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**Gráinne McEvoy, Ph.D.**  
Post-doctoral Fellow  
Department of History, Boston College  
Email: mcevoygr@gmail.com

**Family Unity, Child Refugees, and the American Catholic Bishops' Response  
to the Wagner-Rogers Bill, 1939.**

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On January 9, 1939, a delegation of four Protestant and Catholic clergymen, led by Monsignor John A. Ryan of the National Catholic Welfare Conference, visited the White House and presented a petition stating their favorable position on “this country’s doing its share in helping, through already established agencies, German children who are unable to remain in their own land.” The petition bore the signatures of 50 Protestant, Catholic, and Jewish religious leaders of whom 11 were prominent archbishops, priests, and Catholic social activists.<sup>1</sup> The delivery of the petition deliberately precipitated the proposal, the following month, of identical bills in Congress by Senator Robert F. Wagner (D-NY) and Representative Edith Nourse Rogers (R-MA) that would have permitted entry beyond the quotas to 20,000 German children under the age of 14 over a two-year period.<sup>2</sup> The Wagner-Rogers bill was the most prominent of a handful of other bills proposed in 1939 to admit German children under the age of 14.<sup>3</sup>

Despite the very public demonstration of support for some administrative relief to admit displaced children by prominent Catholic figures, the national Hierarchy withheld its official support for the Wagner-Roger bill in the spring and early summer of 1939. The hierarchy’s social action body and mouthpiece on legislative matters, the National Catholic Welfare Conference (N.C.W.C.), made no formal statement in support of Wagner-Rogers, nor did any member of its staff or its Episcopal administrative board testify before Congressional hearings on the bill. The bill’s passage was unlikely from the outset, and Congress rejected Wagner-Rogers bill by the summer of 1939. In so doing, it missed a potential opportunity to save the lives of thousands of endangered and homeless children before the war made trans-Atlantic passage too

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<sup>1</sup> “Ask Roosevelt Aid Refugee Children,” *New York Times*, January 10, 1939, 9.

<sup>2</sup> Wyman, *Paper Walls*, 75. Divine, *American Immigration Policy*, 99.

<sup>3</sup> *Ibid.*

dangerous.<sup>4</sup> This paper will consider the reasons why the N.C.W.C. and hierarchy withheld official Catholic support for this piece of legislation.

For decades, historians have described the American response to the European refugee crisis of the 1930s as impoverished.<sup>5</sup> In the four years following Hitler’s rise to power, over 130,000 Germans fled anti-Semitic and political persecution in their homeland. They were mainly Jews but contained a minority of non-Jewish political opponents of the Nazi regime. The majority of this number found an ill-fated refuge on the European continent but a sizeable minority attempted to go overseas including to the U.S. The annexation of Austria and the Sudetenland in March and November 1938 brought around 210,000 undesirable “non-Aryans” under the Nazi regime, provoking an exodus of tens of thousands of Jews and political refugees, and Hitler subsequent march into central and eastern Europe, would jeopardize the lives of more populations that the Nazi regime deemed “undesirable,” including five to six million European Jews.<sup>6</sup> The Roosevelt administration took some steps to address this growing European refugee situation, including the appointment of a Presidential Advisory Committee on Political Refugees, composed of representatives from religious and voluntary groups. As the President enacted such measures, however, he adjusted the United States’ restrictive immigration policy only slightly, and refused to undermine its core component: the national origins quota system that had been in place since the 1920s. Between 1933 and 1944, approximately 250,000 escapees from Nazism in

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<sup>4</sup> For a fuller discussion of the career of the Wagner-Rogers bill see Wyman, *Paper Walls*, 75-91; Divine, *American Immigration Policy*, 99-102.

<sup>5</sup> For this assessment of U.S. immigration law during the 1930s and WWII refugee crisis see Carl J. Bon Tempo, *Americans at the Gate: The United States and Refugees During the Cold War* (Princeton, NJ: Princeton University Press, 2008), ch. 1; Richard Breitman and Alan M. Kraut, *American Refugee Policy and the European Jewry, 1933-1945* (Bloomington, IN: Indiana University Press, 1987), 9-10; Haim Genizi, *America’s Fair Share: The Admission and Resettlement of Displaced Persons, 1945-1952* (Detroit, MI: Wayne State University Press, 1993), ch. 1; David Wyman, *Paper Walls: America and the Refugee Crisis, 1938-1941* (Amherst, MA: University of Massachusetts Press, 1968).

<sup>6</sup> Aristide R. Zolberg, *A Nation by Design, Immigration Policy in the Fashioning of America* (New York: Russell Sage Foundation, 2006), 272-277; Robert A. Divine, *American Immigration Policy, 1924-1952* (New Haven, CT: Yale University Press, 1957), 92.

Germany and the greater Third Reich were admitted by American immigration authorities. Compared to other nations, this rate of refugee admissions was robust, but it was constrained by Congressional refusal to permit entries over the quotas and administrative rigor in refusing visas to those who were “liable to become a public charge” or who were deemed to be political subversives. This situation meant that the U.S. failed to admit as many refugees as even the existing laws allowed.<sup>7</sup>

By the mid-1930s, Catholic social activists and immigration experts working within the N.C.W.C. turned their attention to the refugee problem provoked by the growth of Fascism, especially Nazism, in Europe. They responded to a growing refugee crisis in Europe in the 1930s and at the outbreak of the Second World War in accordance with a decades-old Catholic social critique of U.S. immigration policy. The Catholic Hierarchy and its social action agencies insisted upon principles of charity and refugee for those in need, but also gave priority to family unity and protection of the nation’s socio-economic and political unity. Importantly, their position on refugee relief was conditioned by years of lobbying experience which had taught them to campaign for immigration reform incrementally, careful to avoid a backlash from powerful restrictionists in Congress. This reticence also initially inhibited inter-faith collaboration with Jewish and Protestant agencies working in the field of refugee relief, a relationship which would improve immediately following the war. These are some of the reasons explaining why the American Catholic Church, one of the nation’s key charity-providing institutions, did not provide unconditional support for the Wagner Rogers bill.

This paper is not designed as a reprimand of an ineffective response by the Church to this particular refugee problem. The Hierarchy’s divided position on the Wagner-Rogers bill reveals the primacy of the principle of family unity in the 20<sup>th</sup> century American Catholic critique of

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<sup>7</sup> Breitman and Kraut, *American Refugee Policy and the European Jewry*, 9-10.

U.S. immigration law. In so doing, and along with my broader research, this paper contributes to our understanding of how family unity became a key facet of the campaign for immigration reform by the middle decades of the 20<sup>th</sup> century. While the existing literature on the process of immigration reform that culminated in the repeal of the national origins quota system in 1965 has much to say about campaigners’ insistence on racial equality, less attention has been paid to their focus on family unity.<sup>8</sup> Given the concerted efforts to enshrine family unity in immigration law in 1965 and since, this relative lacuna should be addressed. As this article will show, the emphasis on family unity in the debate over immigration had important roots in religious critiques of immigration law. In this way, this paper makes a second, related contribution, which adds to recent historical attempts to demonstrate the centrality of religion to the main narrative of American history.<sup>9</sup> By tracing the religious roots of one of the principal priorities of U.S. immigration law by the mid-20<sup>th</sup> century, my research suggests one way in which American Catholic social critics helped shape American social and political culture in the 20<sup>th</sup> century.

The Catholic hierarchy and N.C.W.C. were by no means inert on the issue of German refugees before the outbreak of war in Europe. Until the summer of 1936, the American Catholic reaction to this exodus mainly consisted of sporadic, isolated demands for attention to the problem from a handful of Catholic social critics and intellectuals. For example, in early 1936 George Shuster and Michael Williams of *Commonweal*, Fr. Raymond McGowan of the Social Action Department-N.C.W.C., and Professor Carlton Hayes, helped form the Christian

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<sup>8</sup> See, for example, Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004), Ch.6.

<sup>9</sup> Jon Butler, “Jack-in-the-box Faith: The Religion Problem in Modern American History,” *Journal of American History* March 2004, Vol. 90, No. 4, pp. 1357-1378; John T. McGreevy, “American Religion,” in *American History Now*, Eds. Eric Foner and Lisa McGirr (Philadelphia, PA: Temple University Press, 2011); Kevin M. Schultz and Paul Harvey, “Everywhere and Nowhere: Recent Trends in American Religious History and Historiography,” *Journal of the American Academy of Religion*, March 2010, Vol. 78, No. 1, pp.129-162.

Committee for German Refugees. A conference of Protestant and Catholic clergy and laypersons, the Committee drew attention to the plight of Christian and political refugees from Nazi persecution.<sup>10</sup> The N.C.W.C.’s immigration bureau was also assisting the admission of refugees, albeit through normal immigration laws, by providing processing assistance to Germans immigrating under the quota.<sup>11</sup> Then in November 1936, the American Hierarchy established an Episcopal Committee for Catholic Refugees from Germany (C.C.R.), partly as a result of communications from the German Hierarchy and from German and Dutch Catholic relief organizations asking that the American bishops work with their refugee committees in transporting German Catholics to safety.<sup>12</sup> The Episcopal Committee’s primary objectives were to facilitate cooperation between the German and American hierarchies and their relief agencies, to raise funds, and “to help refugees both here and abroad with material aid, and spiritual, professional and legal advice.”<sup>13</sup> After a slow start, the C.C.R., assisted by other N.C.W.C. bureaux, became one of the major relief agencies in the U.S. by the end of the war. Between 1936 and 1946, the committee provided immigration services to almost 7,000 refugees, including the provision of affidavits for visas, financial relief, and assistance securing employment.<sup>14</sup>

From the spring of 1938, the Hierarchy and N.C.W.C. also became closely involved with the Roosevelt administration’s program for admitting small numbers of refugees through the exercise of executive prerogatives and administrative flexibility. Following the Austrian *anschluss*, Roosevelt appointed a Presidential Advisory Committee on Political Refugees,

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<sup>10</sup> “German Refugees,” *America*, February 22, 1936, 464-465. See also, “The German Refugees,” *America*, June 23, 1934, 243-244.

<sup>11</sup> Memorandum from Bruce Mohler to Michael Ready, November 16, 1936, Folder 8, Box 64, United States Conference of Catholic Bishops, Executive Department/Office of the General Secretary (hereafter “OGS”), American Catholic History Research Center and University Archives (hereafter “CUA”).

<sup>12</sup> Minutes of N.C.W.C. Administrative Board meeting, November 16, 1936, Folder 8, Box 64, Folder 8, CUA; Fr. H.A. Reinhold to William Cardinal O’Connell, September 10, 1936, and J. Schmutzer of Katholiek Comite Voor Vluchtelingen, October 12, 1936, Folder 2, Box 63, OGS, CUA.

<sup>13</sup> “German Refugee Aid,” *The Commonweal*, July 30, 1937, 336.

<sup>14</sup> Genizi, *America’s Fair Share*, 11-12.

composed of representatives from the major religious and voluntary agencies already working on behalf of Europe’s refugees.<sup>15</sup> At the request of the State Department, the N.C.W.C. nominated Archbishop Joseph F. Rummel New Orleans, and co-chair of the C.C.R. and Mr. Louis Kenedy, president of the National Council for Catholic Men, to the advisory committee.<sup>16</sup>

This activity did, however, have certain constraints. The hierarchy’s response to the refugee question in the late 1930s was primarily shaped by two sets of priorities which should be laid out before consideration of their specific response to the Wagner-Rogers bill. Firstly, members of the Hierarchy and N.C.W.C. staff were keenly aware that the Roosevelt administration and Congress were only prepared to make very limited concessions to admit Europe’s refugees. By the late 1930s, N.C.W.C. staff, particularly within the Immigration and Legal bureaux, had acquired decades of experience lobbying for immigration policy reform. They were aware that pushing a still largely pro-restriction Congress to enact liberal reform of immigration law, even in the case of emergency refugee relief, was fruitless and could prove counterproductive. They knew that defenders of the national origins quota system in Congress viewed any attempt to provide more visas than the existing law allowed (especially to those Eastern European countries that the quota system was designed to disadvantage) as an “opening wedge” to dismantling the entire restrictive immigration system. At the first meeting of the President’s Advisory Committee, Archbishop Rummel and Louis Kenedy were reminded of this political dynamic, and of the White House’s commitment to working within the existing quota system. The president stipulated “there was no intention on the part of the Administration to

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<sup>15</sup> Zolberg, *A Nation by Design*, 278-279.

<sup>16</sup> Ready to Rummel, April 2, 1938; Ready to Cordell Hull, April 5, 1938; Rummel to Ready, April 12, 1938; Memorandum from Louis Kenedy on First Meeting of President’s Committee on Political Refugees, April 13, 1938, Folder 7, Box 83, OGS, CUA. Ready also nominated the now elderly Fredrik P. Kenkle. He does not appear to have participated.

request Congress to increase the present immigration quotas and that all regulations now pertaining to immigration will be maintained.”<sup>17</sup>

The second priority shaping the Church’s official response to the child refugee situation emerged from a Catholic social critique of U.S. immigration policy, in formation since the early 1920s, which included an insistence upon family unity as the guarantor of a migrants’ social and spiritual wellbeing. The national origins quota laws of the early 1920s severely curbed immigration, and made it extremely difficult for relatives from nations with small or oversubscribed quotas to obtain immigrant visas for their family members, even spouses and children.<sup>18</sup> In response, Catholic social critics and activists had been involved in attempts to reform aspects of federal immigration law that they believed obstructed family unity. Staff of the N.C.W.C.’s immigration and legal bureaus had consistently testified before Congress in support of bills before Congress in the 1920s and early 1930s to amend the existing law in such a way as to facilitate the reunification of certain immigrant families.<sup>19</sup> In joining a chorus of voices demanding more family-focused concessions within the quota system, members of the Catholic hierarchy and Catholic social critics and activists also introduced principles rooted in natural law and Catholic social thought into the dialogue for a just and effective federal immigration law. They repeatedly held up the family as, in the words of Bishop Joseph Schrembs of Cleveland in 1927, “that natural and sacred union between husband and wife and children.”<sup>20</sup> Thus, beginning

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<sup>17</sup> Memorandum from Louis Kenedy, April 13, 1938, 2; See also the minutes of a later meeting between the advisory committee chairman, Mr. George Warren, and Catholic representatives: Report of Meeting on Refugees, December 19, 1938, Folder 8, Box 83, OGS, CUA.

<sup>18</sup> Hutchinson, *Legislative History of American Immigration Policy*, 203.

<sup>19</sup> See, for example, proposals by Congressman Samuel Dickstein (D-NY) and Leonidas C. Dyer (R-MO), Hutchinson, *A Legislative History of American Immigration Policy*, 201.

<sup>20</sup> Bishop Joseph Schrembs to all Senators and Congressmen of Ohio, February 14, 1927, Folder 10, Box 121, OGS, CUA. This folder contains a series of letters and telegrams between a number of American bishops (at least six) and members of House and Senate Committees, all discussing the Wadsworth Amendment in February and March, 1927.

in the 1920s, Catholic activists formulated an argument for the primacy of family unity in immigration law.

Catholic social critics’ commitment to family unity, consistent with their evolving philosophy on migration, determined the nature of their response to the refugee crisis. Because of this concern, the Catholic response to proposals for the transportation of refugee children beginning in early 1939 was divided, ambiguous, and ineffective.

Much of the agitation for a law to admit German refugee children in 1939 originated in the efforts of a multi-faith coalition, which came to be known as the Non-Sectarian Committee for German Refugee Children. The committee was conceived in late-1938 by the psychologist and sociologist Dr. Marion E. Kenworthy, Director of the Mental Hygiene Department at the New York School of Social Work, in conversation with Judge Justine Wise Polier. In early December, Kenworthy and Polier appealed to Clarence Pickett, Executive Director of the American Friends Service, and recognized as an experienced, informed activist in the field of refugee relief, to lead the coalition. On December 8, Kenworthy wrote Pickett: “we feel that you are the most significant person because of your wide experience, your rich knowledge and your fundamental interest in this whole field.”<sup>21</sup> On December 18, the as-yet-unnamed committee met in Kenworthy’s home for the first of a series of meetings that would be held over the next fifteen months.<sup>22</sup>

According to early correspondences and minutes, the formation of the committee was a response to three alarming developments as regards the plight of those affected by Nazi

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<sup>21</sup> Letter from Marion Kenworthy to Clarence Pickett, December 8, 1938. Marion Kenworthy Papers, American Jewish Historical Society, Box 1, Folder 14.

<sup>22</sup> “Meeting, December 18, 1938 at Dr. Kenworthy’s,” Folder 10, Box 2, Marion E. Kenworthy Papers (MEK), American Jewish Historical Society (AJHS).

persecution in Germany. Firstly, committee members were extremely concerned that there might be a repetition the pogroms of *Kristallnacht* on November 10, 1938.<sup>23</sup> They were also alarmed by reports of children who, as a result of that night’s events, were already homeless, having been burned out of orphanages or separated from parents now missing or incarcerated in concentration camps.<sup>24</sup> Lastly, members of the Non-Sectarian Committee expressed their concern that the time was fast approaching when adequate refuge would no longer be available in Europe. During the group’s meeting on January 8, 1939, Ruth Taylor, the Commissioner of Public Welfare in Westchester County, reported that “Holland’s capacity to absorb them apparently will be about filled very soon.”<sup>25</sup> According to a letter written by Kenworthy in March to generate support for the group’s work in March, England and Holland had already provided shelter for 5,000 and 2,000 child refugees respectively. However accurate these numbers were, committee members believed the pressure on European receiving countries to be increasingly acute. Non-Sectarian Committee members felt that onus now rested upon the United States to shoulder its share of responsibility for providing refugee to vulnerable German children.<sup>26</sup>

The goal of the Non-Sectarian Committee was two-fold, comprising efforts to admit refugee children to the U.S. and then oversee their safe and appropriate resettlement. From early in its existence, the committee focused on encouraging the proposal and supporting the passage of a congressional bill to admit German refugee children outside of the existing quota. Committee members liaised with Senator Wagner and Congresswoman Rogers, provided them with information from their sources in Europe to illustrate the need for such legislation, and worked assiduously to corral witnesses who would support the bill before Congressional

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<sup>23</sup> “Minutes of January 9, 1939 Meeting.” MEK, AJH, Box 1, Folder 8.

<sup>24</sup> “Plan for the Care of Refugee Children in the United States,” undated, MEK, AJH, Box 1, Folder 14.

<sup>25</sup> “Minutes of January 8, 1939 Meeting,” MEK, AJK, Box 1, Folder 8.

<sup>26</sup> Draft Form Letter, March, 1939. MEK, AJH, Box 1, Folder 19.

committee hearings.<sup>27</sup> Furthermore, the group conceived of itself as a central organizing committee that could harness a refugee relief infrastructure and social scientific knowledge of child welfare practice that they believed already existed in abundance among American religious and voluntary agencies and those active in the field of child social work. In opening the group’s inaugural meeting on December 18, 1938, Kenworthy explained that the meeting had been called to gather people with “experience and training in the field of child care and interested in the refugee problem.” She stipulated that “it was not their thought to build up a separate organization, but to make use of such services as are available from existing groups that are trying to rescue children from Germany.”<sup>28</sup> This approach allowed the committee to promise that since prospective refugees were Jewish, Catholic and Protestant, the children would be taken care of by a refugee agency of the appropriate background. These resources the committee explained, would ensure “the placement of children in foster homes of their own faith.”<sup>29</sup> The committee also sought to make a claim for legitimacy by acquiring the backing and expertise of social scientists. Over the following months, committee members emphasized the value and legitimacy of their proposed program for child refugee resettlement by explaining that “for the first time, child welfare experts of all faiths have joined together to plan scientific care for a large group of children.”<sup>30</sup>

From the outset, the Non-Sectarian Committee deemed it imperative that their organization had an inter-faith composition, and its founding members focused efforts on recruiting a cross-section of support from Catholic, Protestant, and Jewish agencies. This multi-

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<sup>27</sup> “Special Committee Memo” January, 1939, MEK, AJHS, Box 1, Folder 9; “Minutes of the Meeting – evening of April 11 1939,” MEK, AJHS, Box 2, Folder 16; Correspondences with Edith Nourse Rogers, MEK, AJHS, Box 1, Folder 27.

<sup>28</sup> “Meeting December 18, 1938 at Dr. Kenworthy’s,” MEK, AJHS, Box 2, Folder 10.

<sup>29</sup> Draft form letter, March, 1939.

<sup>30</sup> Letter from Kenworthy to Pickett, March 18, 1939,” MEK, AJHS, Box 1, Folder 14.

confessional approach was underpinned by some practical and politically-astute considerations. Since any program involved in the relocation of Germany children would require a presence in Germany itself, the committee recognized the need to secure the cooperation of a non-Jewish group “that [the] German government would allow to be active in that country.” This was another reason why Kenworthy solicited the support of Clarence Pickett and the access to German’s needy children through existing networks of Quakers in Germany.<sup>31</sup> Non-Sectarian Committee members also believed it imperative to secure an intra-faith composition in order to anticipate an anti-Semitic Congressional backlash against a proposal to admit large numbers of Jewish children. Committee meeting minutes through the spring of 1939 reflect members’ sense that it would be unwise and misleading to give the impression that the children in question were only, or even predominately, Jewish.<sup>32</sup> Refugee relief advocates in the post-war period would approach the process of obtaining congressional approval for admissions with the same awareness of the obstacle of anti-Semitism.<sup>33</sup> As a result, the Non-Sectarian Committee’s correspondences frequently made reference to the sizable non-Jewish proportion of the children in need of refuge. In her March, 1939 appeal letter, Kenworthy explained that “of children seeking refuge, approximately 50% are Jewish and the remainder are Protestant and Catholic.”<sup>34</sup> Finally, the committee was committed, from the outset, to placing children with families of their own faith background, a plan that would be facilitated by the cooperation of existing religious child welfare agencies. In a letter to Pickett on March 18, Kenworthy explained that placing children in homes of their own faith was “in accordance with the best thought of child welfare

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<sup>31</sup> “Special Committee Memo, n.d.” MEK, AJHS, Box 1, Folder 9.

<sup>32</sup> See, for example, “Meeting, December 18, 1938 at Dr. Kenworthy’s,” MEK, AJHS, Box 2, Folder 10.

<sup>33</sup> Gráinne McEvoy, “Justice and Order: American Catholic Social Thought and the Immigration Question in the Restriction Era, 1917-1965,” Unpublished Ph.D. Dissertation, Boston College, 2014, ch. 3.

<sup>34</sup> Draft form letter, March, 1939. MEK, AJHS, Box 1 Folder 19.

experts.”<sup>35</sup> Religious continuity, Kenworthy and her colleagues believed, was imperative to the smooth and complete adjustment of German children to their new American lives. By January, 1939, Roland Elliott of the Church World Service, and Judge Polier’s father Rabbi Stephen Wise were just two of the prominent Protestant and Jewish leaders who regularly attended the committee’s meetings and actively supported its work.<sup>36</sup>

Catholic involvement in the work of the Non-Sectarian Committee and their efforts to secure passage of the Wagner-Rogers bill was inconsistent. Despite the initial enthusiasm of prominent leaders such as George Cardinal Mundelein of Chicago and Monsignor Ryan, the overall affect of the Hierarchy and N.C.W.C.’s reticence was deeply ambivalent and lack-lustre Catholic position on the work of the Non-Sectarian Committee and its refugee children bill. The committee’s early meetings demonstrate its desire to secure the involvement of Catholics and indicate the receptiveness of some prominent figures from within the Hierarchy and Catholic social action circles. During their January 4 meeting, committee members recorded that they had been pursuing Mundelein and Monsignor Michael Ready, Executive Secretary of the N.C.W.C., and described Monsignor Ryan, Auxiliary Bishop Bernard James Sheil of Chicago, and Father Joseph D. Osterman (Executive Director of the Committee for Catholic Refugees from Germany) as “terribly interested.”<sup>37</sup> These hopes for Catholic support came to some fruition with the high-profile Catholic support for the January 10 petition delivered to the White House by a group lead by Monsignor Ryan. The Non-Sectarian Committee had circulated the petition for

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<sup>35</sup> Letter from Kenworthy to Clarence Pickett, March 18, 1939,” MEK, AJHS, Box 1, Folder 14.

<sup>36</sup> See minutes of meetings on December 18 & 19, 1938, and January 4 & 8, 1939, MEK, AJHS, Box, 2, Folder 10 & 11, and Box 1, Folders 7 & 8; Letter from Stephen S. Wise to Clarence Pickett, April 13, 1939, MEK, AJHS, Box 2, Folder 15.

<sup>37</sup> “Minutes of January 4, 1939 Meeting,” MEK, AJHS, Box 1, Folder 7.

child refugee relief to a targeted list of Catholic and Protestant church leaders.<sup>38</sup> In addition to Monsignor Ryan, Catholic signatories included Mundelein, Archbishops Joseph F. Rummel of New Orleans (also co-chair of the Committee for Catholic Refugees from Germany) and John T. Cantwell of Los Angeles, plus such key figures from Catholic social action circles as Osterman and John J. O’Grady of the National Conference of Catholic Charities.<sup>39</sup> When submitted to the White House, the letter stated its signatories’ interest in “registering an opinion favourable to this country’s doing its share in helping, through already established agencies, German children who are unable to remain in their own land.” The religious leaders concluded: “to us, it seems that the duty of Americans, in dealing with her youthful victims of a regime which punishes innocent and tender children as if they were offenders, is to remember the monition of Him who said, ‘Suffer little children to come unto me.’”<sup>40</sup> In March, 1939, in an effort to affix the imprimatur of national religious leadership to their campaign, the Non-Sectarian Committee appointed four prominent religious leaders as their co-chairmen, including Cardinal Mundelein.<sup>41</sup>

N.C.W.C. staff members’ engagement with the activities of the Non-Sectarian Committee, however, was much more reticent and guarded. As the Hierarchy’s mouthpiece on social and legislative matters, they also made sure to draw a distinction between advocacy for Wagner-Rogers on the part of individual Catholic leaders’ and the absence of such support on the part of the Bishops. When Thomas Mulholland of the N.C.W.C. Bureau of Immigration’s New York office received an invitation from Kenworthy to attend the January 24 meeting of her

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<sup>38</sup> Wyman has explained that the idea for the Wagner-Rogers bill originated with this group (before it was organized as the Non-Sectarian Committee) at a meeting in December 1938 at the home of Dr. Marion Kenworthy (Director of the Department of Mental Hygiene, New York School of Social Work). See Wyman, *Paper Walls*, 74.

<sup>39</sup> “Providing for German Children in America,” n.d., Folder 7, Box 37, OGS, CUA; “Ask Roosevelt Aid Refugee Children,” *New York Times*, January 10, 1939, 9; Wyman, *Paper Walls*, 75.

<sup>40</sup> “Providing for German Children in America,”

<sup>41</sup> “Leading Representatives of All Faiths Head Organization to Give Sanctuary to German Refugee Children, March 2, 1939,” Folder 7, Box 37, OGS, CUA.

“child welfare group,” he sought Mohler’s approval before accepting.<sup>42</sup> Mulholland was instructed to attend, but to proceed with caution, and resist extensive involvement in the group’s activities. Exchanges between Monsignor Ready, the Immigration Bureau’s Director Bruce Mohler, and Mulholland in mid-February indicated that Mulholland was to maintain a presence at Kenworthy’s meetings, but emphasized (and literally underlined) that he do so “merely as an observer.”<sup>43</sup> Despite this officially aloof approach to the committee’s work, Mulholland continued to attend meetings, contributing but rarely to the discussion, until at least the end of April.<sup>44</sup> In Washington, D.C., Mohler also maintained a watchful but non-committal stance on the Non-Sectarian Committee’s activities and the career of the Wagner Rogers bill.<sup>45</sup> As Congressional hearings on the bill approached, Mohler made sure to distance the Hierarchy from expressions of support for the bill on the part of individual Catholics. In late April, he received an inquiry from Mrs. William S. McQuilkin of Salt Lake City who wished to confirm the Catholic Church’s support for Wagner-Rogers before writing her support to her senator, William H. King, chairman of the Senate subcommittee then preparing to consider the bill. Mohler provided somewhat ambivalently responded that “the N.C.W.C. has not taken any official action regarding the Wagner Bill ... However, individual Catholics have given their support.”<sup>46</sup> N.C.W.C. staff members’ cagey approach to the Non-Sectarian Committee and its efforts for legislative reform were strikingly at odds with that of individual, outspoken Catholic leaders.

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<sup>42</sup> Letter from Kenworthy to Thomas Mulholland, January 20, 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, N.C.W.C. Bureau of Immigration (BOI), Center for Migration Studies, New York (CMS).

<sup>43</sup> Correspondences between Mulholland and Mohler, January 21 and February 13, 1939, Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

<sup>44</sup> Memo from Mulholland to Mohler, April 25, 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

<sup>45</sup> Letters between Osterman and Mohler, April 11 and April 14, 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

<sup>46</sup> Letters between Mrs. William S. McQuilkin and Bruce Mohler, April 19, 1939, Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

The N.C.W.C.’s reticence and the Hierarchy’s official silence on the bill stemmed from a number of concerns specifically related to the idea of relocating German children to the United States. Two of their initial apprehensions were based on previous experiences of American campaigns to facilitate child refugee admissions and resettlement, and an assumption that the children at risk in the late-1930s were Jewish. N.C.W.C. staff members were acutely aware of a recent ill-prepared attempt to bring to the U.S. children orphaned or made homeless by the Spanish Civil War. Wariness of such well-intentioned but badly-planned projects shaded Mohler’s initial reaction to the Kenworthy project. This caginess was reflected in Mohler’s response to Mulholland’s report on his first meeting with the Non-Sectarian Committee. Mohler admitted that the committee’s plan seemed well thought out and was “quite a contrast to the lack of plan which attended the previous ill-conceived move to bring refugee children from Spain.”<sup>47</sup> A belief that the children to be assisted by this program were Jewish provided another likely initial reason for N.C.W.C. reticence over the Non-Sectarian Committee’s activities. After reviewing Mulholland’s memorandum of the committee’s February 17 meeting, Mohler reported to Ready the “importance” of the “Jewish attitude that ... the present Jewish organization technique will suffice and ... that most of the children needing this assistance will be Jewish.”<sup>48</sup> This rationale was not necessarily symptomatic of anti-Semitism on the part of N.C.W.C. staff. Rather it reflected an assumption of religious segregation in the field of refugee relief. As would be the case in the post-war period, religious agencies active in this area operated with a tacit and

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<sup>47</sup> Note from Mohler to Mulholland, January 26, 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

<sup>48</sup> Note from Mohler to Ready, March 2, 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

mutual agreement that the care of Protestant, Catholic, or Jewish refugees fell to an agency of the appropriate faith.<sup>49</sup>

These early concerns notwithstanding, there were two more decisive reasons why the Hierarchy and N.C.W.C. withheld official, unconditional support for the activities of the Non-Sectarian Committee and the Wagner-Rogers bill. The first was a belief that it was not only highly unlikely that the bill would win Congressional approval, but that attempts to widen existing immigration laws, even to aid endangered children, could provoke a backlash from powerful immigration restrictionists and jeopardize future campaigns for legislative refugee relief. As already explained, by the late 1930s, N.C.W.C. staff members had acquired extensive experience of the political dynamics that obstructed the passage of bills that liberalized the existing immigration laws. This perception made Mohler and his colleagues extremely pessimistic about the success of Wagner-Rogers or similar proposals, and fearful of reinforcing Congressional truculence. In a letter to Osterman on January 10, Mohler wrote that, despite delivering the petition to President Roosevelt, as regards achieving legislative change, “I understand confidentially that Monsignor Ryan is none too optimistic.”<sup>50</sup> To Mulholland on January 26, Mohler reflected that “judging from the frequently expressed opinions of persons here [in Washington D.C.] who are usually quite well informed, there is not much hope that children in large numbers will be permitted to come.”<sup>51</sup> As consideration of Wagner-Rogers before Congressional committee approached, Mohler again expressed his pessimism and concerns to Osterman. “Its passage,” he wrote, “would likely lead to militant action to cut down

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<sup>49</sup> McEvoy, “Justice and Order,” ch. 3.

<sup>50</sup> Note from Mohler to Mulholland, January 26 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

<sup>51</sup> Letter from Mohler to Osterman, January 10, 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

all quotas, in which event we would be far worse off than we are at present.”<sup>52</sup> Mohler reiterated his pessimism about, and, perhaps implicitly, his objection to, the passage of the Wagner-Rogers bill.

A second decisive consideration circumscribing the official Catholic position on Wagner-Rogers emerged from principles embedded in their Catholic social critique of immigration, and, specifically, an anxiety about separating children from their parents. Internal disagreement within the Hierarchy and N.C.W.C. over how to respond to the bill demonstrated the difficulty Catholic social thinkers encountered when they abided by the principles of Catholic social doctrine, which placed family unity at the core of social and spiritual welfare, even in the face of urgent need in Europe. In early-January 1940, six months after the demise of Wagner-Rogers, Assistant General Secretary Howard Carroll wrote to Ready in response to a request from the still operative Non-Sectarian Committee that the N.C.W.C. recommend a Catholic to their committee. Carroll suggested that “since the idea of bringing children to this country and separating them from their parents was one which Catholics could not consistently support” he was reluctant to make a recommendation.<sup>53</sup> While detailed evidence of conversations about the Wagner-Rogers proposal between N.C.W.C. General Secretary Ready and members of the Hierarchy is missing from the archives, Carroll’s response can be taken as an indication of their concerns on the topic. The Hierarchy remained wedded to the belief that family unity was the ultimate guarantor of the spiritual and social welfare of children, which encouraged Ready and Carroll to raise concerns about the wisdom of the Wagner-Rogers bill with their Episcopal superiors on the Conference’s Administrative Board. After examining the available information on conditions in Europe, they remained unconvinced that the separation of children from their

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<sup>52</sup> Letter from Mohler to Osterman, April 29, 1939. Folder “Refugees, Child (from Germany) – Kenworthy Committee,” Box 83, BOI, CMS.

<sup>53</sup> Memorandum from Carroll, January 8, 1940, Folder 7, Box 37, OGS, CUA.

parents and home countries was a necessary evil since it was not clear that those families were in such dire circumstances that removal of the children would improve their condition.

In the days following the proposal of the Wagner-Rogers bill in February, 1939, Monsignor Ready wrote the Vatican’s Apostolic Delegate to the U.S. Amleto Cicogani alerting him to the proposal then before Congress. Ready explained that the bishops’ committee for refugees could not support the proposal until they received “information on the necessity of bringing from Germany Catholic children of such a tender age.” He asked Cicogani to “make inquiries to ascertain the necessity or prudence of brining German children from their Fatherland for adoption into families in this country.” By April, as a joint Congressional committee was preparing for hearings on the Wagner-Rogers bill, Carroll corresponded with Senator Wagner (possibly in response to being approached by the Senator) and intimated the N.C.W.C.’s doubts. Carroll explained that the N.C.W.C. had been trying to get “accurate information” about the bill, which he would then present to a meeting of the Conference’s Administrative Board later that month. Carroll explained that he had kept in touch with Dr. Kenworthy of the Non-Sectarian Committee, had discussed the matter with the Catholic Charities office dealing with refugee arrivals in New York, and had reviewed information received from Catholic refugee relief agencies throughout Europe. Based on this research, he wrote Wagner, “I can find no definite information on the need for bringing the proposed thousands of young children to the United States.” He found the Non-Sectarian Committee’s material “not convincing on the point of need,” and among those working with refugees in Europe, he added “there seems to be no sympathy in the proposal.” So as to not dismiss the senator’s proposal entirely, he added: “The Bishops, therefore, would be grateful for substantial information, particularly on the necessity for

bringing children to this country.”<sup>54</sup> Although Wagner arranged a meeting between Carroll and Clarence Pickett of the American Friends Service, a key member of the Non-Sectarian Committee, the clergyman remained unconvinced.<sup>55</sup>

Operating on the basis of these misgivings, the American Hierarchy maintained a noticeable silence on the Wagner-Rogers Refugee Children bill.<sup>56</sup> Given the prominent position of American bishops within the campaign for child refugees, the Bishops’ subsequent official silence on Wagner-Rogers effectively indicated its opposition to the proposal. When the first set of hearings on the bill took place in late April 1939, N.C.W.C. staff monitored proceedings. The Legal Department’s Eugene Butler reported that Fr. Maurice Sheehy of Catholic University had testified in favour of the bill and that a number of Quakers and other religious representatives had done likewise. Both Butler and the Legal Department’s director William Montavon thought that the N.C.W.C. should make a statement. In a memorandum to General Secretary Ready on the subject, Montavon said, “Personally I feel that everything possible should be done to restore refugee children to their own homes and if those homes no longer exist, then to the country of their birth.” He continued, however, that since the expulsion of large numbers of people from Germany seemed increasingly “inevitable and permanent,” Montavon thought that the admission of 10,000 children and their adoption by American families might be wise. He concluded, “I see no reason, therefore, why the Welfare Conference might not endorse this legislation.” Weighing up the available information, however, the Administrative Board decided against taking a

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<sup>54</sup> Carroll to Senator Robert F. Wagner, April 6, 1939, Folder 7, Box 37, OGS, CUA.

<sup>55</sup> April 19, 1939, in “Minutes of the Administrative Board of the N.C.W.C, April 29, 1930 – November 17, 1939,” 400.

<sup>56</sup> Ibid; Wyman, *Paper Walls*, 80. William Montavon, although expressing a personal believe that displaced children should be restored to their homes or countries of birth, advised Ready on April 2 that “if the banishment of large numbers of people from Germany is to be accepted as inevitable and permanent ... perhaps the admission of ten thousand children adopted by families in the United States might offer some alleviation.” The following day, Carroll thanked Montavon for his memorandum but noted, “we are directed by the Administrative Board, N.C.W.C., to do nothing about this bill.” See memoranda between Montavon, Ready, and Carroll, April 21-22, 1939, Folder 7, Box 37, OGS, CUA.

position. In a memorandum thanking Montavon for his advice, Carroll succinctly instructed “we are directed by the Administrative Board, N.C.W.C., to do nothing about this Bill.” At a second set of Congressional hearings on Wagner-Rogers in May, 1939, while John Ryan testified in favor of the bill (appearing as a representative of the Catholic University of America), the N.C.W.C. maintained their silence.

The response of Catholic religious and social action leaders’ to a growing refugee crisis in Europe in the 1930s and at the outbreak of the Second World War was shaped by their commitment to principles embedded in a decades-old Catholic social critique of U.S. immigration policy. A theology of migration which acknowledged the right to migrate according to natural law began to emerge in certain Catholic social critics before the war, and emanated more clearly from the Vatican from the late 1940s, but in the late 1930s the Catholic Hierarchy and its social action agencies chose to act in accordance with years of lobbying experience in a restriction-oriented Congress and to give priority the principles of family unity in line with their critique of U.S. immigration law. As Hitler’s army marched through France in May 1940 and the Germans attempted an invasion of Britain in June, key members of the American Hierarchy and the N.C.W.C. began to express more acute alarm about the plight of those displaced by Nazi aggression and interstate conflict. Members of the President’s Advisory Committee on Political Refugees dispatched distressing reports to their colleagues about the deportation of Jews from Vichy France to the concentration camps of Poland and Eastern Europe, and Cardinal Arthur Hinsley of Westminster appealed to his American confreres to press for the admission of child

refugees from England.<sup>57</sup> Catholic activists responded by petitioning the Vatican for statements condemning the treatment of Jews in Nazi occupied zones, and by establishing a Bishops’ Committee for Refugee Children in June 1940 which began work on building a relief infrastructure for receiving and resettling prospective child refugees.<sup>58</sup>

By this time, some Catholic activists were convinced that the safety and welfare of European children would be better if they were transported, even without parents. These efforts, however, largely came too late to help the majority of those still in Europe where Nazi authorities withheld exit visas and access to trans-Atlantic travel became increasingly difficult. The number of refugees from Nazi oppression arriving in the U.S. plummeted when the war began so that in 1941, less than 5% of the German quota was filled.<sup>59</sup> Some refugees did continue to arrive in the U.S. throughout the war, during which time Catholic organizations continued to provide support to those arriving, and Catholic representatives were active participants on the President’s Advisory Committee on Political Refugees.<sup>60</sup>

As already explained, while this paper elucidated the Church’s divided, ambiguous and ultimately ineffective response to the problem of child refugees in the late 1930s, the intention here has not been to reprimand. The response of the Hierarchy and their immigration experts within the N.C.W.C. to the Wagner-Rogers bill reveals the primacy of the principle of family unity in the 20<sup>th</sup> century American Catholic critique of U.S. immigration law. In this way, this episode provides one example from a broader argument about how the right of families to live

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<sup>57</sup> James G. McDonald, Paul Baerwald, and George Warren of the President’s Advisory Committee for Political Refugees, to Rummel, August 13, 1942, Folder 12, Box 83, OGS, CUA; Ready to the American Hierarchy, July 16, 1940, Folder 38, Box 39, OGS, CUA.

<sup>58</sup> Ready to Archbishop Samuel A. Stritch, June 26, 1940, Folder 33, Box 36, OGS, CUA.

<sup>59</sup> Bon Tempo, *At America’s Gates*, 20.

<sup>60</sup> Zolberg, *A Nation by Design*, 286-292.

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together became a pillar of U.S. immigration law by the 1960s, and that this emphasis on family unity had important roots in religious critiques of immigration law.