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Testimony before the U.S. House of Representatives Hearing

Subcommittee on Immigration, Citizenship, Refugees, Border Security and International Law

Mistreatment of Latin Americans of Japanese Descent, European Americans, and Jewish Refugees During World War II

War-time Jewish Refugee Experience

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The Hebrew Immigrant Aid Society (HIAS), which I have the honor to represent at this hearing, opened its doors in 1881 to assist Jews and others whose lives and freedom were in danger. To this day, HIAS helps people escaping persecution and poverty; provides resettlement and integration assistance to refugees and migrants through a network of agencies across the United States; and works to ensure that U.S. refugee and immigration policy is generous, fair and humane.

The objective of this statement is to demonstrate that the Holocaust could have claimed the lives of far fewer victims, but for the restrictive immigration policies of the U.S. State Department towards European Jews. Especially tragic was that between 1933 and 1941, the Nazis were actively seeking to expel Jews from Germany, occupied and satellite countries. Obtaining exit visas was not a problem for the Jews residing on these territories, the problem was that few countries would take them in. It was only at the end of 1941 that the Nazis instituted the infamous Final Solution and the fate of millions of Jews was sealed.

After a brief review of State Department immigration policies during this period, I will show the impact these policies had on real people, whom HIAS was trying to assist in escaping inevitable death by Nazi hands.

In 1938, finally responding to the evidence of the targeted, widespread persecution of Jews in Germany that had been mounting for years, President Franklin Delano Roosevelt appealed to a number of states to coordinate their efforts to save the victims of religious, racial and political persecution in Nazi Germany. As a result of President's Roosevelt appeal, a conference attended by representatives of thirty-two governments assembled at Evian, Switzerland, July 6-15, 1938¹.

Unfortunately, the Evian yielded little in the way of results. In fact, some countries increased immigration restrictions after Evian. Unlike other leaders, President Roosevelt became more involved in the refugees issue and combined the German and Austrian quotas to facilitate wartime immigration to the U.S. Due to Roosevelt's intervention, in 1939 the number of Jewish refugees who arrived in the U.S. reached its peak for the period between 1933 and 1945 at 43,350 (see Appendix 1). 1939 also marked the first time the United States filled its combined German-Austrian quota (which now included annexed Czechoslovakia). It is important to note that this limit did not come close to meeting the demand; by the end of June 1939, 309,000 German, Austrian, and Czech Jews had applied for the 27,000 visas available under the quota.

By the middle of 1940, Breckenridge Long, the Assistant Secretary of State in charge of the Visa Department, had begun to close the door to the refugees. Under the pretext that Nazi spies were hiding among the refugees seeking admission to the U.S., an

attitude shared by many government officials and ordinary Americans, Long designed a policy to tighten immigration requirements, effectively slashing admissions by half. A year later, Long's department cut refugee immigration once more, this time reducing admission to about a quarter of the relevant quotas. A new State Department regulation included a provision known as the "relatives rule" which required any applicant with relatives in German, Russian, or Italian territory to undergo an extremely arduous security test. This was in addition to the inter-departmental security screening required of all would-be immigrants at that time. If the committees gave an applicant an unfavorable review, a visa was refused. Because of these restrictions, there was no need for government officials who opposed immigration to cut quotas – during American involvement in the war, the quotas for immigrants from countries under German and Italian control were never filled.

In an inter-department memo Long 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."ⁱⁱ

I emphasize this quote because it illustrates that the barriers to Jewish refugees were not an unfortunate accident, but the deliberate policy of the bureaucrats who managed to achieve their decreasing immigration without lowering quotas. In effect, these policies were a death sentence for thousands of innocent people, and deprived countless Americans of the chance to save the lives of their loved ones abroad.

The effects of Long delaying tactics made refugee aid workers despair. One of them wrote: "We cannot continue to let these tragic people [German Jews] go on hoping that if they comply with every requirement, if they get all the special documents required...if they nerve themselves for the final interview at the Consulate, they may just possibly be the lucky ones to get visas when we know that practically no one is granted visas in Germany today."

Various other initiatives to save Europe's Jews were met with obstruction from Long. For example, in April 1943, Gerhart Riegner, the World Jewish Congress representative in Geneva, suggested a plan to save thousands of French and Romanian Jews. Even after the proposal had the support of the president, Long and his subordinates delayed acting on it for eight months. Long obstructed rescue efforts again in November 1943, when the House of Representatives was considering a resolution that would establish a separate government agency charged with rescuing refugees. In a closed hearing on the matter, Long gave testimony that was filled with inaccuracies. He greatly exaggerated the number of refugees to have reached the U.S. since Hitler came to power. He also claimed that everything that could be done to save the Jews was being done. Long's presentation effectively crippled support for the

measure, but only for a time. Eventually publication of his testimony revealed the apathy and even callous attitude of Long and his associatesⁱⁱⁱ.

In 1943, Quaker and HIAS personnel in Casablanca attempted to open a refugee outlet through that port. Despite the State Department's unremitting insistence that American ships were totally occupied in the war effort and could not possibly assist in transporting refugees, relief workers discovered that the U.S. military authorities in Casablanca thought otherwise. They were willing to take refugees on ships returning empty to the United States, provided that the refugees had visas and quota numbers. The American Consulate in Casablanca agreed to cooperate. Fourteen refugees reached New York via military transport. Then the State Department's Visa Division halted the apparent breakthrough by refusing to dispatch quota numbers for the people in North Africa until after they had an assurance of transportation. The military in North Africa would not assure transportation until refugees had their quota numbers^{iv}.

A similar situation occurred in France. To leave France, a refugee needed an exit visa, a transit visa, affidavits of support, moral and political affidavits, certificates of good behavior and paid tickets for the ship destined for the U.S. or other country of immigration. Documents with the expiration date had to be valid on the day of departure; if only one document had expired, the refugees were required to start the process from the beginning, losing months or even years of valuable time. In addition, visas were valid for up to four months and tickets overseas were sold out many months ahead. Moreover, the tickets would not be sold without an issued entry visas, and of course the U.S. Consulate would not issue a visa without a ticket. It is not surprising that the majority of refugees could not make it.

The HIAS office in France finally broke this vicious cycle. HIAS negotiated an agreement with the American Consulate in Marseille in 1940. The U.S. Consulate agreed that if HIAS could guarantee passage, the visa would be issued, which in turn, would allow the refugee to purchase of the ticket.

Still, the numbers of the Jews who could qualify for the visas was small. Some time ago I interviewed Hellen Katel, who worked for HIAS in France in 1940-1941. She remembered that she and her colleagues wept when they were obliged to choose, from among the thousands of applicants, only a few who met the requirements of the State Department.

As an example of the consequences of State Department policies, Alfred Eisinger and his wife left Germany on May 16, 1941 and arrived in Lisbon, Portugal on May 20. They had entry visas to the U.S. which expired on May 28, while they were still in Portugal. They had to wait for six years before their visa were renewed, and it wasn't until December 12, 1947 they were able to reach America. Until the end of the war they lived with the constant fear that they could be deported back to Germany.^v

But at least they were in neutral Portugal. Leo Bretholz who also arrived in the US in 1947 was not so lucky. He was a young man when he escaped from Belgium to France in 1940. Having relatives in the United States, he started the immigration process with the help of HIAS. By May 1941 his immigration documents were ready in the U.S. Consulate in Marseille. He had a French exit visa; his American visa was guaranteed; and his passage from Lisbon to the United States was secured. HIAS sent Leo a confirmation on May 26 and he also received a confirmation letter from the U.S. Consulate in Marseille on May 31. Leo might reasonably think that his escape from the Nazi predators had been accomplished. Not so. On July 31, 1941, the very same Consulate advised him that, despite the fact that his papers were in order, the Consulate had new regulations related to the issuance of the immigration visas. As a result, Leo's visa to the United States was canceled.

In November of 1941, Leo Bretholz received another notification from the Consulate. Finally his visa was approved and he was scheduled to present himself at the Consulate on December 8, 1941. Again his hopes to escape were crushed. After Pearl Harbor, all issued visas were canceled.

Leo was caught by the French police and deported to Auschwitz. He managed to escape before the train crossed the Franco-German frontier, fought Nazis in the French resistance and finally immigrated to the U.S. in 1947^{vi}.

Leo Bretholtz was not alone. Kurt Klein immigrated to the U.S. with the help of HIAS in 1938. For more than three years, he tried to get his parents, Ludvig and Alice, first out of Germany, and then out of France. All his efforts were unsuccessful. Finally, in November of 1941, Ludwig and Alice Klein were summoned to the American Consulate in Marseilles. They planned to leave Lisbon for the U.S. on December 26. The Japanese attack on Pearl Harbor sent them back to the beginning of the application process. On November 4, 1942 the U.S. State Department authorized its Consul in Marseilles to issue immigration visas for the Kleins. Kurt was overwhelmed with joy, enhanced by his just having enlisted in the U.S. Army. He was ready to fight for his new country. Alas, his joy did not last long -- ten weeks before the visas were approved, Ludvig and Alice Klein had been deported to Auschwitz^{vii}.

Everybody in the world knows the name of Anne Frank and her story. But it is only now, with the opening of files containing correspondence between her father Otto Frank and friends, relatives and agencies in America, do we glimpse the despair and defeated hope the family endured before going into hiding. Restrictive U.S. immigration regulations made the family's emigration from Holland impossible. The famous Frank name now also is a symbol for those who tried and failed to escape because of the arbitrary obstacles placed in their way.

Recently declassified documents reveal a lesser-known fact that during the war, the immigration activity of HIAS was under scrutiny by the Federal Bureau of

Investigation. The attention paid by the Bureau to an agency in the business of bringing immigrants to the country during the war is understandable. What is notable is that these materials provide additional evidence that the State Department was overtly biased against Jews during the war. Information below was received from the FBI under the provision of FOIA^{viii}. In September 1941, the FBI sent a letter to the State Department concerning the use of HICEM (another name for HIAS) by the German government for “the purpose of endeavoring to bring the latter’s agents into the United States.” The State Department forwarded the request to the American Consulates in Marseille and Lyon in France, asking them to confirm the information and report back to the Department.

Here are the excerpts from their reports:

In reply it should be stated that although the consulate has been in almost daily contact with Marseille members of the Jewish organization in connection with application for visas presented by aliens sponsored by it, there has never to my knowledge been the slightest indication that HICEM or the applicants concerned have had any connection with the Gestapo or that other ulterior motive has actuated the organization in pressing the claims of the aliens for visas.

H. F. Hawley, American Consul, Marseille

No direct proof can be found of duplicity in HICEM dealings with this Consulate. As it has been indicated above, the opportunities to deal double have presented themselves often in the past and to a limited extent at present.

Marshall M. Vance, American Consul, Lyon

These responses left no doubt about HICEM’s integrity. But this was not enough for the State Department. After they received the colleagues’ reports, the State Department sent a new letter to American Consulates. The document, dated January 27, 1942, was issued three weeks after the Department received the original Consulate reports. Here is the complete text of the document:

The Department received information from reliable confidential sources indicating that the Gestapo is using the Jewish Refugee Organization HICEM in getting their agents into the United States and other Western Hemisphere countries. It is understood that the inducement to the refugee organizations to lend their services to the German Government to permit certain Jewish refugees to leave Germany for Emigration to Western Hemisphere countries. It is suggested that any application for visas of persons to whom this information applies be examined in the light thereof.

These circulars were issued in 1942, after the Nazi’s “final solution” was well underway and the Jews no longer had an option of leaving. The responses from the Consulates did not present any evidence of the HIAS foul play nor did the FBI

documents from that period. Therefore, the only plausible reason for the State Department to issue such decrees was as an attempt to restrain lifesaving Jewish immigration.

Every family's history is different. And yes, it is very easy with the benefit of hindsight to judge the correctness of this or that step, made by desperate people in their effort to escape a deadly threat. Some of them made mistakes that caused delays, which were sometimes fatal. However, it is undeniably clear that the U.S. immigration policy during the darkest time of human civilization was detrimental to the great humanitarian traditions of the American nation.

In January 1944, President Roosevelt established the War Refugee Board, which relieved the State Department of responsibility for rescue efforts. The Board had some success in rescuing Jews and may have been responsible for saving as many as 200,000 lives.

According to Jewish tradition, to save a life is to save a world. We will never know the exact number of those who might have been saved were it not for U.S. State Department policies in effect during the war. What we do know is that the loss is incalculable – as millions of universes were extinguished forever.

Appendix 1

Jewish Immigration to the United States from 1933 to 1945^{ix}

1933.....	2, 372
1934.....	4,134
1935.....	6, 252
1936.....	6, 252
1937.....	11, 352
1938.....	19,736
1939.....	43, 450
1940.....	36, 945
1941.....	23, 737
1942.....	10, 608
1943.....	4, 705 ¹
July 1, 1943 to December 1945.....	18, 000 ²

¹ That is, the fiscal year of July 1942 to June 30, 1943

² The figure for July, 1943 to December, 1945 is an estimate.

ⁱ Mark Wischnitzer. *To Dwell in Safety*, Philadelphia, PA, p. 201

ⁱⁱ David S. Wyman. *Paper Walls*, Pantheon Books, NY, 1968, p. 173

ⁱⁱⁱ <http://www.pbs.org/wgbh/amex/holocaust/peopleevents/pandeAMEX90.html> America and the Holocaust: Breckenridge Long (1881 -1958)

^{iv} David S. Wyman. *The Abandonment of the Jews*, Pantheon Books, NY, 1985, p. 128

^v Bazarov, Valery. “Racing with Death: HIAS (HICEM) Lisbon Files”, *Avotaynu*, V. XX, Number 4, Winter, 2004, p. 24

^{vi} Leo Bretholz with Michael Olesker. *Leap into Darkness*, Anchor Books, New York, 1998

^{vii} <http://www.pbs.org/wgbh/amex/holocaust/sfeature/index.html> America and the Holocaust: Kurt Klein’s Story

^{viii} State Department-FBI Correspondence, January – March, 1942, FBI Archive, File 100 – 13876, F2, F2A, F2B, F2C.

^{ix} Wischnitzer, p. 289