

Flötschmann, Max, borm in 1872

- 1). Alandfrage, eine Denkschrift. Berlin 1918.
- 2). L'obligation imposée à la Allemagne de réparer les conséquences des mesures prises par elle en territoires ennemis occupés. (Art. 297 du traité de Versailles)
Berlin 1922.
- 3). Das Staatsgrundgesetz des Königreichs Norwegen nebst urkundlichen Beilagen über die Union mit Schweden.
Breslau 1912.
- 4). Der Weg der Gesetzgebung in Preussen. Breslau 1898.
- 5). Zwangsvollstreckung gegen fremde Staaten und Kompetenzkonflikt im Anschluss an den Fall Hellfeld. Breslau 1910.
- 6). Wörterbuch des Deutschen Staatsund Verwaltungsrechts.
(Stengel) 2nd. edition, 3 Vol. Tübingen 1911 - 14.)

Kulsen:

M. J.

UNIVERSITY OF CALIFORNIA

June 15, 1940

SCHOOL OF JURISPRUDENCE
BERKELEY, CALIFORNIA

letter received 6/20/40

Mr. Alvin Johnson
New School for the Social Sciences
New York City, New York

Dear Johnson:

There is a very distinguished jurist named Max Fleischmann, formerly--that is until the operation of the anti-Jewish laws--a professor at the University of Halle. He is quite up in the front rank in professional and scientific standing. What he is threatened with now is deportation to some wretched hole in Poland where his chances even of physical survival are extremely slight.

If he could receive any kind of an offer to teach in any American institution he could get the corresponding visum in Germany. His qualifications for that are unquestioned. I am sure that most members of your staff of the University in Exile know him.

I know that this must be the one hundred and fiftieth case of its kind that has come before you. My only reason for writing to you is that I know that Arnold Brecht is in Harvard this year and that for one year at least you may have something like a vacancy.

It is a heart-breaking matter and you are doing more than any one man to alleviate it. All I can do is importune others.

Very sincerely yours,

Max Radin

Max Radin

MR:C

June 21, 1940

Dear Max Radin:

I have your letter of June 15 about Max Fleischmann. I wish we had the resources to invite him and a plausible opening in our curriculum. Alas, we have neither. Brecht has been at Harvard for the year 1939-1940 but will not be next year.

Sincerely,

Alvin Johnson
Director

Dr. Max Radin
University of California
Berkeley, California

X

Karl Steinauer.
2020 Fremont Ave. S.
Minneapolis, Minn.

Minneapolis August 18, 1940.

Dr. Alvin Johnson
New School for Social Research
New York City.

Dear Sir:

Will you be kind enough to advise me what can be done to help my uncle Professor Max Fleischmann formerly Professor of International Law at Halle University to get into this country? I will not go into detail about his achievements because I am sure you know them better than I do, If he could be brought over on a non - quota visa his brother and nephew in New York City would be glad to assume the responsibility for his living. I know of \$ 300,- available from some members of my family here for the expenses of his trip and perhaps I can raise a little more.

If you wish more information about him, I know that Prof. Edwin Borchard of Yale University, Dr. Wilhelm Weiss of 646 Sixty Sixth Street Oakland Calif., Prof. D.H. Freundlich of the Institute of Technology at the University of Minnesota and Prof. Jessup of Columbia will all be glad to help you. They have been trying to aid him but so far as I know have been unsuccessful.

From letters I have received I know that my uncle will be glad to do any kind of work available.

Thanking you for all your trouble, I am

yours truly.

Karl Steinauer

August 23, 1940

Dear Mr. Steinauer:

I have your letter of August
eighteenth.

I shall have the career of
Dr. Fleischmann looked up.

Sincerely,

Alvin Johnson
Director

AJ:EW

Mr. Karl Steinauer
2020 Fremont Avenue, S.
Minneapolis, Minn.

August 26, 1940

Dear Dr. Weiss:

We are contemplating a considerable addition to our staff of refugee scholars. Among the names suggested to us is Professor Max Fleischmann, formerly Professor of International Law at Halle University. I am told that you know him and his work. Would you do me the favor of sending me a brief appraisal?

Sincerely,

Alvin Johnson
Director

Dr. Wilhelm Weiss
646 Sixty-Sixth Street
Oakland, California

August 26, 1940

Dear Dr. Freundlich:

We are contemplating a considerable addition to our staff of refugee scholars. Among the names suggested to us is Professor Max Fleischmann, formerly Professor of International Law at Halle University. I am told that you know him and his work. Would you do me the favor of sending me a brief appraisal?

Sincerely,

Alvin Johnson
Director

Professor D.H. Freundlich
Institute of Technology
University of Minnesota
Minneapolis, Minnesota

August 26, 1940

Dear Dr. Borchard:

We are contemplating a considerable addition to our staff of refugee scholars. Among the names suggested to us is Professor Max Fleischmann, formerly Professor of International Law at Halle University. I am told that you know him and his work. Would you do me the favor of sending me a brief appraisal?

Sincerely,

Alvin Johnson
Director

Professor Edwin Borchard
Yale University
New Haven, Connecticut

Philip C.

August 26, 1940

Dear Dr. Jessup:

We are contemplating a considerable addition to our staff of refugee scholars. Among the names suggested to us is Professor Max Fleischmann, formerly Professor of International Law at Halle University. I am told that you know him and his work. Would you do me the favor of sending me a brief appraisal?

Sincerely,

Alvin Johnson
Director

Dr. Philip C. Jessup
Columbia University
New York City

*Reply received Aug. 28
Does not know F. well
See file folders - Refugee*

UNIVERSITY OF MINNESOTA
INSTITUTE OF TECHNOLOGY
MINNEAPOLIS

SCHOOL OF CHEMISTRY
DIVISION OF PHYSICAL CHEMISTRY

29th August, 1940.

Mr. Alvin Johnson,
Director,
The New School for Social Research,
66 W Twelfth Street,
NEW YORK.

Dear Mr. Johnson,

In reply to your letter of the 26th August, I would like to explain that as I am a Chemist I am not in a position to give any very competent opinion of Professor Fleischmann. But I think you may be interested to know that when I was in Germany, prior to 1933, I knew his name as an outstanding figure in International Law and that he had been sent as a representative of Germany to the Hague. I think this should prove a strong recommendation.

Furthermore, during the past month I became much concerned about Professor Fleischmann's fate when I heard he was still in Germany and in danger of being transported to Poland. I had frequent discussions on this matter with relations of Professor Fleischmann's who are living here in Minniapolis. I should be only too glad if it were possible to have him join the staff of the New School for Social Research.

Yours sincerely,

H. Freundlich.

H. Freundlich.

YALE UNIVERSITY
SCHOOL OF LAW
NEW HAVEN, CONNECTICUT

EDWIN BORCHARD
PROFESSOR OF LAW

August 30, 1940.

Doctor Alvin Johnson
Director, New School For Social Research
66 West Twelfth Street
New York City

Dear Doctor Johnson:

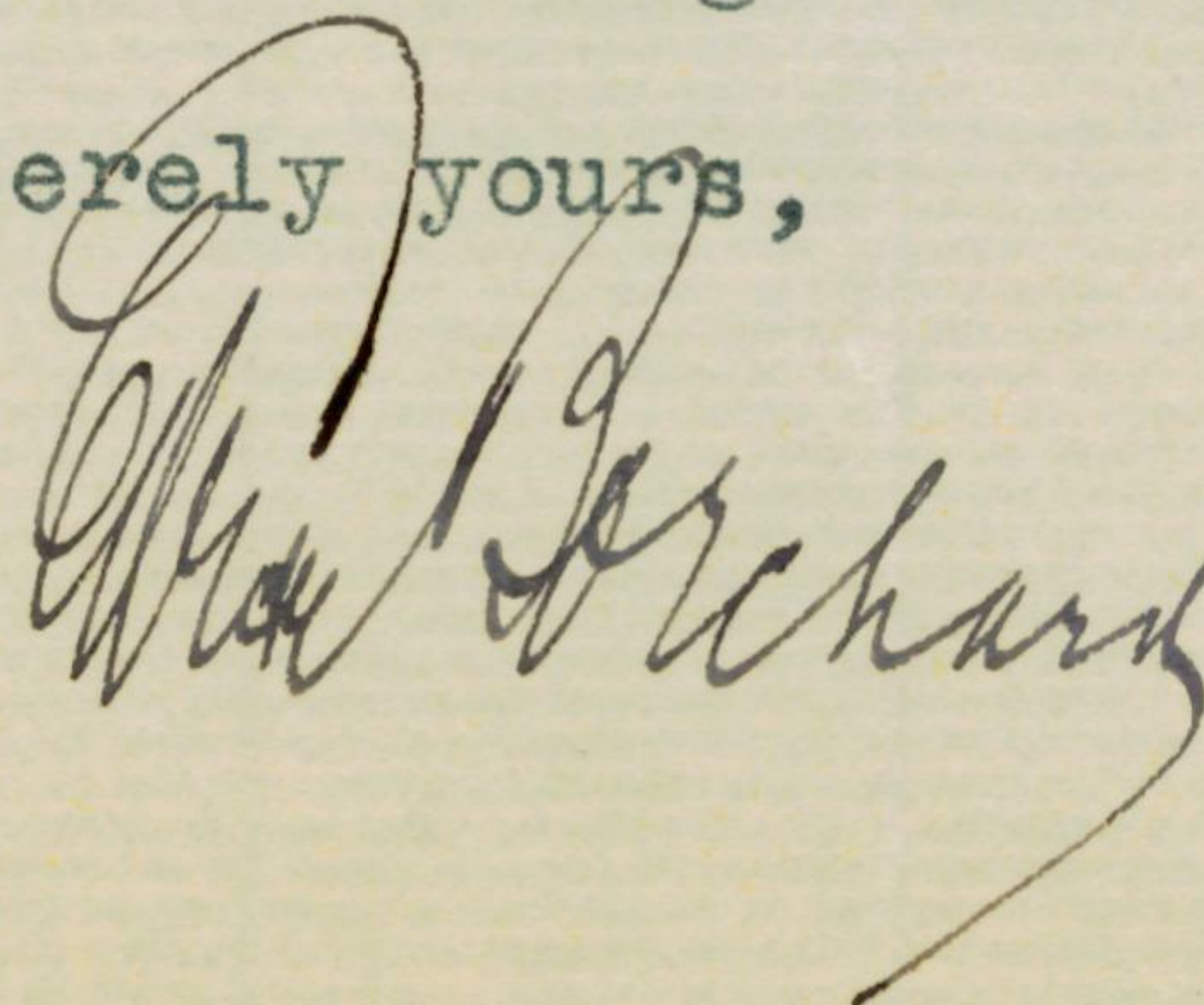
I am delighted to learn that you are contemplating a considerable addition to your staff of refugee scholars.

Professor Max Fleischmann, about whom you ask my appraisal, is one of the biggest names in International Law in Germany. He was Rector of Halle University and has made important contributions to International Law. He is more of the technical scholar than the brilliant advocate. He was one of the German experts at our Hague Codification in 1930 and which I attended for the United States. Dr. Simons must be well acquainted with his work.

Professor Fleischmann is now somewhere in the 60's and has had a hard time in Halle because he was an open opponent of Hitler and made no bones about it. I understand that his life was threatened by the Nazis and deportation to Poland was once imminent. He has some relatives in Minnesota, I believe, who have means. He wrote me himself two or three years ago urging rescue and since then some of his students have written. I made various efforts on his behalf and sent to Professor Philip Jessup at Columbia his complete curriculum vitae. Jessup may be able to get hold of it for you so that you may appreciate what a prodigious scholar he is or has been. How far his working capacity has been impaired by his hardships I could not say, but you would be adding a great name and a courageous man to your list.

Your treasurer has just written me for my annual contribution. I take the liberty of enclosing it herewith.

Very sincerely yours,



EB:V
Encl.

ES

Dr. Wilhelm Weiss
646 Sixty-Sixth Street
Oakland, California

August 31, 1940.

Dear Mr. Johnson:

I am very glad to get your letter. That is right: I know Professor Dr. Max Fleischmann very well since beginning of his career as his friend, as colleague of him in so far as I was a lawyer and as a collaborator at one of his works. I enclose: 1/ curriculum vitae and 2/ list of his Principal Publications and call your attention to the works of International Law under 2 V, VI, VIII, 3 and VIII especially 6 and to the fact that Prof. Fleischmann as a representative of his University visited many countries especially the United States of America (cfr. 1 under " Study Trips"). The contents of the papers speak for themselves in respect to Prof. Fleischmann's qualifications and former activities: He was a decoration of his University as well as a scientist, and as a man. He is able to work like a young man and looks much younger than he is.

Prof. Fleischmann is known personally too Professor Edwin M. Borchard, School of Law University New Haven Connecticut.

He is also known too Professor Caro, formerly at the

Unversity Halle like Fleischmann, now at the University
Oberlin Ohio(272 Oakstreet).He told me a few weeks ago:
"Fleischmann is a decoration of the Science. I would be
~~glad-~~ able to give the best reference about him and would
be glad to give it. "

I hope this information will be satisfactory. In case
you wish a supplement I always will be glad to give it.

Sincerely ,

W. Weiss

W. Weiss

COPY

Dr. Wilhelm Weiss
646 Sixty-Sixth Street
Oakland, Calif.

August 31, 1940

Dear Mr. Johnson:

I am very glad to get your letter. That is right: I know Professor Dr. Max Fleischmann very well since beginning of his career as his friend, as colleague of him in so far as I was a lawyer and as a collaborator at one of his works.

I enclose: 1) curriculum vitae and
2) list of his principal publications

and call your attention to the works on International Law under 2 V, VI, VIII, 3 and VIII especially 6 and to the fact that Prof. Fleischmann as a representative of his University visited many countries, especially the United States of America (cfr. 1 under "Study Trips"). The contents of the papers speak for themselves in respect to Prof. Fleischmann's qualifications and former activities: He was a decoration of his University as well as a scientist and as a man. He is able to work like a young man and looks much younger than he is.

Professor Fleischmann is known personally to Professor Edwin M. Borchard, School of Law, University New Haven, Connecticut.

He is also known to Professor Caro, formerly at the University Halle like Fleischmann, now at the University Oberlin, Ohio (272 Oak Street). He told me a few weeks ago: "Fleischmann is a decoration of the Science. I would be able to give the best reference about him and would be glad to give it".

I hope this information will be satisfactory. In case you wish a supplement I always will be glad to give it.

Sincerely,

W. WEISS

September 3, 1940

Dear Mr. Freundlich:

Thank you for your letter
of August twenty-ninth with the
information on Professor Fleisch-
mann.

Sincerely,

Alvin Johnson
Director

Mr. H. Freundlich
University of Minnesota
Institute of Technology
Minneapolis, Minnesota

September 3, 1940

Dear Dr. Weiss:

I thank you very much for
your letter of August 31 and the informa-
tion on Professor Max Fleischmann.

Sincerely yours,

Alvin Johnson
Director

Dr. Wilhelm Weiss
646 Sixty-Sixth Street
Oakland, California

September 3, 1940

Dear Dr. Borchard:

I am grateful for your letter, and for your contribution to the University in Exile.

Max Fleischmann is one of the figures that raise a serious problem. There is no question of his eminence and merit. But the fact that he is over age makes it difficult to see what can be done for him in the long run. The colleges won't take a man in his sixties, and there is no Foundation that will assume the responsibility.

We ought to have an institution like the Prytaneum of Athens, where men of distinction, native or visitors, could be housed and entertained without cost indefinitely. A Prytaneum attached to the Congressional Library would give time expired scholars an opportunity to finish projected books or to write memoirs, and help to restore to honor the wisdom of the old.

Sincerely,

Alvin Johnson
Chairman

Dr. Edwin Borchard
School of Law
Yale University
New Haven, Conn.

September 4, 1940

Dear Professor Borchard:

We are contemplating the addition of a considerable number of refugee scholars to our staff.

One of the persons we are considering is Max Fleischmann, and it occurs to me that you might be able to give us information about him and thus to facilitate eventual action.

May I ask you, therefore, to provide us with such data as you may have, concerning the items checked on the attached slip.

Above all, will you give us a brief but concrete appraisal of his scholarly and teaching career.

Thank you very much for any assistance you can lend.

Sincerely,

Alvin Johnson
Director.

Professor E. M. Borchard
Yale University
New Haven, Conn.

Enclosure

YALE UNIVERSITY
SCHOOL OF LAW
NEW HAVEN, CONNECTICUT

EDWIN BORCHARD
PROFESSOR OF LAW

September 4, 1940

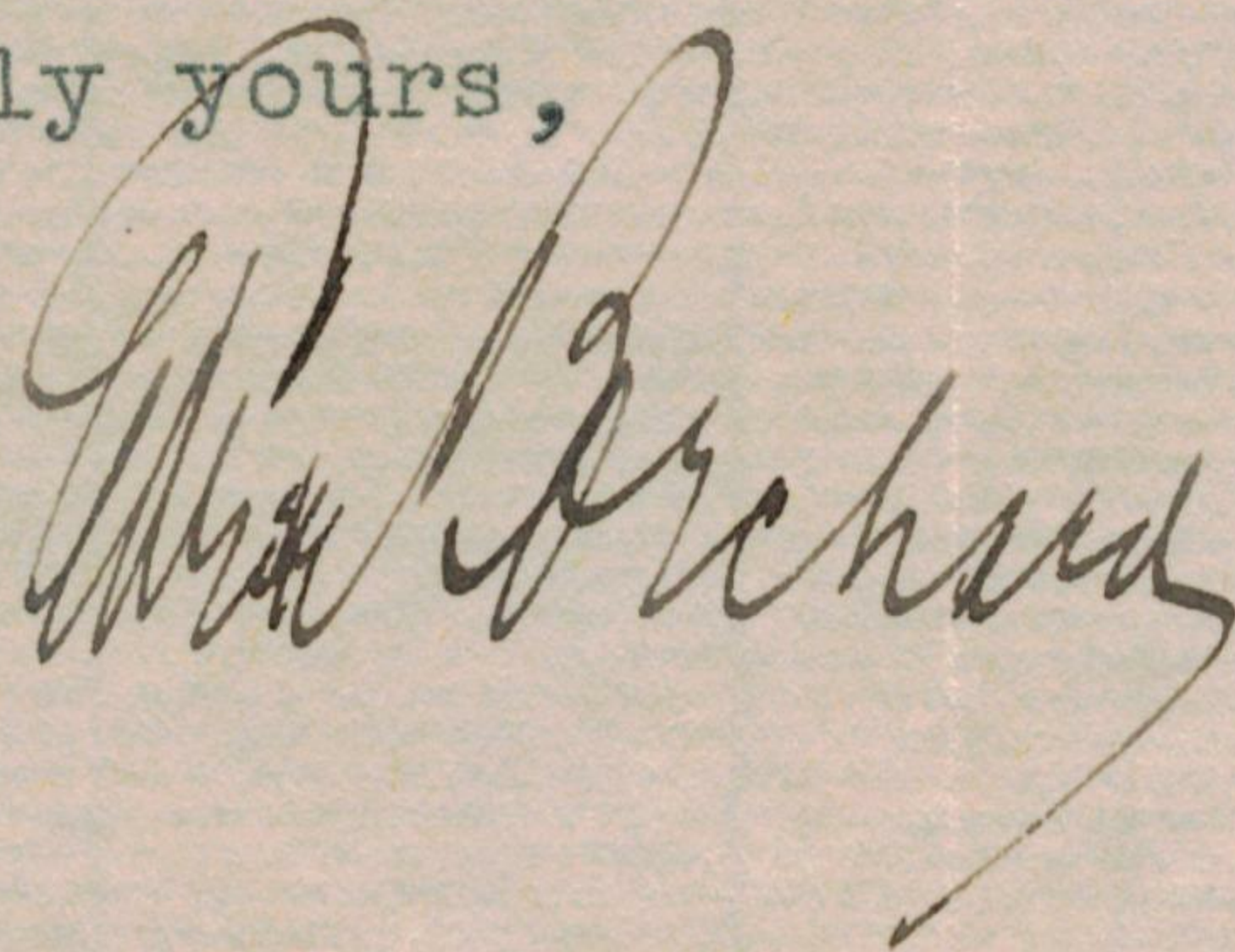
Dr. Alvin Johnson
66 West 12th Street
New York, N. Y.

Dear Mr. Johnson:

Thank you for your letter of September 3rd. Max Fleischmann, though in the 60's, looks very much younger and was, when I last saw him, a man of considerable energy as you may infer from his writings. Whether the last few years have left a mark on him I cannot say, but I do hope that his age will not persuade you to reject him since he was, when last I knew him, a most virile man.

I am just in receipt of a letter from Dr. Martin Fuchs with respect to the possibility that you might be willing to take on his brother, Dr. Richard Fuchs, concerning whom we had some correspondence two years ago. I am asked by brother Martin to express an opinion to you concerning his brother Dr. Richard. As I wrote to you two years ago, Richard Fuchs was one of the outstanding men in the German Ministry of Finance and an extremely important cog in the administrative machinery of the German republic. That he is also a scholar is indicated by the books that he wrote concerning the liquidation provisions under the Treaty of Versailles. He is also the author of numerous articles which his brother may have placed before you. He is a man also of splendid character and combines scholarship with practical experience in administration that perhaps enrich to best advantage a teacher in the social sciences.

Very sincerely yours,



Es
I think he is
about so 20

Lugano d. 14. 12. 40, Via Pretorio 19

New Schol for Social Research

New York City

Dear Sir,

Universitätsprofessor Dr. Max Fleischmann, zuletzt
Professor ordinarius des Staats-Völker-Kirchen-
und Verwaltungsrechts, an der Universität Halle,
(vorher in gleicher Stellung an der Universität
Königsberg), jetzt wohnhaft Berlin-Charlottenburg
Dahlmannstraße 19, durch seinen Aufenthalt in
Deutschland verhindert, sich selbst zu bewerben,
läßt Sie durch mich, einen alten Freund von ihm,
ebenso höflich wie dringend bitten, ihn in die
Zahl der 100 Gelehrten aufzunehmen, welchen Sie
den Weg nach USA. öffnen.

Es ist uns bekannt, daß Sie nur Gelehrten hel-
fen wollen, die sich bereits im Auslande befinden,
allein ich denke, daß Sie darin eine Ausnahme ma-
chen werden zu Gunsten eines Gelehrten wie Fleisch-

[Handwritten signature]

Reisebüro

mann, einmal wegen seiner hohen wissenschaftlichen Bedeutung und zweitens weil er von dem Schicksal bedroht ist, als Nichtarier nach Lublin oder Gurs transportiert zu werden.

Die von ihm längst geplante Auswanderung nach USA. scheiterte daran, daß amerikanische Verwandte ihn mit dem versprochenen Affidavit im Stich ließen.

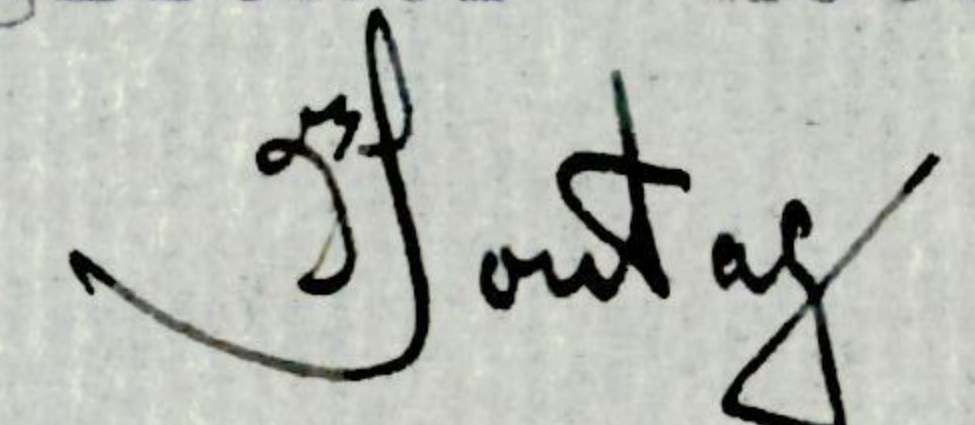
Von den zahlreichen wissenschaftlichen Arbeiten Fleischmanns vermag ich aus dem Gedächtnis nur sein "Völkerrecht", 12. Auflage des Liszt'schen Völkerrechts, ein Werk von 764 Seiten, ein Buch zur Aalandfrage, seine "Quellen des Völkerrechts" anzuführen, allein jedes Gelehrten-Lexikon wird Ihnen nähere Auskunft geben. Er war Rektor der Universität Halle, er vertrat das Deutsche Reich auf einer Haager Konferenz und war Mitherausgeber einer der angesehensten juristischen Zeitschriften Deutschlands. Er ist 68 Jahre alt, aber noch jugendlich frisch.

Er spricht englisch und würde mit seinem glänzenden pädagogischen Talente ein Gewinn für jede amerikanische Hochschule sein.

Sobald er die Einladung nach Amerika nachweisen könnte, würden er und seine 71jährige Frau (die Ehe ist kinderlos), die Erlaubnis zum Fluge Berlin-Lissabon erhalten.

Darf ich bei dieser Gelegenheit mich nach dem Stande meiner eigenen Bewerbung erkundigen.

Mit vorzüglicher Hochachtung



Reichsgerichtsrat i.R.

Copies attached

272 Oak Street, Oberlin, Ohio.

September 10 1940.

The New School for Social Research

66 W Twelfth Street

New York, N.Y.

Dear Sir,

It is with great pleasure and relief that I hear of your intention to confer Professorship on Professor Max Fleischmann, formerly of Halle University. I have been his colleague there from 1920 to 1930, and our friendly relations have given me every opportunity of knowing him as a scholar, a teacher and a man. I have also sat under him during the two years when he was Dean of his faculty and Rector of the University, at a period when both posts were difficult and fraught with pitfalls. Thanks to his great skill in handling men of different kinds, his strong personality and his disinterested devotion, his term of office was an unqualified success. As a teacher, he was no less successful. In fact, he was compelled to move from one lecturing hall to another and finally speak in the aula of the University, the only hall sufficiently large for his great crowd of students. I do not remember any similar case in Halle.

Hoping that my unsolicited testimony will not be unwelcome, I remain, dear Sir, yours very truly

George Karo
Professor George Karo

Mrs. Standinger - 3

C O P Y

272 Oak Street
Oberlin, Ohio
September 10, 1940

The New School for Social Research
66 West Twelfth Street
New York, New York

Dear Sir:

It is with great pleasure and relief that I hear of your intention to confer a professorship on Professor Max Fleischmann, formerly of Halle University. I have been his colleague there from 1920 to 1930, and our friendly relations have given me every opportunity of knowing him as a scholar, a teacher and a man. I have also sat under him during the two years when he was Dean of his faculty and Rector of the University, and a period when both posts were difficult and fraught with pitfalls! Thanks to his great skill in handling men of different kinds, his strong personality and his disinterested devotion, his term of office was an unqualified success. As a teacher, he was no less successful. In fact, he was compelled to move from one lecturing hall to another and finally he spoke in the aula of the University, the only hall sufficiently large for his great crowd of students. I do not remember any similar case in Halle.

Hoping that my unsolicited testimonial will not be unwelcome,
I remain, dear Sir, yours very truly,

signed- - George Karo
Professor

September 13, 1940

Dear Professor Karo:

Thank you very much for your letter of September the tenth.

I am very glad to have your recommendations of Professor Max Fleischmann.

Sincerely,

Alvin Johnson
Director

Professor George Karo
272 Oak Street
Oberlin, Ohio

George Fleischmann
850 West 176th Str
New York, November 11, 1940

Mr. Dr Alvin Johnson
Director of the New School
66 West 12th Str
New York

Sehr geehrter Herr Director,

von dem committee for

Christian Refugees erhielt ich die Nachricht, dass in Ihrem grosszügen Unternehmen, viele Gelehrte aus den bedrohten Europaeischen Laendern an hiesigen Universitaeten zu setteln, mein Bruder - Professor Dr. Max Fleischmann, bisher in Halle/Saale - nicht beruecksichtigt werden kann, da dieser das dabei befristete Alter bereits ueberschritten hat.

Wenn ich heute dieserhalb nochmals vorstellig werde, so nur, um auf einen Umstand aufmerksam zu machen, der vielleicht uebersehen worden ist und doch fuer eine Berufung an ein hiesiges Institut von Interesse seien koennte.

Ich nehme an, dass bisher die Taetigkeit meines Bruders nur als die eines Rechtsgelehrten aufgefasst worden ist und auf diesem Gebiet sicher viele Professoren in juengerem Alter sich um eine Berufung bewerben, wenn hier wohl auch der Ruf und die Erfahrungen der Gelehrten eine Rolle spielen duerften. Es ist aber wohl nicht beachtet worden, dass mein Bruder Gruender und Director des Institutes fuer Zeitungswissenschaften ist, des einzigen Institutes dieser Art, das in Deutschland existiert.

Bei dem Einfluss der Zeitungen, den hier gerade die Zeitungen haben, und dass nach meinem Erkundigungen ein solches Institut, wie es mein Bruder in Halle begruendete, in USA noch nicht besteht, gaebe es wohl die Moeglichkeit, etwas gleichartiges an der New School oder einer anderen Universitaet zu gruenden und dafuer meinen Bruder zu berufen, da diesem die Erfahrungen bereits zur Seite stehen.

Ich waere sehr dankbar, wenn Sie diese Anregung in Erwaegung ziehen wuerden, auf Wunsch staende ich mit weiteren Angaben gern zur Verfuegung .

See
inactive

Sollte wider Erwarten mein Vorschlag keine Interesse fuer Errichtung eines solchen Institutes zeitigen, so waere ich Ihnen sehr verbunden, wenn Sie mir einen Weg zeigen koennten, wie ich einen der inhaber der grossen Zeitungskonzerne hier dafuer interessieren koennte, oder aber ^{Sie} es selbst in die Hand nehmen, einen solchen Herrn auf eine solche Gruendung aufmerksam zu machen. Dies wuerde, meines Erachtens, groesseren Eindruck machen, als wenn ich, als unbekante Groesse, selbst fuer meinen Bruder an jemanden herantraete.

Sie wollen auch bedenken, dass Sie, falls Sie fuer meinen Bruder diese Moeglichkeit auf die eine oder andere Weise schaffen, einem wertvollen Menschen von dem Schicksal, das ihm angedroht von der Gestapo, jetzt in verdoppelter Weise in die Naehel gerueckt ist, retten.

Mit der nochmaligen Bitte, meine Darstellungen auf eine moegliche Unterbringung hin zu pruefen, erbitte ich Ihren moeglichst baldigen Bescheid, damit ich meinem Bruder auf seine verzweifelten Hilferufe schnell eine Antwort geben kann.

Ihr ganz ergebenster

George Feischmann

November 15, 1940

Dear Mr. Fleischmann:

Thank you for your letter of
November 11th.

As to your suggestion of a new in-
stitution for the science of journalism, I
do not know of any newspaper that would under-
take the maintenance of such an institution,
nor would I know of any other possibility for
raising the necessary funds.

I am very sorry that there is nothing
I can do for your brother, though I would very
much like to help him.

Sincerely yours,

Alvin Johnson
Director.

Mr. George Fleischmann
850 West 176th Street
New York City

January 15, 1941

Dear Dr. Sontag:

I have received your letter of December the fourteenth.

I regret to tell you that I am not able to invite Dr. Max Fleischmann. His name had been suggested to me sometime ago by his brother as well as by some of his friends in this country.

I tried in vain to get foundation support for him. Unfortunately, his age is beyond the limit which is strictly placed upon my project. I am sorry.

As to your own application: I think you have probably received in the meantime my letter of December twelfth which tells you that unfortunately I am not able to send you an invitation. This I deeply regret.

Sincerely,

Alvin S. Johnson
President

Enclosure

Dr. E. Sontag
Via Pretorio 19
Lugano, Switzerland

YALE UNIVERSITY
SCHOOL OF LAW
NEW HAVEN CONNECTICUT

EDWIN M. BORCHARD
PROFESSOR OF LAW

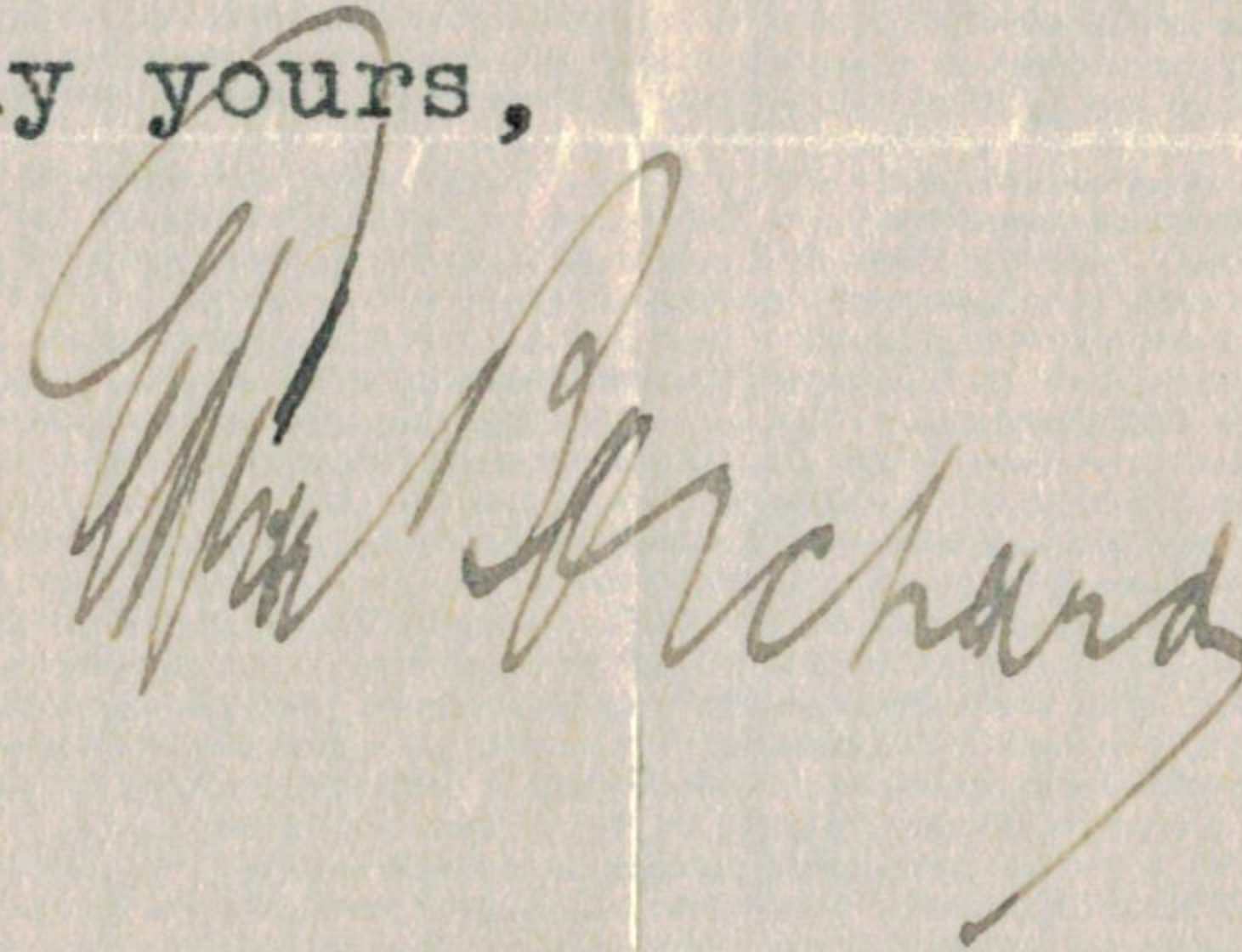
January 16, 1941

Dr. Alvin Johnson, Director
New School for Social Research
66 West 12th Street
New York, N. Y.

Dear Dr. Johnson:

Isn't there something that you can do for Professor Max Fleischmann, who is now a practical prisoner in Berlin? If you could get him admitted as a research scholar, I would try to get from Fleischmann a commitment that his relatives in Minnesota will take care of him. Fleischmann has written me the enclosed appealing letter, which kindly return. I should like to make some kind of hopeful answer.

Very sincerely yours,



Enc.

January 17, 1941

Dear Professor Borchard:

I have your letter of January sixteenth about Professor Max Fleischmann.

It's extremely difficult to get anyone out of Germany and the only way that is at all open is the non-quota visa, which presupposes that the applicant has been regularly employed as a professor, a condition which Fleischmann could fulfill; and that he should have a teaching position (not a research position) in the United States with the salary that the consul judges is adequate to his living and is sufficient as guarantee of good faith.

I am sorry but a commitment from Fleischmann's relatives in Minnesota would not be enough. Actual funds would have to be put at the disposal of some institution that would give him a teaching position, or at least legally binding guarantees that are from a business point of view adequate.

Sincerely,

Alvin Johnson
Director

AJ:EW

Professor Edwin M. Borchard
Yale University
School of Law
New Haven, Connecticut

YALE UNIVERSITY
SCHOOL OF LAW
NEW HAVEN, CONNECTICUT

EDWIN BORCHARD
PROFESSOR OF LAW

January 24, 1941

Dr. Alvin Johnson
66 West 12th Street
New York, N. Y.

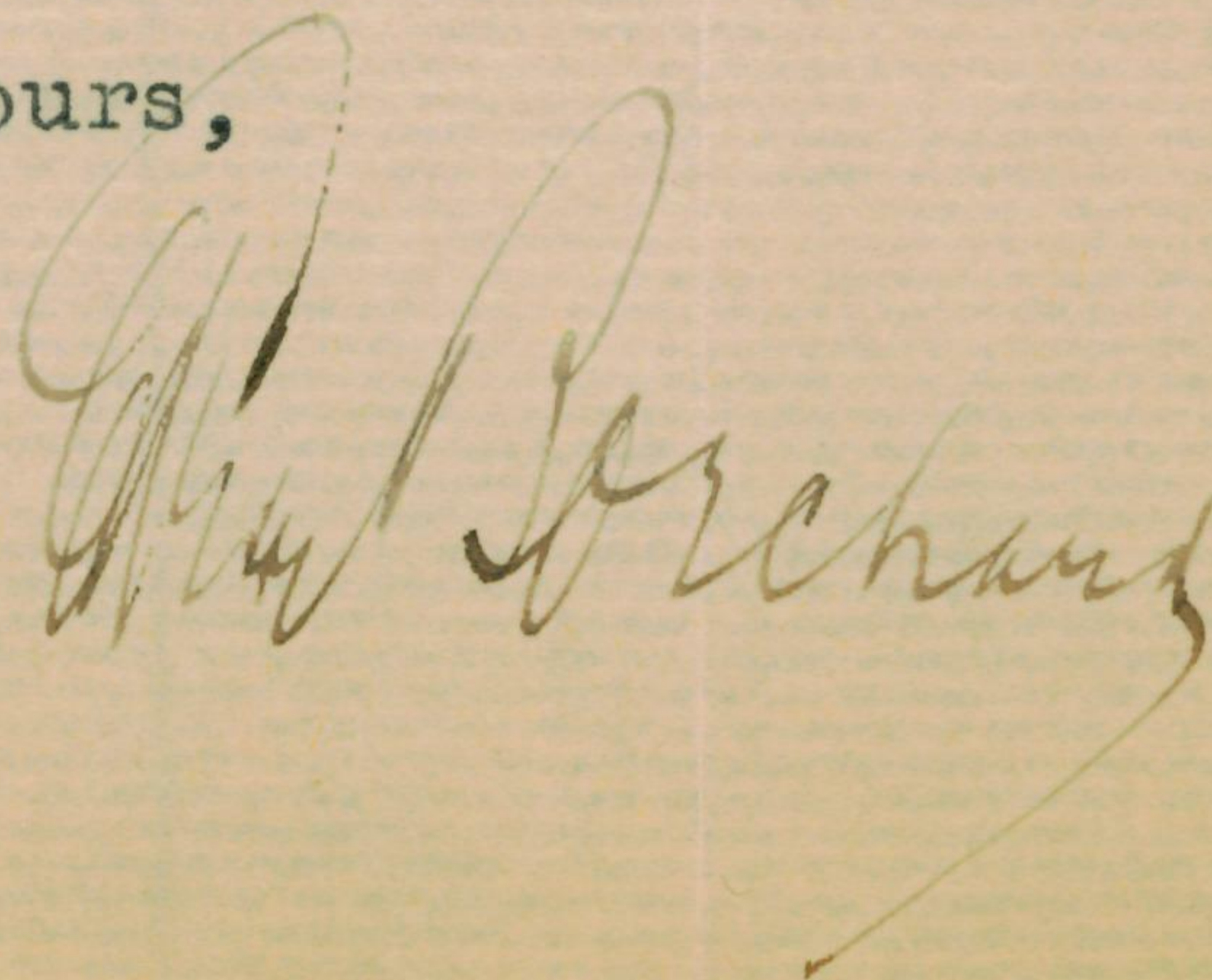
Dear Mr. Johnson:

This will acknowledge your letter of January 17th
in re Professor Max Fleischmann.

It seems to me a very narrow construction to main-
tain that a man who has devoted his entire life to teaching
in Europe cannot come here to do research because he is
not then a teacher. I think this is an administrative
ruling, and I shall endeavor through friends to take it
up with Professor Hart, now with the Immigration Bureau,
to see if an administrative construction cannot include
in the category of teacher a research associate. Perhaps
the Congress conceived a teacher as a school teacher,
but we give it a wider connotation.

In the meantime, would you please return Professor
Fleischmann's letter and his curriculum vitae which I
sent to you?

Sincerely yours,



January 28, 1941

Dear Professor Borchard:

I enclose the Fleischmann papers requested
by you.

It is a great comfort to hear an expert like
yourself express the opinion that the Administration is
putting too narrow a construction on the provisions of
the Immigration Act with respect to teachers. I quite
agree with you, but I have never been able to impress
this view on the Immigration Bureau, or even on the State
Department which, I think, makes the interpretation of
Section 4(d) of the Immigration Act of 1924.

Sincerely yours,

Alvin Johnson
Director.

Professor Edwin Borchard
Yale University
New Haven, Connecticut.

Enclosures

COPY

(Letterhead of)

DEPARTMENT OF STATE

In reply refer to
VD 811.11102 Borchard, Edwin

June 17, 1941

My dear Dr. Borchard:

I have received your letter of May 9, 1941 concerning the possibility of permitting the entry into the United States, as nonquota immigrants under Section 4 (d) of the Immigration Act of 1924, of certain alien scholars and teachers more than sixty years old who, because of their advanced age, may not be offered teaching positions by American universities, but who could be accepted by American universities as research professors.

Section 4 (d) of the Immigration Act of 1924 exempts from quota restrictions:

"An immigrant who continuously, for at least two years, immediately preceding the time of his application for admission to the United States has been, and who seeks to

enter

Edwin Borchard, Ph.D., LL.D.,

Yale University,

School of Law,

New Haven, Connecticut.

enter the United States solely for the purpose of, carrying on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under eighteen years of age, if accompanying or following to join him."

It may be seen that the Act does not provide nonquota status for "foreign scholars", as such, but for aliens coming to this country as "professors of a college, academy, seminary, or university". The Departments of State, Labor and Justice have agreed that the primary test to be applied in these cases is whether the persons concerned are to be connected with institutions of learning in the United States primarily for the purpose of conferring the benefits of their knowledge upon the students rather than for the purpose of pursuing their own studies.

An early statement by the department of Labor on this subject was, "It seems quite evident that the intent of the law is to enable religious bodies and institutions of learning in the United States to bring needed ministers and professors, respectively, from foreign countries rather than to exempt such persons from quota requirements simply because of their vocational status."

In connection with the question of research, the three Departments referred to above have agreed that if an alien is coming to the United States as a research
assistant

assistant, he must be engaged as a member of the faculty (in contradistinction to a research assistant paid from the private funds of the professor whose assistant he is and in contradistinction to an assistant who is also a student and is being paid from endowment for scholarship or fellowship not entitling him to faculty rank) and have some duties of instruction connected with the students. This does not necessarily mean that the research assistant must give any formal courses. It is sufficient if he is to be a laboratory assistant, a tutor, or a consulting ^{reading} ~~reading~~ who supervises research or outside ~~reading~~ of students. However, it should be repeated that the primary test is whether the research assistant is to be connected with the university or college primarily to confer the benefit of his knowledge upon the students rather than to pursue his own studies.

In regard to the question of exempting from quota requirements professors coming to the United States solely for the purpose of engaging in research activities, it has been repeatedly held that such persons could not be so exempted.

I wish to assure you of the sympathetic attitude of this Department in cases of this kind. If the interest which you display in your letter has been prompted by

special

special information received by you concerning particular cases which you believe might be considered under Section 4 (d) of the Immigration Act of 1924, I would suggest that the cases be presented individually either by the intending immigrants or by yourself to the Department or to one of its consular offices abroad.

Any such cases, when presented, will be accorded careful examination and every consideration consistent with the immigration laws of the United States.

Sincerely yours,

For the Secretary of State:

[signed] A. M. Warren
Chief, Visa Division

YALE UNIVERSITY
SCHOOL OF LAW
NEW HAVEN, CONNECTICUT

EDWIN BORCHARD
PROFESSOR OF LAW

July 1, 1941

Dr. Alvin Johnson, Director
New School for Social Research
66 West 12th Street
New York, N. Y.

Dear Mr. Johnson:

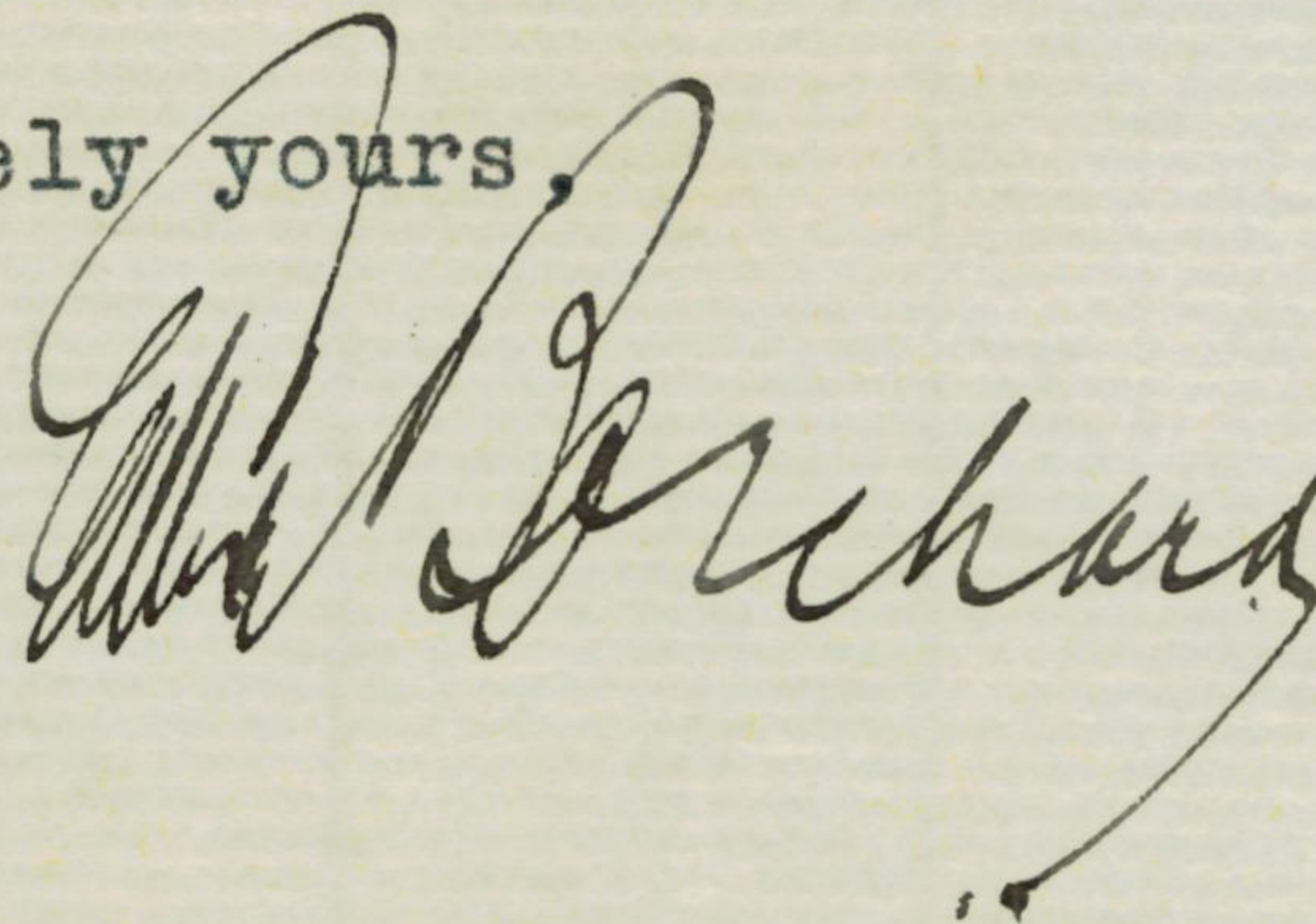
You will be interested in the enclosed letter of June 17th addressed to me by the Chief of the Visa Division of the Department of State.

I infer from the letter that if we can present the case of a man over sixty who will be useful in the research work of an established educational institution, they might find a way of granting him a visa under a more liberal construction of the word "teacher". It seems that only when he is engaged solely in his own research activities and does nothing else for his educational institution would they put up the bar.

Mr. Warren invites me to bring up specific cases, and I wonder whether you would still be interested in considering the case of Professor Fleischmann. If so, I would ask him to try to get his relatives in Minnesota to underwrite his support. You might then be able to engage ^{him} in your international law work with some of the members of your staff.

I should be glad if you would reconsider the matter to see whether there is any use in my following it up.

Very sincerely yours,



July 7, 1941.

Dear Professor Borchardt:

Because of Professor Fleischmann's age, it would be unreasonable to expect that he would, at the end of a subsidized two-year period, find a university post. We would, therefore, have to have not only the funds for salary for two years, but positive assurance as to his support thereafter, presumably by the relatives whom you mention. Under such circumstances, we might experiment with an invitation, although the new visa regulations have made matters more difficult than ever and we have little reason to believe that Mr. Warren makes liberal interpretations where he can find the possibility of the other kind.

Sincerely yours,

Alvin Johnson,
Director.

return only
his material

I think we
have more
from other.