The most diseased imagination could not conceive the conditions of life
in them. Nobody is at present doing anything for the thousands of poor devils
in the camps.................................

Some American organization should step in and provide food, clothing, and
medical services. Some about to begin providing spiritual comfort. But who
is going to provide clothing, water, soap. Men haven't enough water to drink
and none for washing at all. Clothes are falling off them. Typhoid has killed
many. Fleas, lice, bedbugs by the trillions.................................

I can't too strongly urge that you do everything possible to drain the
refugees out of Portugal. The Portuguese government has been wonderful.
No one can praise it too highly. Imagine the United States letting in
thousands of refugees on Chinese or Belgian Congo visas. But Portugal is a
small country and eventually the limit is going to be reached. It is, there-
fore, essential to keep the refugees moving through as fast as can be.
Then press just as hard as you can for visas. Most of the people have no passports and so cannot travel until they get an American visa. Every day, therefore, makes a difference. Visas mean lives. Remember it and tell the responsible people with no lack of emphasis.

(From an October report) - "In the last few weeks the situation here with regard to immigration, has changed markedly - for the most part for the worse.

Unfortunately, almost at the very moment that the French clarified and liberalized their policies on exit visas, both Portugal and Spain took action which seems to make immigration almost impossible. Since October 1st, Portuguese consulates have been deprived of all authority to grant transit visas to foreigners. Every request for a transit visa must now be referred to Lisbon.

Why Portugal should refuse to issue transit visas for Honduras, Costa Rica, Panama - nobody knows here; not even the Portuguese Consul himself seems able to explain. As though this were not enough to take the heart out of refugees still waiting here for a chance to immigrate, Spain has added their little bit to the mounting pile of difficulties.

Also, whilst only national passports are recognized, I know that the Spanish consulate is considering the applications of a certain number of Jews and Apatradas and in certain very special cases, is wiring Madrid for special permission to let them pass. Up to the present, however, I know of no single case in which this special permission has been granted.

The fact that only national passports are recognized, makes it impossible (except in very special cases) for anyone to transit Spain on an affidavit in lieu of a passport or an American application for non-immigration visas - previously the best traveled documents for Apatradas.
What all this means in terms of individual human distress is illustrated in the case of a man, his wife, and two children. They have valid Polish passports issued in Paris four or five years ago. After weeks of waiting, they finally obtained their American Visitors' Visas. They then got their Portuguese and Spanish transit visas, and because they were born in the part of Poland recognized by Russia, they obtained the French exit visa. They went to the Spanish borderer and were sent back four times. They tried at some other place along the Spanish borderer and again were sent back. This after weeks of effort getting all the necessary visas. They are still here in a state bordering on despair.

Another one of our clients committed suicide a few days ago, after going through the same procedure as the man just mentioned.

Southern France is filled with the cream of Europe eager to go to any place - authors, artists, sculptors, musicians, physicists, mineralogists, engineers, professors, doctors - all eager to go anywhere they can be given a chance to work. This is a unique opportunity for a relatively new country, such as the South American Republican countries, to improve itself materially and culturally.
Dear Mr. President:

In accordance with your instructions to work out a satisfactory arrangement between the Department of State and the Department of Justice with respect to handling the admission of political refugees into the United States, I take pleasure in advising you that such an arrangement has now been concluded, as evidenced by a letter from Acting Secretary Welles to the Attorney General, dated November the 23rd, 1940, approved by the Attorney General under date of November the 25th. Copies of this correspondence are here-with enclosed.

The arrangements were reached in informal conversations between officials of the Department of State, Department of Justice, and the President's Advisory Committee.

Respectfully yours,

Francis Biddle
Solicitor General

The President
The White House
Washington, D. C.
The Honorable
Secretary of State

My dear Mr. Secretary:

I have the honor to refer to your letter November 23, 1940, in respect of your understanding concerning the President's Advisory Committee on Political Refugees.

The arrangements described in your letter accord with the understanding reached in informal conversation between officials of the Department of State, the Department of Justice and the President's Advisory Committee. I am glad to approve them.

I am

Most sincerely yours,

/s/ Robert H. Jackson

ROBERT H. JACKSON
Attorney General
My dear Mr. Attorney General:

In order to make clear and effective the procedure for the admission of political refugees into the United States, the Department of State understands, following conversations between officers of our two Departments, that the President's Advisory Committee on Political Refugees is recognized as having a preferential status in recommending the names of political refugees in personal danger in Spain, Portugal, unoccupied France, Morocco, Algeria, Tunis, Sweden and Switzerland for consideration in connection with the issuance of visas by American consular officers.

The President's Advisory Committee will submit to the Department of Justice and to the Department of State the names of aliens recommended by the Committee as coming within the above category. The immediate members of the families of the political refugees referred to may be included in the recommendation if residing with and desiring to accompany or follow them to the United States. Persons of the foregoing categories desiring to come to the United States may be recommended by the Committee for immigration visas, visitors' visas, or transit certificates.

In view of the changed conditions in Europe and the practical difficulty of obtaining exit or transit permits to cross land borders in Europe, Africa, and Asia, and limited transportation facilities by land, sea, and air, the statutory immigration quotas will become current during the present quota year. Persons recommended
by the President's Advisory Committee who do not desire to obtain immigration visas or who are unable to obtain such visas, due to the blocked status of any quota, may be considered for visitors' visas on the understanding that the President's Advisory Committee will assist such persons after arrival in the United States to proceed to a third country, and upon suitable undertakings by the persons themselves that they will attempt in good faith to proceed to a third country.

Political refugees and members of their immediate families who are in possession of valid visas for entry into a country other than the United States may be recommended by the Committee for the issuance of transit certificates. Such persons will agree to remain at the immigration station at the port of entry until departure therefrom by vessel for the country of destination and agree to make no request for a change of immigration status or extension of stay in the United States. Friends and relatives will make similar commitments before submitting the names of such persons to the President's Advisory Committee.

The President's Advisory Committee, before recommending the names of aliens for visas, will make as thorough an investigation as may be possible concerning the character of the individuals, the purposes of their entry into the United States, the responsibility of the sponsors, and the assurance of support for the applicants. The results of such investigations will be summarized in detailed biographical sketches. Assurances of support accepted by the President's Advisory Committee will, if jointly approved by representatives of the two Departments, be regarded as sufficient to meet the
public charge provisions of the immigration law.

The names of aliens recommended by the President's Advisory Committee for immigration visas, visitors' visas, or transit certificates will be considered by a committee composed of representatives of the Department of State, the Department of Justice, the Military Intelligence Division, and the Office of Naval Intelligence. This committee will be convened as frequently as the occasion warrants to consider the recommendations of the Advisory Committee, solely from the viewpoint of the National Defense program, and to advise the Department of State and the Department of Justice with respect thereto.

The Department of State, in agreement with the Department of Justice, will transmit the names of these aliens to the appropriate consular officer and will request the consul to report concerning the action taken. The names will be submitted and reports received by telegraph.

Consuls will give immediate consideration to the cases of aliens approved by the two Departments and will act favorably upon them unless information before the consul indicates some ground for the applicants' exclusion from the United States. Before refusing to issue a visa or transit certificate to a person recommended by the President's Advisory Committee on Political Refugees, the consul will suspend action and inform the Department of State fully with respect thereto by telegraph for the information of the inter-departmental committee which will be convened as frequently as practicable to consider all questions raised by the consul's reports.
The President's Advisory Committee will reimburse the Department of State for telegraphic charges involved in the submission of recommendations and in obtaining reports of the action taken thereon.

Sincerely yours,

/s/ Sumner Welles

Acting Secretary
December 16, 1940.

Mr. Secretary:

From Mr. Hackworth re Virgin Islands - immigration matter.

CWG
MEMORANDUM FOR

THE SECRETARY OF THE INTERIOR

December 18, 1940

Do you mind my being perfectly frank in regard to the proposed proclamation by the Governor of the Virgin Islands in regard to the admission to this Island of certain refugees?

1. No matter what loyal counsel a legal adviser, etc., may give an opinion in regard to a case involving a portion of the United States, the fact remains that the Secretary of State (and the President) must determine all matters relating to the foreign relations of each and every portion of the United States, including its insular possessions. That means that no other department of the Government and no Governor of an insular possession may make a decision or issue a proclamation which involves foreign policy without the approval of the State Department and the President.

2. I yield to no person in any department in my deep-seated desire to help the hundreds of thousands of foreign refugees in the present world situation. The Virgin Islands, however, present to this Government a very serious social and economic problem not yet solved. If the Interior Department could find some uncrowded place not now a social and economic problem where we could set up a refugee camp without involving a small but highly difficult population problem now underway as in the case of the Virgin Islands, that would be treated with sympathy by the State Department and by me.

P. D. R.

Tell Margold that I have every sympathy but that if he has some better plan to come and tell me about it and I will give it really sympathetic consideration. I cannot, however, do anything which would conceivably hurt the future of present American citizens. The inhabitants of the Virgin Islands are American citizens.

No papers accompanied the original of this memorandum to the Secretary of the Interior.
DEPARTMENT OF STATE
THE LEGAL ADVISER

PROPOSED PROCLAMATION BY THE GOVERNOR OF THE VIRGIN ISLANDS FOR THE ADMISSION THERETO OF EUROPEAN REFUGEES BEARING BORDER-CROSSING IDENTIFICATION CARDS, TO BE ISSUED UNDER THE AUTHORITY OF PARAGRAPH 4, PART I OF THE EXECUTIVE ORDER NO. 8430 OF JUNE 5, 1940.

Recently officials of the Department of the Interior submitted informally to officials of this Department certain papers relating to the above subject. These papers include a copy of the proposed proclamation (Annex 1, herewith). As will be seen the proclamation quotes a portion of the Executive Order no. 8430 of June 5, 1940, including paragraph 4 of Part I, which reads as follows:

"4. The Secretary of State is authorized in his discretion to waive the passport and visa requirements in cases of emergency for nonimmigrants, except that the Governor of the Virgin Islands is authorized in his discretion to waive the requirements in cases of emergency for nonimmigrant aliens applying for admission at a port of entry of the Virgin Islands."

Three whereas clauses follow. The first quotes the second paragraph of Section 3 of the Immigration Act of 1924, which declares that the term "immigrant" shall not include "an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure".

The second
The second reads as follows:

"And Whereas, current international conditions have created an emergency wherein persons eligible for future admission to the United States as quota-immigrants are unable to secure passports from their countries of origin or to return to their residences in such countries during the continuance of such emergency conditions."

The third whereas clause quotes a resolution of the Legislative Assembly of the Virgin Islands on November 18, 1939, which, after declaring that "world conditions have created large refugee groups," which "eventually will migrate to places of safety," and that "the Virgin Islands of the United States being a place of safety can offer succor from misfortune," resolves "that it be made known to refugee peoples of the world that when and if existing barriers are removed that they shall find succor from misfortune in the Virgin Islands of the United States."

The proclamation then declares that "the cases in which the following requirements are met will be considered emergency cases within the meaning of Executive Order No. 8430 above set forth and that in such cases nonimmigrants applying for admission at a port of entry of the Virgin Islands will not be required to present passports or visas:

"(a) The
"(a) The applicant shall demonstrate that he does not fall within any of the classes of persons excluded from admission to the United States, under any existing law.

"(b) The applicant shall present adequate assurance that he will not become a public charge during his stay in the Virgin Islands; that he will not, during the continuance of his special status, depart from the Virgin Islands to any other point within the United States; and that while within the Virgin Islands he will not accept any employment except such employment as, by resolution of the Legislative Assembly of the Virgin Islands, shall be declared to be conducive to the economic prosperity of the Virgin Islands.

"(c) The applicant shall show a bona fide intention to renounce his status as a special visitor to the Virgin Islands upon the termination of the emergency conditions hereinabove referred to, and thereupon to depart to foreign soil.

"(d) The applicant shall give suitable evidence of devotion to the principles and institutions embodied in the Constitution of the United States; he shall establish a legitimate purpose for his entry; and it shall be shown that his entry would not be contrary to the public safety.

"(e) The applicant shall demonstrate that because of emergency conditions he is unable to obtain a passport or a visa without risk of serious inconvenience (aside from normal delay and expense in obtaining the documents) involving personal injury, embarrassment, or financial loss either to himself or to a member of his family."

The proclamation concludes as follows:

"And I do further proclaim that as evidence of the special status conferred under this proclamation each person admitted to the Virgin Islands shall be required to execute and acknowledge, as a condition of such admission, a statement in the form of the oath in the next following paragraph:

Oath

I, (name), do solemnly swear (or affirm) that I will be subject to the laws of the United States, and that I will comport myself in such manner as to sustain the honor and prestige of the Virgin Islands and of the people thereof, and that I will not become a public charge during my time in the Virgin Islands, and that I will not, during the continuance of my special status, depart from the Virgin Islands to any other point within the United States, and that I will not accept any employment except such employment as, by resolution of the Legislative Assembly of the Virgin Islands, shall be declared to be conducive to the economic prosperity of the Virgin Islands, and that I will execute the conditions contained in the proclamation according to law and to the best of my ability, so help me God."
Islands thereunder will be entitled to receive a border-crossing identification card valid for two years, capable of extension at the termination of such period if, in the judgment of the Governor of the Virgin Islands, the circumstances above referred to continue to exist, and subject to prior cancellation upon (1) the violation by the holder of any of the conditions of his admission, or (2) the termination of the emergency conditions above referred to."

This matter was the subject of a conference in the Department on November 13 in the office of Mr. Long, at which Messrs. Margold and Cohen of the Department of the Interior and Messrs. Warren, Flournoy, and Harrington of this Department were present, in addition to Mr. Long. A copy of a memorandum of that conference, dated November 15, is among the papers herewith (Annex 2). As shown therein, Mr. Warren explained that the situation to which the proposed proclamation of the Governor relates may be met (at least to a very considerable extent) by the reallocation of immigration visa numbers, which is now being made because of the fact that numbers previously allocated to Consulates in several European countries cannot be used. In this discussion the representatives of this Department also called the attention of Messrs. Margold and Cohen to the legal difficulties which appeared to lie in the way of the adoption of the proclamation. In particular, the view was expressed that the cases of the refugees who are now in Portugal and
other European countries and who may desire to come to the Virgin Islands do not appear to come within the term, "cases of emergency for nonimmigrant aliens applying for admission at a port of entry of the Virgin Islands", referred to in paragraph 4, Part I of the Executive Order of June 5, 1940, quoted above. The view was expressed that the "cases of emergency" mentioned in this paragraph were cases of individuals of the nonimmigrant class who might arrive at a port in the Virgin Islands without a passport or visa, and that it did not contemplate the waiving of visas for large groups of aliens prior to their departure from a foreign country.

With regard to the proposal that the refugees in question might be furnished by American Consul with border-crossing identification cards, in lieu of visaed passports, it was explained to Messrs. Margold and Cohen that such cards are not issued for cases of this kind. They were first issued by immigration officials to citizens of the United States and aliens lawfully residing on either side of the Canadian or Mexican borders whose business required them to cross the borders frequently. [Title 8, Code of Federal Regulations (1939) § 3,53-3.56, p. 33] However, in an order of this Department, no. 877, of
of August 24, 1940 authority was given for admission to the United States of "citizens of Canada, Newfoundland, and Mexico domiciled therein and British subjects domiciled in Canada or Newfoundland desiring to enter the United States for a period of less than 30 days on any one visit" with "a non-resident alien's border-crossing identification card, issued by either an American diplomatic or consular officer or by an immigrant inspector".

Order no. 884 of this Department, dated October 3, 1940, provided as follows:

"Under the emergency provisions of section 30 of the Alien Registration Act, 1940, and of Executive Order No. 8430, of June 5, 1940, British subjects domiciled in the British Virgin Islands and French citizens domiciled in the French island of St. Bartholomew, who seek admission into the Virgin Islands for business or pleasure for a period of less than 30 days on any one visit, may present a nonresident alien's border-crossing identification card issued by the immigration authorities of the Virgin Islands. Border-crossing identification cards may also be issued to aliens residing in the Virgin Islands who may have occasion to proceed temporarily to the British Virgin Islands or to the French island of St. Bartholomew."

(Underscoring added.)

The reason for issuing this order was that there were no American Consuls in the British Virgin Islands and St. Bartholomew to grant visas. It is quite clear that the portion of the order last mentioned relating to admission into the Virgin Islands of aliens domiciled in the other
other islands named in the order, with border-crossing identification cards, in lieu of visaed passports, was intended to be limited to temporary visitors who are nonimmigrants within the meaning of section 3(2) of the Immigration Act of 1924, which refers to "an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure". It seems to be the contention of the officials of the Department of the Interior that the order last mentioned furnishes a precedent for the issuance of the proposed order concerning the admission of refugees into the Virgin Islands, but this is not believed to be the case.

In the first place, border-crossing identification cards were never designed for the use of aliens coming to the United States or the Virgin Islands from European countries. As indicated above, they were designed in the first instance for the use of persons crossing and recrossing the land borders of the United States. The mere fact that their use was extended to cover cases of persons coming from Newfoundland to the United States and to persons coming to the Virgin Islands of the United States from two small islands not far distant from the Virgin Islands, and in which we have no Consuls, furnishes no sound argument for providing that such cards may be furnished
furnished to refugees in far distant countries in Europe, in which there are American Consuls who may grant passport visas to aliens qualifying as nonimmigrants under the provision of section 3(2) of the Immigration Act of 1924, that is, to aliens who are in fact coming to the United States temporarily for business or pleasure. If the refugees in question are entitled to admission to the Virgin Islands as nonimmigrant temporary visitors, there would be no reason why they should not obtain ordinary visitors' visas. If they were unable to obtain passports, visas might be placed upon affidavits or other documents establishing their identity and nationality. The proposed use of border-crossing identification cards in these cases appears to be a mere expedient for evading the usual requirement that aliens visiting the United States temporarily must present passports or other similar documents visaed by American diplomatic or consular officers. However, the real question in these cases relates, not to mere documentation, but to status, that is, whether the aliens in question can properly be classified as nonimmigrants under the provision of section 3(2) of the Act of 1924, quoted above.

There appear to be two reasons why the aliens in question cannot be classified as nonimmigrants under the statutory
statutory provisions just mentioned. The first is that they desire to come to the Virgin Islands (which are classified as a part of the "United States" in section 28(a) of the Immigration Act of 1924) with the intention of remaining therein for an indefinite period. In the last paragraph of the proclamation it is provided that the proposed border-crossing identification cards will be valid for two years, "capable of extension at the termination of such period if, in the judgment of the Governor of the Virgin Islands, the circumstances above referred to continue to exist". The circumstances, of course, relate to the present conditions in Europe, and no one could undertake to predict how long they may continue. The second reason is that no one can say whether, after the termination of the present war in Europe, these aliens would be able to return to Portugal or Germany or go to any other foreign country. The main point, however, is that it is quite evident that these refugees would be coming to the Virgin Islands with the intention of remaining therein or proceeding to some other part of the United States for permanent residence if and when they could do so.

Note 36 to Section 361 of the Consular Regulations (Supplement A) sets forth the evidence required of an alien who claims "temporary-visitor status" under section 3(2)
section 3(3) of the Immigration Act of 1924, and I call particular attention to the passage reading as follows:

"In connection with the evidence to be required of an applicant for a visa as a temporary visitor, care should be taken to ascertain not only that the alien intends to leave the United States voluntarily at the conclusion of his visit, but that he will be able to proceed to some country other than the United States when he does depart." (Underscoring added.)

Attention is also called to the paragraph in Note 36 which immediately precedes the passage just quoted. It reads as follows:

"If such an applicant has previously expressed his desire to immigrate into the United States for permanent residence and is only applying for a visa as a temporary visitor because he is prevented from immigrating by quota restrictions, the above implication (that he is not entitled to non-immigrant status) is strengthened."

The passage last quoted appears to describe quite aptly any of the refugees in question who would apply for the proposed identification cards, since it seems quite clear that they have no intention whatsoever of returning to Portugal, Germany or any other European country if they can help it. Furthermore it does not appear that they have any real intention of proceeding to any country other than the United States.

These cases are essentially different from the cases of the refugee children from England. Aside from the fact
fact that the British Government had given assurances that they would be readmitted to Great Britain upon the termination of the war, these children were so young that they could hardly be regarded as having any intention which would be binding under the law.

It seems fairly clear that these refugees would not qualify as temporary visitors under Section 3(2) of the Immigration Act of 1924 if the observations of the court in *United States ex rel. Lesto v. Day* (1927), 21 F. (2d) 307 should be taken as a guide. Judge Swan, speaking for the Circuit Court of Appeals, Second Circuit, said with respect to the words "a temporary visit", as they appear in section 4(b) of the Immigration Act of 1924:

"Without attempting a complete definition of 'a temporary visit', we may say that we think the intention of the departing immigrant must be to return within a period relatively short, fixed by some early event",


There is another point which should be mentioned, although I cannot undertake to discuss it at length.
within the limits of the present memorandum. Reference is made to the provision in paragraph (b) of the proposed proclamation of the Governor of the Virgin Islands, quoted above, according to which each of the refugees admitted to the islands will be obliged to give adequate assurance "that while within the Virgin Islands he will not accept any employment except such employment as, by resolution of the Legislative Assembly of the Virgin Islands, shall be declared to be conducive to the economic prosperity of the Virgin Islands". It seems questionable that this provision would be held by the courts to be constitutional if the matter should be presented to them for decision. However, our principal interest relates to the status of the refugees, under the Immigration Act of 1924, and for the reasons mentioned above, it is believed that they could not properly be classified as nonimmigrants under section 3(2) of the Act.

It may be contended by the proponents of the plan under consideration that the refugees coming to the Virgin Islands may properly be classified as nonimmigrant temporary visitors in view of the provision in paragraph (b) of the proclamation, quoted above on page 3, that in each case "the applicant shall present adequate assurance ... that
that he will not, during the continuance of his special status, depart from the Virgin Islands to any other point within the United States”. Presumably this contemplates the arrest and deportation of any alien who should attempt to violate the assurance mentioned by leaving the Virgin Islands for the mainland of the United States. It is altogether unlikely, however, that deportation could be carried out in a case of this kind. Most of the aliens in question would come from Germany or Portugal, and there is no reason for believing that the governments of those countries would readmit them upon their deportation from the Virgin Islands. Furthermore, as indicated above (page 9) the Virgin Islands are classified as a part of the "United States" in section 28(a) of the Immigration Act of 1924. This means that an alien who has been admitted into the Virgin Islands has been admitted into the United States, within the meaning of the Act, and it is not clear that an alien who has been admitted into any part of the United States can be prevented from going to another part thereof. In this relation it should be observed that the provisions of the fourteenth amendment to the Constitution concerning the equal protection of the laws have been held to be applicable to aliens as well as citizens. (Truax v. Raich, 239 U.S. 33; Clarke v. Deckebach, 274 U.S. 392.)
If the proposed plan should be carried out, it would in effect result in admitting to the Virgin Islands persons who are really of the immigrant class, outside of the quota limitations established by the Immigration Act of 1924. The Act itself specifies in section 4 certain classes of immigrants termed "non-quota immigrants", who may be admitted into the United States outside the quotas. However, refugees, as such, are not included in any of these classes. In order to admit the refugees in question, or a specified limited number of them, outside of the quotas into the Virgin Islands, legislation would be necessary. Whether such legislation should be adopted would, of course, be a question of national policy, for determination by the lawmaking authorities. It is most important to avoid any action by the Executive branch of the Government which would involve a practical circumvention of the existing law. It is believed that the proposed action would not only be unwarranted under the law but would furnish a dangerous precedent and open the doors to further circumvention in cases of other aliens desiring to come to the United States as nonimmigrants, although their real desire and intention would be to remain permanently in this country. The final result would be a practical breakdown of the numerical limitations of the Immigration
Immigration Act of 1924.

Enclosures:

1. Proposed Proclamation by the Governor of the Virgin Islands.
2. Memorandum to Mr. Long, November 13, 1940.
3. Memorandum to the files, November 14, 1940.
PROCLAMATION BY THE VIRGIN ISLANDS

Whereas, Executive Order No. 8430 of June 5, 1940, provides:

"By virtue of and pursuant to the authority vested in me by the act of May 22, 1918, 40 Stat. 559, as extended by the act of March 2, 1921, 41 Stat. 1205, 1217, I hereby prescribe the following regulations pertaining to documents required of aliens entering the United States (which regulations shall be applicable to Chinese and to Philippine citizens who are not citizens of the United States except as may be otherwise provided by special laws and regulations governing the entry of such persons):

Part I

1. Nonimmigrants must present unexpired passports or official documents in the nature of passports issued by the governments of the countries to which they owe allegiance or other travel documents showing their origin and identity, as prescribed in regulations issued by the Secretary of State, and valid passport visas, except in the following cases:

   . . . . . .

4. The Secretary of State is authorized in his discretion to waive the passport and visa requirements in cases of emergency for nonimmigrants, except that the Governor of the Virgin Islands is authorized in his discretion to waive the requirements in cases of emergency for nonimmigrant aliens applying for admission at a port of entry of the Virgin Islands."

And Whereas, the term "nonimmigrant" is defined by the act of May 26, 1924, sec. 3, 43 Stat. 154, as amended (8 U.S.C. 203), to include "an alien visiting the United States temporarily as a tourist or temporarily for business or pleasure.";

And
And Whereas, current international conditions have created an emergency wherein persons eligible for future admission to the United States as quota-immigrants are unable to secure passports from their countries of origin or to return to their residences in such countries during the continuance of such emergency conditions;

And Whereas the Legislative Assembly of the Virgin Islands did on November 18, 1939, enact the following resolution:

"RESOLUTION

offering the Virgin Islands of the United States as a place of safety for refugee peoples.

Be it resolved by the Legislative Assembly of the Virgin Islands of the United States in session assembled:

WHEREAS, world conditions have created large refugee groups, and
WHEREAS, such groups eventually will migrate to places of safety, and
WHEREAS, the Virgin Islands of the United States being a place of safety can offer suacease from misfortune.

NOW THEREFORE, be it resolved by the Legislative Assembly of the Virgin Islands of the United States in session assembled that it be made known to Refugee peoples of the world that when and if existing barriers are removed that they shall find suacease from misfortune in the Virgin Islands of the United States.

AND BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to the President of the United States, the Secretary of State, the Secretary of Labor, the Secretary of the Interior, and members of the Press."

NOW
NOW, THEREFORE, I, Lawrence W. Cramer, Governor of the Virgin Islands, by reason of the circumstances and authorities above set forth, do proclaim that the cases in which the following requirements are met will be considered emergency cases within the meaning of Executive Order No. 8430 above set forth and that in such cases nonimmigrants applying for admission at a port of entry of the Virgin Islands will not be required to present passports or visas:

(a) The applicant shall demonstrate that he does not fall within any of the classes of persons excluded from admission to the United States, under any existing law.

(b) The applicant shall present adequate assurance that he will not become a public charge during his stay in the Virgin Islands; that he will not, during the continuance of his special status, depart from the Virgin Islands to any other point within the United States; and that while within the Virgin Islands he will not accept any employment except such employment as, by resolution of the Legislative Assembly of the Virgin Islands, shall be declared to be conducive to the economic prosperity of the Virgin Islands.

(c) The applicant shall show a bona fide intention to renounce his status as a special visitor to the Virgin Islands upon the termination of the emergency conditions hereinabove referred to, and thereupon to depart to foreign soil.

(d) The applicant shall give suitable evidence of devotion to the principles and institutions embodied in the Constitution of the United States; he shall establish a legitimate purpose for his entry; and it shall be shown that his entry would not be contrary to the public safety.

(e)
(e) The applicant shall demonstrate that because of emergency conditions he is unable to obtain a passport or a visa without risk of serious inconvenience (aside from normal delay and expense in obtaining the documents) involving personal injury, embarrassment, or financial loss either to himself or to a member of his family.

And I do further proclaim that as evidence of the special status conferred under this proclamation each person admitted to the Virgin Islands thereunder will be entitled to receive a border-crossing identification card valid for two years, capable of extension at the termination of such period if, in the judgment of the Governor of the Virgin Islands, the circumstances above referred to continue to exist, and subject to prior cancellation upon (1) the violation by the holder of any of the conditions of his admission, or (2) the termination of the emergency conditions above referred to.

Governor
November 14, 1940

MEMORANDUM FOR THE FILES:

Mr. Margold and Mr. Cohen of the Department of the Interior called to see Mr. Long on November 13, 1940. Mr. Warren, Mr. Flournoy, and Mr. Harrington of the Department of State were present at the interview. Mr. Margold wished to discuss a proposal of the Governor of the Virgin Islands to admit refugees into the Virgin Islands as temporary visitors.

Mr. Long expressed surprise that the proposal, which affected foreign relations and the activities of the American consular officers, had not been brought to the Department's attention until the preceding day. Mr. Margold stated that some person in the Department had been consulted but that he did not know the name of the person. In this connection, he added that the plans were in a tentative form and that the order of the Governor of the Virgin Islands had not been promulgated.

Mr. Margold desired to discuss the legal aspects of the proposal, particularly in the light of the discretionary authority vested in the Governor of the Virgin Islands to waive the passport and visa requirements for non-immigrants in cases of emergency. He added that the word "emergency"
"emergency" need not necessarily be given the narrow interpretation which has heretofore been given by the Secretary of State in waiving the passport and visa requirements for nonimmigrants in continental United States, especially in view of the desirability of encouraging the entry into the Virgin Islands of aliens having considerable financial backing.

Mr. Long was unable to continue the discussion owing to a previous engagement but all the other persons proceeded to the Departmental conference room and continued the discussion. Mr. Warren gave Mr. Margold and Mr. Cohen a picture of the travel conditions in Europe affecting the ability of people to proceed to the United States and the Virgin Islands. He pointed out that in view of the restrictions on travel imposed in all German-occupied countries and even in Spain, the persons who could benefit from the proposed arrangement of the Governor of the Virgin Islands were confined almost exclusively to the few thousand refugees now in Portugal. Mr. Warren also said that in view of the large number of visa applicants who are unable to proceed to the United States in occupied areas, the German, Polish, and certain other heavily oversubscribed quotas are moving rapidly and may be expected to become current within a short time, with the result that the refugees in Portugal will be able to obtain
obtain immigration visas and enter the United States in the usual manner. In view of existing conditions, it was pointed out, the problem confronting Mr. Margold and Mr. Cohen was largely academic, with which viewpoint they were in entire agreement. Mr. Margold and Mr. Cohen expressed considerable interest in the situation and the efforts being made by the Department of State to administer the heavily oversubscribed quotas in an objective manner.

Although Mr. Margold and Mr. Cohen were impressed with the situation as described by Mr. Warren, they desired to take advantage of the meeting in order to discuss further the legal problems involved in the proposal of the Governor of the Virgin Islands. Mr. Flournoy read the provisions of section 30 of the Alien Registration Act, 1940, which require aliens seeking entry into the United States to present a visa, except in emergency cases defined by the Secretary of State, a re-entry permit or a border-crossing identification card. Mr. Margold and Mr. Cohen had not been aware of these provisions and admitted that they might very easily prove to be an insurmountable barrier to the project. Mr. Harrington discussed the legislative background of the provisions of section 30 and pointed out that border-crossing cards were
were intended to relate only to persons crossing the land borders of the country. Mr. Margold said that he would like to give further consideration to the provisions of section 30 and then proceeded to discuss the terms "emergency" and "temporary visitor". The discussion on these matters, however, was exploratory and no conclusion was reached.

At the conclusion of the meeting, Mr. Margold said that he would communicate with the Department of State again after he had had opportunity to give consideration to the provisions of section 30 of the Alien Registration Act.
THE WHITE HOUSE
WASHINGTON

November 27, 1940

MEMORANDUM FOR THE PRESIDENT:

"FDR - Can't something be done? E.R."
POLITICAL REFUGEES

The refugee problem is inextricably involved with the question of visas.

Persons desiring to come to the United States under the immigration laws must first obtain a visa from a Consul of the United States abroad.

Persons coming for permanent residence must under this law secure Immigrant Visas; those coming for a temporary stay, Visitors' Visas; those who desire to pass through the country en route to another country, Transit Visas. The granting of visas is under the jurisdiction of the Department of State.

Persons arriving on Visitors' Visas are under the law permitted to remain a temporary period. Those arriving as transients are limited to sixty days. If the privilege is not extended the person is supposed to leave the United States or be deported. The extension of privilege and the steps looking to departure or deportation are under the jurisdiction of the Department of Justice.

Refugees developed into a definite problem after the invasion of France. Many persons had previously arrived in France to find asylum from persecution at the hands of the totalitarian states. To these were added several millions who fled from Holland and Belgium. They all became migrants again and their numbers were doubled or trebled by residents of France—all in flight before the advancing German armies and the Gestapo which followed in its wake. Most of these unfortunate, persons persecuted because of adherence to their political or religious beliefs, desired to come to the United States.
Obviously it was legally impossible to accept them all. The laws of this country prescribe the number of persons to be admitted as immigrants. Applications far in excess of the legal limit had already been made by other persons and from only a few countries of Europe were immigrant visas available. Thus, however, did not prevent the demand, but it did add to the congestion.

The American Consulates in Southern France, at Bordeaux, Marseille and Nice were swamped with applicants. The staffs were increased but even as enlarged were unable to deal with the crowding multitude of daily supplicants for admission to a haven of refuge. Branch offices of our Consulates were opened closer to the Spanish border as the horde moved south frenzied at the near approach of the hostile army and the agents of the Gestapo. Then Spain closed its border. Portugal apprehensive lest the food supply in Portugal and the accommodations available would be insufficient for the mass threatening to arrive, closed its own border. Conditions were imposed upon travel, transportation became disorganized, communications were interrupted. Fear, hunger, privation and over-crowding threatened disaster.

From Spain and the French Mediterranean ports many poor unfortunate escaped to North Africa and besieged our Consulates there. Casablanca in Africa and Lisbon in Portugal became eventually the places from which it was hoped passage might be obtained for America and consequently developed into the centers of the largest groups of refugees, though many, many thousands were caught in France behind the closed borders and many found themselves in Spain. Some reached Switzerland and a comparatively few reached Sweden.

In this mass of people were many men and women of intellectual superiority, persons of education, of culture, of character—brave men and women who had stood by their convictions and had, by reason of determined action, antagonized the totalitarian states to the point their lives were in danger.

Spontaneously there developed in this country movements to serve to the world the brains, the character and the spirit which motivated those distressed persons and to facilitate their departure for this country. The names of some were well known to the American public because of their literary, musical or artistic achievements, their political doctrines, their scientific contributions or their capacity for organization—but there were many others whose names were not known who had been leaders of thought and directors of movements in entire accord with American social and political philosophies. The sentiment to serve those persons from becoming doleful or from death developed into committees organized by sympathetic and understanding Americans.

There were various of these committees among the members of which were persons well known to the public. They recommended lists of names to the Department of State with the view that visas of some kind be issued to the persons on them to come to this country and be safe.

At
At this point it becomes necessary to recall that the law prescribes how many immigrants shall be admitted and that it prohibits admission for certain specified reasons.

The law also establishes standards prerequisite to the issuance of Visitors' Visas and Transit Visas.

**Visitors' Visas** are granted provided the person can return to the country of his origin or can leave for a third country; provided further that the person intends to do so— for otherwise he would be an immigrant intending to live here; and that he will not become a public charge while here.

Consequently, the Committees requesting visas for certain persons were required to give assurances to the Department of State that they would make every effort to arrange for the departure of the person if admitted and that he would not become a public charge while here.

**Transit Visas** are granted to permit a leisurely stay in the United States while traveling to or awaiting accommodations to travel to another country and with similar conditions.

Consequently the Committees asking visas of that character were requested to give those assurances before the visa could be issued.

Those assurances were satisfactorily given in each case and the name and other essential data were telegraphed to the Consuls abroad. The various Committees recommended a total of about 2000 names. Each name was checked against official Government information lists and only about one dozen of those names were found to be of persons whose presence here would be prejudicial to the best interests of the United States. For the rest, visas were authorized. About 1000 have actually been issued abroad. Of the balance—some have been only recently dispatched, some applicants are in hiding or under assumed names for their own protection, some are inaccessible to the Consuls and some have removed from the Consular district to another district and are still being sought.

The Consul, under the law, is the official who must exercise the function of interviewing the applicant to determine his fitness to receive a visa considering, among other things, whether that particular person's entrance into the United States would be detrimental to the best interests of the United States.

It was necessary for the Department of State to be satisfied about those persons, particularly about their intentions while in the United States and their ability to leave this country for another place because if they could not leave the country they would be permanent residents and should come as immigrants—not as visitors—and the immigrant quotas were then filled. And to admit them wholesale would be to act aside the immigration laws.
As soon as the necessity for such action arose, the procedure as regards the immigrant quota lists was revised and the quotas, except as to Germany and Poland, and even they will be open in a comparatively short time (about two months).

This has been accomplished by "unblocking" the quotas as fixed by law. By "unblocking" is meant that when a person’s name is reached on the quota list he is given his visa if he has traveled documents and an exit permit to allow him to leave that country so he can use the visa. Otherwise his name is passed and the next name is reached of the person on the list who has traveled documents and an exit permit so he can use the visa. The applicant gets a visa. Under former practice the name at the top of the list stayed there even though he could not use the visa and the names below him on the list were "blocked".

However, quotas are now "unblocked". Refugees can now obtain Immigrant Visas if they want to come to America and if they are acceptable under the laws. In exceptional circumstances Visitors' Visas may still be useful in saving persons of exceptional merit, those of superior intellectual attainment, of indomitable spirit, experienced in vigorous support of the principles of liberal government and who are in danger of persecution or death at the hands of autocracy.

During this whole period the Department of State has given sympathetic assistance to those unfortunate people, has been fully conscious of the limitations imposed by law and has been careful and deliberate in its acts to prevent enemies without from becoming enemies within.

The procedure for recommending, checking and forwarding all those cases has been changed from time to time as a result of conferences between the Departments of State and Justice. The present procedure is, in order to facilitate the orderly consideration of cases of political refugees recommended by any committees operating in this country on their behalf, that an inter-departmental committee acts under an agreement between the Departments of State and Justice. For the primary purpose of having available all secret information in the possession of all departments of the Government, this committee is composed of representatives of the Departments of State and Justice and of the Army and the Navy. To it are referred the names of such political refugees. The Committee will check the names of such persons against Governmental lists in those Departments for the single purpose of discovering whether there is any objection already in the possession of any Department of the Government to the entry of such persons. The names passed by the Committee will be telegraphed by the Department of State to its consuls abroad for the consideration of applications for appropriate visas. In the event of refusals to grant visas the consul will report to the Department of State, submitting his reasons for such refusals. Those reports will be submitted to the committee for its consideration.

The Department of State's representative on this committee is Mr. Avra N. Warren, Chief of the Visa Division of the Department.

No cases received from any committee are pending in the Department of State. It requires several days to check, study, draft oracles concerning, card and index the names but there is no delay and cases are current.
My dear Mr. President:

I enclose the text of a note which has been received from the French Embassy asking the assistance of this Government in (1) removing the German Jewish refugees recently forced by the German authorities into French unoccupied territory from Baden and Wurttemberg and (2) enlisting the support of the other American Governments in the "more equitable distribution" of these people.

I attach also a text of a reply which, if it meets with your approval, I propose to send to the French Ambassador. This memorandum, in a brief word, stresses that this Government and the other American Governments are doing the maximum under their respective laws and practices to relieve the pressure of refugees in Europe, points out that the French Government has not always cooperated in the realization of this task and rejects, while leaving the door open for calm discussion of the problems of migration and resettlement when

The President,

The White House.
when conditions warrant in the future, the French proposal for bilateral or multilateral discussions of these problems.

It is my view that the French in making this demarche are acting under German pressure. Reports have reached the Department for some time through the Coordinating Foundation and other channels that the Germans were preparing to force our hand on the refugee problem. The first step was the despatch to French unoccupied territory of more than ten thousand German Jews of all ages, from a baby of two days to a woman over one hundred years old, without any advance provision for their support or consideration of the hardship caused to them or to France. The second step is this note.

It seems clear to me that this is a repetition of the tactics followed by the Germans in 1937 and 1938 when they forced Jews in the dead of night across various points on the Netherlands, Belgian, Swiss and French frontiers. Wherever they found a weak point they would repeat the process in the following nights, but instead of forcing through groups of ten or twenty they would drive, at gun's point, hundreds of people, then many hundreds, through the breach, increasing the number nightly.
nightly as long as the breach remained. Now the process is being repeated on a larger scale and the attack is on the Western Hemisphere. Were we to yield to this pressure all the evidence indicates that in the wake of the ten thousand Jews recently forced into France the Germans would drive on the French the remaining Jews from Germany and the occupied territories, hundreds of thousands of persons, in the expectation that the French in turn would persuade this country and the other American countries to receive them.

I am sure that you will agree with me that we must think above all of the tragic victims of the German measures. Information reaching us is conclusive that if we or the other American Republics yield to these blackmailing totalitarian tactics the Germans will inaugurate something approaching a "reign of terror" against the Jewish people, not only those remaining in Germany but those as well in countries under occupation or which may be occupied in the future. Thus hundreds of thousands of unhappy people will be dispossessed of their homes and their goods to be used as pawns in a German maneuver calculated to embroil opinion in the democratic countries overseas.

For this reason I have stressed in the enclosed note to
to the French Ambassador that an approach on this question must ultimately be made through the Intergovernmental Committee in which both this and the French Governments participate.

Faithfully yours,

Enclosures:

To The Secretary of State
Nov. 25, 1940

To The Ambassador of France.
[TRANSLATION]

EMBASSY OF THE FRENCH REPUBLIC
IN THE UNITED STATES

The recent arrival of several thousand Israelites expelled from Germany in the zone of French territory which is not subject to German authority has considerably increased the difficulties of a demographic order which the French Government has to face.

These refugees have come, indeed, to join the three and one-half million aliens who have found asylum in France in the course of recent years. (White Russians, Assyro-Chaldeans, Armenians, Jews, people from the Saar, Germans, Austrians, Czechoslovaks, Spaniards and Poles).

The effort thus accomplished by France has created for her a situation which was already grave before the opening of hostilities and which today appears in a form of extreme acuteness. The war has, as a matter of fact, brought about movements of population which have resulted in the grouping in the free zone of all the foreign elements residing in France. The problem of supplying them with food has thus become particularly difficult to solve.

The French Government hopes to be able to count upon the assistance of other States to aid it in solving the problem

His Excellency
The Honorable Cordell Hull,
Secretary of State of the United States,
Washington, D. C.
problem which is of concern to the community of nations. Only a fairer distribution of the foreign refugees, particularly of the Israelites, among the different countries will facilitate the settlement of the problem.

The Inter-Governmental Committee which, on the initiative of the President of the United States, met at Evian in July 1938, was able to establish, in the course of its work, that aside from the United States, several States of Central and South America were in a position to receive a very considerable number of refugees.

In the present impossibility of calling the Inter-Governmental Committee together again, the French Government would like to be able, taking as a basis the Evian deliberations, to study with the United States Government means calculated to permit the emigration to the American continent of foreign nationals, principally of German nationality, now settled on French territory.

The Ambassador of France has the honor to bring these considerations to the knowledge of His Excellency the Secretary of State, while expressing the desire to be informed of the views of the United States Government on the matter. He wishes to state that the French Government has refrained from any steps directed toward the other American Governments, thinking that it pertains to
to the Government of the United States, if it deems it apropos, to lay the question before them through the channel of a Pan American Conference or any other means suitable to it.

Mr. Henry-Haye is happy to avail himself of this opportunity to renew to the Honorable Cordell Hull the assurances of his very high consideration.

Washington, November 25, 1940.
THE WHITE HOUSE
WASHINGTON

December 27, 1940.

MEMORANDUM FOR

THE ATTORNEY GENERAL

Will you speak to me about this?

F. D. R.

Memorandum for Secretary Ickes from Nathan R. Margold, Office of the Solicitor of the Dept. of the Interior, 12/26/40, asking if opinion of the Attorney General should be obtained in connection with legal questions involved in connection with the admission of carefully selected prospective immigrants for a temporary stay in the Virgin Islands while waiting for their quota numbers to be reached. Copy in our files.
MEMORANDUM for Secretary Ickes.

The President's memorandum to you of December 18 concerning the Virgin Islands refugee proposal indicates that his attention has been called only to the proposed Governor's Proclamation and to my opinion on the narrow question of the Governor's legal authority to sign that proclamation. These documents by themselves present a misleading as well as an inadequate picture of the situation and of the immediate question which really requires the President's decision. In view of his sympathy with our aims, I am submitting a thumb nail sketch of the actual situation in the hope that you will find it helpful in a further discussion with him.

The proposed Governor's Proclamation represents an expedient not to by-pass the State Department on questions of foreign policy, but to eliminate certain purely technical obstacles which for more than a year have frustrated our efforts to get an expression of opinion from the State Department on the policy questions involved. Following the adoption on November 18, 1939, by the Legislative Assembly of the Virgin Islands of the resolution offering the Virgin Islands as a haven for refugees, you received letters from prospective immigrants who were waiting abroad to be reached on overfilled quota lists and who wanted permission to spend part or all of their waiting period as visitors in some Territory of possession of the United States. Such permission could not be granted under existing State Department regulations which prohibited the issuance of a visitor's visa to anyone who had an application on file for a quota visa. In view of the obvious advantages which would flow to the Virgin Islands if a limited number of carefully selected applicants of unquestioned bona fides and possessing ample financial means were permitted to sojourn in the islands while waiting for their quota numbers to be reached, you requested the Secretary of State on November 25, 1939, to consider the advisability of certain proposed amendments in the existing immigration regulations. A similar letter was sent to the Secretary of Labor. Secretary Perkins replied on February 3, 1940, expressing approval of the proposed modification with certain minor technical changes and stating that these changes were authorized by existing legislation. Secretary Hull replied on December 15, 1939, expressing sympathy with our objectives, but indicating that in his opinion new legislation would be necessary to authorize the suggested arrangement. This Department agreed with the Department of Labor rather than the Department of State on the purely legal question whether the proposed amendments were authorized under existing statutes; and in order to obtain an authoritative decision as a basis
for further discussion of the policy questions with the State Department, you requested the Attorney General for an opinion on the legal questions raised by that Department. This request, after a complicated history whose course is traced in the chronology submitted to you on November 16, is still pending in the Department of Justice which has indicated its reluctance to render an opinion on questions involving prerogatives of the Consular Service pursuant to a request not joined in by the State Department.

The proposed Governor's Proclamation has been suggested as a means of narrowing the situation down from one involving the issuance of visitors' visas by the Consular Service under the general immigration laws to the particular authority of the Governor of the Virgin Islands under a particular statute and Executive order to grant special permission in selected cases to temporary visitors to the islands unable to obtain visitors' visas from the Consular Service. This proclamation if promulgated would be implemented by regulations limiting and safeguarding its operation.

While these regulations were still in the phase of informal preliminary discussions with officials in the State Department, and in the Immigration Service of the Department of Justice, with the President's Advisory Committee on Political Refugees, and with various responsible organizations interested in refugee work, a draft of the proposed proclamation came to the attention of Assistant Secretary of State Breckinridge Long. Unaware of our negotiations, he mistook the proclamation as an effort by this Department, without consultation with the State Department, to authorize a large-scale influx of foreigners to the Virgin Islands without adequate safeguards against undesirable elements. Despite further conferences held pursuant to your arrangement with Assistant Secretary Long, we have again reached an impasse, not on any questions of policy but on certain purely legal questions concerning the authority of the Governor of the Virgin Islands in immigration matters. These conferences, however, did result in a formulation of all the legal questions which stand in the way of consideration by the State Department of the policy issues on their merits. A few days ago Mr. Hackworth, Chief Legal Adviser to the Secretary of State, telephoned me that he had recommended to Secretary Hull the joint submission of these questions by the two Departments to the Attorney General. Mr. Hackworth further stated that Secretary Hull, while expressing no objection to the proposed submission, had stated that since the President had already dealt with the matter personally and directly, it would not be proper for the two Departments to take any further action without first consulting the President.

Thus, so far from seeking to by-pass the State Department on the policy questions, we have persistently tried for more than a year to get that
Department to consider those questions but have been frustrated by preliminary legal questions which can be answered authoritatively only by the Attorney General.

Since the Attorney General is disinclined to answer these questions unless they are referred to him by the Secretary of State as well as by this Department, and since the Secretary of State, out of deference to the President's prior personal participation in the matter, is unwilling to act without his approval, the question immediately to be decided by the President merely is whether the questions of law which have been formulated by agreement between the chief legal officers of both Departments should now be referred to the Attorney General for opinion as a basis for any discussion of policy matters at all.

Since some misunderstanding has arisen as to the scope and purpose of the proposals thus far made by this Department, the President should be advised that these proposals include the following safeguards, among others:
(1) The President's Advisory Committee on Political Refugees, with the endorsement of the Department of Justice, will recommend deserving cases.
(2) These cases will be cleared by the consular as to conformity with exclusionary laws.
(3) Strict financial and other obligations (including guarantees as to housing and eventual resettlement) will be assumed by responsible nonprofit organizations for each refugee admitted.
(4) Only those persons will be admitted who will be able, when their quota numbers are reached in due course, to secure admittance to the United States.
(5) Persons temporarily admitted to the Virgin Islands, under this plan, will have the status of temporary visitors; they will not be permitted to accept employment except in such fields as are considered by the local legislature to promote the prosperity of the islands. In fact, our chief hope is that such economic contributions, in the form of new housing construction, and improvement of recreational and tourist facilities, will constitute a laboratory demonstration of the economic value of carefully selected and supervised refugees, and that this demonstration will be of far greater value than the positive aid which it can offer to a very small number of refugees.

Nathan R. Margold
Solicitor.
SUMMARY

The Interior Department has been negotiating with the State and Justice Departments for more than a year concerning the admission of carefully selected prospective immigrants for a temporary stay in the Virgin Islands while waiting for their quota numbers to be reached. While Secretary Hull has expressed general sympathy with the objectives of the proposal, he has declined to consider specific policy issues which it raises until certain preliminary legal questions have been authoritatively determined. The chief legal officers of the State and Interior Departments have agreed upon a formulation of these legal questions. Secretary Hull, in deference to the prior participation of the President in this matter, has indicated that Presidential authorization should be secured for submitting these legal questions to the Attorney General for opinion. Such an opinion is a necessary condition precedent to discussion on the merits not only of this particular Virgin Islands proposal but of any alternative that could be devised.
December 21, 1940

My dear Mr. President:

I enclose the text of a note which has been received from the French Embassy asking the assistance of this Government in (1) removing the German Jewish refugees recently forced by the German authorities into French unoccupied territory from Baden and Wurttemberg and (2) enlisting the support of the other American Governments in the "more equitable distribution" of these people.

I attach also a text of a reply which, if it meets with your approval, I propose to send to the French Ambassador. This memorandum, in a brief word, stresses that this Government and the other American Governments are doing the maximum under their respective laws and practices to relieve the pressure of refugees in Europe, points out that the French Government has not always cooperated in the realization of this task and rejects, while leaving the door open for calm discussion of the problems of migration and resettlement when

The President,

The White House.
when conditions warrant in the future, the French proposal for bilateral or multilateral discussions of these problems.

It is my view that the French in making this démarche are acting under German pressure. Reports have reached the Department for some time through the Coordinating Foundation and other channels that the Germans were preparing to force our hand on the refugee problem. The first step was the despatch to French unoccupied territory of more than ten thousand German Jews of all ages, from a baby of two days to a woman over one hundred years old, without any advance provision for their support or consideration of the hardship caused to them or to France. The second step is this note.

It seems clear to me that this is a repetition of the tactics followed by the Germans in 1937 and 1938 when they forced Jews in the dead of night across various points on the Netherlands, Belgian, Swiss and French frontiers. Wherever they found a weak point they would repeat the process in the following nights, but instead of forcing through groups of ten or twenty they would drive, at gun's point, hundreds of people, then many hundreds, through the breach, increasing the number nightly.
nightly as long as the breach remained. Now the process is being repeated on a larger scale and the attack is on the Western Hemisphere. Were we to yield to this pressure all the evidence indicates that in the wake of the ten thousand Jews recently forced into France the Germans would drive on the French the remaining Jews from Germany and the occupied territories, hundreds of thousands of persons, in the expectation that the French in turn would persuade this country and the other American countries to receive them.

I am sure that you will agree with me that we must think above all of the tragic victims of the German measures. Information reaching us is conclusive that if we or the other American Republics yield to these blackmailing totalitarian tactics the Germans will inaugurate something approaching a "reign of terror" against the Jewish people, not only those remaining in Germany but those as well in countries under occupation or which may be occupied in the future. Thus hundreds of thousands of unhappy people will be dispossessed of their homes and their goods to be used as pawns in a German maneuver calculated to embroil opinion in the democratic countries overseas.

For this reason I have stressed in the enclosed note to
to the French Ambassador that an approach on this question
must ultimately be made through the Intergovernmental
Committee in which both this and the French Governments
participate.

Faithfully yours,

Enclosures:

To The Secretary
of State
11/25/40.

To The Ambassador
of France.
The Secretary of State presents his compliments to His Excellency the Ambassador of the French Republic and has the honor to acknowledge the receipt of his note of November 28, 1940 requesting the assistance of the Government of the United States of America in the solution of the problem of refugees, primarily those of German origin, now in unoccupied France.

1. The view of the French Government is noted that the recent forced migration to French unoccupied territory of thousands of refugees of German nationality and the Jewish religion has seriously aggravated the difficulties of the French Government. The French Government, in consequence, is obliged to care for and feed these persons in addition to the many hundreds of thousands of refugees of other nationalities who have sought asylum on the territory of France.

2. It is noted, moreover, that, in the opinion of the French Government, the refugee problem can be solved only
only through a more equitable distribution of refugees, particularly those of the Jewish religion, among the different countries. Based on the information furnished to the Intergovernmental Committee on Political Refugees, the countries of the American Hemisphere must be prepared to make a material contribution in this sense.

3. Finally it is noted that His Excellency the French Ambassador expresses the hope that, in view of the fact that it is not possible to hold a meeting of the Intergovernmental Committee in the present circumstances, this Government will be prepared to study with the French Government the ways and means of organizing immigration to the American Hemisphere of foreign nationals now on French territory, particularly Jews. It is hoped that this Government through the Pan American Union or otherwise will approach the other American Governments with a view to enlisting their support of this project.

4. It is stated in conclusion that the French Government has refrained for the present from making a direct
direct approach to the other American Governments.

5. While this Government appreciates the serious predicament in which the French Government finds itself as a consequence of the forced migration in mass of German nationals to French territory and while it is disposed to assist in solving the refugee problem to the full extent of the existing laws and practices of this country it believes that, in order that there may be no misunderstanding of its position, it is desirable to reiterate on this occasion the basic principles underlying President Roosevelt's invitation of March, 1938 to the American Governments and others to consult on ways and means of relieving the pressure brought to bear on all countries by the chaotic unregulated migration from Germany and the countries under its control of German citizens who for political, racial or religious reasons were regarded by the German Government as undesirable. The basic principles enunciated at that time and which were accepted as funda-
mental by the Intergovernmental Committee throughout its sessions and are controlling in the relations in respect to migration between this Government and the other American Governments are (a) that no distinctions shall be made between refugees on grounds of race, nationality or religion; (b) that no country shall be asked or expected to receive a greater number of immigrants than is permitted by prevailing practices and existing laws.

6. In other words the fundamental principles on which action looking to the orderly migration of numbers of people to the Western Hemisphere have been and continue to be founded are (a) equality of treatment in the resettlement of refugees from Europe of all races, nationalities and creeds; (b) full respect for the sovereign rights of the immigration states in regulating migration currents according to their individual interests and in strict accordance with their respective laws.

7. At
7. At no time in its deliberations has the Inter-
governmental Committee admitted the possibility that
a distinction can be drawn between one and another
category of refugees.

8. It has been recognized throughout the inter-
governmental discussions that the right of determining
the type and extent of immigration into a given country
cannot be delegated to any outside authority. Moreover,
it has been made plain repeatedly that this Government
would not wish to suggest or be party to any international
action which might be interpreted as placing pressure
on any Government or Governments to take action in the
field of migration contrary to or irreconcilable with
their practices and laws.

9. Subject to these considerations and the added
fact that the laws of the United States regarding immigra-
tion are quite explicit and do not permit of any further
liberalization this Government is prepared to make and is
making every consistent effort to contribute effectively
to relieve the pressure caused by the overconcentration of
refugees.
have any prejudices and that persons guilty of
for admission to their respective governments under other
resident persons in substantial numbers who can qualify
over, that the other American governments are willing
mter. It is the impression of the government, more-

must be cared for and fed.

unjust, stern and cruel on French territory where they
that these persons have not been able to proceed to the
grant the requested assistance with the concurrence
French government has been unalterable or has failed to
able to leave French territory outside of the fact that she
to the United States and have requested that they have not been
persons who have faithfully the requested assistance for admission

Any

It is no use to make a commission that many

Can they appeal to France or to Spain or to other countries.

any person are placed above the requested personnel to the

France annexed or in any manner to the commission

have been requested in the country under the

maximum number of persons who can receive the asylum.
these other American countries have, too, encountered difficulties in receiving exit permits from the French Government and, as a consequence, remain to be cared for and fed on French territory.

Finally, reference should be made to the fact that in addition to the persons who are being received in various American countries by infiltration, settlers who can fulfill certain specified requirements are being admitted in increasing numbers to the settlement established upon the invitation of the Dominican Government, under the aegis of the Intergovernmental Committee and at the direction of an American association at Sosua, in the Dominican Republic. These persons who are carefully selected in Europe by an agent of the Dominican Republic Settlement Association have also in many instances failed to receive the necessary permission of the French authorities to leave and remain to be supported in France.

12. The basic aim of the action undertaken by this Government through the Intergovernmental Committee and otherwise has been to bring order out of chaos in the migration
migration of persons driven from their countries or
countries of origin who must be resettled elsewhere.

In fulfilling this aim the American Government has made
it clear from the outset that it could not support or be
party to any measures which would encourage the spread from
points outside the Western Hemisphere to the Western
Hemisphere of forced migration in which people in great
numbers are intended to be driven anarchically upon the
receiving states with unhappy consequences to the economic
and social equilibrium of all. To permit the spread of
this condition to the Western Hemisphere would be to
impede not promote the solution of a problem which ul-
timately must be settled in an orderly manner and in calm
consultation by Governments of countries where there is
said to be overpopulation. Governments of countries of
temporary reception and Governments of countries of final
settlement.

15. Accordingly, while this Government holds the
view that the time will come when such conditions of
order and peace will prevail in the world as will warrant
a humane and orderly approach to the migration problem
by the Governments collaborating in mutual confidence
and mutual respect, it does not believe that any useful
purpose can be served by discussing migration problems
bilaterally with the French Government or multilaterally
with the several Governments at this time. Present world
conditions operate to cause governments in many in-
stances to forego the free exercise of their authority
and the essential requirements for a constructive solution
of the fundamental problems of migration and resettlement
do not prevail.

Department of State,

Washington,
CANTOR, Eddie
New York, N.Y.,
Oct. 6, 1940.

Sends wire to the President saying that after spending Sunday with James G. McDonald, has no hesitancy in saying that in McDonald the Jewish people have their greatest Christian friend second only to the President himself. ---

The President, Oct. 10th, wrote Mr. Canter saying he had received his wire just before his conference with James G. McDonald, the Solicitor General, and a few others. The President said he agreed with Mr. Canter that Mr. McDonald is a friend of the Jewish people and he (the President) is glad to have Mr. McDonald with him in trying to work out a solution to this difficult problem. (Political refugees)

SEE P.P.F. 1018

AS

3/86
Wrote to the President stating that it gave him deep satisfaction to learn, as a member of the Advisory Committee on Political Refugees, of yesterday's meeting of with the President of Dr. James G. McDonald and Mr. George L. Warren. Discusses third-term and the President's chances in the election. -- The President replied on Oct. 14, 1940, thanking Dr. Wise for the letter, and stating that the assurance of loyalty is gratifying.
FISHER, Mandel N.
Executive Director, Jewish National Fund of America,
New York, N. Y.
10-15-40

Sent to Mr. Early copy of letter addressed to Dr. Israel Goldstein, Pres.,
Jewish Nat'l Fund of America, by Mr. McIntyre, June 7, 1938, re President's willingness
to receive from the Jewish Nat'l Fund a replica of a Golden Book volume -- a tribute
by hundreds of American Jewish organizations "In Appreciation of the President's Great
Humanitarian Act for the Refugees". Said volume is now completed and the Fund wishes
Sen. Alben W. Barkley sent note to Gen. Watson, Oct. 17 introducing Mr. Fisher and Mr.
Spiegelman and saying they want to present book to President through him when he addresses annual convention in St. Louis, Nov. 10. -- Mr. Fisher wrote to Gen. Watson
from Washington, Oct. 18 thanking him for meeting him and Mr. Spiegelman. Outlined
what they want to have done re presentation of Book. Enclosed text of "Address of Appreciation to the Honorable Franklin Delano Roosevelt, President of the United
States of America", signed by Dr. Goldstein and Mr. Jacob Sinoff, Chairman, Nat'l
Com. for the Roosevelt Golden Book, as draft for President to use in writing to Dr.
Goldstein and to be read by Sen. Barkley over radio. Referred to message of greeting,
also, from President. -- Mr. Fisher wrote to Gen. Watson, Oct. 25 re arrangements for
national hookup for presentation, Nov. 10 at 10:30 A.M. -- Fisher letters of Oct. 18
and 23 referred to Sec. of State, Oct. 25, and draft reply for President to use, supplies
by Act'g Chief of Protocol, Stanley Woodward, Oct. 29. --- Mr. Fisher wired to Gen.
Watson, Oct. 30 asking for reply re presentation. -- Gen. Watson wired, Oct. 31, advising
that it is all right for Sen. Barkley to accept Golden Book in name of President,
and that letter from President, accepting Book will be presented to Mr. Fisher by the
Senator; acknowledged Oct. 31. --- President wrote to Dr. Goldstein, Nov. 2, 1940 ex-
pressing appreciation of replica of Golden Book and sending message on preserving relig-
ious liberty. -- President's letter sent to Sen. Barkley for presentation to Dr. Gold-
stein, Nov. 2. --- Gustave Klausner, Chairman, Jewish Nat'l Convention Com., St. Louis,
wired election congrats to Miss LeHand, Nov. 6, and inquired re President making per-
sonal acknowledgement of Book via radio. Regrets wired by Mr. Early, Nov. 7.

SEE P.P.F. 601
VIIB -

DROHOJOWSKI, Jan - Counselor of Embassy - Polish,
Dec. 2, 1940

Writes General Watson enclosing a letter for the President from Hon. Ignace Jan Paderewski, NYC, discussing European matters, and asking that Ambassador Leahy be instructed to maintain a friendly contact with the Polish Red Cross authorities in Vichy and to morally assist them in case of need. Proposes that his friend, Minister Sylvin Strakacz be received by Amb. Leahy to submit whole problem. Appeals for the destiny of about 500,000 Polish citizens still remaining in France. Attaches a statement entitled "Status of Polish Citizens In France". -- Hon. Sumner Welles wrote the President on this Dec. 11. Submits draft. Dec. 17, the President wrote Mr. Paderewski that he is sorry he is confined to his room on account of illness. Says remarks re loyalty to U.S. of Amer. citizens of Polish origin were particularly interesting. Says he has brought his letter to attention of Adm. Leahy and has asked him to call on either M. Paderewski or Mr. Strakacz. Says all want to alleviate sufferings in present conflict and to help refugees. Says whole question will be given sympathetic consideration.

SEE - P.P.F. 881

3/86
STUDEBAKER, Sen. John F.
Dec. 13, 1940

Mr. Bassett referred for draft of reply, letter of Dec. 13th to the President from Jos. F. Lash, Gen. Sec., International Student Service, NYC, requesting letter from President for two conferences which will be held by them during Christmas. Important function of service is aiding growing group of refugee students. -- Gen. Studebaker supplied draft Dec. 16th. Mr. Lash sent Mr. Lash Dec. 20 the President's message, which was addressed to The National Student Federation and the International Student Service.

SEE - P.P.F. 2111

3186