Requests for Specific AIDS: CRAVATH, SWAIN & MOORE
WASHINGTON, February 13, 1945.

Mr. Refugees Board,

Executive Office of the President,
Treasury Department,
Washington 25, D. C.

The petition of Mrs. Hannah Sanders Hartog for the issuance of immigration visa to her parents, Solomon and Roseline Sanders, was received by the Immigration and Naturalization Service on December 5, 1944, under case No. 7-407637. The War Refugee Board and the Visa Division of the State Department were advised by the Immigration and Naturalization Service of the removal of the petition.

In her visa petition, Mrs. Hartog stated that her parents were believed to be held in the concentration camp at Westerbork, The Netherlands. Information just received, however, now leads Mrs. Hartog to believe that her parents are not held in the concentration camp at Theresienstadt (Bohemia), but that their address in Theresienstadt is Langestrasse 296/II.

It is respectfully requested that the records of the War Refugee Board be corrected to show that Mr. and Mrs. Sanders are now held in Theresienstadt.

Very truly yours,

[Signature]

[Name]

Mr. Refugees Board
MEMORANDUM

TO: Mr. J. W. Pehle
FROM: Mr. A. A. Berle, Jr.

July 5, 1944

We received from Messrs. Cravath, Swaine and Moore a letter similar to the one forwarded with your memorandum of June 30. A copy of the Department's draft reply is attached hereto.

You will note that our letter to Mr. Gilpetric follows the lines of the discussion at the meeting in my office last May which you and Mr. Lesser kindly attended. As we pointed out at the time, we have no facilities for compiling lists of refugees proposed for exchange or for arranging their security clearance. I hope that the interested refugee organizations will have such lists readily available for use if and when we find it necessary to ask you for them. Of course it is impossible to tell just now whether we will have to operate on German-prepared lists of persons they deem releasable or on lists of our own preparation.

Enclosure:

To Mr. Gilpetric.
July 5, 1944

MEMORANDUM

TO:  Mr. J. W. Pehle
FROM: Mr. A. A. Berle, Jr.

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Enclosure:

To Mr. Gilpetrio.
Department of State

Mr. J. W. Pehle

Letter drafted

Addressed to
My dear Mr. Gilpetric:

I have received your letter of June 23, 1944 in which you request for your client, Mr. Arnold Hartog, assistance in arranging for his son, Mr. Hendrik Marinus Hartog, to be included in the next exchange of persons arranged between the United States and German Governments. You state that Mr. Hendrik Hartog is detained in a camp at Pitivieras (near Orleans), France and that he is in possession of a valid Argentine visa.

While we are continuing to exert every possible effort to save as many of the victims of German persecution as we can, the Department has not yet undertaken to make up lists of persons to be included in the exchanges, but has endeavored to create a situation in which all persecuted persons would be saved from enemy action threatening their lives. The German Government has not reached the point where it permits this Government to submit lists of people we wish to assist in leaving enemy-held areas; instead, it has tendered to this Government lists of releaseable persons within recognized categories in return for similar lists of Germans in the United States submitted by this Government.

You

Mr. Roswell L. Gilpetric,
Gravath, Swaine and Moore,
Transportation Building,
Washington, D.C.
You may wish to suggest to Mr. Arnold Hartog that he take up this matter with the War Refugees Board which, in cooperation with the Department and other agencies of the Government, is doing everything possible to help victims of German persecution.

Sincerely yours,

For the Secretary of State:

Albert E. Clattenburg, Jr.
Assistant Chief
Special War Problems Division
MEMORANDUM

TO: Mr. Berle

FROM: J. W. Pehle

Attached hereto for your consideration is a copy of a letter received from Messrs. Cravath, Swaine & Moore.

J. W. Pehle

LSLESSER:al 6/29/44
Dear Mr. Gilpatric:

This will acknowledge receipt of your letter of June 23 with respect to Hankirk Mariman Hartog.

For your information there is herewith enclosed a copy of Resolution XIX of the Emergency Advisory Committee for Political Defense, and the explanatory statement prefixing the same. We are referring your letter to the Department of State which is charged with making the necessary arrangements to effectuate the program therein proposed.

Very truly yours,

(Handwritten)

J. W. Peake
Executive Director

Mr. Roswell L. Gilpatric
Transportation Building
Washington 6, D. C.

Enclosure

J. W. Peake
LSLesserial 6/29/44
Dear Mr. Fehle:

On June 17, 1944, the Department of State made known this country's willingness to participate in an Inter-American program directed to the rescue of 2,000 racial and political refugees from Germany and German-occupied territory. The announcement was made in response to a letter sent to the Department of State by Dr. Alberto Guani, President of the Emergency Advisory Committee for Political Defense at Montevideo, Uruguay, in which was set forth a resolution of the Emergency Advisory Committee calling for joint action to exchange German nationals held in this hemisphere for refugees possessing non-European documentation.

The Department of State's action in this matter has encouraged a client of my firm, Mr. Arnold Hartog, to hope for the release of his son, Hendrik Marinus Hartog, interned on August 5, 1942, in a concentration camp at Pitiviers (near Orleans), France. Mr. Arnold Hartog is a citizen of the Netherlands, as is his son, although the latter executed declaration of intention No. 203,115 in the United States District Court at Los Angeles, California, on January 24, 1939, showing certification No. 23-66,106 from the Commissioner of Immigration and Naturalization. He also held a re-entry permit at the time of his departure from the United States in 1940.

Since his son, Hendrik Marinus, now holds a valid Argentine visa, Mr. Hartog hopes that some way will be found to include his son's name in the list of refugees to be exchanged under the program. It has been difficult, however, for Mr. Hartog to determine just what to do to realize this hope. Apparently, there is as yet no division of the State Department or of the War Refugee Board assigned to the program, and concrete information with respect to its mechanics is not available.

Any assistance that the War Refugee Board can give to Mr. Hartog toward getting in touch with persons in charge
of the administration of this program will be deeply appreciated.

Very truly yours,

[Signature]

John W. Pehle, Esq.,
Executive Director,
War Refugee Board,
Treasury Department,
Washington, D.C.
In its Resolution XX the Emergency Advisory Committee for Political Defense recommended certain measures for the detention and expulsion of dangerous Axis nationals, which it considers of paramount importance to the security of the Continent.

In view of the fact that a considerable number of totalitarian agents continued to enjoy excessive freedom of action in the Americas, the Committee proposed two basic measures designed to eliminate any possibility of action detrimental to the Continent by these individuals. The first is that a general policy of repatriation of such nationals should not be followed, but that collective arrangements should be worked out under which only persons vested with diplomatic or other official representative status, and other Axis nationals in very small numbers who could not contribute substantially to the war effort of the totalitarian powers, would be exchanged for nationals of the American Republics. The second proposal, which complements the first, is that dangerous Axis nationals be deprived of their freedom of action, either by internment within the country of their residence or by expulsion or deportation to other American Republics for detention therein.

The Committee believes that the considerations of Continental security which led it to make the recommendations contained in its Resolution XX still exist. Nevertheless, in view of certain facts that have come to its attention, the Committee is convinced that it is now possible and desirable to apply with greater liberality the strict standards set forth in the said Resolution, with reference to the first of the basic measures mentioned, provided due precautions are taken.

The Committee has received information (to the effect) that there are at present in Axis or Axis-occupied territory approximately two thousand individuals who, although belonging to certain European racial or political minority groups, nevertheless possess certain documents, issued by or in the name of certain American Republics, which reflect a right of admission to or of protection by such States. Apparently with the deliberate purpose...
of using such persons as a medium of exchange for German nationals abroad, the German Government has detained the majority of those (individuals) in concentration camps, where they are for the moment free from the more severe treatment to which other members of the same minority groups are subjected.

In view of the strict standards which the American Republics have followed in accordance with Resolution XX of the Committee for Political Defense, arrangements have not been made for the exchange of these persons for German nationals in this Hemisphere.

The German Government has apparently concluded that the governments of the various American Republics are not determined to protect these persons or to accept them for exchange (purposes). It has consequently manifested its intention to deprive them of their present status, in order that they may be subjected to the measures applied uniformly to all other members of the racial or political minorities with which they are identified and who have no claim to American protection. These measures are notoriously of the most brutal character, involving forced labor and other extreme cruelties. It has come to the attention of the Committee that the persecution of such minority groups has been recently intensified.

Therefore, only the most urgent and decisive steps will prevent the annihilation of the persons under reference. These steps would include: (1) that the American Governments make definite representations to the German Government that the documents issued or the permits granted in their name to these individuals must be respected by that Government; and (2) that exchange proposals be promptly worked out on a collective basis for the purpose of liberating such persons. This step is in accordance with the statement in the first Annual Report of the Committee for Political Defense (to the effect) that in the isolated cases where repatriation or exchange may in the future be necessary or advisable, concerted action by the American Republics is indispensable. The Committee understands that certain Governments, and certain official or private agencies, have been considering this serious humanitarian problem, and that certain plans have already been formulated to finance the exchange and to find places of residence for the individuals rescued whenever their admission to the country concerned would not be feasible.

In view of the fact that the problem involves high security as well as humanitarian considerations, the Committee believes that an immediate solution should be found. It is of the opinion that the exchange of the persons under reference for German nationals can be undertaken presently without substantial departure from the recommendations contained in its Resolution XX. The Committee knows that there is in the American Continent a sufficient number of German nationals who are under these circumstances, and that it is possible to exercise adequate measures, based on the security of the American Republics, over the individuals received in the exchange.
Resolution

WHEREAS:

A. The Emergency Advisory Committee for Political Defense in its resolution XX, approved May 21, 1943, recommended to the American Republics that, as a general policy, they do not permit the repatriation of German nationals who are devoid of official status except in small numbers and only for the exchange of American nationals now in areas under German domination or for similar special reasons of particular importance;

B. There are in Germany or in German-controlled areas approximately two thousand individuals, most of them under detention in concentration camps, who, although identified or connected with various European minority groups, are nevertheless in possession of documents and certificates, issued by or in the name of (some) American Republics as well as other non-European states, which reflect a right of admission to or of protection by such States;

C. It has not been possible up to this time to include such individuals in the recent exchanges of nationals of the American countries for German nationals, because of the strict standards governing exchange as established in Resolution XX, and the extraordinary difficulties involved in discovering and identifying such persons, or in communicating with them;

D. The Committee is informed that the German Government, apparently in the belief that the American Republics, and the other non-European States concerned, are indifferent to the fate of these individuals, now intends to deprive them of every protection, and to subject them to the severe persecution, including forced labor and certain extermination, suffered by the members of the ethnic and political minorities with which these individuals are identified;

E. The prospect of such dire consequences is repugnant to the common ideals of liberty and humanity held by the American Republics, and calls for the utmost preventive efforts on the part of the Governments of this Hemisphere consistent with their own security;

F. Under existing arrangements, it is possible to provide effective support of and safe refuge for all such persons, including those whose admission to the American country concerned may not be feasible;

G. There are now available in the American Republics numerous German nationals, with respect to whom it is believed that their repatriation under present circumstances would not conflict with the strict standards contained in Resolution XX of the Committee;

THE EMERGENCY
THE EMERGENCY ADVISORY COMMITTEE FOR POLITICAL DEFENSE RESOLVES:

1. To direct the attention of the Governments of the American Republics to the desperate plight of those persons now in Germany or in German-controlled areas who are identified or connected with European security groups of an ethnic or political nature and who possess certain documents issued by or in the name of the American Republics which reflect a right of admission to or protection by (some of the) said Republics.

2. To inform the American Republics that, in the opinion of this Committee, the need to rescue such persons constitutes in itself a sufficient reason for their admission to this Hemisphere in exchange for German nationals, resident in the American Republics (who are) selected with due regard for the security requirements set forth in the Committee's Resolution XX.

3. To recommend strongly to the various American Republics that they immediately undertake such uniform and concerted action as may be necessary to facilitate the exchange of these persons for certain German nationals in this Hemisphere, and in particular:

   (a) That they inform the German Government, through the appropriate channels, that the individuals who possess documents of the character mentioned in the first paragraph, issued by or on behalf of the American Republics, are entitled to full protection in accordance with the terms of such documents and international usage with respect thereto;

   (b) That they authorize the initiation of negotiations with the German Government on their behalf, in order to effectuate the exchange of such individuals for German nationals now in the Western Hemisphere who desire to be repatriated and who are selected in accordance with such security standards as the American Republics may collectively deem appropriate in the light of all the circumstances surrounding each particular case.