

Berlin, Germany, December 15, 1932.

Personal & Confidential

Dear Mr. Villard:

I want to tell you at the outset how much I appreciate your telegram as follows:

"Thanks have communicated Lippmann and am writing favorably in Nation but what explanation statements Einstein and wife renewed at Hamburg".

While it is officially impossible for me to discuss a visa application with anyone except the applicant or with the Department, I want for your personal background to give you the following information not only because I know that you are interested in visa practice generally, but because this Einstein case has unfortunately been given such wide publicity. On November 28 or 29 a representative of the Hamburg American Steamship Company called at the Consulate and saw Vice Consul Woodford who is in charge of the visa section, and asked him whether Professor Einstein would have to call personally for a visa. Mr. Woodford told him that unfortunately this would be necessary as it was a legal requirement, but that everything would be done to facilitate the granting of a visa and as little inconvenience and loss of time caused Professor Einstein as possible. A few days later the Hamburg American man again came and asked the same question and he was given necessarily the same reply. He informed us that Professor Einstein did not have any diplomatic or official passport, and it is only in the case of holders of such passports that we may exercise our discretion

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in waiving personal appearance. In the meantime we had received information about the protest which had been made to the State Department concerning the admission of Professor Einstein and this made it essential that when he did call for a visa we ask him concerning his affiliations with certain organizations. On December 2 Professor Einstein gave an interview to the press with which he had ~~also~~ already been in contact concerning the fuss which was being made in the United States.

As I had instructions from the Department to proceed as soon as possible to Breslau to make an inspection of our Consulate there and had made arrangements here and in Breslau to spend December 5, 6 and 7 there before the Einstein case ever arose, it was necessary for me to leave Berlin by an early train Monday morning, December 5. Consul Geist, whom I am sure you remember and who is a most capable and sensible and broad-minded officer and who shares my liberal views with respect to visa practice in every respect, was to be in charge during my temporary absence and we discussed thoroughly the Einstein case before I left so that it could be facilitated in every way when Professor Einstein actually would apply. It so happened that Professor and Mrs. Einstein called about 11 o'clock on the morning of Monday, December 5. As soon as they arrived Mr. Geist met them personally and instead of their being taken to the visa section he interviewed them himself. It was obvious to him that both Professor and Mrs. Einstein were very nervous. I feel confident that in view of certain statements which Professor Einstein had made at home during his last visit, and because of his affiliation with certain organizations, he felt there was a possibility that he might be refused a visa and for that reason he wished to avoid making an application in person. He wished to avoid certain questions being asked him which would prove to be embarrassing, and to risk the possibility of being refused a visa and being subjected, therefore, to what he would naturally consider a humiliation. It is interesting in this

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connection to note that on his previous visit to the United States Professor Einstein had an official passport and it was therefore visaed at the Embassy in Berlin without personal appearance, as is possible in such case. Mr. Geist, realizing the nervousness of Professor Einstein and understanding fully all the circumstances, received them with every courtesy and consideration and in the most understanding way, and was finally able to make them understand that he wished to facilitate the whole procedure for Professor Einstein as much as possible rather than to place any obstacles in his way. By using great tact and discretion Mr. Geist was able to get Professor Einstein, or rather Mrs. Einstein, into a proper frame of mind and it was possible to ask the really few questions which we had to ask with reference to his alleged affiliation with certain organizations. Professor Einstein disclaimed having anything to do with these organizations but after they had left the office, Mrs. Einstein called up that afternoon to say that Professor Einstein was on the committee of the Workers' International Relief but that he was immediately withdrawing "as he has learned that this organization is political". On Tuesday morning, December 6, Mr. Geist telephoned to the Einstein house, speaking with Mrs. Einstein, and informed her that the visas were being granted and that they could send some one to call for the visaed passports at their convenience, and they were called for that morning.

I do not believe it essential to go into a discussion of the extraordinary details which found their way into the press. If Professor and Mrs. Einstein had made their application to the Consulate for a visa just as persons usually do, great and small, and had not given these numerous statements to the newspapers, there would have been no trouble or fuss or publicity whatever. We have to handle a good many more difficult cases here than that of Professor Einstein, and we have never had any trouble whatever and we have never prevented any such persons from going to the United States or made the slightest difficulties for them. Professor Einstein made his

mistake

mistake by discussing his visa case with the press for almost a week before he ever applied at the Consulate for a visa, and on Monday, afternoon, December 5, after actually having made his application that morning at the Consulate, Mrs. Einstein gave an interview to the press which was the cause of most of the difficulty and of the misapprehension in the United States. She was laboring under the belief, in spite of the courtesy with which they had been received, that a visa might be refused them and I do not know what she said to the newspaper men here, but knowing the newspaper men here to be a very decent and fine lot, I know that their reports could not have been what they were unless they had got a wrong impression from Mrs. Einstein. This is the kindest way that I can put it. Of course the newspaper men too were a little bit annoyed with the Consulate because we could not discuss the visa case with them.

I need not assure you that Professor and Mrs. Einstein were received with every courtesy and while we treat everyone who comes to the Consulate for a visa with consideration and go into every case considerately and sympathetically no matter how humble the applicant, we did take all pains to give Professor Einstein that special consideration which we feel is due to such an international figure. We were not only trying to make the formalities of the law as easy as possible, but I think I need not assure you that we approached the whole matter of his visa from a large minded and liberal point of view and in the hope that no impediments would be found to the granting of a visa. In view of Professor Einstein's prominence during the past year, information had come to us as to others of his direct or indirect association with certain movements against which there is strong public opinion in certain circles in the United States, and that there was a possibility that some time some of these organizations would raise objections to his further admission into the United States. But this was in no sense an indication that our Government or its officers abroad would consider him inadmissible, nor do I believe it is necessary for me to tell you that we in the

Consulate

Consulate General in Berlin are fully aware that one cannot keep ideas out of a country and that no wall can be built by the law or by any other means high enough to keep them out. My personal conviction is that keeping out of our country certain people because of their ideas simply makes them into martyrs and emphasizes the importance of their ideas in the public mind. I do not pretend in any sense to pass personal judgment on the opinions of certain people and in my visa practice and in carrying out the law I always keep in mind what I believe to be the larger and more important interests of our country, and certainly do not lay too much emphasis on the opinions of individuals. As to their acts, that is another matter, but in Professor Einstein's case it was obvious that his liberal ideas were those of the philosopher and the advanced thinker and that his acts were not such as to make him inadmissible under our laws. For this reason it was almost a tragedy that although Professor Einstein applied for a visa at the Consulate where he was likely to receive as intelligent and considerate treatment as anywhere in the Service, all this fuss should arise.

I think it is quite safe to say that the major part of the difficulty arose through Mrs. Einstein's unfortunate statements to the press which gave an entirely wrong impression of the circumstances to the newspaper men here. They feared that he might be refused a visa, but for these fears the State Department and this Consulate certainly can bear no responsibility. Had they applied for a visa before taking up this matter with the press and starting all of the discussion, they would have had it and there would have been no Einstein incident. The Secretary's statement to the press was in no sense a white-wash of this Consulate General because I know exactly what happened even though I was not here, and the Secretary's statement was absolutely necessary in view of the wrong impression which had been given concerning this Consulate and concerning me personally.

Why this discussion should have finally taken the form of such venomous attacks against me, I cannot understand, but the extraordinary statements which were made which made me appear like an ass and an ignoramus and a bigot, were sufficiently widely spread at home to make it possible that they would wreck my career. I was particularly disappointed that Lippmann should rush to print the way he did,

as I have a very high regard for him and always read with interest if not with agreement, what he says. I did feel, however, that he documented himself better than would appear from his rash statement concerning me and the treatment of Einstein. It was because of the fact that Lippmann's articles are so widely read that I took the liberty of telegraphing you, as I thought you might be able to tell Lippmann something about me personally which would at least remove the impression that I was an ass and an ignoramus. I appreciate particularly your telegram saying that you have spoken to Lippmann. I had information the other day by cable that in the New York Herald-Tribune of December 14 he made a statement correcting the previous impression given by him, but I have not yet seen it and so do not know its nature. He is too big a man, however, to wish to injure someone for a matter in which he has no responsibility and for something which never took place and I am sure that he must have been sufficiently generous in his explanation.

The Berlin people, of course, Americans and Germans, were indignant over all that had happened. They understand Mrs. Einstein and her seizing every opportunity to give publicity to Professor Einstein who doesn't seem to be that sort of a person at all, and they also know how courteously and considerately all persons are treated invariably at this Consulate, so they wanted to do all sorts of things to bring the proper facts before the public.

There is a great deal more that I could say, but I do not believe that it is necessary. With regard to Professor Einstein's affiliations with organizations, etc., I should probably state that when Mr. Geist did ask him whether he belonged to certain organizations, which were the only questions asked him, Professor Einstein did not seem to know and in fact Mrs. Einstein carried on practically the whole conversation any way. She remarked to Mr. Geist that Professor Einstein did not really know to what organizations he belonged or was affiliated with, as she "carried on all the correspondence".

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Need I tell you that Professor Einstein was asked none of these questions such as whether he was a Communist, whether he had insanity in his family, etc. This is all too ridiculous for me even to write to you about.

I do not quite understand the reference in your telegram to the statements Einstein and his wife renewed at Hamburg. Professor and Mrs. Einstein sailed from Bremen on the S.S. OAKLAND for the west coast via the Panama Canal. The steamer had already been at Hamburg and they boarded it at Bremen so did not touch at Hamburg again, and I am quite sure that neither of them has been in Hamburg recently. I think reference must be made to an interview with them just before they sailed at Bremen where several press representatives talked with them, but what they said there was entirely innocuous. Mr. Deuss of the Hearst Press told me the day after they sailed that their ~~Hamburg~~ man had talked with the Einsteins and that when he brought to the attention of Professor Einstein the fact that this whole matter had turned into a bitter attack on me, Professor Einstein philosophically remarked that this was regrettable but it was the way of the world that the innocent should suffer - "yesterday it was I, today it is Messersmith and tomorrow it will be someone else". So far as I can learn he said nothing in this Bremen interview other than that so far as he was concerned the matter was closed. I think if there has been anything more it must have been embroidery. I have before me, for example, clippings from the English press where the correspondent of the "Standard" says that he interviewed Einstein and gives the most fantastic and interesting account of what happened in connection with the visa examination, and the fact is that Einstein never even saw this correspondent. The whole story of the interview is imaginary. I have so far not seen any of the accounts in the American press with the exception of an article from the "Times" - I believe of the 6th December - and the story of the nature of the interview at the Consulate is entirely misleading.

Bremen

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If Einstein is the savant which the world believes him to be, he, as an intellectually honest man, will not fail to correct many misapprehensions when he does get to the United States. Frankly, however, and this is entirely personal and between you and me and for your background only, anything which Mrs. Einstein may say must be accepted with reservations. I move a good deal here among the leading Jews in Berlin and count them among my dearest and best friends, and since this incident has arisen a good many of them have taken pains to tell me things which it is not necessary to repeat here but which indicate that what she says must be accepted with a great deal of reservation. In fact there is a good deal in this connection I could tell you but I do not wish to enter into personalities.

Now I must ask you to forgive me for having inflicted this long letter on you but I wanted you to have, for your purely personal information, this background. I think you know me well enough to know that I would not make any difficulties for a man like Professor Einstein and I can quite assure you that Geist is equally incapable of it. I have to deal with all these Soviet people going to the United States and I have been here two years now and for your confidential and personal information I think it is sufficient to tell you that I haven't yet made it impossible for a single one to go and you will appreciate that under the existing laws this not only indicates a very liberal visa attitude on my part, but if I must say it myself, a certain amount of bravery because I am taking the responsibility which few men in the public service would be willing to undertake.

I am tremendously appreciative of the way in which my friends have come to my rescue and I shudder to think what would have happened to some man who had not had so many and such generous friends. The whole work of a lifetime might have been wrecked by this unwarranted attack.

I hope that we may look forward to seeing you

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in Berlin before too long, and with every good wish and real appreciation, believe me,

Cordially yours,

P.S. The Paris New York Herald of December 14 carries the article which I am appending, giving Walter Lippmann's statement which appeared in the New York Herald-Tribune. I am quite surprised and disappointed, as it is not the generous nor the complete statement which under the circumstances a man like Mr. Lippmann should have made. He clears me personally as obviously had to be done as I was not in Berlin, but he places the responsibility on anonymous persons and on the State Department, leaving the impression that Professor Einstein was not properly treated at the Consulate and was subjected to the extraordinary examination reported in the press. Mr. Lippmann's statement under the circumstances therefore means little as the newspapers had already made it clear that I was not responsible. There was absolutely no Einstein incident except that it was created by Mrs. Einstein and the newspapers. So far as responsibility by our Government or its officers is concerned, there is none because when he did fulfill the legal formality of appearing at the Consulate for the visa, he was treated with every courtesy and received the visa. There is only one thing that can attach to the State Department or its officers and that is that Professor Einstein was required to appear personally for a visa and that is a matter of law, and we did ask him whether he was affiliated with certain organizations, which we had to do. Whatever criticism, therefore, Mr. Lippmann could have made, should have been of the law and not of the officers of our Government in carrying out the law. Mr. Lippmann would have done himself and his reputation a great deal more good by making his statement to the press more

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the generally accepted opinion of him.

G.S.M.

Enclosure:
Article.

Oswald Villard, Esquire,
The Nation,
Vesey Street,
New York, New York.

(7)

Berlin, Germany, December 15, 1932.

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Enclosure:
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Oswald Villard, Esquire,
The Nation,
Vesey Street,
New York, New York.