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American child welfare and the Wagner-Rogers Bill of 1939

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Britain's decision in December 1938 to admit ten thousand children from the German Reich is the best-remembered example of what was actually a wider phenomenon during the period before the Second World War of evacuating unaccompanied children from trouble-spots as a form of international rescue. During the Spanish Civil War (1936–39) and the Winter War in Finland (December 1939–March 1940), tens of thousands of children were separated from their parents and sent abroad for their safety.¹ The famous Kindertransports of Jewish children to Britain were a much heralded response to the escalation of repression of Jews in Germany and Austria signalled by the coordinated attacks of Kristallnacht.

In the United States, a group of Quaker and Jewish leaders, along with child welfare professionals, were inspired by the British example to push their own country to take action after Kristallnacht. Recognizing that there was little they could do for imperilled adults, they met privately, beginning in December 1938, to strategize about how to work with the State Department, Congress, private organizations, and American families to assist Jewish children. This effort culminated in hearings over proposed legislation – known as the Wagner-Rogers Bill – that would have allowed twenty thousand unaccompanied children (primarily Jewish) from Germany and Austria to enter the US outside the prevailing quota restrictions. This was, to be sure, a minuscule drop in a vast bucket of refugees of all ages, who were desperate to emigrate.

The intention of this essay is not to simply point out the many ways in which the United States failed to respond to the European refugee crisis in

1 On Spain see Tara Zahra, *The Lost Children: Reconstructing Europe's Families after World War II* (Cambridge, MA: Harvard University Press, 2011), 47–51; on Finland see Anna Nehlin, "Building Bridges of Trust: Child Transports from Finland to Sweden during the Second World War", *War and Society* (May 2017): 133–53.

the 1930s. Others have documented that sobering story.² Instead, I want to take seriously the efforts of those who did advocate for and spearhead one American response. The origins of the Wagner-Rogers bill lay with a group of child welfare experts and faith-based charity leaders who worked behind the scenes to reframe the refugee crisis not as a Jewish matter or as an immigration problem. A context of ongoing economic uncertainty, xenophobia, antisemitism, and fears of war meant that to advocate for refugees in those terms was unlikely to bring success. Rather, they sought to present the crisis as a child welfare challenge that the United States, with its up-to-date methods and developing infrastructure, was particularly equipped to handle. Although the plan was intended to meet a “unique emergency”, its proponents insisted that it was “based on American experience in the child-welfare field and [sought] to apply American standards”.³

American supporters of refugees had to address cultural and social challenges but also craft solutions in accordance with existing laws pertaining to ordinary immigration, which circumscribed the United States’ ability to confront the crisis. The modern concept of a refugee as a “special legal category of migrant” was a fairly new one, having been ushered in by the intense dislocations of the First World War and the resulting break up of empires and redrawing of national borders.⁴ The United States, under its traditional conception of open borders, had not needed to distinguish “refugees” from other kinds of migrants. Beginning in 1882, however, with the passage of both the Chinese Exclusion Act and the Immigration Act and extending to the Asiatic Barred Zone Act (1917) and the Johnson-Reed Act (1924), US immigration law became increasingly restrictionist, defining who would be allowed to immigrate to the United States, under what conditions, and in what numbers. After

2 For foundational work see Arthur D. Morse, *While Six Million Died: A Chronicle of American Apathy* (New York: Hart, 1967); David S. Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941–1945* (New York: Pantheon Books, 1984); most recently Richard Breitman and Allan J. Lichtman, *FDR and the Jews* (Cambridge, MA: Belknap Press, 2014).

3 Marion Kenworthy to Clarence Pickett, “Plan for the Care of German Refugee Children in the United States”, *Admission of German Refugee Children, Joint Hearings before a Subcommittee of the Committee on Immigration, United States Senate, and a Subcommittee of the Committee on Immigration and Naturalization, House of Representatives, Seventy-Sixth Congress, First Session on S.J. Res. 64 and H.J. Res. 168*, 20 April 1939, 69.

4 Zahra, *Lost Children*, 28; Read Lewis and Marian Schibsky, “Status of the Refugee under American Immigration Laws”, *Annals of the American Academy of Political and Social Science* (May 1939): 74.

the profound population migrations associated with the First World War, the 1920s also saw the introductions of passports, visas, and other travel documents that helped restrict and shape the process of crossing borders.⁵

At the time the Wagner-Rogers bill was being considered, there was no provision in American law to make special consideration for persons who needed to quit their native countries to escape persecution, despite the country's traditions as a place of refuge for the oppressed. The only exception was that those seeking asylum were exempt from the new literacy test for immigrants, which had only been put in place in 1917.⁶ Without any special status under American law, a person who was migrating to escape persecution could only enter the United States as a potential permanent immigrant, with all that entailed.⁷ By the late 1930s, immigration policy had been deliberately restrictionist for about fifteen years. Any proposed tinkering with existing restrictions – even to accommodate the most sympathetic victims – was a tough sell.

The legal obstacles were indeed great. Several provisions were relevant, the best-known of which was the Johnson-Reed Act (National Origins Act) of 1924. The Johnson-Reed Act, passed only a few years after the First World War in a period of heightened xenophobia, established quotas for immigration based on national origin. These quotas provided the most notorious obstacle to assisting child refugees, but there were others as well. Aliens could be excluded if they were “Liable [or likely] to become a Public Charge” (the LPC clause), a restriction that had been put in place in the Immigration Act of 1882. It was narrowly interpreted for several decades but then reinterpreted and stringently enforced during the Depression when unemployment rates were high.⁸ Entry was also barred to anyone whose passage was paid by corporations, associations, or foreign governments, a provision that was intended to prevent exploitation but which made child evacuation difficult to arrange. Finally, and of particular relevance to efforts to admit child refugees, unaccompanied minor children were not allowed to enter the US unless the Secretary of Labor was persuaded that the child would not become a public charge and allowed it.⁹

Quota restrictions had been an issue for Jewish refugees and their

5 Zahra, *Lost Children*, 28.

6 Lewis and Schibsby, “Status of the Refugee”, 74.

7 Louis Adamic, *America and the Refugees*, Public Affairs Committee (1939), 12.

8 Lewis and Schibsby, “Status of the Refugee”, 78. See also *An Act to Regulate Immigration*, 22 Stat. 214 (3 Aug. 1882).

9 Lewis and Schibsby, “Status of the Refugee”, 76.

advocates in the US at least since the annexation of Austria in spring 1938, the Anschluss. After that, the United States had consolidated the German and former Austrian immigration quotas so that a total of 37,370 immigrants would be allowed to enter the US from the Reich. The situation, already dire, became untenable with the events of Kristallnacht on 9–10 November 1938. The number of Jews wishing to emigrate to the United States in late 1938 far exceeded the allowed quotas for Germany and Austria. By late 1938 there were estimated to be at least 700,000 people wanting to leave Germany, about half of whom were Jewish.¹⁰ Throughout 1938, there had been calls by Americans who wanted their country to provide asylum to refugees from fascism. One proposal suggested working within the existing immigration law by taking the unused quotas (of approximately 120,000) that existed at the end of every fiscal year and using them retroactively.¹¹ And there were other calls in the weeks after Kristallnacht to relax the immigration quotas.¹² Anti-fascist and peace groups called for a special session of Congress to address the issue.¹³

There was pushback against such proposals, both within Congress and among the public (the journalist Dorothy Thompson was among those who received unsigned threatening letters after participating in a Refugee Aid campaign in December).¹⁴ Immigration opponents, many of whom were crassly antisemitic, lobbied members of Congress and against any signal that commitment to quotas and numerical restrictions was wavering. Labour groups opposed relaxing immigration quotas, wary of anything that might exacerbate the still worrisome employment situation.¹⁵ And isolationists feared provoking tensions with other countries. By December, the prospects for addressing the refugee crisis through normal immigration channels seemed hopeless. Many critics feared a perceived onslaught of refugees and instead insisted that the 1924 quotas should actually be lowered to allow fewer immigrants to enter the US. Indeed, efforts by American advocates for European Jews met with resistance from the public and from government officials. The official position of the

10 Adamic, *America and the Refugees*, 19.

11 "La Guardia Advises on Refugees' Entry", *New York Times*, 21 Nov. 1938.

12 For just one example see Mr. F. Taffel to Samuel Dickstein, 14 Dec. 1938, T, General, box 5, Samuel Dickstein papers, American Jewish Archive, Cincinnati, OH.

13 "Hoover Proposed as Chairman of Refugee Resettlement Body", 20 Nov. 1938, *Refugees 1937–1939*, n.d., box 18, *ibid.*

14 "Refugee Aid Group Leaders Get Pro-Nazi Threats", unidentified cutting, 23 Dec. 1938, *Refugees 1937–1939*, box 18, *ibid.*

15 Adamic, *America and the Refugees*, 22.

Roosevelt administration was that any solution to the refugee crisis would need to be worked out “under the provisions of the immigration laws and quota numbers” – standard language used in replies to proposals to assist refugees received by the State Department’s visa office.¹⁶

Then came the British example of the Kindertransport. The British proposal led to a number of editorials in the American press, arguing that the United States should aspire to something similar.¹⁷ The *Washington Post*, for example, noted that Great Britain and other countries had already “hearkened to the appeal sent out on behalf of the refugee children of the Third Reich. In this great work of mercy, the United States cannot afford to be behindhand”.¹⁸

A group of influential child welfare professionals, social workers, philanthropists, and civic leaders also thought an appeal to rescue children in particular could gain traction where other efforts had failed. And they knew the stakes were high. They were aware that it was fast becoming “a matter of life and death as to how these youngsters are going to get out of Germany”.¹⁹ The group was led by Dr. Marion Kenworthy, a psychiatric social worker; Clarence Pickett of the American Friends Service Committee (AFSC, the Quakers); and Lotte Marcuse and Cecelia Razofsky of German-Jewish Children’s Aid (GJCA).²⁰ Working quietly and without publicity, this initially small group quickly grew and, with a sense of urgency, hammered out the details of how children would be selected and placed in American homes; anticipated every conceivable objection from Congress, labour groups, and the public; and strategized about how to craft a proposal that Americans would be most prepared to accept.

Pickett, Razofsky and Marcuse, and Kenworthy each brought something significant to the enterprise. The AFSC was one of the only relief groups still able to operate in Nazi Germany by late 1938. It had maintained

16 See loose correspondence, box 174, RG59 General Records of the Department of State, Visa Division, General Visa Correspondence, 1914–40, [US] National Archives, College Park, MD.

17 Judith Tydor Baumel, “The Jewish Refugee Children from Europe in the Eyes of the American Press and Public Opinion 1934–1945”, *Holocaust and Genocide Studies* (1990): 297.

18 “A Bipartisan Move”, *Washington Post*, 14 Feb. 1939; see also “Clerics Ask US Help for German Child Refugees”, *Newport News [Virginia] Daily Press*, 10 Jan. 1939.

19 Child Welfare Group Meeting Minutes, 8 Jan. 1939, folder 8, box 1, Marion E. Kenworthy papers, American Jewish Historical Society, Center for Jewish History, New York.

20 Razofsky’s first name is in some records listed as “Celia” and her last name as “Rozofsky” or “Rosofsky”.

offices in Vienna and Berlin from the end of the Great War. Pickett, who was in charge of the AFSC's entire relief operations, had visited Germany in the summer of 1938 and had seen up close the brutality of the Nazi regime. He had witnessed first-hand the desperate situation facing Jewish families who were trying to leave. The British Friends Service Committee had helped promote the Kindertransport legislation in Britain and in facilitating exit visas, transport, and placement, and Pickett wanted to do something similar in the US.²¹

While the British Kindertransport began in December 1938 (a month after Kristallnacht), Razofsky, Marcuse, and their colleagues at GJCA had already been placing refugee children in the United States since 1934. GJCA had sponsored the entry of a few hundred unaccompanied children and quietly placed them with private families. The children entered the US under the normal quota system, but GJCA had to work out an arrangement with the State Department to allow these children to travel without a parent. Daniel MacCormack, the Commissioner of Immigration and Naturalization, asked GJCA to limit the number of children to ten to twelve per ship and to avoid all publicity about the children's arrival.²² Representatives of GJCA met the children when they arrived and transported them to their Jewish foster families. After that, the children fell under the jurisdiction of the local child welfare agencies. Approximately 590 Jewish refugee children were brought to the United States before the war. Another 350 came out of Europe via the Pyrenees in 1941 and 1942.²³

Kenworthy was a pioneer in the field of child psychiatry and was the Director of the Department of Mental Hygiene at the New York School of Social Work. She was deeply connected to New York's influential child welfare community. On 8 December 1938 (only a month after Kristallnacht), Kenworthy, after conferring with Pickett and others, reached out to her network and invited a group of potential allies to her New York City apartment to discuss pooling their knowledge and contacts to come up with a plan for receiving refugee children.²⁴ Their initial meeting, held ten days later on 18 December, numbered twenty-seven individuals. The

21 Statement of Clarence E. Pickett, *Joint Hearings on the Admission of German Refugee Children*, 20 April 1939, 55.

22 Baumel, "Jewish Refugee Children", 295.

23 Judith Tydor Baumel-Schwartz, "The Rescue of Jewish Girls and Teenage Women to England and the USA during the Holocaust: A Gendered Perspective", *Jewish History* (2012): 225–6.

24 Marion Kenworthy to Katharine Lenroot, 8 Dec. 1938, folder 10, box 2; Marion Kenworthy to Clarence Pickett, 8 Dec. 1938, folder 14, box 1, Kenworthy papers.

list of attendees is something of a “who’s who” of the American child welfare field at the time, including both local and national leaders. They included Sophie Theis, who worked for the New York State Charities Aid Association, had penned an influential study of adoption in the 1920s, and has been called the “first genuine adoption professional and researcher”; Ruth Taylor, the Commissioner of Public Welfare for Westchester County; Mary Boretz, who as a child had been sent to live at the Brooklyn Hebrew Orphan Asylum, later as an adult became a champion of home placement over institutional care, and had been serving as the head of the Hebrew Sheltering Guardian Society of New York’s Home Bureau since 1918; and Justice Justine Wise Polier, Marshall Field, and others well known in the fields of child welfare and philanthropy.²⁵ The group continued to meet regularly over the next several months and grew to more than forty, bringing in additional individuals including Katharine Lenroot and Emma Lunberg of the US Children’s Bureau and C. C. Carstens of the Child Welfare League of America; Sidney Hollander, President of the National Council of Jewish Federations and Welfare, and Sybil Foster, Director of the Foster Home Department of the [Protestant] New York Children’s Aid Society.

The Kenworthy group worked behind the scenes to develop a strategy for bringing refugee children to the United States. There were two crucial prongs of their efforts. First, they needed to work out the logistics of what would be a massive undertaking for American child welfare agencies, which, at the time, were mostly localized and sectarian. And, second, they would need to develop a political strategy for selling their plan.

In terms of the logistics, the expertise of the child welfare network was critical. To rescue children from the Reich, they had to address the challenges of working with the children while still in Germany, plans for routing them through Holland and England, and the “reception, placement, and after-care” once they arrived in the US would need to be “carefully considered and planned for in advance”.²⁶ An undertaking as enormous as bringing twenty thousand children from Europe and

25 “Present at Meeting at Dr. Kenworthy’s”, 18 Dec. 1938, folder 10, box 2, *ibid.* As well as those just named, the list included Louis Weis, Helen Hall, Walter Petitt, Dr. Viola Bernard, Judge Lawrence Dunham, Benjamin Cohen, Nathan Strauss, Helen Strauss, Ben Namm, Mrs. George Backer, Agnes King Inglis, Elizabeth Meyer, Dr. Otto Nathan, Marion R. Stern, Dr. John Lovejoy Elliott, and Paul Kellog.

26 “Meeting Dec. 18th at Dr. Kenworthy’s”, 18 Dec. 1938, folder 10, box 2, Kenworthy papers.

dispersing them to families across the country would have been daunting to deliver under any circumstances. But in the United States, where best practices for the child welfare field were only beginning to be formulated, the planning provoked debate over matters of placement and welfare that were only beginning to be settled among child welfare professionals.

The American child welfare “system” (such as it was) was still in the early stages of developing its professional clout, institutional infrastructure, specialized knowledge, and consensus over best practices. It had grown out of a scattering of private and public institutions and practices of the nineteenth century. The United States Children’s Bureau (part of the Department of Labor) and the Child Welfare League of America (CWLA, a private umbrella organization) were relatively new and were not really national yet in scope. The CWLA’s first *Standards for foster care* had only recently been published (in 1933).²⁷ As of 1935, eleven states had no state-wide public child welfare agency (although by the end of 1939 they all would).²⁸ Reflecting its nineteenth-century roots, the child welfare field was still marked by its sectarian origins, separate systems having evolved for Catholic, Jewish, and Protestant families.²⁹

In other words, the child refugee scheme presented not just an immigration challenge, or an international logistics challenge, but a child welfare challenge for the nascent child welfare system in the United States. Organizers of international placements would have to address many of the same challenges that the broader child welfare field was already confronting at the time. How would they select homes, stabilize placements, ensure the safety and wellbeing of children, match children with appropriate families using up-to-date casework methods, and, how would they do all that with no federal money? For advocates of Jewish children, when they came together in Kenworthy’s apartment in the winter of 1938–39, ideas about child welfare best practices inevitably ran up against the practical realities of addressing an acute emergency.

The Kenworthy group had a number of thorny legal and political problems to work out. At their meetings in December and January, the group debated the merits and feasibility of in-home placements versus institutions and of free homes versus board homes, two subjects with

27 Child Welfare League of America, *Standards for Children’s Organizations Providing Foster Family Care* (New York: Child Welfare League of America, 1933).

28 Catherine E. Rymph, *Raising Government Children: A History of Foster Care and the American Welfare State* (Chapel Hill: University of North Carolina Press, 2017), 64.

29 See *ibid.*, ch. 1.

which child welfare advocates had been wrestling for decades. Free homes (in which no board was paid to foster families) were the least expensive as most of the costs of support would be borne by the foster parents. But American child welfare experts considered free homes potentially exploitative; since the late 1920s, use of free homes had been declining in favour of placing children in homes where board was paid to the foster parents.³⁰ The Kenworthy group was ready to bypass best practices in this area because they were facing an “emergency situation”, but worried that there was too much “anti-free home feeling among social workers” for such a plan to be feasible.³¹ Their plan, after all, would rely on the active cooperation of child placement agencies across the country.

While the Kenworthy group may have been flexible about free homes, they were not inclined to disregard best practices on the question of institutional placements. There was some suggestion of keeping children together once they arrived in the US to live in some type of group home, but this idea was quickly dismissed. The American child welfare field had grown increasingly sceptical of orphanages over the past several decades, under the premise that children were best cared for in family settings where they would be treated as individuals. Institutional care, in which refugee children could remain together with children who spoke their language and had undergone similar experiences, was the tactic pursued by Ernst Papanek, who headed the effort to care for Kindertransportees in France, but that approach – dismissed as “long time herding together” – found little sympathy in Kenworthy’s apartment.³²

The group also debated the merits and feasibility of recording the detailed case histories considered necessary for proper care and placement. Casework, which was the specialized methodology of social work, was still a fairly new practice but was where the core of child placement as a profession lay. Casework was touted as the means to ensure that a child’s individual needs were understood so that she could be placed with the most appropriate foster family. Yet, as Sidney Hollander put it to the group, “if we expect perfection in the services provided, we will limit ourselves

³⁰ *Ibid.*, 46–7.

³¹ Comments by Mary Boretz; Sophie Theis; Ruth Taylor, Meeting Minutes, Non-Sectarian Committee for Refugee Children, 4 Jan. 1939, folder 7, box 1, Kenworthy papers.

³² Ruth Taylor comments, Child Welfare Group minutes, c. Jan. 1939, folder 9, box 1, Kenworthy papers; Lilly Maier, *Arthur und Lilly: Das Mädchen und der Holocaust- Überlebende: Zwei Leben. Eine Geschichte* (Munich: Heyne, 2018) and Lilly Maier, “Rescued Twice: The French Kindertransport. Differences from and Similarities to the British Kindertransport”, in this volume, 267–84.

to the very limited number of areas or cities where such facilities are now available". "Perfection" would be a constraint on the number of children that could be saved.³³ Case histories were also supposed to help facilitate later reunification with family members. On this point, the Kenworthy group was grimly realistic about the prospects, but they also recognized the need to present the scheme as a temporary one. Judy Baumel-Schwartz points out that in the US it was clear fairly early on that the refugee children from Germany would not be returning to Europe and "that if any family members survived, they would join them in the US. Indeed, this was the case for most of the small number of refugee children in American whose families survived the Holocaust".³⁴

This group of child welfare experts and philanthropists was also politically savvy. Knowing that they would meet resistance, the Kenworthy group anticipated and discussed a number of objections it expected the proposal would encounter. The need to work round existing immigration law was on the table immediately, as was the troubling problem of anti-semitism. There was quick agreement that a focus on children was the most likely to be successful. As Mary Boretz put it, "we can't take adults because of the quota. And we won't get an extension of the quota for any other group except the children". C. C. Carstens agreed: "The only way is to get a sentimental appeal".³⁵ Although one attendee, Judge Lawrence Dunham, argued that it would be "unwise and misleading" to consider the problem as anything other than a Jewish one,³⁶ Razovsky and Marcuse from GJCA understood the importance of downplaying their focus on Jewish refugees. The plan was essentially to "scale up" what GJCA had already been doing, ten to twelve children at a time. But Razovsky was emphatic that a legislative proposal to circumvent current immigration law "should not be proposed by the Jewish organizations".³⁷

The Kenworthy group was initially dominated by persons affiliated with Protestant and Jewish child-placing. Attendees quickly realized that they needed to reach out to Catholic child-placers as well, which it did. Organizers thought it essential to involve a balance of what were called "the three faiths" if they were going to promote a child welfare approach

33 Sidney Hollander, Meeting Minutes, 14 Jan. 1939, folder 10, box 1, Kenworthy papers.

34 Baumel-Schwartz, "Rescue of Jewish Girls and Teenage Women", 239.

35 "Motives which prompted the formulation of this plan", Jan. 1939, folder 9, box 1, Kenworthy papers.

36 "Meeting Dec. 18th at Dr. Kenworthy's", 18 Dec. 1938, folder 10, box 2, Kenworthy papers.

37 Ibid.

to the refugee crisis. Child welfare services in the US had developed as private, typically sectarian, undertakings. Kenworthy later described the effort to create a plan for German refugee children as the “first time child welfare experts of all faiths have joined together to plan scientific care for a large group of children”.³⁸

Not only did the group conclude that the public advocates of the bill needed to be non-sectarian, so too would the beneficiaries. The Wagner-Rogers bill was officially known as a bill for the “Admission of German Refugee Children”. When the plan went public, supporters in the press and in Washington repeatedly emphasized that “this was not a Jewish bill” and that the beneficiaries would also include Protestant and Catholic children who had been deemed “non-Aryan” because they had a Jewish ancestor, which was also a feature of Lord Baldwin’s appeal for what would become the Kindertransport.³⁹ These children could be placed with Protestant or Catholic families in accordance with local religious matching laws, which were common in the US, unlike in Britain. It would be relatively easy to find placements for Jewish and Catholic children because there were large national organizations to facilitate the search. Sidney Hollander expressed concern, though, about Protestant placements because there were “many sects” that were not affiliated with each other, and a lack of national leadership presented “difficulty as to who is to make the selection”.⁴⁰

As part of a non-sectarian strategy, the group was hopeful that Congress would be influenced by church leaders and they sought a public statement of support from prominent Catholic and Protestant figures.⁴¹ As a result of their efforts, on 9 January forty-nine church leaders submitted a petition to President Roosevelt in support of “offering sanctuary” to a small number of refugee children outside the quota allowed under law.⁴² When the Wagner-Rogers bill was introduced a month later, the *Washington Post* explained the timing of the bill as having been “set forth” by that

38 Marion Kenworthy to Clarence Pickett, 16 March 1939, folder 14, box 1, Kenworthy papers.

39 See Michael Berkowitz, “Introduction: Breadth and depth in the history of the Kindertransport and beyond”, in this volume, ix–xv.

40 Sidney Hollander comments, “Meeting – Welfare Group”, 14 Jan. 1939, folder 10, box 1, Kenworthy papers.

41 Excerpts from the Fifteenth Meeting of the President’s Advisory Committee on Political Refugees, 9 Jan. 1939, folder 9, box 1, *ibid.*

42 “Statement by a Group of Representative [sic] of the Religious Faiths of America”, folder 34, box 2, *ibid.*; Adamic, *America and the Refugees*, 21; “Ask Roosevelt Aid Refugee Children”, *New York Times*, 10 Jan. 1939; see also “A Bipartisan Move”, *Washington Post*, 14 Feb. 1939.

very petition, unaware, it seems, that this apparently spontaneous act by religious leaders was actually part of a carefully orchestrated campaign by the Kenworthy group.

The Child Refugee Bill, introduced in the Senate on 9 February and in the House on 12 February 1939, was known as the Wagner-Rogers Bill, named after its two sponsors Senator Robert Wagner (a Democrat) and Congresswoman Edith Nourse Rogers (a Republican). Joint Hearings were scheduled before the House and Senate Subcommittees on Immigration for late April and early May. In the intervening weeks, between the bill's introduction and the scheduled hearings, the Kenworthy group – by then known formally as the Non-Sectarian Committee on German Refugee Children – undertook additional legwork in hopes of getting the bill passed. As they were not proposing that any public monies be used to bring child refugees, the Non-Sectarian Committee had to begin the serious task of raising funds in anticipation of concerns about children “becoming public charges”. Since 1882, decades before the passage of Johnson-Reed, American law had specified that immigrants could be excluded on the grounds that they were “liable to become a public charge”, the LPC clause mentioned earlier. This was a provision that was subject to whim, to some extent, and had been stringently enforced during the Depression years. Children coming without their parents would obviously have no means of support. Therefore, securing free homes in which to place the children and raising private funds to pay for transport, social work services, health care, and contingencies if placements failed, were essential. By the first day of Congressional hearings, \$250,000 had been raised, half from Jewish and half from non-Jewish sources. And hundreds of American families across the country had reportedly already offered (unsolicited) homes to refugee children.⁴³

To preempt concerns that the scheme would exacerbate unemployment or undermine the country's restrictive immigration laws, the Committee worked to gain the support of the leadership of major labour unions (the American Federation of Labor and the Congress of Industrial Organizations had opposed earlier efforts to modify the quotas to admit refugees); and, in the days leading up to the first set of hearings, it managed to blanket the country's newspapers with its talking points, focused on child rescue. The Committee asked American parents to imagine what it would be like to

43 Clarence Pickett, *Joint Hearings on the Admission of German Refugee Children*, 20 April 1939, 63–4.

be in a situation so terrible that their best option was to send their children away. “Suppose that you saw your beloved youngsters treated as outcasts – spurned by former playmates, barred from schools, from parks, from every happy activity of childhood. Threatened with physical harm. Helpless, without funds, despairing for yourselves, you would plead – ‘At least – save our children’”. Newspaper editorials from all regions of the country embraced the themes of the Non-Sectarian Committee and emphasized that the measure would not affect unemployment, that only about half the children were Jewish, and that no public money would be used to bring them.⁴⁴ Almost all the editorials supporting the Wagner-Rogers Bill reflected child rescue narratives and played to Americans’ desires to help children in need of humanitarian assistance, often describing such a role as being part of American traditions of humanitarianism and of being a safe refuge.

The careful, deliberate planning that went into the bill’s roll-out initially showed success. My undergraduate research assistant at the University of Missouri, Faith Ordonio, found that more than two thirds of the newspaper editorials she analysed were in favour of the Wagner-Rogers Bill.⁴⁵ Even many previously restrictionist editorial boards were ready to urge that an exception be made to rescue children; at the Congressional hearings themselves, the witnesses who came to testify were heavily weighted towards supporters. These included not only representatives of the AFSC and child welfare leaders but also celebrities like Helen Hayes and other film stars who travelled from Hollywood to Washington; and representatives from the American Federation of Labor and the Congress of Industrial Organizations. The opposing witnesses were fewer and came primarily from marginalized hyper-patriotic groups. Mostly these witnesses came across as cranks, who were compelled by hostile prejudice or by what seemed a fairly disingenuous concern about a slippery slope in which the US would become responsible for all the world’s endangered children, including Basque children and Chinese children.

Supporters of the Wagner-Rogers Bill had anticipated many of the difficulties they would encounter and tried to preempt them. They

44 Faith Ordonio, “American Public Perception and Reaction to the Wagner-Rogers Bill of 1939”, May 2018, University of Missouri. As part of her work as a McNair Scholar, Ordonio compiled and systematically examined a database of more than 7,500 regional and national newspapers.

45 *Ibid.*

portrayed the bill as a child rescue measure that would not alter immigration law, would not displace American workers, that was non-sectarian, and that had bipartisan support in Congress and broad popular endorsement. And they carefully worked out the complicated logistics through which modern American child welfare agencies would work together to receive and place children. Yet the bill was dead by July, never even making it out of committee. Hard-line immigration restrictionists in Congress successfully blocked the bill, fearing that to make an exception to immigration law for 20,000 children would become a wedge for undermining the entire quota system.

The Kenworthy group did not disband, however. The following summer, in 1940, many of the same players were back at it again, this time with a focus on British children. They helped support a programme that would allow tens of thousands of British children to come to the United States to escape what was at the time an anticipated land invasion. And this endeavour makes a useful postscript to this story of the failed attempt to create an American Kindertransport. For if we ended the story in July 1939, with the defeat of the Wagner-Rogers Bill, we could conclude that indeed the power of American immigration quotas rendered impossible the prospect of the US admitting large numbers of refugees – even children. For those committed to the principles of restriction, making an exception to the quota even for children was too drastic and without tinkering with immigration law, there were simply no options.

The limitations posed by the Johnson-Reed Act were not completely insurmountable barriers, although they are often described as such. One easier approach – which would not have required Congress to pass legislation and which could have, therefore, bypassed anti-immigration sentiment in that body – would have been for the State Department to grant Jewish children visitors' visas instead of making them apply for entry as immigrants. Why do we know this was possible? Because the State Department did it one year later as part of its plan to evacuate British children to the United States.

That decision to classify British children as visitors rather than immigrants was not automatic or inevitable. As was the case with German-Jewish children the previous year, British children would be coming for an open-ended period of time, perhaps even permanently. For several weeks after the fall of France in June 1940, the State Department insisted that because of the "uncertainty . . . regarding the length of stay and return abroad", British children would need to apply for immigration visas if they

were to be evacuated (a process that required considerable staff and time to process).⁴⁶

After haranguing from the press, the American public, and British officials, however, the State Department relented at some point in mid-July and worked out a system by which most British children could apply to come to the US on visitor visas. The plan also necessitated a complicated reconciliation of American and British custody laws and Congress had to amend its neutrality laws to allow American ships to protect British children travelling through hostile waters.⁴⁷ The bill to do so, known as the Mercy Ships bill, passed with relatively limited debate. There was so much interest in taking a British child that British officials fretted that they would not be able to provide enough children for eager American families.⁴⁸

Lest we draw too stark a contrast between the ease with which British children could be rescued and the obstacles to doing the same for Jewish children from Central Europe, however, it is worth noting that there was great overlap between the efforts. The child welfare aspects of the plan to transport and place British children in American families raised most of the same placement and casework issues addressed earlier by proponents of the Wagner-Rogers plan. It helped that many of the logistics had already been worked out by the Kenworthy group the previous year.

In fact, many of the same persons were involved on the American side, including Kenworthy herself and Marshall Field. The Non-Sectarian Committee for German Refugee Children regrouped in the summer of 1940 as the US Committee for the Care of European Refugee Children, with Field as its head. In his dealings with British officials, Field insisted that among the British children who would be transported to the US be Jewish refugees residing in Britain, including those who had found refuge on the Kindertransport.⁴⁹ This proved to be something of a sticking point in coordinating the scheme with a simultaneous programme to send British

46 Cordell Hull to Ambassador Kennedy, 19 June 1940, 811.111 REFUGEES/80-120, box 147, RG59 General Records of the Department of State, Visa Division, General Visa Correspondence, 1940-45, [US] National Archives.

47 On custody laws, see Marquess of Lothian [Phillip Kerr] telegram to Sir Geoffrey Shakespeare, 18 July 1940, "Press Announcements describing the C.O.R. scheme" folder, DO 131/1, Records of the Children's Overseas Reception Board (CORB), Records Created or Inherited by the Dominions Office, [British] National Archives, Kew.

48 From Roland Robinson for CORB, 13 July 1940, DO131/1; from Roland Robinson for CORB, 15 July 1940; Conversations of the Minister with Mr. Kennedy, DO 131/9, CORB records.

49 Marquess of Lothian telegram to Shakespeare, 26 June 1940, DO 131/1, CORB records.

children to the Dominion nations (Canada, Australia, New Zealand, and South Africa) to escape the war. Under British policy, Jewish refugee children were not eligible for evacuation to the Dominion countries because they were technically enemy aliens. Field, however, was adamant that the plan to receive British children also involve a means of evacuating German-Jewish children to the United States.

In the end, the Wagner-Rogers Bill failed to become law and the plans to evacuate thousands of British children to the US was suspended before it could really get off the ground, because of the dangers posed by German U-boats to passenger ships crossing the Atlantic. The German-Jewish and British children who made it to America numbered in the hundreds, rather than the thousands, and they came a few a time, mostly through private arrangements, with little fanfare. That these efforts were smaller than supporters had hoped or anticipated was not for want of trying by those who advocated for the plans. And key to both efforts were American child welfare experts, who saw in the modern foster care practices and infrastructure they were just beginning to develop a way to channel American willingness to imagine children as deserving victims in need of rescue, even in a period of isolationism and hostility to immigration more broadly.