Wilbur Carr, the Imperial State Department and Immigration: 1920-1945

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The first refugee action that Secretary of the Interior Harold Ickes and Ruth Gruber advocated died in Congressional committee in November 1940. It was a bill that would have brought ten thousand settlers to Alaska, half of them Americans, the other half European refugees who would promise to stay in Alaska for five years. Then they would be allowed to enter the United States under existing immigration quotas. The bill would have helped open Alaska for settlers and provide a haven for refugees. Secretary Ickes had sent Ruth to Alaska for a year to troubleshoot and prepare people for the refugees. But Alaskans and isolationists fiercely opposed the bill and it died in committee.

Their next joint refugee action happened in June 1944 when President Franklin Delano Roosevelt "invited" 1,000 Jewish refugees to come to America and "visit" until the end of the war. Secretary Ickes sent for Ruth Gruber and told her about the presidential invitation. She describes her reaction in her book, *Haven.* "Mr. Secretary, it's what we've been fighting for all these years. To open doors. Save lives. Circumvent the holy quotas."

Secretary Ickes recruited Ruth Gruber again, this time to travel to Naples, Italy, collect the refugees and accompany them back to America. The government provided an Army transport, the *Henry Gibbins,* for the refugees and they traveled to America with wounded soldiers from the Italian front and German prisoners of war. After a two week voyage, submarine alerts, air bombings, and tense relations between soldiers and refugees, Gruber and her charges arrived in New York. Refugee Ivo Lederer described his feelings when they reached New York Harbor. "And if you're coming from war-time, war-damaged Europe to see this enormous sight, lower Manhattan and the Statue of Liberty--I don't think there was a dry eye on the deck."

In the next year and a half- August 1944 to November 1945- the lives and work of Wilbur Carr, Henry Morgenthau, Jr., Harold Ickes, Ruth Gruber and European Jewish refugees intersected in political and profound ways with American immigration policies and the American State Department. The immigration policies that Carr helped institute during his 47 years in the State Department still influence modern immigration, especially since September 11, 2001.

Wibur Carr, now hidden by the mists of time, is considered to be the bureaucratic father of the modern State Department. Was he also an anti-Semite? Did his policies, combined with the economic conditions, immigration restrictions and isolationism of the 1920s and 1930s, encourage his zealous anti-Semitic successors like Breckinridge Long to implement more stringent restrictionist regulations? Even when Congress exposed the paranoia and anti-Semitism of Breckinridge Long, the State Department kept him in a position of power and influence. Could he and his co-workers deport the Oswego refugees? After all, founding father Carr had been a stickler to quota rules.

Wilbur Carr Becomes Mr. State Department

Even if Wilbur Carr had not intended to be obstructionist or anti-Semitic, he helped to create almost impenetrable "paper walls" for desperate Jewish refugees wanting to flee to the United States. Ironically, two children of Jewish immigrants to the United States, Ruth Gruber and Henry Morgentau played important roles breeching those paper walls.

Wilber John Carr did not intentionally set out to be Mr. State Department. Born October 31, 1870 on a farm in Taylorsville, Ohio,(about ten miles southwest of Hillsboro) he was an ambitious and diligent student in his home town schools. From early boyhood, Carr enjoyed music -singing and playing the mandolin and the cornet. Later, he taught himself to play the violin but he reached adulthood before he took violin lessons. He also loved reading, and when he grew old enough to handle horses and a plow, he stowed his books in his pocket so that he could read while the horses rested. Family stories recall "what a nice long rest the horses got and how displeased Grandfather was that there was so little plowing done."

When he had finished public school, Carr crossed the Ohio River to attend the Commercial College of Kentucky University. In April 1889, he completed the university's course in bookkeeping and general business training and returned home to study and practice shorthand. One day he read a newspaper advertisement about Chafee's Phonographic Institute in Oswego, New York. Fifty-five years later, Ruth Gruber would accompany her 982 refugee charges to Ft. Ontario in Oswego, but Wilbur Carr could not foresee this event when he traveled to Oswego and took the Institute's course in shorthand and typewriting in 1890. When he had finished his course, Mr. Chafee wrote Carr a recommendation and commended him as "able to write 125 words per minute and do fast and accurate machine work."

Mr. Chafee sent his letter to recommendation to the Peekskill Military Academy at Peekskill, New York, and the Academy hired Wilbur Carr as its secretary and quartermaster. He continued his education there as well, studying English, history, mathematics, chemistry, and physics. He also acquired administrative experience at Peekskill and co-authored a pioneering publication called *Commercial Geography* and *Geography of Commerce* with the Academy's principal, John Newel Tilden. This groundwork would serve him well in his future career in the State Department.

In the spring of 1892, Wilbur Carr traveled to New York to take the Civil Service examinations for a position as stenographer and typist in the United States Government. On May 24, 1892, he received a telegram from the State Department informing him that he had been certified as a clerk of class one with an annual salary of $1,000. At this point in his life, Carr thought that his State Department position would be a step toward a law degree. He did not realize that this State Department entry level position would be the first rung of a lifetime career ladder.

Once Carr established himself in Washington, he started night school and in 1894, he received an LL.B. degree from Georgetown University. In 1899, he earned an LL.M. degree from Columbian University, now the George Washington University. In 1900 he passed his bar examinations and was accepted to practice in the Court of Appeals of the District of Columbia and in the Supreme Court of the United States. He continued to take graduate courses in international law, political science, and diplomacy, and French language classes. He never became a practicing attorney, but his legal studies helped him immeasurably in his work at the State Department.

Slowly, methodically, and skillfully Wilbur Carr worked his way through the ranks of the State Department. He began as a shorthand clerk at a thousand dollars year in the great Victorian building next to the White House. In 1907, at the age of 37, he became chief clerk of the department. This was not a clerical job, but the head of the State Department's administrative machinery.

In 1901, he became director of the consular service, and in 1924, assistant secretary of state. Early in his career Carr began working to unite and reform the separate diplomatic and consular services because the "spoils system" of corrupt political appointments to the service and the domination of monied Eastern elites distressed him. He co-authored congressman John

Jacob Rogers' 1924 bill which created a unified career foreign service and successfully agitated for competitive examinations to enter the unified service and to award promotions based only on efficiency. He instituted interchange between diplomatic and consular jobs for officers already in the services.

Carr did not have the ivy league education of many of his colleagues and did not become financially independent until his second marriage to Edith Koon, daughter of a successful lawyer in Hillsdale, Michigan. But his bureaucratic experience and expertise gave him the advantage. He knew the inner bureaucratic workings of all of the offices lining the long marble corridors of the State Department.

Carr waged a long, uphill battle for reforms. The State Department had been an Eastern establishment "rich old boy" network for years. Officers from the old diplomatic service - rich men who had gone to Groton and Yale while he attended country schools in Ohio and commercial college in Kentucky - considered consuls to be lower class. Hugh Gibson, a senior diplomat, often remarked that "the best picture of a sweating man was a consul at a diplomatic dinner."

Despite his best efforts, Carr had not managed to entirely eradicate the spoils system. In the summer of 1937, 56 American embassies and legations were headed respectively by ambassadors and ministers. Twenty-six of these chiefs of mission were political appointees. With each new administration, the political climate of the department changed and the Roosevelt administration was no exception. FDR, an adroit politician, had his own agenda for the state department and that included easing Wilbur Carr out of his powerful position.

On at least one other occasion, Carr had narrowly escaped being a victim of this spoils system. In 1915, Carr had seriously thought about leaving government service when Secretary of State William Jennings Bryan had intimated to Carr that he wanted to fire present consular service employees and replace them with political appointments. Carr suspected, correctly, that Bryan intended to replace him as well. Then Bryan resigned from the State Department, but Carr stayed on to serve for twenty two more years.

Immigration and Immigrants Shaped America

These years would prove to be strenuous ones for Wilbur Carr. Most of his work-related problems in the 1920s and 1930s stemmed from immigration laws and refugees. In many respects, Wilbur Carr's attitudes toward immigration were shaped by the isolationism and paranoia of his own times, and not the history of immigration in America. During the 17th, 18th, and 19th centuries, United States immigration policy featured open borders and at times, America even recruited immigrants to solve its manpower problems. Nativism erupted occasionally in the nineteenth century, but it did not become pervasive until the first decades of the twentieth century.

Race and ethnicity had played a more important role in nineteenth century legislation aimed at curbing immigration. The Chinese Exclusion Act of 1882 prohibited Chinese people from becoming U.S. citizens and did not allow Chinese laborers to immigrate for the next decade. A "Gentleman's Agreement" with Japan in the early 1900s stopped most Japanese immigration to the U.S. Despite these restrictions, no numerical checks on immigration or quotas existed in America before the 1920s. By 1900, over half a million immigrants had come to the United States. Before 1900, there were no qualitative requirements either. President's Cleveland, Taft and Wilson vetoed bills in 1896, 1913, and 1915, which required that an immigrant must be able to read in at least one language and the literacy test for immigrants did not become legal until 1917.

The horror and disruption of World War I, the communist witch hunts, and the economic problems of the early 1920s profoundly affected American immigration policy. The decade of the 1920s ushered in a sad period in American history when xenophobia arrived and logic left. In 1920, U.S. Attorney General Mitchell Palmer ordered Justice Department raids in thirty American cities to round up suspected communists. More than 6,000 people were arrested, many without being charged with a crime. Most arrested were released and very few real anarchists or criminals were found. But hysterical propaganda by Palmer and others set the tone for the rest of the 1920s, and stimulated a spate of anti-immigration laws.

In the early 1920s, the House Judiciary Committee employed an eugenics consultant, Dr. Harry N. Laughlin, who stated that certain races were inferior. He said, "We in this country have

been so imbued with the idea of democracy, or the equality of all men, that we have left out of consideration the matter of blood or natural born hereditary mental and moral differences."

These eugenic ideas, nativism, and the communist scare produced legislation aimed at restricting southern European immigrants (mostly Italians) from entering America. The Temporary Quota Act of 1921 set numerical limits on immigration based on "national origin. " The Johnson Reed Act of 1924 set annual quotas on immigrants as the "number which bears the same ratio to 150,000 as the number of inhabitants in the U.S. in 1920, with a minimum quota of 100 for each nationality."

Asians, with only few exceptions, were barred from immigration under this law. The Johnson Reed Act gave western European nations the major share of the overall annual total of 153,774 immigrants from outside the western hemisphere, but it did not limit immigration from within the hemisphere. After 1924, Congress hesitated about touching the quotas again because the large number of immigrant Americans and the idea that the United States served as a haven for the oppressed made restrictions very controversial.

The Morgenthaus and Grubers Come to America

It was during the early era of mostly unrestricted immigration before the 1920s, that the parents of Ruth Gruber and the grandparents of Henry Morganthau, Jr. arrived in the United States. Lazarus, the grandfather of Henry Morgenthau, Jr., arrived in New York in 1866 nearly bankrupt. He promoted his own mostly unsuccessful inventions which included a label machine and a tongue scraper. Lazarus Morgenthau didn't fully realize the American dream, but his son, Henry and his grandson, Henry, Jr. brought it to fruition in the Morgenthau family. Henry graduated from Columbia Law school, amassed a fortune in real estate, and served as U.S. Ambassador to Turkey.

Henry, Jr. left Cornell University before he graduated and decided to become a farmer. He bought land in Dutchess County , New York near the Franklin D. Roosevelts, and the two families became close friends. When Roosevelt won the presidency in 1932, Morgenthau became his Secretary of Treasury. As one of the few Jews around the President and probably the most concerned about the plight of Germany's Jews, Morgenthau brought rescue plans and State Department obstructionists to FDR's attention.

Russian Jews David and Gussie Gruber immigrated to the United States in the early 1900s and settled in Brooklyn, New York. Ruth Gruber, one of their five children, was born in 1911. She entered college at the age of 15 and graduated with a Ph.D. in literature at age 20. She won a scholarship for graduate study in Germany and wrote eyewitness stories about the rising anti-Semitism there when Hitler came to power. In 1941, Secretary of the Interior Harold I. Ickes appointed her as his special assistant and in 1944, he assigned her the important task of helping the Oswego, New York refugees.

The Depression and the Quota System

These two children of immigrants would have an important impact on the State Department. So did the Great Depression. The prosperous 1920s ended in the 1929 stock market crash and the Great Depression. These events created pressure to curtail immigration and in the 1930s, the United States became increasingly insular and isolationist. President Herbert Hoover did not believe that he could get further restrictions through Congress, so he asked the State Department to find a provision of existing law that would allow administrative reduction of immigration to respond to the worsening economic conditions. The State Department already had enacted a provision of the 1917 Immigration Act that barred anyone likely to become a public charge (LPC) to limit immigration from Mexico.

Numerical quotas were important in reducing immigration totals, but the Hoover administration's new instructions to consular officers in 1930 played a crucial part in reducing the flow of immigration. Laura Fermi writes:

> *In achieving both the reduction and the change of quality of immigration the (National Origin) law was assisted by the instructions issued in 1930 by the State Department to its consuls abroad, in response to the new cry for restriction at the beginning of the depression. The consuls were to interpret very strictly the clause prohibiting admission of aliens 'likely to become public charges' and to deny the visa to an applicant who in their opinion might become a public charge at any time.*

In a White House press conference, President Hoover announced the new policy of rigorous enforcement of the LPC clause applied to potential European immigrants. American

consuls in Europe actually issuing visas under the State Department guidelines and consuls were compelled to cooperate. Assistant Secretary of State Carr and Visa Division chief A. Dana Hodgdon departed for Europe to personally instruct consuls on the new LPC interpretation, which was meant to reduce immigration sharply without any change in the law. What Carr and Hodgdon told the American consuls in Europe is not recorded, but there is circumstantial evidence that they instructed the consuls to limit immigration visas to no more than 10 percent of each quota.

George S. Messersmith, the American consul general in Berlin in 1930, was responsible for administering the annual German quota of 25,957 immigrants, the largest quota for any country on the continent. Messersmith instructed his subordinates that only those "in possession of funds or property yielding an income sufficient to provide their support should receive immigration visas." A pledge of support by friends or relatives in the United States Messersmith regarded as insufficient assurance that an alien would not become a public charge.

This interpretation of the LPC clause quickly brought the desired results. Messersmith reported back to Washington that from October 1930 until January 1931, consuls kept immigration visas to less than 10 percent of the monthly level permitted under the quota; even this figure would have been lower but for visas granted to Germans at American consulates outside Germany. At the consulates within Germany approximately 99 percent of all applicants were rejected during this period. Messersmith's visa work earned him a commendation from his superiors in Washington.

At the same time he reduced the refugee quotas, Messersmith gave a different perspective to the League of Nation's High Court Refugee Investigator, James G. McDonald. McDonald visited Berlin on November 22 and 23, 1933 and in a report to the League of Nations had this to say about Messersmith. "Mr. Messer-Smith deprecated raising the question with the United States Government of the admission of German refugees. At present there was a steady admission of deserving cases. From his Consulate alone he was issuing between 250 and 330 visas a month to families mostly Jewish..."

McDonald believed that visas were also being granted in the two other Consulates at Hamburg and Stuttgart and that to Palestine, the United States led in receiving and absorbing refugees from Germany. McDonald said that according to Messersmith, it would not be a good idea to raise the question of using the German quota for refugees because that might "draw

attention to the steady and quiet infiltration which was now going on and provoke agitation against it."

Messersmith told McDonald that he did his best to discourage older middle-class persons from emigrating but helped the younger people get away as much as he could. He saw little hope for the young generation of Jews in Germany, even after they had been trained for productive employment. Messersmith said that he realized that the Jewish people of the world must make a huge effort to deal with the refugee problem. He told McDonald that he was going to America that next week and intended "to rouse his Jewish and non-Jewish friends. It was necessary to keep public opinion alive to the methodical degradation of the Jews which was taking place in Germany. He would be glad to help the H.C. in America in any way." Messersmith thought that public opinion and economic pressure would make the difference in the end.

In 1930, the first year of the national origin quotas, 241,700 immigrants were admitted to the United States. After the new consular instructions, the numbers fell to 97,139 in 1931 and 35,576 in 1932. The 1933 total of 23,068 immigrants was the lowest since 1831, and has been surpassed in every year since. The Center for Immigration Studies estimates that net immigration actually dropped below zero for several years during the Depression and remained very low during World War II.

This new State Department policy provoked protests and criticism from American ethnic organizations- so much protest and criticism that the State Department had to advise consuls to be sensitive in dealing with relatives of United States citizens and resident aliens. But Carr did not relent. He heartily endorsed the new restrictions and urged a colleague to ignore "these people's importunities," because he felt that the president's policy was in the best interests of the country.

William Philips Has An “Unfavorable” Attitude Toward Jewish Immigrants

Carr's views did not change when FDR came to power in 1933, but his boss did. The former senator from Tennessee, Cordell Hull, became Secretary of State under FDR, but he did not challenge Carr and the other old time State Department employees. Instead, Hull became preoccupied with international economic affairs and there is no evidence that he even considered the problem of the refugees from the Nazis. He left dealing with that issue to his subordinates.

Jay Pierrepont Moffat, the chief of the Division of Western European Affairs, saw Jewish delegations who wanted the United States to condemn Nazi anti-Semitism publicly. Moffat believed that these pressures were calculated "to lower the bars on our immigration policy in favor of refugees."

Moffat and Carr found a powerful ally in the new undersecretary of state William Phillips. Phillips had inherited an illustrious family tree which included antislavery reformer Wendell Phillips and before him, the American revolutionary John Jay. He started out in the State Department during the Wilson administration as had Breckinridge Long, and became acquainted with fellow Harvard graduate Franklin Roosevelt. In 1933, FDR tapped Phillips to serve as undersecretary to the diplomatically inexperienced Cordell Hull.

This was not a good choice for German Jews. Phillip 's attitude toward the Jews surpassed the restrictionism and genteel anti-Semitism that Carr felt. James G. McDonald, who became League of Nations High Commissioner for German(and Other) Refugees later in 1933, reported that Phillips had very unfavorable attitudes toward Jews and adhered to diplomatic rules at a terrible human cost. Two years later in his letter of resignation from the Commission, McDonald said that "when domestic policies threaten the demoralization and exile of hundreds of thousands of human beings considerations of diplomatic correctness must yield to those of common humanity

Phillips was found wanting of both tolerance and common humanity. His diary contains a number of strongly anti-Semitic comments. On a 1936 trip to Atlantic City, he grumbled that the resort was "infested with Jews," and that the beach had disappeared under a swarm of "slightly clothed Jews and Jewesses."

FDR Appoints Wilbur Carr Ambassador to Czechoslovakia

Philips did not believe in bending diplomatic rules for human reasons. In this respect, he was very much like his boss, Wilbur Carr, but now Carr's career ladder seemed to be folding. Carr had survived several changes in administration, but on a June day in 1937, Secretary of State Cordell Hull told him about a new assignment. FDR, the consummate politician, had decided to eliminate Carr but he did so with his usual finesse. Secretary Hull told Carr that the President wanted him to go to Prague, now one of the most important posts in Europe . . . really

more important that Berlin. Now you know all about it. . . . You have a unique record here, having been here all these years and never a breath against you."

Instead of accepting Secretary Hull's offer immediately Carr told him that he needed to think about it and discuss it with Mrs. Carr. He went back to his office and sat at his desk, thinking and recording the conversation with Hull in his diary. Carr would turn 67 in October of 1937 and retirement age was 65. An executive order from President Roosevelt had kept him in the service for the past two years, but Carr knew his position was precarious. Secretary Hull kept to himself and undersecretary Sumner Welles sidestepped Hull to deal directly with his friend FDR. In his diary Carr wrote that this was "the worst administered Dept. I have ever seen."

Despite his misgivings, Carr decided to move. He told Secretary Hull that he would be pleased to accept the appointment as the American minister to Czechoslovakia. On July 2, 1937, Cordell Hull announced his appointment and called Carr "one of the ablest and most capable assistant secretaries in the history of the department."

George Messersmith, minister at Vienna, would replace Wilbur Carr in the State Department. Carr noted in his diary that he and Mrs. Carr hated to leave their pleasant house and garden on Wyoming Avenue, but they sailed for Europe at the end of August 1937. Carr served as minister to Czechoslovakia during the death of Czech President Jan Masaryk, the inaugural of the new President Edward Benes, and the through the 1938 Munich crisis. In March 1939, when the Wehrmacht occupied what was left of the country, the State Department called the Carrs back to the United States. They reached New York on August 31, 1939, one day before Hitler invaded Poland and WWII began.

Back in Washington, Carr joined the boards of the Community Chest, Garfield Hospital, and George Washington University and worked in his beloved garden. President Roosevelt wrote him a warm thank you letter for his distinguished service at home and abroad. Secretary Hull wrote him that "You may well take pride in the Foreign Service as it exists today, since the Service is in large measure the result of your vision and of the patient care which you brought to the realization of that vision."

After he retired, Carr's health deteriorated. The doctors tried a scarce new drug called penicillin, but he died June 26, 1942 at age 71. He had reshaped the State Department in significant ways and at the end of his career had proven himself as an able diplomat in a

beleaguered Czechoslovakia. He had shaped the careers of countless other diplomats, and despite his shortcomings and legacy of strictly enforced immigration quotas, he had been an honorable civil servant. Carr may have felt some social inadequacy and minimal anti-Semitism. He did occasionally record caustic entries about Jews in his diary, but his attitude toward admitting German Jewish refugees to the United States from 1933 on appears to be based more on his restrictionist views and pride in his own bureaucratic prowess than of racial bigotry.

George Messersmith, William Phillips, and Breckinridge Long and 1930s State Department Policy

Carr's State Department compatriots like George Messersmith, William Phillips and Breckinridge Long were a different story. George Messersmith, Carr's successor as undersecretary of state, had a contradictory philosophy. Like Carr, Messersmith was a self made man, did not have an ivy league education, and married into a wealthy family. When

Messersmith entered the State Department, he admired Wilbur Carr and considered him a mentor. But as the years and diplomatic appointments (not always to Messersmith's liking) progressed, Messersmith's attitude toward Carr changed. Possibly some of this change in attitude stemmed from Messersmith's reputation in the State Department which in many respects was better than Carr's, and some of it certainly derived from Messersmith's relationship with FDR which was vastly better than Carr's.

FDR even encouraged Messersmith to sent him diplomatic dispatches from Berlin directly instead of going through Secretary of State Cordell Hull. FDR often quoted from Messersmith's letters and conferred with him personally whenever he happened to be in Washington. A Christmas letter from Messersmith to Roosevelt from Vienna where he was posted in the late 1930s attests to that nature of that relationship.

Admittedly, some of the letter is self-serving in its complimentary nature, but there is an underlying sincere admiration for FDR in its tone. Messersmith writes in part..."We know the high ideals of public service which you hold, and the courageous manner in which you carry a burden such as probably none of your predecessors in your high office has had to carry. It is an encouraging example to all of us to meet our responsibilities in the Foreign Service, which are probably more vital now than at any time in the past..."

Through his years of filling diplomatic posts in Berlin, Vienna, and Prague, George Messersmith had developed a definite, unwavering philosophy about Nazism and refugees, one that he did not attempt to hide or soft peddle. He thought the Nazi regime, which he detested, would collapse internally if given enough time and patience. This philosophy did not well serve the refugees who turned to him for advice. But at a time when the State Department suppressed his and others' reports of German anti-Semitism, Messersmith fearlessly told the truth. "There is no greater crime in history than that which the German government is committing against the Jews," he wrote an American Jew in September 1933. He told the Germans the same thing. Word of his advocacy spread through the Jewish community and Jews believed that they had found a righteous Gentile. Rabbi Stephen Wise, head of the American Jewish Congress said of him that he was a *Refuah* or healer for the Jews in Germany.

Supreme Court Justice Louis D. Brandeis wrote that Messersmith was the only active friend of the Jews among the higher echelon of the State Department. This assessment said more about the State Department than it did about Messersmith. Compared to the record of his peers in the State Department, Messersmith's stood out, but ethically he fell short. He did not stand firm against Wilbur Carr when Carr wrote to him in June 1933 to remind him to enforce America's restrictive immigration laws.

Carr did not have to remind him because Messersmith felt that upholding immigration laws, even in the face of Nazi lawlessness, was essential. The immigration laws did not trouble him. He wrote a friend, "we still have an enormous amount of unemployment at home," and refugees would theoretically compete with Americans for jobs. He favored selective immigration policies even in good times. Messersmith felt that the situation in Germany underscored the frailty of democracy, but he was determined to help keep out refugees who might become an added burden on democracy at home. People applying for visas at the Berlin consulate general when he was there found him sympathetic, but adamant about not bending the rules for them. The German quotas for 1933 and 1934 were not filled and would not be throughout the decade of the 1930s. Most Jews were sent back to a situation that Messersmith knew was "absolutely impossible and getting worse every day."

In the spring and summer of 1933, Justice Joseph M. Proskauer, formerly an appellate justice on the New York State Supreme Court, wrote acting secretary of State William Phillips a series of letters on behalf of the Jews of Germany. Justice Proskauer had resigned his position on

the court because he considered himself more of a lawyer and an "advocate" and he served on the American Jewish Committee, working tirelessly for Jewish refugees. In his letters Justice Proskauer cites the quality of German Jewish refugees and points out to Phillips that people who had previously had no thought of immigrating were forced to do so because the Nazi regime has "attacked large numbers of prominent scholars, artists, physicians, lawyers, officials and scientists and well-to-do businessmen, whose Jewish race and religion has suddenly been made an offense and ground for discrimination by the German government. These are peculiarly within the principle of our sanctified American principle of 'right of asylum.' He complained to Phillips that Jewish applicants for visas were harassed after leaving American consular offices in Germany.

The position that Phillips spelled out in his letters to Justice Proskauer summarized the State Department position for the decade of the 1930s. Phillips reiterated the State Department's official stance that made it difficult or impossible for Jewish refugees to immigrate and assured Justice Proskauer that he fully realized that the quota for Germany was much under-issued at the time. He said that aliens who could meet the requirements of American immigration laws would be promptly granted visas.

The difficult part of the requirements for refugees, Phillips continued, was the documents required by Section 7 of the Immigration Act of 1924 and their inability to furnish evidence of assurance of support "during these times of economic depression when so many of our own people have been unable to find employment." Section 7 (c) of the Immigration Act of 1924 said in part that the immigrant must furnish with his application copies of military and prison records, birth certificate, and copies of all other available public records concerning him kept by his country. Phillips quoted Section 3 of the Immigration Act of 1917 excluding people likely to become a public charge and placed the burden of establishing admissibility upon the alien. If a refugee had proof that a relative or friend in the United Sate would underwrite his support he had to sent corroborating evidence to the consul that this support existed and he would not become a public charge.

Phillips concluded an August 5, 1933 letter to Justice Proskauer by saying, "Consular officers in all countries have been instructed in the general instructions issued for their guidance that every consideration consistent with the law and regulations should be accorded all visa applicants."

The American State Department adhered to the letters of the 1917 and 1924 Immigration Laws by following the interpretations of Wilbur Carr and William Phillips, but it was a sanctimonious adherence. The laws were written and passed a decade before the Nazi regime came into power. How could creators of the American immigration laws foresee realities like genocide? Even at this early date, the Nazis were beginning to round up and murder Jews. By sticking to the letter of the law, Phillips and the State Department imposed a death sentence on millions of innocent people.

Breckinridge Long Formulates United States Refugee Policy

The State Department's attitude toward the plight of the refugees continued and even hardened when Breckinridge Long was appointed assistant secretary of state in 1940, with authority over the Visa Division and the responsibility for formulating United States refugee policy. Long feared that saboteurs were mixed with the refugees, and he wanted to prevent the United States from being flooded with ethnic and political refugees that he thought undesirable. Long came to his new position with an established track record against refugees. An extreme nativist with a intense suspicion of Eastern Europeans, he raised the barriers to refugees from Europe even higher.

Long's political career began during World War I when he served as assistant secretary of state to President Woodrow Wilson. He left the State Department in 1920 to run for the Senate, but like many Democratic candidates was defeated in the Republican victory. In 1933, newly elected president Franklin D. Roosevelt appointed Long as his ambassador to Italy in return for Long's election campaign support. Long served a controversial three-year tenure as ambassador. Many people felt that Long favored Mussolini and had unwisely advised President Roosevelt not to impose an oil embargo against Italy after Mussolini invaded Ethiopia.

By the middle of 1940, Long had managed to reverse FDR's 1938 directive that had slightly eased the restrictive immigration policies of the Great Depression years. Asserting that Nazi spies hid among the refugees, Long implemented a secret policy to tighten the immigration requirements and effectively slashed refugee admissions by half. In 1941, the State Department cut refugee immigration again, this time reducing it to about a quarter of the relevant quotas. A policy called the "relatives rule" brought about the reductions. The "relatives rule" required refugees with relatives in German, Russian, or Italian territory to pass a rigorous security test.

And, all immigrants were required to pass a through security review conducted by inter-departmental committees. If the immigrant received an unfavorable review, the committee refused the visa.

Perhaps Long's most inhumane policy was the one he spelled out in an intra-department memo he circulated in June 1940. He wrote:

> *We can delay and effectively stop for a temporary period of indefinite length the number of immigrants into the United States. We could do this by simply advising our consuls to put every obstacle in the way and to require additional evidence and to resort to various administrative devices which would postpone and postpone and postpone the granting of the visas.*

Gerald Riegner Warns the World About Hitler's Plans

This State Department policy served as an effective death warrant for European Jews desperately waiting to immigrate. As early as August 1942, Secretary of the World Jewish Congress in Switzerland, Gerald Riegner, sent a message to the world through the British Foreign Office. The message reported that Hitler was considering a plan to exterminate all Jews in German- controlled Europe.

By November 1942 , the Legation in Switzerland had received substantial documentary evidence to confirm that Hitler had actually adopted and was carrying out his plan to exterminate the Jews. The World Jewish Congress and other Jewish organizations held mass meetings and other events to gain public support for governmental action. On December 17, 1942, the United States and the European members of the United Nations issued a joint statement calling attention to and denouncing the fact that Hitler was putting into effect his oft-repeated intention to exterminate the Jewish people in Europe.

These events did not change State Department Policy. Long continued to stonewall other initiatives to save Europe's Jews. In April of 1943 the Bermuda Refugee Conference was held to see what could be done about European Refugees. The outcome of the Conference was *Inaction*. Even before the outcome was made public, Senator William Langer of North Dakota prophetically stated in an address in the Senate on October 6, 1943:

> *Perhaps it would be necessary to introduce a formal resolution or to ask the Secretary of State to report to an appropriate congressional*

committee on the steps being taken in this connection. Normally it would have been the job of the Government to show itself alert to this tragedy; but when a government neglects a duty it is the job of the legislature in a democracy to remind it of that duty...It is not important who voices a call for action, and it is not important what procedure is being used in order to get action. It is important that action be undertaken.

In April 1943, Gerhart Riegner, the World Jewish Congress representative in Geneva, suggested a plan to save thousands of French and Rumanian Jews. Even though FDR supported this initiative, Long and his subordinates tabled the initiative for eight months. Long stalled rescue efforts again in November 1943, when the House of Representatives was considering a resolution that would create a government agency to rescue refugees. Testifying in a closed House hearing, Long lied about the number of refugees that had reached the United States since Hitler came to power. He claimed that the State Department was doing everything possible to save the Jewish refugees. This testimony curbed support for the government agency, but only temporarily and Congress showed every indication of passing a rescue resolution for the European Jews. Eventually Long's testimony was published and it revealed the apathy and callous attitudes of Long and his compatriots in the State Department.

Breckinridge Long's false testimony raised enough questions and calls for action that the United States Treasury Department, under Secretary of Treasury Henry Morgenthau, Jr. conducted its own investigation for the Foreign Funds Control Unit of the Department. The report, initialed by Randolph Paul, is dated January 13, 1944, and is a scathing indictment of the State Department. The report quotes Representative Emmanuel Celler of Brooklyn as testifying,

"*According to Earl G. Harrison, Commissioner of the Immigration and Naturalization Service, not since 1862 have there been fewer aliens entering the country. Frankly, Breckinridge Long, in my humble opinion, is least sympathetic to refugees in all the State Department. I attribute to him the tragic bottleneck in the granting of visas. " It charged that State Department officials not only have failed to facilitate the obtaining of information concerning Hitler's plans to exterminate the Jews of Europe but in their*

official capacity have gone so far as to surreptitiously attempt to stop the obtaining of information concerning the murder of the Jewish population in Europe."

FDR Creates the War Refugee Board

Henry Morgenthau, Jr. brought the "Report to the Secretary on the Acquiescence of this Government in the Murder of the Jews", dated January 13, 1944, to his friend FDR and FDR recognized a political grenade when he saw one. Combined with the Congressional rescue resolution, this grenade could shatter his administration. He decided to defuse it by creating the War Refuge Board. In the same January, FDR issued an executive order establishing the War Refugee Board and giving it the responsibility of carrying out the new policy of the United States government. This new policy was taking "all measures within its power to rescue the victims of enemy oppression who are in imminent danger of death."

On paper, the War Refugee Board had power. The executive order stipulated that all government agencies were to assist it, with special responsibility assigned to the State, Treasury, and War Departments. A later reality check revealed that only the Treasury Department, led by Morgenthau, fulfilled its mandate. The War Department did not cooperate, the State Department still obstructed, and the other government agencies did almost nothing.

John Pehle, the War Refugee Board's executive director, and his staff of thirty launched a wide ranging rescue program. It hoped to evacuate Jews and other endangered people for Axis territory, find places where they could be sent, and use psychological measures against the Nazis to prevent deportations and atrocities. It sent relief supplies into concentration camps and attempted to save Hungarian Jews in 1944. It played a crucial role in focusing international pressures on the Hungarian government and persuading it to stop the deportations before the 230,000 Jews of Budapest disappeared. More than half of these Jews survived the reign of terror of the fascist Arrow Cross party because the War Refugee Board sent Raoul Wallenberg to Hungary and funded his work there.

The War Refugee Board also funded and administered the evacuation of 982 Jewish refugees from Italy to a safe haven in an unused army camp, Ft. Ontario, at Oswego, New York.

It had hoped to set up several safe havens in the United States and to use these havens to pressure other countries to open their doors as well, but FDR agreed only to the Oswego haven. This grudging, politically motivated agreement just reinforced the other countries of the world in their closed door policies.

Ruth Gruber and 982 Refugees Arrive at Fort Ontario in New York

Ruth Gruber and 982 refugees arrived at Fort Ontario in Oswego, New York in August 1944. The refugees were shocked at the six foot high chain link fence and barbed wire and guards. They wondered if they had simply traded one prison for another, especially after they learned they would be "quarantined" for a month while the government figured out what to do with them and tested the waters of public opinion. Despite the uncertainty of their position, the refugees acclimated to American culture. Many attended Oswego schools and worked in the surrounding communities. Most wanted to remain in America after the War.

April 1945 proved to be watershed month for the Fort Ontario shelter. President Franklin Roosevelt died on April 12, 1945, and in the midst of their mourning the refugees wondered what would happen to them. Their host had died- did that mean they had to return to their war ravaged countries? Later that same month, Ruth Gruber visited them and reported on her visit to Interior Secretary Ickes. She called her report "Eight Months Later" and noted that for most of the refugees "the camp has meant new life."

Gruber recommended closing the camp as soon as possible. True, the refugees had signed a release in Italy promising to return to their homes at the end of the war. But now Secretary Ickes, Gruber, and many other Americans knew them well enough to realize that they were not spies or subversives. She concluded her report by saying, "We should permit those who are eligible for entry to the United States to cross the border into Canada and re-enter the United States under regular quotas or on an individual basis. It is time we showed that this administration has a policy of decency, humanity, and conscience and the guts to carry that policy through."

At the end of April 1944, Camp Director Joseph Smart answered a knock on his door one night and discovered three of the most distinguished refugees standing on his doorstep. Dr. Otto Lederer, Dr. Arthur Ernst, editor in chief of the camp Ontario Chronicle, and Dr. Edmund

Landau, associate editor of the Chronicle, told him that they had received reliable information that all of the refugees were to be deported on June 30th and that the War Department had already committed a ship to transport them.

Secretary of Interior Ickes, Ruth Gruber, and a delegation of Jewish Refugee agencies went to the office of Secretary of Treasury Morgenthau and presented the argument for allowing the Oswego refugees to remain in America. Secretary Morgenthau listened to the arguments, then he said, "You're asking that we change the instructions issued by the President. We wrote those instructions here...I can't go back on my promise to the dead President. I couldn't sleep with my conscience." In the end, Secretary Morgenthau played the buck-passing politician and said that Congress held the solution to the problem.

General William O'Dwyer, the new executive director of the War Refugee Board, intervened. He transferred the responsibilities of the War Refugee Board to the War Relocation Authority, headed by the Department of Interior, headed by Harold Ickes. Secretary Ickes sent a letter to President Truman requesting permission to close the camp in thirty days and grant the refugees sponsored leave. Before President Truman could act, Congressman Dickstein announced that Subcommittee VI of the House Committee on Immigration and Naturalization would begin an investigation of the camp.

After Congressional hearings and political maneuvering, the House Immigration and Naturalization Committee voted on Friday July 6, 1945, that the Departments of State and Justice should investigate the possibility of returning the refugees to their homelands. If repatriation did not look feasible, then the Attorney General should institute deportation proceedings. Would the anti-refugee policies of the State Department be vindicated after all?

The Fate of the Fort Ontario Refugees

The surrender of Japan in August 1945, ended the war in the Pacific. Weeks passed, then months, while the Departments of State, Justice, and Interior continued to fight the war of the refugees. Then on December 5, 1945, the Departments of Justice and State prepared a letter to be signed by Secretary Ickes, Attorney General Tom C. Clark and Secretary of State James Byrnes. The letter, recommending that the refugees leave the United States, was to be sent to the Chairmen of both the House and Senate committees on Immigration and Naturalization.

Secretary Ickes refused to sign the letter. Instead, he and Ruth Gruber wrote a counter letter, gathered testimonials to the character of the refugees at Fort Ontario and headed a delegation supporting their wish to remain in the United States. The delegation walked to the State Department and delivered the letter to undersecretary of State Dean Acheson. Secretary Acheson told them that he was going to see President Harry Truman the next day and he would get back to them.

On Saturday, December 22, 1945, President Truman delivered a major speech from the White House about immigration and refugees. He said that everything possible should be done at once to facilitate the entrance of displaced persons and refugees from Europe into the United States. He said that 3,900 refugees could enter the United States each month under the law and the quotas would not change. In the middle of the President's speech came the words that Ruth Gruber and her friends were hoping to hear. President Truman reiterated the story of President Roosevelt's decision to bring one thousand refugees to America and his promise that they would be returned to their homelands after the war. He continued,

> *However, surveys have revealed that most of these people would be admissible under the immigration laws. In the circumstances, it would be inhumane and wasteful to require these people to go all the way back to Europe merely for the purpose of applying there for immigration visas and returning to the United States. Many of them have close relatives, including sons and daughters, who are citizens of the United States and who have served and are serving honorably in the armed forces of our country. I am therefore directing the Secretary of State and the Attorney General to adjust the immigration status of those members of this group who may wish to stay here, in strict accordance with existing laws and regulations.*

The Truman Executive Order broke new immigration ground because it established regular use of the corporate affidavit. Before this, potential immigrants without sufficient means needed individual American sponsors to guarantee that they would not become public charges for at least five years. President Truman legalized the guarantees of responsible welfare organizations for large groups of refugees. This action disarmed State Department bureaucrats

like Breckinridge Long who used individual affidavits or the lack of them to cause delays and disqualifications to keep the immigrant quota below the legal numbers.

President Franklin Delano Roosevelt's guests were allowed to stay in America permanently and their lives preserved because some Americans were willing to battle the State Department for them, and a President, however politically, finally created an agency to rescue them. Altogether, the War Refugee Board saved the lives of 200,000 Jews out of six million murdered. Historian David Wyman affirms that "the board did prove that a few good people - Christians and Jews - could finally break through the walls of indifference. The tragedy is that if Roosevelt had created the board a year earlier and if it had been truly empowered, the War Refugee Board could have saved tens of thousands - even hundreds of thousands more and, in the process, have rescued the conscience of the nation."

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