My dear Justice Brandeis:

I have just received your note of October 23 with which you send me a letter, dated October 13, which you have received from Professor Deutsch of the University of California. With his letter he sends you a letter he addressed to the President, dated October 6, and in which he refers to the situation with which we are so familiar in which so many thousands of worthy people find themselves abroad.

You will be interested to know for your private information that the President sent Professor Deutsch's letter to Secretary Hull with the request that a letter be prepared for his (the President's) signature. The Secretary referred the letter to me for the preparation of a reply. I went into the whole matter very carefully on the basis of Professor Deutsch's letter and had prepared a reply which I gave my personal attention. This letter was forwarded to the White House for the President's approval and signature and I think we may assume that it has gone forward to Professor Deutsch.

In this letter which we prepared for the President's signature, we went carefully into practically all of the points raised by Professor Deutsch. I need not tell you that the President and the Secretary, and all of us in this Department are deeply concerned over the desperate plight of so many of these people in Europe. The President realized that the problem was one which this country could not alone solve and this is the reason he undertook the initiative he did in the setting up of the Intergovernmental Committee on Refugees. I think I need not tell you that the

Mr. Justice Brandeis,

The Supreme Court.
work of this Committee is absorbing a good part of the best thought which some of us in this Department can give to it. We are giving it our daily attention and we still hope that out of the work of this Committee some major constructive steps may arise to relieve the situation of at least a part of these desperate people.

So far as this country is concerned, we are governed by statutory prescriptions over which we have no control. Our consuls are giving sympathetic attention to all the applications made to them as rapidly as the law and the circumstances permit. We have strengthened the staff of the offices on which the pressure is the greatest. We have done everything humanly possible within our power and under the statutes to do what we can. I am sure that Professor Deutsch is badly informed when he believes that our consuls are not going into these cases sympathetically and carefully. The quotas are being filled currently and as many visas are being granted as the law permits. The applicants are being considered in the order in which they are registered and this obviously has to be done as all persons must be treated with fairness and equity. It is quite natural that there should be disappointment and disillusionment among some of these people who wish to come to this country. You and I can appreciate that under the pressure of circumstances there will be unjustified adverse criticism of our practice and of our consuls. I can assure you that I get letters every day from this country and from all kinds of persons abroad who speak of the magnificent way in which our consuls are meeting the extraordinary situation which has been thrust upon them. At a great many of our European establishments particularly our officers not infrequently remain on duty until eleven o'clock in the evening and work through Saturday and Sunday in order to keep pace with the work. I think I can assure you that all the measures have been taken which our Government can reasonably be expected to take as long as the law remains as it is.

I think it is particularly unfortunate that some of our own people should be criticizing the attitude of our consular officers when as a matter of fact they are doing such a magnificent job. I say this not as an officer of the Department of State and not as a Foreign Service Officer, but as one who knows intimately of the really splendid work which they are doing.
So far as the law is concerned, I do not see any prospect of its being changed. In view of the present temper of the Congress as we knew it at the end of the last session, I may tell you that after exploring the situation I and others who were interested found that the sentiment was such that if any question of revision of the immigration laws came up, it was likely that there would be revision in the sense of further limiting immigration rather than in liberalizing our present practice. I am inclined to think that when the Congress meets again in January this situation will be found unchanged.

I do want to tell you that this grave problem is having the careful thought of most of us in this Department. We are deeply interested and concerned. I hope in the near future to have an opportunity to see you and to tell you more intimately what some of the implications of this problem are and of what we are doing. I am sure that if you have all the facts, you will agree with me that we are doing all that we humanly can under our existing law and that the law is being carried through in a most sympathetic and understanding way.

I appreciate very much your having taken up this matter with me and hope I may have the pleasure in the not distant future of calling on you. I am so much tied down these days by what seem to be constantly more absorbing duties that I have very little opportunity to break the chains which tie me to a desk here.

Believe me, with very good wishes to you and
Mrs. Brandeis,

Cordially yours,

Enclosure:
Letter from Professor Deutsch returned.

A-M: GSM: VNG