

Samuel Rosenman Papers
Box 15
Refugees

Refugees

November 4, 1941

MEMORANDUM FOR THE ATTORNEY GENERAL:

George Warren was in town today and I talked with him about suitable nominees for the Board of Appeals which is to deal with visa applications. The following names occurred to us:

Joseph Chamberlain, Professor of Public Law at Columbia University. He is nearing retirement and is experienced in this field; the State Department has confidence in his objectivity.

George Rublee; well known by the State Department; has a general knowledge of this field and undoubtedly acceptable to the State Department.

Fred Keppel; former President of Carnegie Corporation; wide experience in the international field; commands confidence; probably available.

Robert Leigh; former President of Bennington College; Ph.D in public law; experienced and liberal.

Clyde Eagleton; Professor of International Law, New York University; an excellent man but doubtful availability.

Joseph P. Cotton, Jr.; now connected with OPM; attorney; able and well known to State Department officials.

Arthur MacMahon; Professor of Public Law at Columbia University; experienced in international affairs and in public administration; availability doubtful.

Mr. Warren has agreed to give further thought to this subject and will let us know if he has further suggestions.

Marshall E. Dimock

October 28, 1941.

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

My dear Mr. Secretary:

In response to your recent request for suggestions which may prove helpful in reducing delays in the examination of visa applications, may I say that I have discussed the problems with the officers of my Department and have given the matter a good deal of thought. Obviously the number of applications coming to the State Department will be governed primarily by conditions abroad and will remain outside its control. I assume that every effort has been made by the Department of State to build a staff adequate to meet the need and that you have found practical limitations in this effort. I am quite conscious of the enormous problems involved in building a new staff to do a highly technical job and in training this staff delays are inevitable in the beginning.

Commenting as a cooperating observer, may I suggest first that there appears to be a need for the setting up of a committee, body or person to determine policies. There is some evidence that there is a confusion of policies and there appears to be a lack of specific instructions to the Interdepartmental Committees. Policies will naturally emerge from experience. It seems to me that policies with respect to the issuance of visas were fairly well established prior to the mandate of Congress that visas should not be issued to those whose admission would endanger the public safety. Many of the present difficulties arise from the need for experimentation with tests of public safety. A policy making body, committee or authority which might develop instructions for the Interdepartmental Committees would in my judgment make a substantial contribution to the situation.

Consistent with the foregoing, it seems to me that your Foreign Service officers experienced in visa administration might be given

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authority to pass upon those applications which in their judgment, after reports have been received from the cooperating services, raise no questions of public safety. Cases in which such questions arise in the judgment of experienced Foreign Service officers might then be sent to the Interdepartmental Committee for consideration.

We have already discussed and reached an agreement upon the constitution of a Board of Review. Such a Board of Review should receive a record disclosing the full facts of the case in order that it may pass competently on the reasons for rejection. In cases in which the Board finds that the record is not clear, it should have the privilege of calling sponsors before it in order that doubts may be resolved.

I know that efforts are already being made to simplify forms and procedures and I believe that this effort will be facilitated if the officers of the Immigration Service were to confer with your officers to determine whether standard forms can be developed to serve the purposes of both the Departments. My impression is that the forms now in use needlessly duplicate each other. There also appears to be a need for a central index of cases available to both Departments. This would make possible the immediate location of all records required.

In summary, the policy making body would give specific directions to Foreign Service officers who will eliminate skillfully from the great mass of applications those which raise considerations of public safety, the new element in the problem. The Board of Review, with adequate records before it, will help to standardize the decisions of the Interdepartmental Committees on the issues of public safety, which experiences will have to determine in order adequately to meet the needs of the emergency and at the same time obviate arbitrary administration. The purely administrative problems can, I am sure, be worked out by frequent and close collaboration by the officers of the two departments in the continuing effort to remove duplication and needless documentation which soon becomes a burden to both Departments.

Very sincerely yours,

Attorney General

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Washington, D.C.

September 4, 1941.

Mr. President:-

Assuring you of our deep concern for the public interest and the national safety shared in common with you and the Departments of State and Justice, we beg leave to make the following recommendations with respect to current practices in the issuance of visas:

(1) The so-called relative rule should be cancelled or substantially modified. Our experience with refugees has convinced us that it is unnecessary, illogical, ill adapted to the purposes claimed for it, and cruelly burdensome on the refugees affected by it.

(2) Existing procedures should be simplified. The information and advice of the War and Navy Intelligence Services and of the F.B.I. should be made available to the officers of the Departments of State and Justice, who alone should decide on visa cases as competent under the law and familiar with the problem.

(3) A Board of Review should be established immediately to consider cases brought to it on appeal from the reconstituted Inter-Departmental Committees.

(4) Sponsors of applicants for visas, or their representatives, should be given opportunity to be heard by the Board of Review.

Respectfully,

The President's Advisory Committee on Political Refugees

James G. McDonald, Chairman.