

Prepared for: YIVO Institute for Jewish Research
Re: Otto Frank File

Embargoed until: February 14, 2007 at 10 AM EST

**BLOCKED BY NATIONAL SECURITY FEARS?:
THE FRANK FAMILY AND SHIFTS IN AMERICAN REFUGEE POLICY,
1938-41**

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Otto Frank's efforts to get his family to the United States ran afoul of restrictive American immigration policies designed to protect national security and guard against an influx of foreigners during time of war. The State Department frequently reduced the number of immigration visas granted below the annual quota levels (set for each European nation by the basic immigration law) by enforcing strict immigration regulations. Those seeking to save themselves had to search for credible American sponsors, accumulate funds for overseas travel, and convince American consuls and State Department officials that they would be a benefit, and not a burden or a threat to the country.

In 1938, according to his own testimony, Otto Frank first applied at Rotterdam for immigration visas to the U. S. for himself and his family.¹ As Germans living in the Netherlands, the Franks fell under the American immigration quota for Germany.

At that time there were some prospects for hope. After Nazi Germany took over Austria in mid-March 1938 and launched severe persecution of Austrian Jews, President Franklin D. Roosevelt told his cabinet that he hoped to liberalize U. S. immigration procedures and to persuade Latin American countries to take in additional refugees. He approved a formal list of American proposals on March 22 that implicitly involved full use of the combined German-Austrian immigration quota.

FDR then invited a range of other governments to attend a refugee conference and to set up a new international committee on refugee problems. This conference and the international committee would try to bring about and finance emigration of political refugees from Germany and Austria. But, mindful of widespread public opposition to increased immigration, the U.S. explicitly stated that countries participating would not be expected to change their existing immigration laws.

At the July 1938 refugee conference held at Evian, France one country after another explained why it could not take in more refugees, with some noting in particular why Jews were undesirable. The President's initiative had seemingly failed, dashing the hopes of hundreds of thousands of Jews and other victims of persecution. Only one country, the Dominican Republic, volunteered to take in substantial numbers of refugees.

¹ See Otto Frank to Nathan Straus, Jr., April 30, 1941, YIVO File, 4.

The negative public face of the Evian Conference overshadowed some positive developments. For the first time since the 1920s, the United States did make available its full immigration quota for Germany, so that more than 27,000 Germans and Austrians—about 90% of them Jewish—were able to immigrate in the course of a year. And a number of Latin American countries showed themselves open to take in refugees with sufficient means to support themselves—or with foreign backers willing to support them and create jobs for them. Jewish emigration to some Latin American countries such as Cuba, Brazil, and Bolivia quietly continued.

At the same time, Nazi Germany's persecution of Jews sharply escalated. Especially after the Night of Broken Glass in November 1938, tens of thousands more German, Austrian, and Czech Jews, some of them beaten in concentration camps and released with dire warnings to leave the country soon, became desperate to leave. New would-be emigrants, plus those who had already applied to leave, swamped the places available abroad. By early 1939 the waiting list for an immigration visa to the U. S. contained more than 300,000 names.²

Under these circumstances Otto Frank's turn on the waiting list for American visas apparently did not come up. Feeling protected by his successful business in Amsterdam, he was not threatened enough to try other opportunities abroad.

Opportunities to emigrate sometimes vanished very quickly. In May 1939 Cuban President Laredo Bru tightened entry regulations, trapping 933 passengers on the *SS St. Louis* who had sailed from Hamburg with tourist visas for Cuba. Most of these voyagers were on the waiting list for American immigration visas, and they had pledges of financial support for as long as they remained in Cuba. However, they were not allowed to disembark in Havana. When the ship sailed along the southeastern coast of the U. S., they were not allowed to land there either, since the full American quota for Germany was then being used, and the administration refused to risk the ire of Congress with an exception to the law. Newspapers made the ship with nowhere to go into an international incident. At the last minute Britain, France, Belgium, and the Netherlands finally agreed to step in and each take a portion of the passengers.

The outbreak of World War II in September 1939 quickly aroused American fears that a flood of refugees might bring dangers to American shores. In a January 1940 memo urging the fingerprinting of all aliens entering the country, President Roosevelt noted that most immigrants came with honorable motives, but some might be spies or saboteurs.³

American fears of foreigners increased substantially in the spring and early summer of 1940, after Germany invaded and conquered Denmark, Norway, Belgium, the Netherlands, Luxembourg, and France. Many contemporary observers believed that disloyal elements within these countries sowed dissension and prepared the way for the German conquests. (In retrospect, these claims have proved at best highly exaggerated.) American officials did not want this "Fifth Column" to inflict similar damage in the U. S. In May 1940 American Ambassador to Cuba George S. Messersmith wrote:

² Richard Breitman and Alan M. Kraut, *American Refugee Policy and European Jewry, 1933-45* (Bloomington: Indiana University Press, 1987), 66.

³ Memorandum for the Secretary of Labor, January 27, 1940, Official File 2030, Franklin D. Roosevelt Library, Hyde Park, NY. This measure was incorporated into the Smith Act, which Congress passed in June 1940, requiring the registration and fingerprinting of all aliens. See David Wyman, *Paper Walls: America and the Refugee Crisis 1938-1941* (Amherst: University of Massachusetts Press, 1968), 188.

It is a fact that some of the Germans and Italians who left their countries in recent years because of persecution by their governments have, nevertheless, become in our country strong defendants of their native governments and the practices of their present governments. Among the so-called refugees in our country is a fair number who can be depended upon to act as agents of their government and who will violate in any way the hospitality which they are enjoying among us.

...

Most of the aliens in the United States, irrespective of their origin, have near relatives in their native countries. The German government, in particular, and the Italian government, in a lesser degree, have been exercising direct pressure on their nationals in the United States, this extending even to those who may have become naturalized American citizens.... Some of these nationals do not need the pressure from European governments, as they are fanatics, critical of the institutions of the country which has given them a refuge; and there is no doubt that, under given circumstances, they would become willing and dangerous elements, being so widely scattered over our country and employed in all kinds of key industries in all kinds of capacities....⁴

Messersmith's comment was one of many at that time associating refugees with the "Fifth Column" threat.⁵

In June 1940 the State Department ordered a tightening of visa controls. Applicants had to demonstrate a good reason for entering the United States: it was not enough to show that they had reason to leave Europe. American consuls (who had to apply visa laws and regulations to individual cases) had to establish that applicants were not likely to engage in radical activities, and they were not to grant visas if they had any doubts whatsoever concerning the alien.

One organization with government connections fought against the trend. The President's Advisory Committee on Political Refugees, another outgrowth of the President's 1938 initiative, had sought to rescue some of those who were in special peril during the war. By the second half of 1940 this function had been reduced to drawing up lists of prominent people, checking whether their relatives or other sponsors could really support them so that they would not become public charges, and above all, making sure that these people, if admitted, would not do anything inimical to the U. S. After these assurances were given, American consuls abroad were instructed to be more lenient in these cases, with the option to grant immigration visas or emergency visitor's visas.

The Advisory Committee also intervened in emergencies. When the Portuguese steamship *Quanza* was denied entry to Mexico in September 1940 with a load of refugees who had Mexican transit visas, Advisory Committee Chairman James G. McDonald used his leverage with the State Department and with Eleanor Roosevelt to get about half the passengers admitted to the U. S. either as immigrants or as visitors. (At this time, because of tightened regulations,

⁴ Strictly Confidential Memo attached to Messersmith to Sumner Welles, May 22, 1940, George S. Messersmith Papers, item 1360, University of Delaware Special Collections, Newark, Delaware.

⁵ Wyman, *Paper Walls*, 188-91.

there was plenty of room within the quotas.) So the precedent of the *St. Louis*—turning away those in distress who had reached American shores--was avoided.⁶

But by late 1940 State Department officials and some American diplomats abroad concluded that the Advisory Committee was recommending too many people for admission without really selecting those who would become outstanding additions to the U. S. As a result, the Advisory Committee's role was further reduced, and more and more of those individuals listed by the committee were not given visas. By March 1941 Assistant Secretary of State Breckinridge Long and Avra M. Warren brought about another tightening of visa policy. McDonald and the committee felt so discouraged that they asked if they should resign. The only encouragement Eleanor Roosevelt could give them was to write that the President wanted them to carry on because of the future.⁷

One high State Department official, Assistant Secretary of State Adolf Berle, also complained about the maze of State Department visa regulations and the inconsistency of applying them, particularly regarding the financial assurances required.

Some consulates ask ... for a trust fund. Others ask for affidavits. One particularly shocking case stated that nothing would be accepted save from a relative in the United States under a legal obligation to support the applicant

...

It does seem to me that this Department could pull itself together sufficiently to get out a general instruction which would be complete enough and simple enough so that the procedure could be standardized....⁸

But the only guidance coming from the State Department was negative.

In late April 1941 Otto Frank sought to revive his application for American visas for himself and his family. His problems included finding American sponsors with sufficiently close connection to the family that an American consul would accept their assurances of support. Edith Frank's brothers Julius and Walter Holländer, who had already emigrated to the U. S., were willing to supply affidavits of support, but Otto Frank justifiably feared that their limited working-class incomes would not convince an American consul that they could also support a family of four.

So Otto Frank turned to his old college friend Nathan Straus, Jr., requesting that he place \$5,000 in a bank account as a pledge of support.⁹ Most of the documents uncovered by YIVO deal with diligent efforts by Mr. and Mrs. Straus and the National Refugee Service (which they contacted) to find out what kind of affidavits of support would be needed for the Franks to obtain American visas and where to send the information. Remarkably, the employers of Walter and Julius Holländer—namely Jacob Hiatt of Worcester and Harry Levine of Leominster,

⁶ Henry L. Feingold, *The Politics of Rescue: The Roosevelt Administration and the Holocaust, 1938-1945* (New York: Holocaust Library, 1970), 143-44.

⁷ Eleanor Roosevelt to James G. McDonald, March 2, 1941, Eleanor Roosevelt Papers, Box 1612, FDRL.

⁸ Adolf Berle to Eliot B. Coulter, January 23, 1941, National Archives and Records Administration, Record Group 59, 150.062 Public Charge/1352.

⁹ Otto Frank to Straus, April 30, 1941, YIVO File, 4.

Massachusetts—also submitted affidavits of support for members of the Frank family, including one Anna, then eleven years old.¹⁰

Additional visa difficulties also surfaced in this correspondence. The National Refugee Service learned that American consuls were not issuing visas unless prospective immigrants could show that they had booked transportation to the U. S.¹¹ Effective July 1, 1941, the Visa Division of the State Department took over the pre-screening of visa applications, so that new affidavit forms had to be filled out and had to go to Washington.

In mid-June 1941 the United States required Germany to close its consulates in the U. S. because they supplied cover for German espionage activities. Germany retaliated, demanding the closure of American consulates in Germany and German-occupied territories. By July American consulates there either had closed or were closing, so that Otto Frank would have to reach an American consulate in a neutral country before he could have any chance of getting visas for the family.¹² Otto Frank needed to leave the Netherlands and reach Spain or Portugal legally—he had to show an exit permit from the Netherlands and transit visas through the countries he would pass through.¹³

Finally, although Otto Frank did not realize it, under the new American visa regulations, Frank could not qualify for an American visa if he had any close relatives left in German territories. The rationale for this move was that German authorities might put those within reach under such duress that their relatives in the U. S. might be forced into espionage. This change was the subject of a June 19, 1941 front-page article in the *New York Times*.¹⁴ On June 30 the American Consulate General in Lisbon suspended action on the visa application of a couple there who had brothers and sisters remaining in Belgium, Germany, and the Netherlands.¹⁵ If Otto Frank had gone to Lisbon by himself at that time, he would have faced a similar situation.

So the entire Frank family would have to get U. S. visas simultaneously, or none could qualify. But getting the entire Frank family to Portugal in the hope of getting visas from an American consul there was likely beyond the reach of a German Jewish refugee in the Netherlands.

By the time Nathan Straus accumulated some of this information, Otto Frank had already concluded that the prospect of getting into the U. S. directly was dim. So he turned to Cuba as a possible refuge. Just where he could find a Cuban consul willing and able to issue visas was unclear.¹⁶

Tourist visas and visitor's visas to Cuba were extremely expensive, requiring, among other things, direct payment of about \$250 per visa and bonds totaling \$2,500 per person, refunded when the person left Cuba. A number of travel agencies in New York enjoying good connections with the Cuban government handled such bonding arrangements if American

¹⁰ Maurice Krinsky to Susan Kramer, June 16, 1941, YIVO File, 14-15.

¹¹ Augusta Mayerson to Maurice Krinsky, June 9, 1941, YIVO File, 11-12.

¹² Wyman, *Paper Walls*, 197. Augusta Mayerson to E.M. Rogan June 16, 1941, YIVO File, 13; and Mayerson to Nathan Straus, June 25, 1941, YIVO File, 17-18.

¹³ Nathan Straus to Otto Frank, September 11, 1941, YIVO File, 23.

¹⁴ For more background, Feingold, *Politics of Rescue*, 160-65.

¹⁵ Wiley to Secretary of State, June 30, 1941, 811.111 Refugees/1617, copy in U. S. Holocaust Memorial Museum, Accession 1994.A.0342/R 46.

¹⁶ Otto Frank to Nathan Straus, September 8, 1941, YIVO File, 22.

sponsors wanted to pay the fees. The YIVO documents show that Julius Holländer, Nathan Straus, and the National Refugee Service all investigated this risky and expensive option.

State Department officials and various other government officials were highly suspicious of the Cuban government's willingness to sell visas dearly, believing that this was a corrupt device to circumvent American immigration restrictions and a means for unsavory elements to enter the Western hemisphere. After the United States tightened its own visa procedure effective July 1, 1941, the American ambassador to Cuba informed the Cuban government that, under the new regulations, many of those Europeans coming to Cuba as "tourists" might no longer qualify for U. S. visas. So Cuba might be stuck with these people. Cuban government officials said that they might need to tighten their own immigration regulations.¹⁷

Still, some people did manage to get temporary haven in Cuba through payments to travel agencies in New York. One long American government report included a severe and, in retrospect, highly improbable indictment of the directors of the Compass Resettlement Service (and Compass Travel Bureau)—one of three options for Cuban visa bonds mentioned by the National Refugee Service.¹⁸

Herman Segall, president of this company, was born in Russia and is believed to be at present a citizen of Cuba and to have applied for his first United States naturalization papers. A definitely reliable source reports that Segall, together with his uncle, David Segall, was at one time active in Danzig under the notorious Nazi leader Forster. Segall is said to have smuggled men and money into Poland from Germany before the war and is described as definitely a Nazi agent and a member of the Gestapo.¹⁹

American suspicions of Jews supposedly working for Nazi Germany were common in 1941-42. According to such beliefs, totalitarian countries—Germany, Italy, and the Soviet Union all were so categorized--converted victims of persecution into collaborators, and those authorized to leave totalitarian lands might well have hidden motives. According to the State Department legal advisor, the Supreme Court had repeatedly emphasized that aliens had no right of entry, and, "at a time like this, when the safety of the country is imperiled, it seems fully justifiable to resolve any possible doubts in favor of the country, rather than in favor of the aliens concerned." This was an exercise of administrative judgment within the limits of the law.²⁰ Such attitudes made the escape of the Frank family all the more unlikely.

When the President's Advisory Committee protested against this rule discouraging the admission of those with close relatives in Germany, the Soviet Union, and Italy, State

¹⁷ Messersmith to Secretary of State, June 28, 1941, and July 2, 1941, NARA, RG 59, CDF 837.55/208 and 811.111 W.R./428.

¹⁸ Mayerson to Nathan Straus, October 2, 1941, YIVO File, 32-33.

¹⁹ Confidential Report on Various Organizations and Individuals Engaged in Refugee Migration Activities, copy in NARA, RG 59, CDF 840.48 Refugees/3489. This 1942 report by the Chief Cable Censor was judged to be of particular value in the State Department. See Shaw to DCR, December 16, 1942, *ibid.*

²⁰ Memorandum from the Legal Adviser, May 2, 1941, 811.111-Refugees/1507, copy in USHMM, 1994.A 0342/R 46.

Department officials said simply that they would deal with each case individually, but that the new rule was a red light: during an emergency, visas should be scrutinized even more.²¹

Otto Frank's efforts to move his family to the United States and Cuba mirrored the experience of many thousands of German Jews. Frank's case was unusual only in that he tried hard very late—and enjoyed particularly good or fortunate American connections. Still, he failed. The fact that Anne Frank was one of those who did not make it is a poignant reminder of what was lost.

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²¹ Minutes of the meeting of August 7, 1941, James G. McDonald Papers, President's Advisory Committee, D 367, P 65, Columbia University School of International Affairs, NY.