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“It is the historic policy of the United States to respond to the urgent needs of persons subject to persecution in their homelands...and admission to this country of refugees is of special humanitarian concern to the United States”.

-The United States Refugee Act of 1980

Obstacles to Jewish Refugee Immigration to the United States

The United States has long prided itself on its history as a nation of immigrants and a safe haven for those fleeing persecution. At some points in its history, the United States has seemed like a country that welcomes the “homeless” and the “tempest-tossed,” a haven for those who truly have nowhere else to go.¹ However, the United States also has a history of creating laws and promoting a national culture of racism, xenophobia, nativism, and isolationism. There are few examples that show this side of American history as starkly as the case of the United States’ action, or lack thereof, to assist Jews and other refugees during World War II and the postwar years. There are estimates that 11 million people were murdered in the Holocaust, making it one of the largest genocides in human history.² The United States government was by no means ignorant of what was happening to Jews and other persecuted peoples in Germany and Nazi-occupied territory, yet it failed to take any meaningful action to assist people until 1945,

¹ These quotes are from the famous Emma Lazarus poem, “New Colossus”.
Emma Lazarus, "The New Colossus", Liberty State Park, , accessed December 09, 2018,
<http://www.libertystatepark.com/emma.htm>.

² "11 Facts About the Holocaust," DoSomething.org | Volunteer for Social Change, , accessed December 10, 2018,
<https://www.dosomething.org/us/facts/11-facts-about-holocaust>.

when most of the murders had already happened. Furthermore, in the years immediately following the war, the United States did very little to assist refugees. The United States showed itself apathetic to the plight of the Jews through its retainment of the 1924 quotas and the State Department and the Roosevelt administration's reluctance to offer assistance to refugees fleeing Nazi-occupied territories.

The Immigration Act of 1924 marked a significant shift in how the United States handled immigration. Replacing the somewhat unregulated approach that the government had historically taken, with the important exception of Asian immigration, the 1924 act ushered in a strict quota system that limited immigration from Southern and Eastern Europe, while giving generous quotas to western Europe. Congress claimed that the national origins quotas were “fair and nondiscriminatory,” but in reality they were heavily influenced by the eugenics movement and the fear some Anglo-Saxons had of “being washed away” by Southern and Eastern Europeans.³ The 1924 quotas were organized around “notions of whiteness” and “permanent foreignness”, and were a way to ensure that the racist attitudes many Americans harbored towards immigrants were a part of United States federal law.⁴ The bias written into the law was immediately visible. The United States capped immigration at some 165,000 in 1924, and lowered it further to 154,000 in 1929. In 1929 Britain had a quota of roughly 66,000, Germany had a quota of 26,000, and Poland, which had a prewar Jewish population of 3.5 million, received less than 7,000.⁵ As there were no distinctions between refugees and immigrants and refugees in US law at the time,

³Vincent Cannato. *American Passage: The History of Ellis Island*. New York: Harper Perennial, 2010. P. 245

⁴ Mae Ngai. "The Architecture of Race in American Immigration Law: A Reexamination of the Immigration Act of 1924." *The Journal of American History* 86, no. 1 (1999): 67. doi:10.2307/2567407, p. 92.

⁵ “United States Immigration and Refugee Law, 1921-1980 United States Holocaust Memorial Museum. Accessed November 15, 2018.

<https://encyclopedia.ushmm.org/content/en/article/united-states-immigration-and-refugee-law-1921-1980>.

these numerical limits proved to one of the greatest obstacles to offering assistance to both Jewish and non-Jewish refugees.

Even as war in Europe appeared inevitable and Hitler continued to strip German Jews of their rights, many Americans, from government officials to ordinary citizens, remained indifferent and unwilling to accept Jewish refugees into the United States. Part of Americans' reluctance to accept more immigrants has been attributed to a "depression-weary" country's fear of immigrants taking jobs.⁶ In addition, anti-Semitism was commonplace in America during this time. In March of 1938 a poll was conducted on Americans' opinions regarding whether Jews held too much power in the United States. Over 40 percent responded yes.⁷ Even President Roosevelt appears to have held anti-Semitic beliefs. In 1943 President Roosevelt told Winston Churchill that the solution to the "Jewish question" was to "spread them thin". These remarks echo a statement Roosevelt made about a potential plan to settle Jews in North Africa, as a way to "eliminate the specific and understandable complaint" the Germans had of Jewish overrepresentation in Germany.⁸ While the extent of the impact of the President and the public's feeling towards Jews and immigration on official policy remains unclear, it is clear that there were instances of the State Department working against the rescue of Jewish refugees.

Throughout World War II and in the years that immediately preceded, numerous plans and solutions were suggested about how the United States and the international community should go about handling the refugee crisis. Some of these plans involved finding a country that would accept refugees, with many of the suggested countries being in South America. In 1938,

⁶ Peter Moreira. *The Jew Who Defeated Hitler: Henry Morgenthau Jr., FDR, and How We Won the War*. Amherst, NY: Prometheus Books, 2014, p. 47

⁷ *Ibid.*, p.47

⁸ Rafael Medoff. "American Responses to the Holocaust: New Research, New Controversies." *American Jewish History* 100, no. 3 (July 2016): 380-409. Accessed November 14, 2018, p. 386.

the international community responded to the refugee crisis by holding a conference in Évian-les-Bains, France to discuss the resettlement of refugees. Although the Dominican Republic offered to accept as many as 100,000 Jews, the plan failed to materialize.⁹ This failure was not due to lack of resources or a change of heart, but “unrelenting U.S. opposition” and the “State Department’s hostility and obstruction”. The Roosevelt administration was afraid German Jewish refugees would “serve as spies for the Nazis” and subsequently blocked Dominican rescuers efforts to bring in more refugees.¹⁰ In addition to preventing nearby countries from bringing in refugees, unwillingness to offer assistance to neutral countries working with to “protect Jews who had escaped,” the United States did not increase its quotas or offer any sort of aid to refugees.¹¹ The quotas the United States had set in 1924 represented the number of immigrants the United States was willing to accept, but the State Department did not work to fill the quotas. In the case of refugees, it seems the quotas may have been purposely left unfilled. In 1941 only 47.5 percent of the quota for refugees from Axis countries was filled, and this figure dropped to a mere 19.2 percent in 1942.¹² The State Department remained indifferent to the murder of European Jews and the refugee crisis well into the war, telling its officers in an official document that “the rescue” of the Jews was a project for the Department of the Treasury.¹³ It was not until 1943, when the Roosevelt administration was “fairly certain the Allies would win the war” that the State Department did anything of major consequence to intervene on the behalf of refugees.¹⁴ Getting the United States government and President Roosevelt to get involved in the

⁹ Ibid., p.386

¹⁰ Ibid., p. 387.

¹¹ Moreira, p. 198

¹² Catherine Cassara. "To the Edge of America: U.S. Newspaper Coverage of the 1939 Voyage of Jewish Refugees Aboard the MS. Saint Louis." *Journalism History* 42, no. 4 (Winter 2017): p. 227.

¹³ Moreira, 216.

¹⁴ Cassara, 226-227.

rescue of the Jews was no small project, but fortunately for many refugees Henry Morgenthau Jr. was up to the task.

Henry Morgenthau Jr. was appointed Secretary of the Treasury by President Roosevelt in January of 1934. The appointment made Morgenthau the highest ranking Jewish American in the country. Morgenthau was sympathetic to the plight of the Jews and tried to convince the President to intervene early on, but he was aware that he must not appear to be acting because it was a “Jewish issue,” or because of his personal “frustration with Nazism,” but because it was in the best interest of the United States.¹⁵ However, Morgenthau’s approach changed dramatically when Rabbi Stephen Wise visited him in November of 1942 to explain, in vivid detail, all that had happened in the German death camps. Morgenthau claimed the meeting “changed his life.”¹⁶ The greatest turning point in creating policy for the rescue of refugee Jews came in January 1940, when Morgenthau presented the *Personal Report to the President*, which was delivered to Morgenthau as *Report to the Secretary on the Acquiescence of this Government on the Murder of the Jews*. The report opened with “One of the greatest crimes in history, the slaughter of the Jewish people in Europe” and claimed the State Department failed entirely to “prevent the extermination of Jews in German-controlled Europe”.¹⁷ The report had immediate consequences. On January 22, 1944 President Roosevelt signed Executive Order 9417, establishing the War Refugee Board to “rescue the victims of of enemy oppression who are in imminent danger of

¹⁵ Moreira, 22.

¹⁶ Ibid., 197.

¹⁷ Moreira, 218.

death.”¹⁸ While the War Refugee Board was created after majority of murders during the Holocaust had already occurred, it is estimated to have saved 200,000 Jewish lives.¹⁹

Executive Order 9427 expired on September 14, 1945, but more permanent legislation for refugees was passed in the years that followed. Following the War Brides Act of 1945 and the Alien Fianceés and Fiancés Act of 1946 the 80th Congress passed the Displaced Persons Act of 1948, a piece of legislation designed to help Holocaust survivors. The bill faced strong opposition from Congress, but President Harry Truman saw that it was signed into law. The Act allowed for 200,000 European refugees to enter the United States and allowed for the “existing 1924 quotas to be mortgaged to allow for up to 50 percent of future quota spaces to be used on behalf of displaced persons”. However, President Truman favored a more liberal immigration policy and felt that the Act discriminated against “Jewish displaced persons who had been in the Soviet Zone of occupation.”²⁰ The Displaced Persons Act of 1948 was passed in June, but in April of 1948 53 percent of Americans already disapproved of the plan to accept 200,000 displaced persons.²¹ Unfortunately, Truman would not see a more liberal immigration bill pass during his presidency.

The Immigration and Nationality Act of 1952 was passed after a contentious battle between those in favor and those against restricting immigration. The passage of the bill signaled that the political climate in the United States had shifted to favor immigration restriction in the

¹⁸ "Executive Order 9417." The Donnelly Collection of Presidential Executive Orders. Accessed December 10, 2018. <https://www.conservativeusa.net/eo/1944/eo9417.htm>.

¹⁹Moreira, 272.

²⁰ “United States Immigration and Refugee Law, 1921-1980 United States Holocaust Memorial Museum. Accessed November 15, 2018.

<https://encyclopedia.ushmm.org/content/en/article/united-states-immigration-and-refugee-law-1921-1980>.

²¹Maddalena Marinari. "Divided and Conquered: Immigration Reform Advocates and the Passage of the 1952 Immigration and Nationality Act." *Journal of American Ethnic History* 35, no. 3 (2016): p. 12.

wake of the second Red Scare, the Cold War, nativism and the rise of McCarthyism. The anti-restrictionists had been successful in building a coalition that unified different religious and ethnic groups to pass the Displaced Persons Act and repeal some of the restrictions against Asian Immigrants, but they were unsuccessful in replicating the success they had had a few years before. Many Americans still disapproved of the Displaced Persons Act, including Senator Patrick McCarran, who chaired the Subcommittee on Immigration and Nationality. Senator McCarran believed the Displaced Persons Act was a “threat to the survival of American democracy” and put the country at risk of receiving a “flood of undesirables”. McCarran was one of the most influential members of the Senate and he used his power to introduce a bill that “perfectly incarnated” the political climate of the early 1950s. The bill retained the quota system in addition to tightening “screening measures, exclusion, deportation, and naturalization procedures”.²² Other senators tried to put forth more liberal immigration bills, but McCarran held that “any objection to his law” was “communist-inspired”. In addition, McCarran refused to dismiss rumors “charging Jewish Americans” conspired against his bills.²³ The bill passed in the Senate in late May and was adopted by the House and the Senate in early June. However, President Truman felt the bill “perpetuated long-standing injustices” and “stifled U.S. Cold War goals abroad” and he subsequently vetoed it.²⁴ But both the House and the Senate ended up voting to override the President’s veto. The passage 1952 Immigration and Nationality Act proved that the fear communism and immigrants weighed heavier in the minds of many Americans than the recent memory of the refugee crisis during World War II.

²² Ibid., 13.

²³ Ibid., 25-26.

²⁴ Ibid, 30.

While America has historically been portrayed as a nation of immigrants, this portrayal was far from the truth during the 20th century. In the early 20th century Americans' passed laws that were a manifestation of racism and fear they felt towards immigrants. These sentiments remained during World War II, and the United States willingly turned a blind eye to mass murder and offered limited assistance to refugees. While some changes were made to immigration policy in the years immediately following the war, the American public remained opposed to bringing lasting changes to immigration policy. Americans witnessed to one of the largest mass murders in human history and had the opportunity to mitigate the death toll, but the fears and the prejudice they felt towards immigrants remained.

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