AMERICAN CONSULATE GENERAL,

Berlin, Germany, December 12, 1932.

SUBJECT: With reference to the granting of a visa to Professor Einstein.

SIR:

I have the honor, in view of the wide publicity which has been given to the alleged circumstances surrounding the granting of a visa to Professor Einstein for a temporary stay in the United States, to make the following report to supplement the telegrams which have already been sent to the Department.

On November 28 or 29, it is impossible to state definitely which day, a representative of the Hamburg American Line inquired of the Consulate General whether or not it would be necessary for Professor Einstein to apply in person for a visa, and he was informed that every alien desiring to proceed to the United States for a temporary stay and who did not have a diplomatic passport was required to make his application in person according to the regulations. A day or two later a similar inquiry was made by the same steamship line as to whether Professor Einstein would have to apply in person, and to this second inquiry the same reply was given as the steamship company stated that Professor Einstein had the usual form of German passport. It was
was made clear, however, to the steamship company that although personal appearance was necessary, every consideration would be shown to Professor Einstein and the application facilitated in every possible way. In the meantime the Consulate General received the Department's telegraphic instruction of November 30, 6 P.M. stating that an organization of American women had put forward claims that Professor Einstein may be inadmissible into the United States in accordance with Section 5 of the Act of February 5, 1917 as well as in accordance with the provisions of the Act of October 16, 1918 as amended by the Act approved June 5, 1920. The Department's telegram set forth that it is claimed that Professor Einstein is a member of certain organizations which are affiliates of the Communist International. The Consulate General was instructed by the Department's telegram to give the foregoing information to the consular establishments in Europe for their confidential background and to state that should Professor Einstein apply for a visa he should be questioned carefully in the usual manner and impartially with reference to his membership, affiliations and activities in connection with these organizations. The Department's telegram stated that before taking any action on the application of Professor Einstein for a visa, the Consul's findings of the facts and his proposed decision should be reported to the Department. In accord with the Department's instruction the contents of its telegram of November 30, 6 P.M. were immediately transmitted.
transmitted to the consular officers in Europe through the various supervisory Consulates General.

On Friday, December 2, as Professor Einstein had not yet made an application for a visa and as the Consulate General knew that he contemplated sailing on December 9 from Bremen, I personally called up the Hamburg American Line which had made inquiry as to whether Professor Einstein would have to call personally for a visa, and referred to the two previous inquiries with regard to this matter and stated that Vice Consul Woodford had given them the correct information in saying that Professor Einstein would have to call personally. I called their attention to the fact that as it was understood that Professor Einstein wished to sail on December 9 by one of their steamers, I assumed that they had taken the usual precaution to inform him that they could not sell him passage by any particular steamer until he had a visa, as otherwise they would be making themselves responsible for any inconveniences which Professor Einstein might have. I called the Line as I was confident that any difficulties which Professor Einstein might have would become the subject of widespread comment and in view of the necessity of telegraphing the Department before granting a visa according to its telegram, I wished to make sure that he would apply personally in sufficient time so that if a visa could be issued, he would be able to leave at the time arranged for. I realized that if he applied at the last moment and the necessity
necessity for telegraphic exchange with the Department delayed the granting of a visa, the fact that we had to telegraph the Department might leak out and become the subject of newspaper comment. In that case the Department would have been subjected to criticism on the ground that the decision as to whether a visa should issue is placed by the statutes in the Consul and not in the Department. I mention the foregoing to indicate to the Department that the Consulate General realized the possibilities for unfavorable publicity surrounding this case and wished to take all steps to avoid such publicity.

On Saturday afternoon, December 3, Professor Einstein gave an interview to the Associated Press representative in Berlin before having in any way personally gotten in touch with the Consulate General with regard to his visa. The text of this interview is as follows:

"Never before has any attempt of mine at an approach to the beautiful sex met with such energetic rebuff; even should, perchance, such have ever been the case, then certainly not by so many all at once.

But aren't they perfectly right, these watchful citizenesses? Why should one admit to one's presence a person who devours hard-boiled capitalists with the same appetite and relish with which once upon a time the ogre Minotaurus in Crete devoured luscious Greek maidens - a person who in addition is so vulgar as to oppose every war except the inevitable one with the own wife?

Give heed, therefore, to the sage, patriotic dear ladies, and remember that the capital of mighty Rome was at one time saved by the cackling of her faithful geese."

It
It was evident that Professor and Mrs. Einstein were exceedingly nervous as a result of the protest which had been raised by a certain organization in the United States and wished by all means to avoid personal appearance at the Consulate General where they might be asked questions which Professor Einstein might find embarrassing. For this reason he appears to have conducted his application for a visa with the press rather than with the Consulate General in Berlin. On his previous voyage to the United States Professor Einstein held an official passport from the Foreign Office in Berlin, on the basis of which he received a visa as a temporary visitor from the Embassy in Berlin and without personal appearance being necessary. This may be one of the reasons why Professor Einstein believed that personal appearance would not be necessary for the securing of a visa on his present passport.

In accord with an instruction from the Department of State to the effect that I was to proceed to Breslau at my first opportunity to make an inspection of our Consulate there, I had arranged to go there early Monday morning, December 5, and had so notified our Consul there and made all arrangements to that end. These arrangements were made definitely before the Einstein visa case arose. In view of the fact that Professor Einstein might apply during my absence, I conferred with Consul Geist on Saturday morning and discussed with him fully the action to be taken in accord with the Department's telegram requiring that certain questions
be asked of Professor Einstein. There was no reason for
me to defer my visit to Breslau as under ordinary circum-
stances I would not conduct personally such an examination
for a visa and I knew that Consul Geist and Vice Consul
Woodford who is in charge of the visa section, would
conduct it with all discretion and courtesy.

On Monday, December 5 at 11 o’clock A.M., Professor
Einstein accompanied by his wife came to the Consulate
General, and as the personnel had been instructed to be
on the lookout for him, Consul Geist was immediately
notified and as a special consideration Professor Ein-
stein was received by him instead of being taken to the
visa section. The attitude of both Professor and Mrs.
Einstein was one of great nervousness. Mrs. Einstein
insisted upon speaking for her husband and it was with
difficulty that questions could be put to him. They
immediately protested against the treatment to which
they were being subjected and explained that never
before when applying for a visa to the United States
had they been required to call in person and that their
visas had always been sent to them. They made inferences
that their personal appearance being required was most
suspicious and that there was a good deal more in the
procedure than appeared on the face of it. Consul
Geist made the necessary explanations, but immediately
after they were seated Professor and Mrs. Einstein both
rose and said that they would not apply for a visa if
the slightest difficulties were made, and preferred not


to put themselves in such a humiliating position. It was with great difficulty that Mr. Geist persuaded them again to be seated and he realized that the slightest indiscretion in the nature of the questioning would cause them both to leave the office. It was explained to Professor Einstein that the formalities of obtaining a visa required the execution of certain visa forms. All the explanations which Mr. Geist gave had the effect of putting Professor Einstein and his wife on their feet with statements that they would leave. It was clearly obvious that both wished to avoid being asked certain questions. Mr. Geist again explained to Professor Einstein that the Consulate General desired to be helpful to him and to assist him through the formalities with the slightest inconvenience, and tactfully brought both of them into a better frame of mind so that it was possible to proceed with the examination.

Professor Einstein was questioned as to the societies with which he was connected, and he stated that he was connected with no societies. His wife interrupted him and stated that he was connected with certain social and political societies besides scientific organizations. Consul Geist filled in the usual questions regarding birth, purpose of visiting the United States, etc., and then brought to Professor Einstein's attention certain requirements of our law with respect to certain types of aliens. Professor Einstein stated that he knew nothing about such provisions and that his only purpose
in going to the United States was to conduct scientific research. He was asked whether he belonged to any organization which was inimical to organized government. He stated that he belonged to no such organization, but that he did belong to certain pacifist organizations; that he had been more or less directly and indirectly connected with such organizations but that he did not know whether or not he was in favor of them.

Professor Einstein was then asked concerning his affiliation with the World Congress Against Imperialistic War and he disavowed having any connection whatever with this organization and his wife confirmed this, observing at the same time that her husband did not know just what organizations he was connected with inasmuch as she handled the correspondence and she alone could be clear on these points. Professor Einstein was asked whether he belonged to the League Against Imperialism or was affiliated with it in any way. This he denied and his wife confirmed it. He was asked whether he belonged to the Workers' International Relief which in German is known as the "Internationale Arbeiter Hilfe" and he stated that he did not belong to it and had no connection with it. When questioned as to the War Resisters Prison Camp he stated that he did cooperate with that organization and had written certain articles in its behalf. His wife stated at the same time that the article was "very small and unimportant" but that he was affiliated with this organization and was on a committee. Mrs. Einstein observed that her husband had been named on committees.
committees of organizations almost without his knowledge.

When Professor Einstein read parts of Form No. 258 and read the words "I have informed myself of the provisions of the Act of February 5, 1917, particularly of the exclusion provisions of Section 3 of that Act", he desired to see the text of the law and was shown this in the Consular Regulations, Page 126, Paragraph 3, entitled "Members of Unlawful Organizations". After reading the appropriate excerpt of the law Professor Einstein said that he did not consider himself inadmissible to the United States under the provisions of the Act of February 5, 1917, particularly of the exclusion provisions of the Act, and went on to state that he held no such views; that he was a pacifist but that the pacifism which he advocated and which he desired to prevail must be attained only by legal and proper means. He stated that his interests were scientific and that he took no part in politics and repudiated activities of this sort.

In view of the nervous and sensitive state of mind in which Professor and Mrs. Einstein came to the Consulate General, it was possible only with the exercise of the utmost tact to have the necessary forms filled in and certain necessary formalities carried out. Mr. Geist realized that if they were allowed to leave without actually making an application for a visa it would of course be impossible to grant them a visa and that then the publicity complications would be more certain than ever. I was not present during the examination
as above described but I have every confidence that Mr. Geist deserves real commendation for having carried through a very difficult task with real skill and discretion. Professor and Mrs. Einstein both knew that he had allowed his name to be used in connection with certain organizations in which he may not have had a real interest and in the ends of which he probably does not believe. It was quite clear from the examination that they were eager to go to the United States and that they feared that the questioning to which they were put might make it impossible for them to be given a visa. This undoubtedly accounts for the nervous state during the examination and for their wishing to leave the office every time Mr. Geist in any way approached the matter. That he was able to keep them and carry the examination through and establish the facts so that Professor Einstein's application could be properly considered under the law, should be considered as an achievement worthy of commendation rather than subject him to criticism for having subjected Professor and Mrs. Einstein to an ordeal. The fact is that it was the consular officer conducting the examination who was subjected to an ordeal rather than Professor and Mrs. Einstein.

When the application for a visa was completed and Mr. Geist had secured the information necessary for him to reach a decision, he informed Professor and Mrs. Einstein that he would let them know as soon as possible whether a visa could be granted and would return the passports.
passports to them properly visased. They showed resentment and disturbance that they were not given their visased passports at once, but left the office with a proper show of courtesy and good feeling. The whole time that they were with Mr. Geist was not over half an hour and the greater part of this time was not spent in questioning Professor Einstein but in filling in the forms for the application and in smoothing down both so that they did not leave the office. While Professor Einstein was with Mr. Geist, he received a call over the telephone from the Associated Press in Berlin and made an appointment for its representative to call at his house at three o'clock that afternoon.

While the Consulate General was preparing the telegram to be sent to the Department Mrs. Einstein called Mr. Geist on the telephone and stated that her husband had made a mistake with regard to his statements as to the affiliation with the Workers' International Relief, and corrected the previous statement by saying that Professor Einstein was a member of this organization but would withdraw as he understands now that this organization is political. Mrs. Einstein further stated to Mr. Geist that they had decided that unless the visas were granted by noon of the following day (Tuesday, December 5), they would withdraw their application and not undertake the trip to the United States. Mrs. Einstein further observed that in that case they would have to hold the Consulate General responsible for the necessity
of breaking their contract upon the terms of which Professor Einstein was going to the United States. Mrs. Einstein was informed by Mr. Geist that the Consulate General regretted any inconvenience which a delay in granting the visas might entail but that the decision would be reached as quickly as possible. Mrs. Einstein again stated that they had made their arrangements to sail on a certain boat and that the question of baggage, steamship tickets and other arrangements for departure were so urgent that a delay beyond Tuesday noon could not be considered. It is not impossible or improbable that this declaration in the nature of an ultimatum may have been suggested to Mrs. Einstein by a representative of the press here. Mrs. Einstein had been in touch with the press, as has already been stated in this despatch, for some days before Professor Einstein actually made an application for a visa, and issued another declaration to the press on Monday afternoon after their visit at the Consulate. If she was correctly reported by the press, she is largely responsible for the widely spread reports in the United States and in Europe concerning the manner in which Professor Einstein was received. He and she were received promptly and most courteously, and instead of being taken to the visa section were interviewed by Mr. Geist in the Consul General's office. He was subjected to no gruelling and was not treated like a school boy but was asked only the most necessary questions. He was not asked whether he was a polygamist or whether he had
had been in prison, etc., as the newspapers reported.
In fact, had it not been that his failure to execute an application for a visa and that his leaving before having done so would have caused more newspaper comment than a refusal of the visa, Consul Geist would have been entirely justified by the behavior of Professor and Mrs. Einstein in politely informing them that he could not receive their application until they were in a better frame of mind.
It was only because Mr. Geist realized that he was dealing with a difficult situation which in the Government interest required the most careful and tactful handling that the interview could be carried to an end.

During the afternoon of Monday, December 5 after Professor Einstein had visited the Consulate General, the newspaper correspondents in Berlin were insistent in getting information from the Consulate General with respect to the Einstein case. They were invariably informed that the Consulate General regretted that it was unable to give any information concerning Professor Einstein's application for a visa as it had to observe a strict rule not to discuss visa cases with anyone except the applicant concerned.

Twice during the afternoon Consul Geist communicated with me at the Consulate at Breslau where I was making an inspection of that office, with respect to the telegram he was forwarding to the Department notifying it of the examination and the Consulate's decision. As Professor Einstein executed the declaration usual in these cases
and as the examination revealed that he disclaimed membership or affiliation with the organizations mentioned in the Department's telegram and as it revealed that his political beliefs were limited to the advocacy of pacifism and not opposed to organized government or in sympathy with the use in any form of force or violence to attain political ends, there seemed to be no ground for believing him to be inadmissible into the United States under our laws. Mr. Geist's conclusion, therefore, was that a visa should be granted and he detailed to me over the telephone the examination and I agreed with his conclusion. He later telephoned me to read the telegram which he had prepared, our December 5, 6 P.M., which I approved.

It was apparent during the course of late Monday afternoon and evening that either Professor or Mrs. Einstein had interviewed the press and given misleading statements, or that in some way misleading or unfounded information had been forwarded by the press to the United States, as reports were coming from the United States to practically all the Berlin correspondents to the effect that Professor Einstein had been examined by the Consulate General in Berlin with respect to his views on Communism and had declared that unless the visa was granted by noon on December 6 he would refuse to accept the invitation to conduct scientific research work in the United States. Mr. Geist was literally bombarded with requests for information concerning the case but as he had telegraphed his report to the Department and was without any reply, he
felt that there was no possibility for him to give any information even for background purposes until the Department's reply had been received. The Berlin correspondents were considerably exercised over his inability to give any information.

The Department's telegram of December 5, 6 P.M., acknowledging the receipt of the telegram of this Consulate General of the same date, which authorized the Consulate General to issue Professor Einstein a visa, was received at 9 A.M. Tuesday morning, December 6, and by 10 o'clock Mrs. Einstein was informed by telephone at their suburban residence near Potsdam that the Consulate General was granting the visas and that they could send for the passports at their leisure. Mrs. Einstein who answered the telephone, seemed in a nervous state and stated that Professor Einstein was "exhausted with all the trouble" and requested the Consulate General to be good enough to inform the press of the decision which had been reached. Mrs. Einstein was courteously told that the Consulate General had not made and could not make any statements to the press with regard to the case and could only give information concerning it to Professor Einstein or to her and that the only matter which remained to be adjusted was the payment of Reichsmarks 3.12. This suggestion of practical business seemed to bring Mrs. Einstein into a business state of mind and she stated that she would instruct the steamship agent to call for the passports and pay the fee. She expressed her appreciation
appreciation and by the profuseness of the thanks which she uttered, it was evident that the decision taken removed the strain through which obviously she and her husband had been passing. This strain was apparently not so much due to the fact that the visa might be denied, but on account of the humiliation which would ensue through the possibility of a situation in which the Professor might find himself before the world in that case. The passports of Professor and Mrs. Einstein were called for by, and delivered to the representative of the steamship company by 10:30 on the morning of December 6.

On my return from Breslau and appearing at the Consulate General on the morning of December 8, I found that the German newspapers had given considerable publicity to the Einstein case and some of them contained cartoons ridiculing our visa practice. The majority of the German papers, however, were considerate because the peculiarities of Mrs. Einstein and her desire for publicity were well understood in this country. Professor Einstein himself is not in entire favor with the press as it has on various occasions been quite caustic with respect to him. The reports, however, of the protest made by an organization of women in the United States to the Secretary of State, and the request that I be recalled from Berlin, came here, and the mail issue of the "Berliner Tageblatt" of December 6 carried this story. Before the regular city edition, however, appeared that morning, the article had been eliminated through, I understand, the request of the

Foreign
Foreign Office here which report, however, I have not deemed it essential to verify. The Paris edition of the New York Herald of December 8, carried on the first page a report of this protest to the Department and the request for my recall, as well as a quotation of an article of Mr. Lippman's in the New York Herald Tribune which was of an intensely personal nature. Some of the newspapers requested me to make a statement and I indicated to them that I regretted I was unable to do so in view of the fact that the official conduct of the case was subject to review and comment only by the Department of State and that the attack on me personally was of so virulent and unfounded a character that I preferred that any statements in that connection should come from others rather than from me. The incorrectness of practically all the comment on the case is evident from the fact that all the newspapers made it appear that I personally conducted the examination when as a matter of fact I was absent from the city on official business on December 5, 6 and 7. The very nature of the newspaper accounts, however, and of the statements by Mrs. Einstein and the statements issued by various organizations and persons in the United States, made it necessary that some clarifying statement be made. I therefore took the liberty in my telegram of December 9, 5 P.M. to request the Department to make a statement to the press with regard to the matter.

I deeply appreciate the telegram of December 10, 2 P.M. to the effect that a statement was made to the press
press with regard to the case at the Press Conference that morning. I am sure that this will remove any misapprehensions which may exist with regard to the action of this Consulate or of myself.

The Americans in Berlin were considerably exercised over what they termed the unjustified criticism of this Consulate General and of myself and of the implied criticism of the members of the staff, and they therefore prepared a statement to the American correspondents in Berlin as well as a telegram to the Secretary of State of which they were good enough to furnish me a copy. I have received many telegrams and letters even at this writing, suggesting various steps to be taken, particularly on account of the unjustified and damaging statements made by various organizations and persons in the United States concerning me, but in view of your generous statement to the press at the conference on December 10 in the Department, I see no reason why I should personally pursue the matter further with respect to the personal criticism involved. It does seem, however, that President Butler of Columbia University and Mr. Lippmann who proceeded to make statements of a damaging character concerning me on the basis of wholly unfounded newspaper reports, should of their own initiative and as a matter of common decency issue statements correcting the impression to which they gave such wide currency.

Respectfully yours,

George S. Messersmith,
American Consul General.

Enclosures:
Enclosures:
Copy of telegram sent, of Dec. 5, 6 P.M.
" " " " Dec. 9, 5 P.M.
" " statement by American organizations in Berlin.
Three newspaper clippings (with original of despatch only).

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