City of Beverly Hills

9265 Burton Way Condominium Project

Final

Environmental Impact Report

SCH# 2013021055

March 2014

rincon

Environmental Scientists Planners Engineers

9265 Burton Way
Condominium Project

Final
Environmental Impact Report
SCH# 2013021055

Prepared by:

City of Beverly Hills
Department of Community Development
455 N. Rexford Drive, Room 100
Beverly Hills, California 90210
Contact: Mr. Ryan Gohlich, Senior Planner

Prepared with the assistance of:

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

March 2014

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9265 Burton Way Condominium Project EIR

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EXECUTIVE SUMMARY

This section summarizes the characteristics of the proposed Project and the significant environmental impacts, mitigation measures, and residual impacts associated with the proposed Project.

PROJECT SYNOPSIS

Project Applicant

Edward Levin
Levin-Morris Architects LLP
1305 North Harper Avenue
West Hollywood, CA 90046

Project Description

Buildings and Uses. The Project would involve demolition of four existing one- to two-story buildings, as shown in the existing site plan above, and construction of a new six-story, 72-foot high condominium building with 23 residential units and 46 parking spaces. Based on a proposed 42,755-square-foot building on a site area of 14,232 square feet, the floor area ratio (FAR) would be 3.00. The condominium building would include one level of subterranean parking; one level of at-grade parking with a lobby and gym; five levels of residential units; and a rooftop common area. The condominium building would offer a variety of bedroom counts, including two units designated for "very low income" housing.

The applicant proposes to construct 16 base housing units, including two units for very low income households. Based on this inclusion of affordable housing, and pursuant to BHMC Section 10-3-1526, the applicant has requested a density bonus to build six additional housing units on the project site. As permitted by BHMC Section 10-3-2801, the Project -includes the construction of one additional efficiency unit. Density Bonus Permit incentives -have also been requested to exceed the standard height limit in Height District C, given that the proposed Project would be 72 feet in height; to allow for non-enclosed ground floor parking; and to reduce the parking requirements.

Site Access. Access to on-site parking would be provided by two driveways from the existing alley behind the site, parallel to Burton Way. One driveway would lead from the alley to the underground parking level, while another driveway to the west would lead to at-grade parking. The alley provides access between Foothill Road to the west and North Maple Drive to the east. Pedestrians would continue to have direct access to the project site from Burton Way.

Site Preparation and Construction. To prepare the site for project construction, four existing residential buildings located on the project site would be demolished. The site would be excavated to a depth of approximately 13 feet for the subterranean parking garage. Construction is projected to last approximately 15 months.

ALTERNATIVES

As required by Section 15126.6 of the State CEQA Guidelines, Section 6 this EIR examines a reasonable range of alternatives to the proposed Project. Section 6 also discusses the feasibility of implementing the Project at alternative sites. Finally, it identifies the Environmentally Superior Alternative as required by the *CEQA Guidelines*.

The following alternatives are evaluated in this EIR:

- *Alternative 1: No Project (no change to existing land uses)*
- *Alternative 2: Reduced Footprint and 9269 Burton Way Building~~Historic~~ Preservation*
- *Alternative 3: Project without Density Bonus*
- *Alternative 4: Height-Compliant with Density Bonus*

The No Project alternative would avoid the Project's significant and unavoidable impact on historic resources. Consequently, the No Project alternative could be considered environmentally superior. However, the No Project alternative would not fulfill the basic objectives of the Project stated in Section 2.0, *Project Description*. Furthermore, the No Project alternative would not include any potential benefits associated with redevelopment of the site, such as increased affordable housing opportunities in the City. Of the development alternatives being considered, the Reduced Footprint and 9269 Burton Way Building~~Historic~~ Preservation alternative provides the most reductions in environmental impacts, ~~primarily~~ due to the preservation of existing aesthetics and slight reductions in impacts to biological and cultural resources~~avoidance of demolition on the 9269 Burton Way parcel~~, and is considered the Environmentally Superior Alternative.

SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Table ES-1 includes a brief description of the environmental issues relative to the Project, the identified significant environmental impacts, proposed mitigation measures, and residual impacts. Impacts are categorized by classes. Class I impacts are defined as significant, unavoidable adverse impacts which require a statement of overriding considerations to be issued pursuant to the *State CEQA Guidelines* §15093 if the Project is approved. Class II impacts are significant adverse impacts that can be feasibly mitigated to less than significant levels and which require findings to be made under Section 15091 of the *State CEQA Guidelines.* Class III impacts are considered less than significant impacts. Potential impacts that were analyzed in the Initial Study and found to be less than significant are not included in this table. The initial study/NOP are attached hereto as Appendix A.

Table ES-1 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts

Impact	Mitigation Measures	Residual Impact
CULTURAL RESOURCES		
Impact CR-1 The proposed Project would involve demolition of the existing buildings at 9265 – 9269 Burton Way. ~~The 9269 Burton Way property is~~ Because the existing buildings on the project site are not considered ~~a~~ historic resources pursuant to CEQA~~. Mitigation is required to reduce this impact, but would not reduce it to a less than significant level. The~~, the impact would be Class III, less than *significant~~ and unavoidable~~.*	None required. However, the City may choose to adopt conditions of approval to memorialize events associated with the 9269 Burton Way property. These conditions of approval could include photographic documentation of the site and a written historic report prepared by a qualified historic preservation professional, and/or an interpretive feature to be installed in an appropriate public or semi-public location on the project site.~~CR-1(a) Documentation Report. A historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the City of Beverly Hills to complete a Documentation Report on the property located at 9269 Burton Way. The property shall be photographed according to accepted archival methods, and a written historic report prepared by a qualified historic preservation professional. This documentation, along with historical background of the properties, shall be submitted to the Beverly Hills Public Library, and shall be completed and approved by the City prior to the issuance of demolition permits.~~ ~~CR-1(b) Interpretive Plan. In consultation with the City of Beverly Hills, a historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the city to prepare an on-site interpretive plan, focusing on the significant historic themes associated with the property at 9269 Burton Way. The plan shall consist of a public display or other suitable interpretive approach, as approved by the City, and shall be installed in an appropriate public or semi-public location on the project site. The interpretive plan shall be completed and approved prior to the issuance of building permits for the proposed Project, and shall be installed prior to occupancy of the proposed building. If the proposed building is not occupied within two years after the issuance of demolition permits, another suitable temporary or permanent location for the interpretive display shall be determined, subject to the approval of the City. The interpretive display shall remain permanently in public view, including a minimum of five years on the project site. After this period, the interpretive display may be moved to another location in Beverly Hills, subject to the approval of the City.~~	~~*Significant*~~ *Less than significant~~and unavoidable~~*

Table ES-1 Summary of Environmental Impacts, Mitigation Measures and Residual Impacts

Impact	Mitigation Measures	Residual Impact
Impact CR-2 There are no known archaeological or paleontological resources or human remains on the project site. However, there is potential to unearth previously unknown archaeological or paleontological resources. This is a Class II, *significant but mitigable*, impact.	**CR-2(a) Archeological/Paleontological Monitoring.** In the event that a previously unknown artifact or fossil is uncovered during project construction, all work shall cease until a certified archaeologist and/or paleontologist can investigate the finds and make appropriate recommendations. The applicant shall coordinate with the Native American Heritage Commission on the treatment of such artifacts. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor. **CR-2(b) Coroner Notification.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.	*Less than significant*

1.0 INTRODUCTION

This document is an Environmental Impact Report (EIR) for the proposed 9265 Burton Way Condominium Project (the "Project"). The Project site is located in the southern portion of Los Angeles County, in the City of Beverly Hills. The Project site is regionally accessible via Interstate 405 (the San Diego Freeway) and Interstate 10 (the Santa Monica Freeway) and locally accessible via Santa Monica Boulevard (State Route 2). The project would be a six-story, 42,755 square-foot residential building with ground-level parking and a subterranean garage. This section discusses:

(1) the environmental impact report background;
(2) the legal basis for preparing an EIR;
(3) the scope and content of the EIR;
(4) lead, responsible, and trustee agencies; and
(5) the environmental review process required under the California Environmental Quality Act (CEQA).

The project is described in greater detail in Section 2.0, *Project Description*.

1.1 ENVIRONMENTAL IMPACT REPORT BACKGROUND

A Notice of Preparation (NOP) of an environmental impact report was prepared for the Project and distributed for agency and public review for a 30-day review period that began on February 25, 2013. The NOP and responses are presented in Appendix A, along with the Initial Study that was prepared for the Project. One comment letter was received. The letter was from the Native American Heritage Commission on the topic of cultural resources; this issue is addressed in Section 4.1 *Cultural Resources*.

1.2 PURPOSE AND LEGAL AUTHORITY

The Project requires the discretionary approval of the City of Beverly Hills Planning Commission and City Council. Therefore, it is subject to the requirements of the California Environmental Quality Act (CEQA). In accordance with Section 15121 of the *State of California Environmental Quality Act (CEQA) Guidelines,* the purpose of this EIR is to serve as an informational document that:

> *...will inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

This EIR has been prepared as a Project EIR pursuant to Section 15161 of the *CEQA Guidelines.* A Project EIR is appropriate for a specific development project. As stated in the *CEQA Guidelines:*

> *This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project, including planning, construction, and operation.*

This EIR is to serve as an informational document for the public and City of Beverly Hills decision-makers. The process will culminate with Planning Commission and City Council hearings to consider certification of a Final EIR and approval of the Project.

1.3 SCOPE AND CONTENT

This EIR addresses the issues determined to be potentially significant by the City of Beverly Hills. The issue addressed in this focused EIR is *Cultural Resources. For the reasons documented in the Initial Study (Appendix A to this EIR), impacts in all other environmental topical areas would either not occur or would be less than significant.*

For this issue area, the EIR identifies the potentially significant environmental impacts, including site-specific and cumulative effects of the Project. In addition, the EIR recommends feasible mitigation measures, where possible, that would eliminate or reduce adverse environmental effects.

The EIR references pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and background documents prepared or relied upon by the City in preparing this CEQA analysis. A full reference list is contained in Section 7.0, *References and Report Preparers*. The Alternatives section of the EIR (Section 6.0) was prepared in accordance with Section 15126.6 of the *CEQA Guidelines.* The alternatives discussion evaluates the CEQA-required "no project" alternative and two alternative development scenarios for the site. It also identifies the environmentally superior alternative among the alternatives assessed.

The level of detail contained throughout this EIR is consistent with the requirements of CEQA and applicable court decisions. The *CEQA Guidelines* provide the standard of adequacy on which this document is based. The *Guidelines* state:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of the proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure. (Section 15151)*

1.4 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The *CEQA Guidelines* define lead, responsible, and trustee agencies. The City of Beverly Hills is the lead agency for the Project because it holds principal responsibility for approving the Project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the Project, and a trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. There are no responsible or trustee agencies for the Project.

1.5 ENVIRONMENTAL REVIEW PROCESS

The major steps in the environmental review process, as required under CEQA, are outlined below. The steps are presented in sequential order.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must send an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing *(CEQA Guidelines* Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days. The NOP may be and in this case was accompanied by an Initial Study that identifies the issue areas for which the proposed project could create significant environmental impacts.

2. Preparation of **Draft Environmental Impact Report (DEIR).** The DEIR must contain:

   a) table of contents or index;
   b) summary;
   c) project description;
   d) environmental setting;
   e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts);
   f) a discussion of alternatives; and
   g) mitigation measures.

   A discussion of irreversible changes is also required for projects involving the adoption, amendment, or enactment of a plan, policy, or ordinance of a public agency; the adoption by a Local Agency Formation Commission of a resolution making determinations; or for a project which will be subject to the requirement for preparing an environmental impact statement pursuant to the requirements of the National Environmental Policy Act (*CEQA Guidelines* Section 15127).

3. **Notice of Completion/Notice of Availability of Draft EIR.** A lead agency must file a Notice of Completion with the State Clearinghouse when it completes a Draft EIR and prepare a Public Notice of Availability of Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it *(CEQA Guidelines* Section 15087). Additionally, public notice of DEIR availability must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off the project site; and c) direct mailing to owners and occupants of contiguous properties. The lead agency must solicit input from other agencies and the public, and respond in writing to all comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a DEIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days unless the Clearinghouse (Public Resources Code 21091) approves a shorter period.

4. **Final EIR.** A Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) list of persons and entities commenting; and d) responses to comments.

5. **Certification of FEIR.** Prior to making a decision on a project, the lead agency must in its independent judgment certify that: a) the FEIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final ElR prior to approving a project *(CEQA Guidelines* Section 15090).

6. **Lead Agency Project Decision.** A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted *(CEQA Guidelines* Sections 15042 and 15043).

7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either: a) the project has been changed to avoid or substantially reduce the magnitude of the impact; b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible *(CEQA Guidelines* Section 15091). If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

8. **Mitigation Monitoring Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.

9. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared *(CEQA Guidelines* Section 15094). A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA legal challenges (Public Resources Code Section 21167[c]).

2.0 PROJECT DESCRIPTION

This section describes the project location, characteristics of the site and the proposed development, project objectives, and the approvals needed to implement the 9265 Burton Way Condominium Project.

2.1 PROJECT APPLICANT

Edward Levin
Levin-Morris Architects LLP
1305 North Harper Avenue
West Hollywood, CA 90046

2.2 PROJECT LOCATION

The project site is located in the City of Beverly Hills. The site addresses are 9265-9269 Burton Way. The approximately 0.33-acre site is on the north side of Burton Way between North Foothill Road and North Maple Drive. The site is composed of two assessor's parcels; Table 2-1 shows the parcel numbers and site areas.

Table 2-1
Site Parcels

Address	Parcel Number	Approximate Area
9265-67 Burton Way	4342-010-009	7,800 square feet (0.18 acres)
9269 Burton Way	4342-010-008	6,435 square feet (0.15 acres)

Source: Parcel Numbers and Areas from Los Angeles County of the Assessor, 2013.

The project site is accessible from Interstate 405 (the San Diego Freeway) and Interstate 10 (the Santa Monica Freeway), as well as Santa Monica Boulevard (State Route 2) and Burton Way. Figure 2-1 shows the City of Beverly Hills in a regional context, while Figure 2-2 shows the Project's immediate vicinity from an aerial perspective.

2.3 CURRENT LAND USE AND REGULATORY SETTING

2.3.1 Current Land Use

The project site is rectangular in shape and generally level in topography. It is developed with multi-family residential buildings, as described below. The existing buildings include 10 residential units and carports with 10 parking spaces.

9265-67 Burton Way. The 0.18-acre rectangular lot is currently occupied by a 1,713-square-foot residential structure and a 1,273-square-foot structure consisting of a garage with residential units above. This parcel has frontage on Burton Way and an alley to the rear of the site. Ornamental trees and landscaping are present around the buildings.

9269 Burton Way. The 0.15-acre rectangular lot is currently occupied by a 2,663-square-foot residential structure and a 654-square-foot accessory garage. The parcel has frontage on Burton Way and an alley to the rear of the site. Ornamental trees and landscaping are present around the buildings.

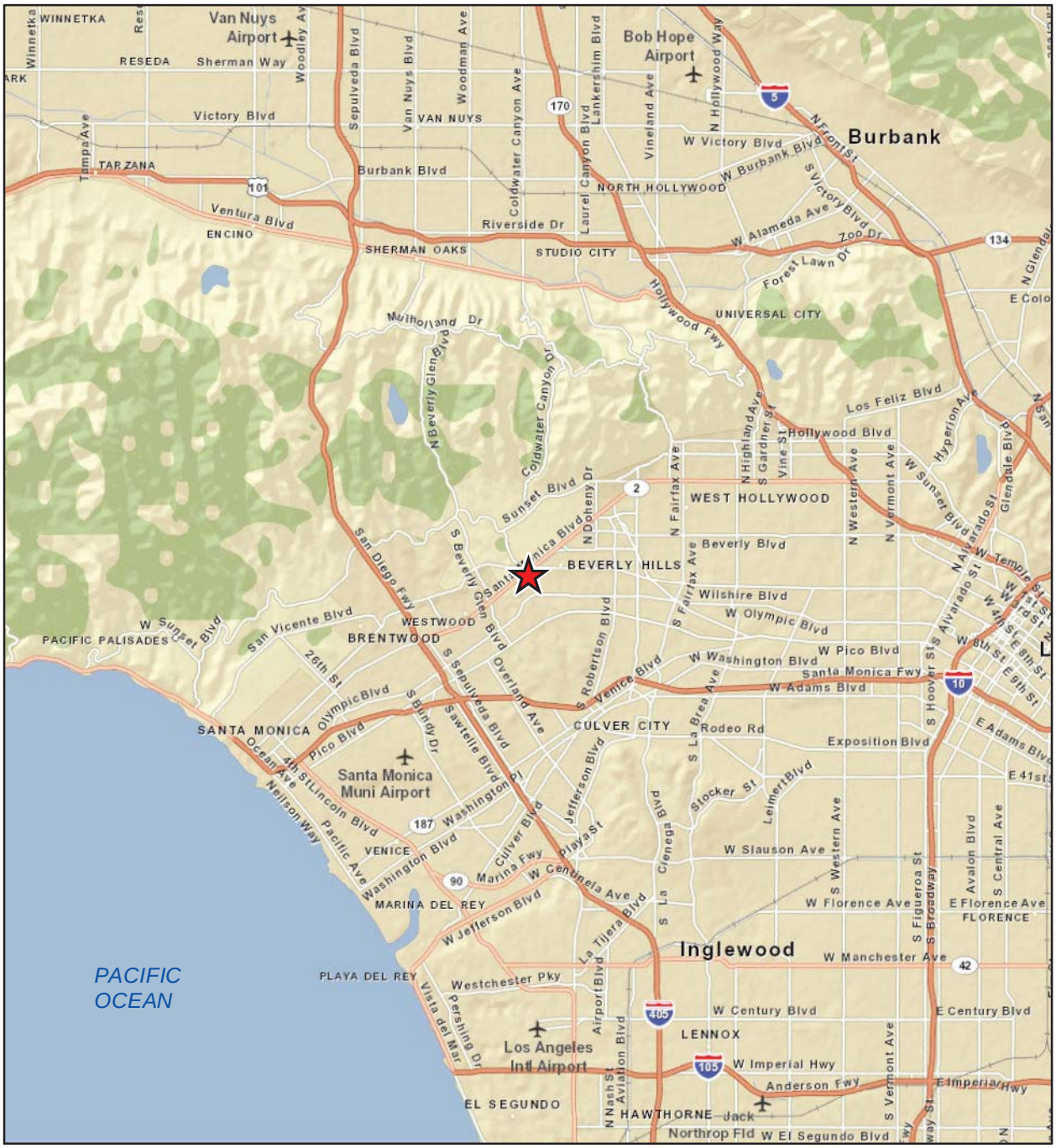
2.3.2 Surrounding Land Uses

The project site is bordered to the west by the eight-story L'Ermitage Hotel and to the east by a four-story multi-family residential building. An alley borders the project site to the north, directly beyond which are commercial and institutional uses including a US Post Office. To the south is Burton Way, a wide boulevard with travel lanes separated by a broad landscaped median; on the other side of Burton Way are single-family residential uses. The building is entirely surrounded by urban uses. The project site has frontage on Burton Way on the south, which is a broad boulevard supporting mostly residential development. Surrounding buildings range from one to eight stories in height.

Photographs depicting current conditions on the site and surrounding properties are shown in Figures 2-3a and 2-3b. The existing site plan is shown in Figure 2-4. Table 2-2 summarizes the existing characteristics and land use classifications of the project site.

Table 2-2
Existing Site Characteristics

Site Size	Approximately 14,232 square feet (0.33 acres)
Regional Access Local Access	Interstate 405 (San Diego Freeway); Interstate 10 (Santa Monica Freeway) Santa Monica Boulevard (State Route 2); Burton Way
Public Services	Water: Beverly Hills Public Works Dept Sewer: Beverly Hills Public Works Dept Fire: Beverly Hills Fire Department Police: Beverly Hills Police Department
General Plan Land Use Designations	Multiple Residential
Zoning Designations	Multi-Family Residential (R-4)
Current Use and Development	Three two-story residential structures: 2,663 square feet, 1,713 square feet, and 1,273 square feet, respectively; one-story residential structure: 654 square feet
Surrounding General Plan Land Use Designations	North: Low Density General and Municipal East: High Density Multi-Family Residential South: High Density Single Family Residential West: High Density Multi-Family Residential



Imagery provided by ESRI and its licensors, 2012.

Project Location

N

0 1.5 3 Miles

Regional Location

Figure 2-1

Bing Maps Aerial: (c) 2010 Microsoft Corporation and its data suppliers. Additional data layer from Los Angeles County Assessor, August, 2010.

Project Site

0 50 100 Feet

N

Project Location

Figure 2-2

Photo 1 - View of project site and surrounding vegetation, looking north from Burton Way.

Photo 2 - View of southeast corner of project site looking north. Existing building to be demolished.

Site Photographs

Figure 2-3a

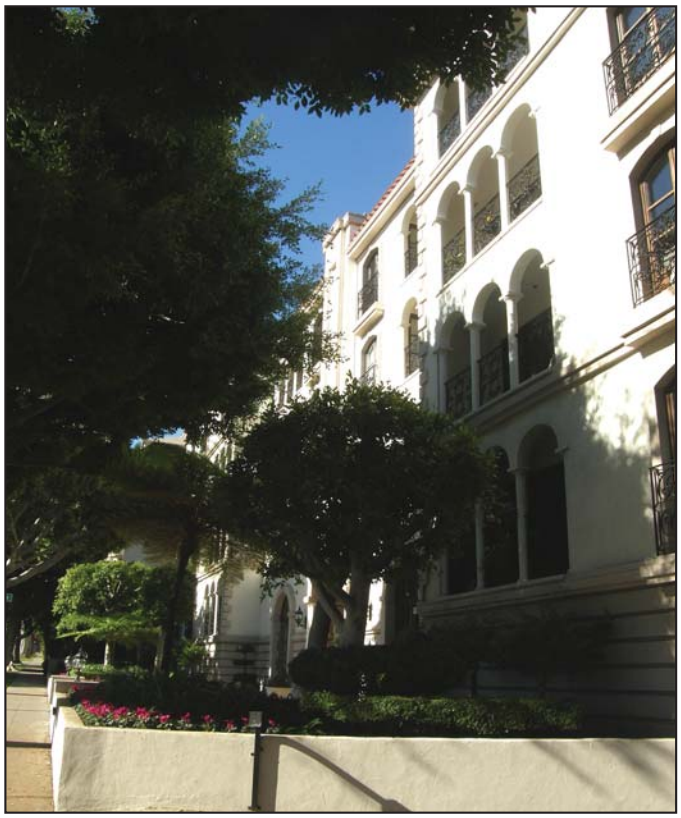
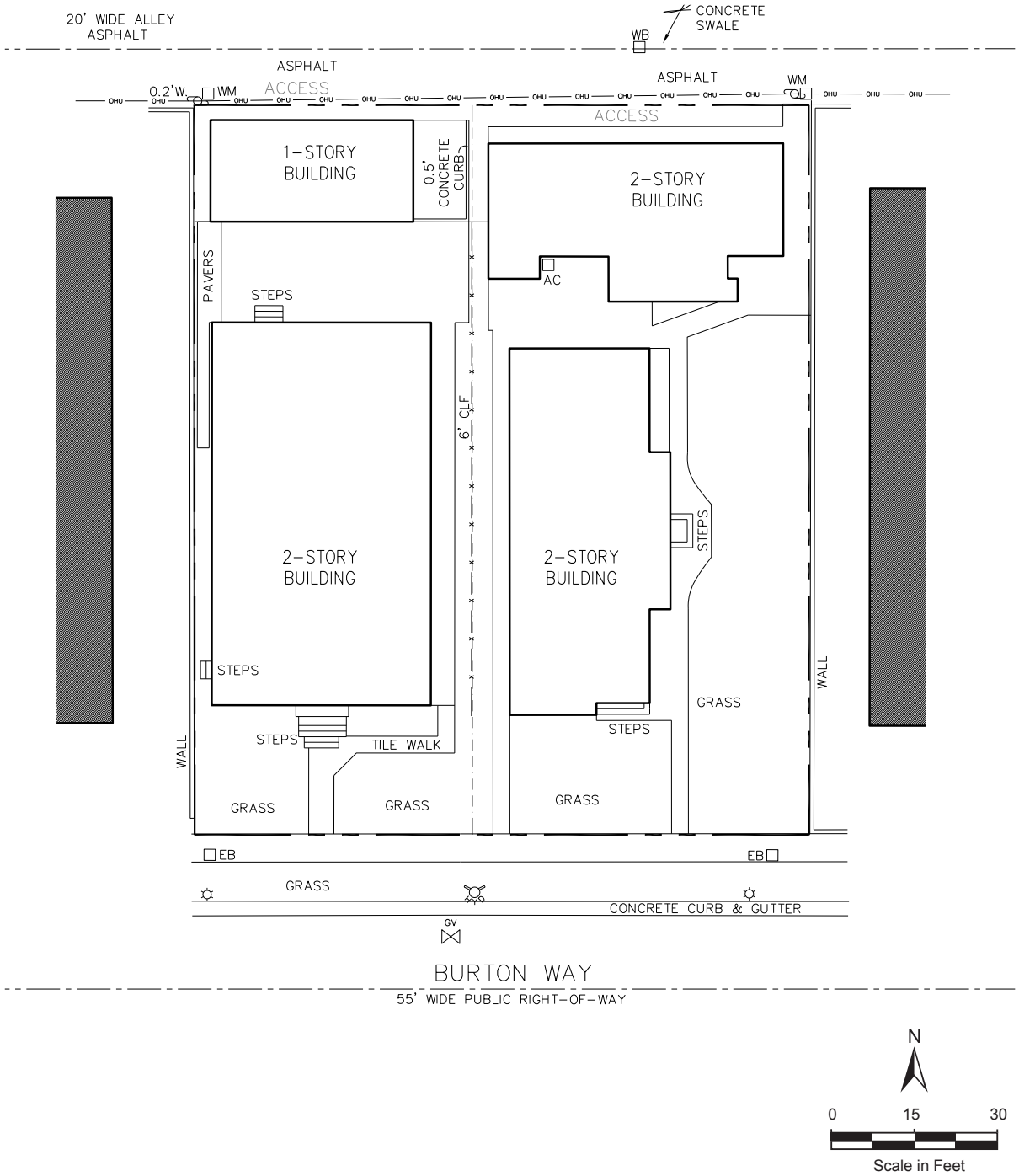


Photo 3 - View of 9249 Burton Way, located adjacent to project site, looking northwest from the street.

Photo 4 - View of 9291 Burton Way, an eight-story hotel adjacent to project site, looking southwest from the alley.

Site Photographs

Figure 2-3b



Existing Site Plans

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 2-4

2.3.3 Land Use Regulatory Overview

The project site has General Plan land use designations of Multiple Residential, with corresponding Zoning Ordinance designation of R-4 (Multi-Family Residential Zone). Pursuant to Beverly Hills Municipal Code (BHMC) Section 10-3-1204, the R-4 zone allows single- and multi-family residential uses, libraries, and accessory and appurtenant uses. In this district, pursuant to Beverly Hills General Plan densities[1], one housing unit may be constructed for every 871.2 square feet of site area. Thus, the General Plan would allow 16 units to be built on site. Pursuant to BHMC Section 10-3-1526, the Planning Commission shall grant a base density bonus of 20% if an applicant agrees to construct at least 5% of total housing units for very low income households; and for each 1% increase in the number of units above the 5% threshold, the bonus may be increased by 2.5%. The maximum density bonus is limited to 35%. For a multi-family residential building, BHMC Section 10-3-2801 also allows the construction of one additional efficiency unit that is not subject to density limits. The Municipal Code also allows for density bonus "incentives" which may take the form of relief from certain zoning restrictions.

The Municipal Code also contains height limits and parking requirements for multi-family residential structures. The project site is located within Height District C, which limits structures to a maximum height of 5 stories or 55 feet, whichever is less. Pursuant to BHMC 10-3-2818, ground-floor parking in multi-family residential structures shall be fully enclosed with solid walls when the structures are adjacent to a residentially zoned property or separated from that property solely by an alley.

2.4 PROJECT CHARACTERISTICS

Buildings and Uses. The Project would involve demolition of four existing one- to two-story buildings, as shown in the existing site plan above, and construction of a new six-story, 72-foot high condominium building with 23 residential units and 46 parking spaces. Based on a proposed 42,755-square-foot building on a site area of 14,232 square feet, the floor area ratio (FAR) would be 3.00. The condominium would include one level of subterranean parking; one level of at-grade parking with a lobby and gym; five levels of residential units; and a rooftop common area. The condominium building would offer a variety of bedroom counts, as shown in Table 2-3, including two units designated for "very low income" housing.

Figure 2-5 shows the proposed site plan, and figures 2-6 and 2-7 show the proposed elevations.

The applicant proposes to construct 16 base housing units, including two units for very low income households. Based on this inclusion of affordable housing, and pursuant to BHMC Section 10-3-1526, the applicant has requested a density bonus to build six additional housing units on the project site. Pursuant to BHMC Section 10-3-2801, the Project also includes the construction of one additional efficiency unit. Density Bonus Permit incentives have also been requested to exceed the standard height limit in Height District C, given that the proposed

[1] Pursuant to California Government Code Section 65915 (o)(2), in the event of inconsistency between the zoning ordinance and General Plan with regard to maximum allowable residential density, the General Plan takes precedence for purposes of calculating a requested density bonus.

Project would be 72 feet in height; to allow for non-enclosed ground floor parking; and to reduce the parking requirements.

Table 2-3
Project Summary

Type of Unit	Units	Square Feet*
Gym	1	504
Lobby	1	554
Efficiency	1	904
1 Bedroom-affordable	2	961-970
1 Bedroom	3	1,014
2 Bedroom	13	1,394-1,486
3 Bedroom	4	1,854-2,072

Source: Levin-Morris Architects LLP (site plans).
Note: Size of housing units includes interior space but not terraces.

Site Access. Access to on-site parking would be provided by two driveways from the existing alley behind the site, parallel to Burton Way. One driveway would lead from the alley to the underground parking level, while another driveway to the west would lead to at-grade parking. The alley provides access between Foothill Road to the west and North Maple Drive to the east. Pedestrians would continue to have direct access to the project site from Burton Way.

Site Preparation and Construction. To prepare the site for project construction, four existing residential buildings located on the project area would be demolished. The site would be excavated to a depth of approximately 13 feet for the subterranean parking garage. Construction is projected to last approximately 15 months.

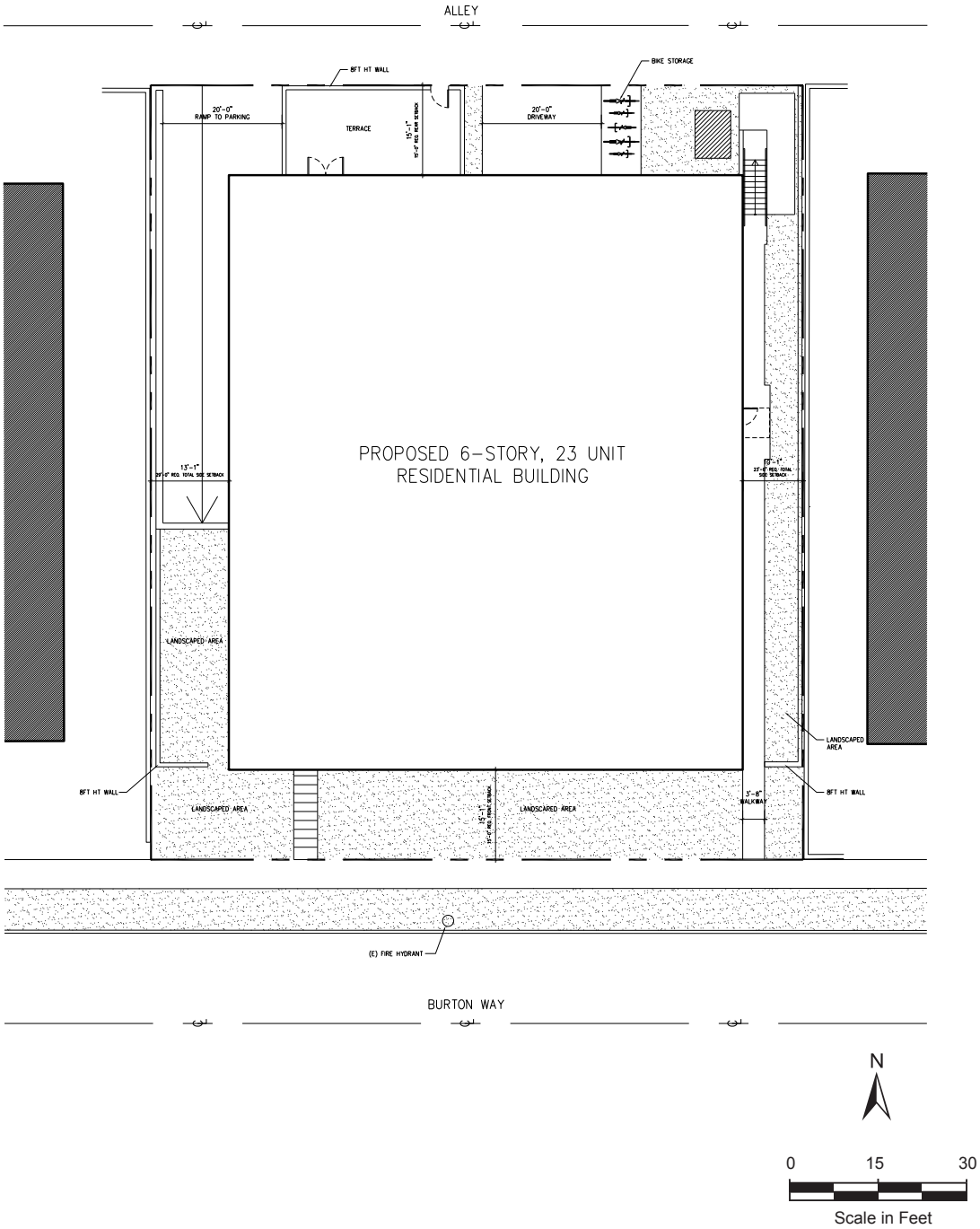
2.5 PROJECT OBJECTIVES

The basic objectives of the proposed 9265 Burton Way Condominium Project are to

- Upgrade the City's housing stock on aproperty with partially unrealized development potential; and
- Provide affordable and other housing units in the City.

2.6 REQUIRED APPROVALS

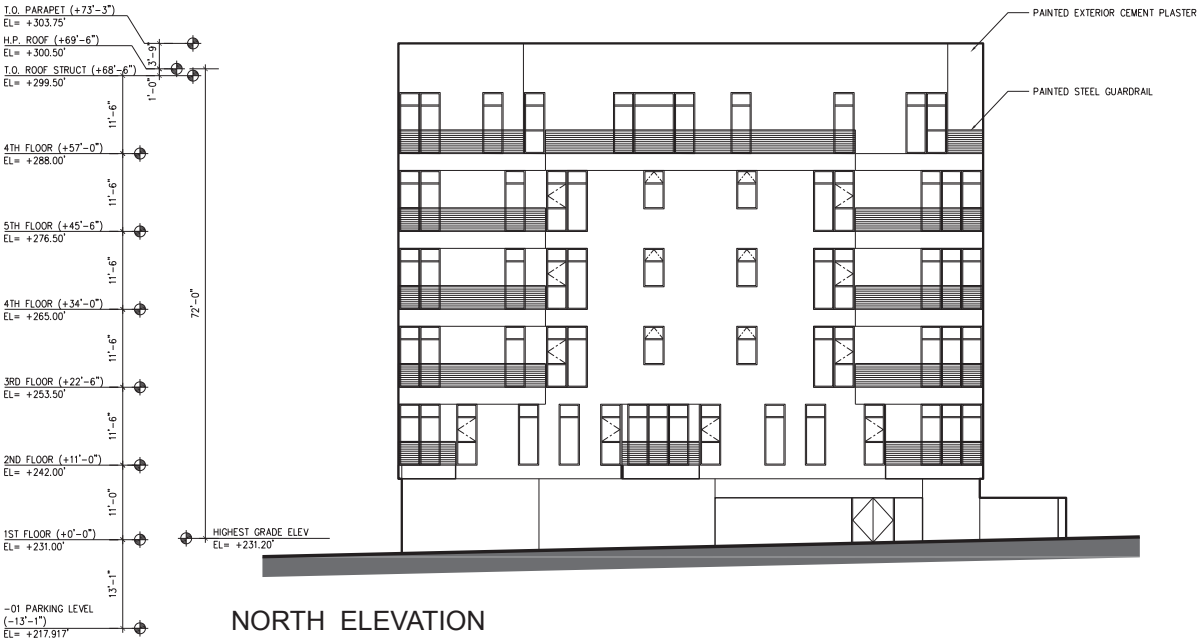
Demolition of the existing structures and construction of the proposed building would require Planning Commission approval of a Development Plan Review Permit, a Density Bonus Permit, a tentative tract map, and an R-4 permit. Approval of Density Bonus Permit incentives would be required to exceed the standard height limit in Height District C, to allow for non-enclosed ground floor parking, and to reduce the parking requirements. Further, the Project would require approval of an R-4 Permit to allow rooftop uses, reduced building modulation, and a second walkway along the front lot line. If the Project is approved by the Planning Commission, it would then undergo Architectural Review by the City's Architectural Commission and would require demolition and building permits from the City's Building and Safety Division.



Proposed Site Plan

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 2-5



NORTH ELEVATION

EAST ELEVATION

0 15 30
Scale in Feet

North and East Building Elevations

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 2-6

WEST ELEVATION

SOUTH ELEVATION

0 15 30
Scale in Feet

West and South Building Elevations

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 2-7

3.0 ENVIRONMENTAL SETTING

This section provides a general overview of the environmental setting for the Project. A detailed description of the environmental setting germane to the main issue area studied in this EIR, cultural resources, can be found in Section 4.1, *Cultural Resources*.

3.1 REGIONAL SETTING

The project site is located in the City of Beverly Hills, , within the greater Los Angeles metropolitan area (refer to Figure 2-1, *Regional Location*, and Figure 2-2, *Project Location,* in Section 2.0, *Project Description*). Beverly Hills is located approximately seven miles west of downtown Los Angeles. The City is bounded to the north, south, east and west by urban districts within the City of Los Angeles, with its northeast corner bordering the City of West Hollywood. The Mediterranean climate of the region and the coastal influence produce moderate temperatures year round, with rainfall concentrated in the winter months. The average rainfall is 15 inches a year. The southern California region is subject to various natural hazards, including earthquakes, landslides, and wildfires.

3.2 PROJECT SITE SETTING

The southern edge of the project site has frontage on Burton Way, an urban boulevard flanked with residential and commercial development. An eight-story hotel is located immediately west of the site, while a five-story multi-family residential building is situated to the east. A commercial area lies north of the site, across the alley, including a US Post Office to the northeast. The alley provides access for vehicles and pedestrians between Foothill Road and Maple Drive.

The project site consists of two parcels: 9265-67 Burton Way and 9269 Burton Way. Both parcels are currently zoned for multi-family residential (R-4) use and are located on the north side of Burton Way between Foothill Road and Maple Drive. Both parcels are generally flat and slope slightly to the south.

<u>9265-67 Burton Way</u>. The 9265-67 Burton Way parcel contains a 1,713-square-foot multi-family residential building and a 1,273-square-foot accessory building with a garage and residential units above. A lawn with several ornamental trees wraps around the south and east sides of the parcel.

<u>9269 Burton Way</u>. This parcel includes a 2,663-square-foot residential structure and a 654-square-foot accessory garage. The majority of the parcel is impervious, although the front yard contains a lawn and a small ornamental tree and is bordered by a tall hedge.

3.3 CUMULATIVE PROJECTS SETTING

CEQA defines cumulative impacts as two or more individual actions that, when considered together, are considerable or will compound other environmental impacts. Cumulative impacts are the changes in the environment that result from the incremental impact of development of the

proposed Project and other nearby projects. For example, the traffic impacts of two nearby projects may be insignificant when analyzed separately, but could have a significant impact when analyzed together. Cumulative impact analysis allows the EIR to provide a reasonable forecast of future environmental conditions and can more accurately gauge the effects of a series of projects.

CEQA states that a discussion of cumulative impacts should include either: 1) a list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or 2) a summary of projections contained in an adopted general plan or related planning document which described or evaluated regional or area wide conditions contributing the other cumulative impact.

The City of Beverly Hills comprehensively updated its General Plan on January 12, 2010. A Negative Declaration was adopted for the updated general Plan.

Table 3-1 lists current planned and pending projects in Beverly Hills. These projects are considered in the cumulative analyses in Section 4.0, *Environmental Impact Analysis.*

Table 3-1
Cumulative Projects in Beverly Hills

Location	Non-Residential Space	Dwelling Units	Description
231 N. Beverly Dr.	76,375 square feet		6-story office building with ground-floor retail and restaurant
257-267 N. Canon Dr.	24,000 square feet; 388 seats[a]		3-story commercial building with ground-floor retail and restaurant, with office above
125 S. Camden Dr.		44	44-unit condominium project
9898 Charleville Blvd.	20,000 square feet		2-story office building
469 N. Crescent Dr.	34,000 square feet; 500 seats[a]; 210 students[a]		Annenberg Center for Performing Arts
9936 Durant Dr.		13	New condominium building
309-325 S. Elm Dr.		7	New condominium building
156-168 N. La Peer Dr.		10	New condominium building
450-60 N. Palm Dr.		35	New condominium building
432 N. Oakhurst Dr.		34	New condominium building
320 N. Rodeo Dr.	15,000 square feet		2-story retail building

Table 3-1
Cumulative Projects in Beverly Hills

Location	Non-Residential Space	Dwelling Units	Description
9400 S. Santa Monica Blvd.	14,000 square feet		3-story office building
9900 Santa Monica Blvd.	119,000 square feet		Gateway Project – Office and Retail
121 San Vicente Blvd.	35,000 square feet		3-story office building
401 S. Robertson Blvd.	2,496 square feet		1-story retail building
207 S. Robertson Blvd.	2,100 square feet		3-story office building
121 Spalding Dr.	18,800 square feet		4-story parking structure and offices
8600 Wilshire Blvd.	7,300 square feet	21	Mixed-use development with condominiums and retail space
8767 Wilshire Blvd.	75,116 square feet		4-story office building
9200 Wilshire Blvd.	14,000 square feet	53	6-story mixed-use development with condominiums and ground-floor retail
9230 Wilshire Blvd.	150,300 square feet		4-story Lexus automobile dealership
9378 Wilshire Blvd.	29,992 square feet		3-story office and retail
9817 Wilshire Blvd.	73,300 square feet		Gateway Project – Office and Retail
9844 Wilshire Blvd.	100,043 square feet		Gateway Project – Office and Retail
9876 Wilshire Blvd.	10,000 square feet; -46 hotel rooms[a;c]	110	Beverly Hilton revitalization
9900 Wilshire Blvd.	235,856 square feet	235	Mixed-use development with condominiums and retail uses
Approximate Cumulative Total[b]	**1,056,678 square feet; 888 seats; -46 hotel rooms**	**562**	

Source: City of Beverly Hills, April 2013

[a] *This project does not fit into the format used to measure physical development, and thus is not included in the subtotals or cumulative total. However, it is considered in the cumulative traffic generation analysis.*

[b] *All totals are approximate based on standard uncertainties related to specific project information.*

[c] *A negative value indicates the loss of a quantity relative to existing development at a location.*

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4.0 ENVIRONMENTAL IMPACT ANALYSIS

This section discusses the possible environmental effects of the Project for the specific issue areas that were identified through the Initial Study and NOP process as having the potential to experience significant impacts. "Significant effect" is defined by the *State CEQA Guidelines §15382* as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the Project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment, but may be considered in determining whether the physical change is significant."

The assessment of each issue area begins with a discussion of the setting relevant to that issue area. Following the setting is a discussion of the Project's impacts relative to the issue area. Within the impact analysis, the first subsection identifies the methodologies used and the "significance thresholds," which are those criteria adopted by the City, other agencies, universally recognized, or developed specifically for this analysis to determine whether potential impacts are significant. The next subsection describes each impact of the Project, mitigation measures for significant impacts, and the level of significance after mitigation. Each impact under consideration for an issue area is separately listed in bold text, with the discussion of the impact and its significance following. Each bolded impact listing also contains a statement of the significance determination for the environmental impact as follows:

> ***Class I, Significant and Unavoidable:*** *An impact that cannot be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires a Statement of Overriding Considerations to be issued if the project is approved.*
>
> ***Class II, Significant but Mitigable:*** *An impact that can be reduced to below the threshold level given reasonably available and feasible mitigation measures. Such an impact requires findings to be made.*
>
> ***Class III, Less than Significant:*** *An impact that may be adverse, but does not exceed the threshold levels and does not require mitigation measures. However, mitigation measures that could further lessen the environmental effect may be suggested if readily available and easily achievable.*
>
> ***Class IV, Beneficial:*** *An impact that would reduce existing environmental problems or hazards.*

Following each environmental impact discussion is a listing of recommended mitigation measures (if required) and the residual effects or level of significance remaining after the implementation of the measures. In those cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed as a residual effect.

The impact analysis concludes with a discussion of cumulative effects, which evaluates the impacts associated with the proposed project in conjunction with other future development in the area.

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~~4~~.1 CULTURAL RESOURCES

This section analyzes potential impacts to cultural resources. The discussion of historic resources summarizes information from a historic resources report prepared for the Project by San Buenaventura Research Associates (SBRA) in September of 2012~~. This~~ and from additional historic resources information provided by Levin-Morris Architects with support from Historic Resources Group (HRG) in May 2013. SBRA's report ~~is~~and the information provided by Levin-Morris Architects are included in ~~its~~their entirety in Appendix B.

4.5.1 Setting

a. City of Beverly Hills. The present-day city of Beverly Hills is located on a portion of the 4,500-acre land grant Rancho Rodeo de las Aguas (sometimes known as San Antonio), awarded around 1820 to Vincente Valdez, a retired sergeant in the Spanish army, and his wife Maria Rita Valdez. After his death in 1828, the land became closely associated with Maria Valdez, who is often regarded as the area's first settler, although she maintained homes both on the rancho and in Los Angeles. Long-running disputes over the title to the ranch lands ultimately led to its sale in 1854 to American developers Benjamin Davis "Don Benito" Wilson, and Henry Hancock, who later sold his interests in the rancho to William Workman. The plans of the new owners to use the land for agriculture were thwarted by the prolonged regional droughts of the 1860s and 1870s. Subsequent efforts to develop the rancho with the townsites of Santa Maria and Morocco were unsuccessful (Cowan, 1956: 68-69; Robinson, 1939: 156-64).

The modern community known as Beverly Hills had its beginning in 1906, when a group of oil investors formed the Rodeo Land and Water Company and hired noted land planner Wilbur F. Cook, Jr. to design a community plan. The design, which represented one of the earliest planned communities in the region, anticipated an enclave of homes for the wealthy on the hillsides and more modest homes on the flat lands. The area reserved for the affluent was originally called Beverly Hills, while the less upscale portion of the community was known simply as Beverly. Initially, sales were slow, but the opening of the Beverly Hills Hotel by the Rodeo Land and Water Company in 1912 began to attract more visitors and buyers. The City, still little more than a tiny settlement, was incorporated in 1914.

The first major period of growth in Beverly Hills was concurrent with the regional land boom of the 1920s. The City began the decade as a community in its formative stages, mixing rural, urban and miscellaneous land uses, including the Los Angeles Speedway, which dominated the quadrant of the city south of Wilshire Boulevard and west of Beverly Drive. The settling of the City by entertainment industry personalities began in earnest in 1920, with the construction of Pickfair, the lavish estate of Douglas Fairbanks and Mary Pickford. Other industry notables followed their lead, to the extent that by the end of the 1920s, Beverly Hills had firmly established its reputation as an enclave of movie stars.

As the wealth of the entertainment industry was attracted to Beverly Hills during the 1920s and 1930s, so were architects of note. A competitive environment between entertainment industry leaders led to the construction of progressively more opulent homes in the period revival styles popular during these decades, often reflecting both the unprecedented affluence, and the theatrical character of the movie industry. By the 1930s and 1940s, Beverly Hills featured a posh retail district that competed with the Miracle Mile, Hollywood, and Westwood Village for

fashionability. During the postwar era, the City became steadily more prominent as one of the Southern California region's major urban centers, as the office and retail district grew upwards and outwards, and pushed further west.

b. Site History and Context. The project site is located within a triangular section of Beverly Hills bounded on the north by Santa Monica Boulevard, on the south by Wilshire Boulevard, and on the east by the city limits. This area was annexed to the city in 1915 and subdivided mainly during the 1920s, but remained substantially undeveloped until after World War II. Burton Way, bisecting the area, was named for Rodeo Land and Water Company president Burton Green. The Santa Monica via Sawtelle line of the Pacific Electric Railroad Line ran down a right-of-way at the center of Burton Way, connecting to the south side of Santa Monica Boulevard, providing ready access to support later growth. This line was established in 1897 and provided passenger service between Los Angeles and Santa Monica until 1940. The former railroad right-of-way serves as a wide landscaped median today.

c. Historic Survey – 1985-1986. In 1985-86, consultants contracted to the City of Beverly Hills conducted a historic resources survey of the city in conjunction with the California Office of Historic Preservation. The project site is located within Survey Area 3, which includes the multi-family residential area bounded generally by Wilshire Boulevard on the south, Rexford Drive on the west, and Santa Monica Boulevard on the north. No historically or architecturally significant properties in this area were identified by the survey. Because this survey was completed more than twenty years ago, however, little effort was made to identify and evaluate properties constructed during the 1940s and later.

d. Prehistory and Ethnohistory. During the terminal Pleistocene/Early Holocene period, the earliest inhabitants of Southern California are believed to have been nomadic large-game hunters. The middle Holocene period is characterized by technological advancement, including use of marine resources and seed grinding for flour. Aside from sites in Topanga Canyon, the only evidence of prehistoric occupation in the Los Angeles basin during this period is an occasional discoidal or cogged stone recovered from sites dating to more recent periods of pre-history. During the middle to late Holocene period, the coastal sites flourished, reflecting an increase in sociopolitical complexity and efficiency in subsistence strategies. It was during this period that the bow and arrow appeared. There are few sites within the Los Angeles Basin that date to this period; however, sites have been discovered in Topanga Canyon, Ballona Lagoon and on the Del Rey bluffs. The late Holocene period shows evidence of a reliance on the bow and arrow for hunting, with use of bedrock mortars and milling slicks. Late Prehistoric coastal sites are numerous. This period shows extensive trade networks, elaborate mortuary customs, and use of asphaltum. This period corresponds to increases in population size, economic and social complexity and the appearance of social ranking (All from Applied Earthworks, October 2005).

During the prehistoric period the Los Angeles basin was inhabited by the Gabrieleno people. The Gabrieleno are characterized as one of the most complex societies in native Southern California, second only perhaps to the Chumash, their coastal neighbors to the northwest. The Gabrieleno Tongva, a Uto-Aztecan (or Shoshonean) group may have entered the Los Angeles basin as recently as 1500 B.P. In early protohistoric times the Gabrieleno Tongva occupied a large territory reportedly including the entire Los Angeles Basin. This region encompasses the coast from Malibu to Aliso Creek, parts of the Santa Monica Mountains, the San Fernando

Valley, the San Gabriel Valley, the San Bernardino Valley, the northern parts of the Santa Ana Mountains, and much of the middle to lower Santa Ana River. They also occupied the islands of Santa Catalina, San Clemente, and San Nicolas. Within this large territory were more than 50 residential communities, with populations ranging from 50 to 150 individuals. The Gabrieleno Tongva had access to a broad resource base, which when combined with efficient subsistence technology, well developed trade networks, and a ritual system resulted in a society that was one of the most materially wealthy and culturally sophisticated groups in California at the time of Spanish contact (All from Applied Earthworks, October 2005).

e. Property Description.

9265-67 Burton Way. This property consists of two buildings. The larger building, located adjacent to Burton Way, is a two-story stucco-clad duplex residence. It features a mainly rectangular plan and a low-pitched hipped roof with shallow, open eaves. Ground-floor entry doors are located on the southern and eastern elevations above two-step concrete stoops covered with swept French Provincial-style projections featuring drapery-scalloped edges. Windows are primarily six-over-six multi-pane wood sash with narrow casings. The two-story building to the north and rear functions as a carport, with two apartment units above. Second-story access is via a projecting staircase enclosed with a stepped stuccoed rail. This building's architectural detailing is similar to the main building's. Carports on the ground floor open to the alley. The two buildings form a courtyard to the south. (For photographs of the structures discussed in this section, please see the full historic resources report in Appendix B.)

The buildings were constructed in 1945 by Joe Endemiller of Beverly Hills, who is identified in the 1985-86 survey as one of the more prolific multi-family residence builders in the city during this time period. The architect is also indicated on the building permits as Endemiller, suggesting that it was constructed according to a standard plan generated by his office. Shortly after construction the property was evidently sold to Mary F. Burt, who sold it to Louis and Sonia Schultz in 1951. Apparently neither lived on the property and it was utilized as an income property. City directories suggest that the turnover of renters was frequent. The only renter for whom any substantive information was found was Frank E. Mortenson, who served for sixteen years as the executive secretary of the Southern California Retail Druggists Association. He moved to this address at some point after 1944, where he resided until the time of his death in 1946. In his obituary, among other distinctions related to his profession, he was described as "the father of the Fair Trade Acts now effective in 45 States and drafted the California fair trade law, which has served as the model for other States."

The abstracted French Provincial and Neocolonial references in the design are characteristic of the Minimal Traditional architectural style as it was commonly employed in the postwar era. The property is a modest example of the style. The property appears to be unaltered.

9269 Burton Way. This property consists of a two-story four-unit residence building adjacent to Burton Way and a detached, single-story garage located adjacent to the alley on the north. The stucco-clad residence is essentially rectangular in plan and features a symmetrical main (southern) elevation characterized by an entry located above a three-step, tiled stoop, the entry portion of the elevation projecting slightly from the balance of the elevation. The entry door is surrounded with faux quoins and flanked with wrought iron wall sconces. A pair of wood-frame multi-pane casement windows is located on the second floor, above. Flanking the

entry are tripartite windows on both the ground and second floors. The lower windows are fixed in the center and flanked with narrow casement lights; the second-floor windows are equally divided by three, three-by-two light wood casements. Plaster garland swags are located between the floors. Windows on secondary elevations are mainly single light casements. Window casings are narrow. The roof is flat, with a shallow mansard clad in Spanish tile located above the southern elevation and a single-tile cap on a low parapet on the other elevations. The detached garage building is stucco-clad and rectangular in plan and features a flat roof and a low parapet topped by a single Spanish tile cap.

These buildings were constructed in 1927 by August P. Clos of Los Angeles, apparently as a live-in income property. Clos and his wife Marie lived at this address for about three years, along with the renters of the other units. The architect for the buildings is listed on building permits as the Seaboard Engineering Company of Los Angeles, a firm that evidently provided architectural design in addition to engineering services. No substantial information was found about Clos or Seaboard Engineering. Around 1930 the property was sold to Simeon Le Gasse, a real estate developer or agent, who also utilized it as a live-in income property. No further information was located on Le Gasse. Around 1938-39 this property was purchased by Wilhelm Ernst Stadthagen.

Wilhelm Ernst Stadthagen was born in Berlin in 1892 to an affluent and mainly secular Jewish family. After serving in the Army on both the Eastern and Western fronts during the first World War, Stadthagen returned to Berlin to become a successful real estate developer and broker. By the early 1930s, with the rise of Nazism, he found his business in Berlin increasingly difficult to operate. In 1934 he sold the company for half of what he thought it was worth, and emigrated to London with his second wife, Alice, who had worked as a photographer in Germany. Their first son, Frank, was born in London. Unable to obtain work permits in his profession in Britain, and aware of the increasing likelihood of another war in Europe, he began to explore opportunities in the United States. In April 1936 he travelled to New York City. Although he received employment offers there, the city and the climate were not to his taste, so he undertook a cross-nation trip to examine business conditions elsewhere in the country. The journey was planned to end with stops in Los Angeles and San Francisco, and a return to London.

Stadthagen's reception in Los Angeles was more welcoming than any he'd experienced elsewhere, and he was also impressed by the region's climate and relaxed way of life. An offer was extended to join a small real estate office in downtown Los Angeles, which he accepted. The final leg of his trip to San Francisco was cancelled and he wrote to his wife in London advising that the family should relocate to Los Angeles. Although not mentioned in his personal narrative of his move to the U.S., official immigration records indicate that Wilhelm and Alice Stadthagen reentered the country from Mexico in August 1936, crossing the border on foot from Mexicali. Entering the U.S. from a third country was a common tactic among European refugee immigrants, skirting the nation-based immigration quota system. Mexico and Cuba were frequently used for this purpose during the 1930s.

Stadthagen's wife and son moved into a rented home later that year. A second son, Thomas, was born shortly thereafter. In moving to the area, Stadthagen and his family became part of a growing German-Jewish immigrant community on the west side of Los Angeles and Beverly Hills second only in numbers to New York City, composed largely of German Jews who had

fled Europe during the 1930s. Departing amicably from his first employer, Stadthagen struck out on his own, opening a real estate firm and investing in property in the area. The first of these was a four-unit apartment building at 9269 Burton Way in Beverly Hills, which also became the family's home. The precise date of the purchase is uncertain, but this event probably occurred in 1938 or 1939. Stadthagen assisted other recent immigrants with resettlement by renting them the remaining apartments in the building. Alice Stadthagen resumed her career as a photographer.

One of the primary support organizations for the immigrant community in Los Angeles was the Jewish Club of 1933, a group formally organized in 1936 out of a more casual network of clubs and organizations providing relief and social support to European Jewish refugees. As his business circumstances stabilized, Stadthagen became gradually more active in this organization, but not prominently at first. The entry of the U.S. -into the war in 1941 caused a rapid shift in his thinking about the group's mission and purpose, however, and his level of political and social activism in general. Immediately after the Pearl Harbor attack in December, all ongoing naturalization petitions for German, Italian and Japanese immigrants were immediately placed on hold by the government, and nationals from these countries classified as enemy aliens. Stadthagen experienced this policy change first-hand, as the processing of his petition was halted only days before he was due for swearing in as a U.S. citizen.

In January 1942, Stadthagen called a meeting at his home to discuss the situation facing German-Jewish immigrants. By his own later account,

> *"In January, I think it was on my fiftieth birthday[1] if I recall correct, a meeting took place in my apartment, to which I had invited about, between 20 and 25 immigrants, Jewish immigrants of our group, selecting them from their various occupations. I had a doctor, I had a lawyer, I had businessmen in this line, I had businessmen in another line, I had an accountant, from all various lines. And I presented them with the alternative either to be removed and losing the little business or profession they had already built up, and finding themselves in a camp, or doing something about it. And we did something about it. We decided to fight it. We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim who had just arrived around 1940 or so, and had not settled in business yet. … We, or he, got together with similar groups in Seattle and in San Francisco. But I believe, here in Los Angeles we were the most active of all, and the leading group. And we mobilized all the people that we could find to speak in our favor with the government, and the general[2] in San Francisco."*

It is unclear if this ad hoc group ever adopted a formal name, but it was referred to in at least one press report as the Committee for Refugee Immigrants of Southern California. The group, chaired by Dr. Felix Guggenheim, Heinz Pinner and Stadthagen, recruited important individuals to speak on their behalf. Most prominent among them was the German novelist Thomas Mann, a political refugee himself, who lived in the Los Angeles area during the war. He and the others testified before the Tolan Committee in early 1942, a committee of Congress charged with determining the fate of these immigrant groups. Others known to have testified

[1] January 22, 1942.
[2] U.S. Army General John L. DeWitt, in charge of military security on the West Coast.

before the Tolan Committee were novelist and screenwriter Bruno Frank and Beverly Hills attorney Hans Schwarzer. They brought to the committee the message that German Jews who fled Nazism should be treated as natural allies in the war against Hitler, not as enemy aliens. Through their efforts some German nationals living in the United States were able to avoid deportation, or forced relocation and encampment as befell the Japanese, but they remained under a strict military curfew, among other restrictions, for most of the war.

Also during 1942 Stadthagen arrived at the conclusion that the cause of German Jews living in the U.S. would be best served by visibly demonstrating an unstinting loyalty to their new country even in the face of official discrimination. He contacted the Treasury Department and formed a War Savings Committee, which in this case was even more pointedly named the Anti-Nazi Savings Committee, with Stadthagen as its chair. The committee held numerous rallies in Pershing Square to sell war bonds, with a variety of Hollywood celebrities in attendance. These events continued throughout the war.

It was felt by Stadthagen and members of the committee that the work of promoting their cause was larger than the group they had convened in his home in early 1942. The natural method for expanding their base of support in the community was through the Jewish Club of 1933, but they found the leadership of that organization unreceptive to taking on the more activist stance that Stadthagen and others argued that the circumstances demanded. Over the next few years Stadthagen and the others in his committee joined the board of the Club, and by 1945 had changed its direction and depth of social and political involvement. Also spinning off from the original meetings at Stadthagen's home in 1942 was a more informal group of 10 who met privately once a month and became a kind of brain trust to address issues of anti-Semitism and other social and political issues within the Southern California Jewish community. This group was still meeting monthly, as of the early 1970s.

In the postwar years, the reinvigorated Jewish Club of 1933 addressed refugee social issues, such as unemployment, and held cultural events, including lectures, readings and educational programs. As the membership aged, the Club's mission evolved to address the issues of the elderly. Stadthagen served as the Club's president and during his tenure in the 1950s was responsible for obtaining a reparations settlement from the government of West Germany. These funds were used to support the Jewish Home for the Aging and the Westside Community Center. The group was reorganized in 1980 as the Benefactors of The Jewish Club of 1933, Inc. and remains in operation today.

Stadthagen and his family lived on Burton Way until 1943, when he combined the family home and office in a building on Wilshire Boulevard. In 1950 the home and office were again separated. By 1949 the Burton Way property had been sold to Clara Oreskes-Speigel, possibly another refugee. She divided one of the units into two in that year and continued to live on the property until at least 1960, along with a variety of tenants.

At some point between 1940 and 1943, Wilhelm Stadthagen changed his name to William Stagen. His company, Stagen Realty and Property Management, remains in operation in Beverly Hills today. At his death in 1980 Stagen Reality was said to own or operate numerous large-scale properties, including the Wilshire Theater, Sierra Towers, and Crocker Bank Building in Beverly Hills, as well as other residential and commercial properties. Over the course of his career it was reported that he had "spent much of the profit from his holdings on

the Jewish Club of 1933."

The property where Stadthagen lived is a modest expression of the Spanish Revival style as it was constructed widely during the Southern California real estate boom of the 1920s. Alterations include the evident enclosure of windows or doors on the eastern and northern elevations, possibly related to the interior reorganization of 1949.

f. Regulatory Setting. A property may be designated as historic by National, State, or local authorities. In order for a building to qualify for listing in the National Register of Historic Places, the California Register of Historical Resources, or as a locally significant property in the City of Beverly Hills, it must meet one or more identified criteria of significance. The property must also retain sufficient architectural integrity to continue to evoke the sense of place and time with which it is historically associated. An explanation of these designations follows.

National Register of Historic Places. The National Register of Historic Places (NRHP), which is administered by the National Park Service, is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources (National Park Service Official Website, 2008). The National Register assists in the preservation of historic properties through the following actions: recognition that a property is of significance to the nation, the state, or the community; consideration in planning for Federal or federally assisted projects; eligibility for Federal tax benefits; consideration in the decision to issue a federal permit; and qualification for Federal assistance for historic preservation grants when funds are available.

Properties may qualify for NRHP listing if they:

A. *Are associated with events that have made a significant contribution to the broad patterns of our history;*
B. *Are associated with the lives of persons significant in our past;*
C. *Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
D. *Have yielded, or may be likely to yield, information important in prehistory or history.* (National Park Service, 2002)

According to the NRHP guidelines, the essential physical features of a property must be present for it to convey its significance. Further, in order to qualify for the NRHP, a resource must retain its integrity, or the "ability to convey its significance." The seven aspects of integrity are:

1. ***Location*** *(the place where the historic property was constructed or the place where the historic event occurred);*
2. ***Design*** *(the combination of elements that create the form, plan, space, structure, and style of a property);*
3. ***Setting*** *(the physical environment of a historic property);*

4. ***Materials*** *(the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property);*
5. ***Workmanship*** *(the physical evidence of the crafts of a particular culture or people during any given period of history or prehistory);*
6. ***Feeling*** *(a property's expression of the aesthetic or historic sense of a particular period of time); and,*
7. ***Association*** *(the direct link between an important historic event or person and a historic property).* (National Park Service, 2002)

The relevant aspects of integrity depend upon the NRHP criteria applied to the property. For example, a property nominated under Criterion A (events) would be likely to convey its significance primarily through integrity of location, setting, and association. A property nominated solely under Criterion C (design) would usually rely primarily on integrity of design, materials, and workmanship. The California Register procedures include similar language with regard to integrity.

California Register of Historic Resources. The California Environmental Quality Act (CEQA) requires evaluation of Project impacts on historic resources, including properties "listed in, or determined eligible for listing in, the California Register of Historic Resources [or] included in a local register of historical resources." The California Register is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. A resource is eligible for listing on the California Register if it meets any of the following criteria for listing:

1. *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
2. *Is associated with the lives of persons important in our past;*
3. *Embodies the distinctive work of an important creative individual, or possesses high artistic values; or*
4. *Has yielded, or may be likely to yield, information important in prehistory or history.*

The California Register may also include properties listed in "local registers" of historic properties. A "local register of historic resources" is broadly defined in Section 5020.1(k) as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." Local registers of historic properties come in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current; and, (2) landmarks designated under local ordinances or resolutions (PRC Sections 5024.1, 21804.1, 15064.5).

By definition, the California Register of Historic Resources also includes all "properties formally determined eligible for, or listed in, the National Register of Historic Places," and certain specified State Historical Landmarks. The majority of formal determinations of NRHP eligibility occur when properties are evaluated by the State Office of Historic Preservation in connection with federal environmental review procedures (Historic Preservation Act of 1966,

Section 106). Formal determinations of eligibility also occur when properties are nominated to the NRHP, but are not listed due to owner objection.

The minimum age criterion for the NRHP and the California Register is 50 years. Properties less than 50 years old may be eligible for listing on the NRHP if they can be regarded as "exceptional," as defined by the NRHP procedures, or in terms of the California Register, if "it can be demonstrated that sufficient time has passed to understand its historical importance" [Chapter 11, Title 14, §4842(d)(2)].

City of Beverly Hills Landmarks and Historic Districts. In February of 2012, the City of Beverly Hills Landmark Designation Criteria was adopted into the Municipal Code (Section 10-3-3212). A nominated property may be designated as a landmark if it is more than 45 years of age and satisfies the requirements set forth below.

- *Properties that are less than 45 years of age can be designated, but in addition to meeting the criteria below, they must also exhibit "exceptional significance" as defined in the article.*

- *For the purposes of this section, any interior space or spaces open to the general public, including, but not limited to, a lobby area, may be included in the landmark designation of a property if the city council finds that the public space(s) satisfies the following criteria:*

- *To be designated as a landmark, a property must satisfy the following criteria:*

  A. *The property meets at least two (2) of the following criteria:*

     1. *Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;*
     2. *Is directly associated with the lives of significant persons important to national, state, city or local history;*
     3. *Embodies the distinctive characteristics of a style, type, period, or method of construction;*
     4. *Represents a notable work of a person included on the city's list of master architects or possesses high artistic or aesthetic value;*
     5. *Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;*
     6. *Is listed or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been determined eligible by the state historical resources commission for listing on the California register of historical resources.*

  B. *The property retains integrity from its period of significance. The proposed landmark retains integrity of location, design, setting, materials, workmanship, and association. Integrity shall be judged with reference to the particular criteria specified in subsection A of this section. A proposed landmark's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.*

C. *The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article.*

g. Eligibility of Historic Resources.

National and California Registers: Significance, Eligibility and Integrity.

9265-67 Burton Way. This property does not appear to be eligible for listing under NRHP Criterion A or CRHR Criterion 1 (associations with historic events). While it is associated with the historical theme of the pre-and postwar residential development of Beverly Hills, it appears to be only generally associated with these themes, and represents no known, notable role in these theme. The property does not appear to be eligible for listing under NRHP Criterion B or CRHR Criterion 2 (associations with historically significant individuals). Of the known owners or occupants of the properties for whom any substantive biographical information was found, two may have made a significant contribution towards the historical development of the state, nation, or community. The property was constructed by Joe Endemiller, a prolific Beverly Hills real estate developer. While his contributions to the historical development of the community appear to be significant, this property is one of a large number that he constructed during his lifetime, and is not known to be related to his career in any significant manner. Also living at this address was Frank E. Mortenson, an individual who appears to have made a significant contribution to the pharmacist profession and in trade legislation. However, the available evidence suggests that he lived at this address for no more than two years at the end of his life. Consequently, his productive career is likely to be more closely associated with his earlier places of residence or business. This property does not appear to be eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical example of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

9269 Burton Way. ~~This~~Based on SBRA's historic resources assessment, this property appears to be eligible for listing under NRHP Criterion A and CRHR Criterion 1. ~~The property's association~~SBRA found that the property was associated with a broad pattern of historical events ~~derives~~deriving from the home front response to the declaration of war against Germany and Japan in December of 1941, an event supporting a large number of military, economic, social, and political historical themes. The ~~particular facet of this larger theme represented by this property is the classification of German, Japanese, and Italian foreign nationals as enemy aliens by the government with the nation's entry into World War II. A detailed historical context~~primary basis for ~~this theme has been developed by the National Park Service for Japanese-Americans, but a similar context does not appear to currently exist for the other affected ethnic groups.~~

~~The~~SBRA's finding is that the home of William Stagen was the location of a meeting held in January 1942~~ where the response~~, in which prominent members of the ~~Southern California~~ German-Jewish immigrant community of Southern California began to formulate a response to the threat of deportation and other official sanctions at the beginning of the U.S. involvement in World War II~~ was formulated. Twenty or more members of this community representing a~~

~~variety of professions were in attendance at the committee meeting, which was chaired by prominent members of the German-Jewish business community: Dr. Felix Guggenheim, Heinz Pinner and William Stadthagen. The~~. SBRA found that the result of this joining of forces was the coordination of testimony before the Tolan Committee of the U.S. Congress in 1942~~.~~

~~While this context is not presently fully documented, as it has been for Japanese-Americans, it appears that~~, which weighed the ~~organized opposition~~issue of forced relocation or deportation of German-Jewish immigrants. According to ~~sanctions which started on this property resulted in~~SBRA, the Tolan Committee ~~deciding~~ultimately decided to allow German Jews who were not yet citizens to remain in the United States. ~~Committee~~As committee co-chair Heinz Pinner later recalled, "[c]redit [for stopping the deportation threat] can be claimed by the committee, and by various personalities of high standing, like Thomas Mann." ~~A significant individual in his own right, Pinner became known for his work in seeking restitution for victims of Nazism, for which he was later awarded the Grand Cross of the Order of Merit by the West German government. Similar defense movements occurred at the same time on behalf of Italian nationals, which succeeded in permitting resident aliens to remain in the country and pursue citizenship. This was clearly not the automatic result of the Committee's deliberations; by contrast, Japanese nationals and Japanese-Americans were subjected to forced relocation. Also~~Also, according to SBRA, growing directly out of this committee's meetings were war bond drives organized by and centered on the German-Jewish expatriate community.

~~The~~Additionally, SBRA found that the property ~~also~~ appears to be eligible for listing under NRHP Criterion B and CRHR Criterion 2. It was the first property owned (circa 1938 to 1943) by William E. Stadthagen (Stagen), an immigrant businessman from Germany, one of a substantial number of individuals who fled Europe during the rise of Nazism during the 1930s and resettled in Southern California. Stadthagen (Stagen) appears to be ~~one of the most~~an active and distinguished members of this community. During the time in which he owned and lived on this property, SBRA concluded that he became heavily involved with promoting immigrants rights within the German-Jewish community in Los Angeles. These early efforts evolved into a leadership role in the reinvigoration of the Jewish Club of 1933 as a force in the promotion of Jewish culture and civil rights in Southern California, as well as a life-long commitment to philanthropic efforts in providing social services to this community. While these activities continued throughout his lifetime, SBRA concluded that the meetings of early 1942 which initiated this realm of significant activities took place at his home, on this property.

~~This property does not appear to be~~Contrary to SBRA's conclusions in this regard, Levin-Morris Architects, with technical support from the Historic Resources Group, concluded that the property at 9269 Burton Way is not eligible for listing under NRHP Criterion A and CRHR Criterion 1, or under NRHP Criterion B and CRHR Criterion 2. Levin-Morris Architects concluded that the January 1942 meeting at Stagen's home was not a seminal event that initiated an organized opposition to restrictions on "enemy aliens," given that this opposition developed over the course of several meetings. Moreover, according to Levin-Morris Architects, the meeting could not have addressed the issue of forced relocations of all enemy aliens, which a U.S. Army general formally announced three weeks afterward. Levin-Morris Architects also opines that the Tolan Committee only had the authority to gather information on relocating enemy aliens and was not charged with determining relocation policy. Furthermore, the applicant cites evidence from the papers of Felix Guggenheim, a prominent German-Jewish contemporary of Stagen, that German-Jewish immigrants faced travel and

curfew restrictions but not the threat of deportation from the United States. With regard to war bond drives, Levin-Morris Architects cites minutes from the January 1943 and February 1943 Board of Directors meetings of the Jewish Club of 1933 which indicate that Stagen did not begin to form a War Savings Committee until February 1943. Consequently, the applicant concludes that the property at 9269 Burton Way was associated neither with significant historical events before Stagen relocated elsewhere in 1943, nor with a productive period in the life of a historically important individual.

Given the disagreement between the historic resource expects, the City has weighed the conflicting interpretations and conclusions, and in its independent judgment, finds the opinion of Levin-Morris Architects and HRG is the more compelling representation of historic events associated with the project site. The City's Cultural Heritage Commission and Planning Commission, having considered the evidence in the record, found that the property does not appear to be eligible for listing under NRHP Criterion A and CRHR Criterion 1, under NRHP Criterion B and CRHR Criterion 2, or under the City's local landmark program.

Nor is this property eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical example of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

Integrity Discussion.

9265-67 Burton Way. This property appears not to be significant under any of the eligibility criteria. Consequently, an evaluation of its integrity is not required.

9269 Burton Way. This property appears not to be significant under NRHP Criterion A and CRHR Criterion 1, and NRHP Criterion B and CRHR Criterion 2. ~~Consequently, a determination of the ability of the property to convey its significance is required to establish its potential eligibility.~~ The integrity of location for this property is intact; it remains on its original location. The property's integrity of design is substantially intact. Alterations, including the closure of window and door openings on the apartment building, are generally minor in scope and location.

The property's integrity of setting is considerably compromised. Once a part of a neighborhood of low-rise apartment buildings, it is now surrounded by mid- and high-rise buildings constructed during the 1970s and later. The only remaining element of the property's historic setting is Burton Way and the wide median, previously a Pacific Electric streetcar right-of-way. The property is not substantially altered, and to that extent, its integrity of materials and workmanship are also intact. The property's integrity of feeling ~~and association are~~is largely intact, as the buildings on the property are used for their historic residential purposes.

Nevertheless, the property's integrity of association with an important historic event or person is insufficient to merit treatment as a historic resource. According to the National Register Bulletin "Guidelines for Evaluating and Documenting Properties Associated with Significant Persons," for a property to be considered eligible for listing based on its association with a historically important individual, it must be connected with the productive life of that

individual. Based on the available evidence, the productive period of Stagen's political and community involvement primarily occurred after his residency at 9269 Burton Way.

Based on the discussion above, the property at 9269 Burton Way appears not to retain sufficient integrity ~~to convey its significance~~ and therefore should not be regarded as a historic resource for the purposes of CEQA. ~~The historic period for the property based on the documented associations is circa 1938 to 1943. The appropriate boundary of the eligible property is the legal parcel.~~

Local Significance and Eligibility. The Beverly Hills Municipal Code (§10-3-3212) establishes criteria for listing properties within the city as landmarks. The City of Beverley Hills listing criteria appear to be functionally similar to the NRHP and CRHR criteria for eligibility, with the significant departure that a landmark must meet at least two of the criteria to be considered eligible. The property at 9269 Burton Way ~~appears~~does not appear to meet ~~Criterion 1 (identified with important events); and Criterion 2 (associated with the lives~~at least two of ~~significant persons), as described~~ the NRHP and ~~CRHR evaluation, above~~CRHP criteria. The property at 9265-67 Burton Way does not appear to be eligible under any of the criteria in the Beverly Hills Municipal Code.

The City Code also provides for evaluating the integrity of a potential landmark, utilizing the integrity criteria of the NRHP and CRHR, but apparently suggesting an unconventional methodology for determining if the integrity level is sufficient. The Municipal Code states that a nominated property must retain its "integrity of location, design, setting, materials, workmanship, and association" from the period of significance. The implication of the plain language in the Municipal Code is that, unlike the NRHP and CRHR, all aspects of integrity must be present for a property to be eligible. However, the code section also states that integrity "shall be judged with reference to the particular [significance] criteria." The possible meaning of this language is that integrity should be judged based upon the means by which the property derives its significance. This method is more similar to evaluating integrity for the NRHP and CRHR.

~~Depending on~~Regardless of how the ~~interpretation of the integrity language in~~ Municipal Code is interpreted, the property at 9269 Burton Way ~~may or may~~does not retain sufficient integrity to be eligible for landmark ~~listing. If it is the intention of the Municipal Code to set a higher standard for integrity than the NRHP and CRHR (all aspects must be present), then it would not be eligible due to the loss of setting integrity, as described in the NRHP and CRHR evaluation, above. However, if is the intention of the code to establish a method of evaluating integrity similar to the NRHP and CRHR, then it retains sufficient integrity for listing~~designation.

Adjacent and Nearby Properties. No properties in the immediate vicinity are currently designated, listed, determined to be eligible, or appear to be eligible for listing on the NRHP, CRHR, or as a City of Beverly Hills Landmark.

4.5.2 Impact Analysis

a. Methodology and Significance Thresholds. According to the Public Resources Code, "a project that may cause a substantial change in the significance of an historical resource

is a project that may have a significant effect on the environment." The Public Resources Code broadly defines a threshold for determining if the impacts of a project on an historic property will be significant and adverse. By definition, a substantial adverse change means, "demolition, destruction, relocation, or alterations," such that the significance of an historical resource would be impaired. For purposes of NRHP eligibility, reductions in a property's integrity (the ability of the property to convey its significance) should be regarded as potentially adverse impacts.

Further, according to the CEQA Guidelines, "an historical resource is materially impaired when a project...[d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources [or] that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant."

The lead agency is responsible for the identification of "potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource." The specified methodology for determining if impacts are mitigated to less than significant levels are the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), publications of the National Park Service.

With respect to archaeological and paleontological resources, the proposed Project would have a significant effect if it would:

- *Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5 (discussed under Impact CR-1)*
- *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (discussed under Impact CR-2)*
- *Disturb any human remains, including those interred outside of formal cemeteries (discussed under Impact CR-2)*

b. Project Impacts and Mitigation Measures.

Impact CR-1 The proposed Project would involve demolition of the existing buildings at 9265 – 9269 Burton Way. ~~The 9269 Burton Way property is~~ Because the existing buildings on the project site are not considered ~~a~~ historic ~~resource~~resources pursuant to CEQA~~. Mitigation is required to reduce this impact, but would not reduce it to a less than significant level. The~~, the impact would be Class ~~I,~~III, *less than* significant ~~*and unavoidable*~~.

The proposed Project would result in the demolition of the ~~property located~~buildings at 9265 and- 9269 Burton Way. As discussed above under section 4.1.1.g, it is the ~~property~~City's independent judgment that neither the property at 9265-67 Burton Way nor at 9269 Burton Way

is eligible for listing on the National Register of Historic Places and the California Register of Historical Resources, ~~and may be eligible~~or for designation as a City of Beverly Hills Landmark~~, due to its association~~. Although the property at 9269 Burton Way is associated with the life ~~and accomplishments~~ of William Stagen, ~~and the property's association~~an important individual in the German-Jewish immigrant community of Los Angeles during the World War II era, it is not associated with the productive period of his life. Further, the property is not directly associated with a broad pattern of historical events that derives from the home front response to the declaration of war against Germany and Japan in December of 1941~~, an event supporting a large number of military, economic, social, and political historical themes~~.

Mitigation Measures. ~~The following measures would reduce the significant~~ The impacts of the proposed Project on historic resources~~, but not to~~ would be less than significant ~~levels.~~ because none of the structures qualify as historic resources; therefore, no mitigation is required. However, the City may choose to adopt conditions of approval to memorialize events associated with the 9269 Burton Way property. These conditions of approval could include photographic documentation of the site and a written historic report prepared by a qualified historic preservation professional, and/or an interpretive feature to be installed in an appropriate public or semi-public location on the project site.

~~**CR-1(a)**~~ ~~**Documentation Report.** A historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the City of Beverly Hills to complete a Documentation Report on the property located at 9269 Burton Way. The property shall be photographed according to accepted archival methods, and a written historic report prepared by a qualified historic preservation professional. This documentation, along with historical background of the properties, shall be submitted to the Beverly Hills Public Library, and shall be completed and approved by the City prior to the issuance of demolition permits.~~

~~**CR-1(b)**~~ ~~**Interpretive Plan.** In consultation with the City of Beverly Hills, a historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the city to prepare an on-site interpretive plan, focusing on the significant historic themes associated with the property at 9269 Burton Way. The plan shall consist of a public display or other suitable interpretive approach, as approved by the City, and shall be installed in an appropriate public or semi-public location on the project site. The interpretive plan shall be completed and approved prior to the issuance of building permits for the proposed Project, and shall be installed prior to occupancy of the proposed building. If the proposed building is not occupied within two years after the issuance of demolition permits, another suitable temporary or permanent location for the interpretive display shall be determined, subject to the approval of the City. The interpretive display shall remain permanently in public view, including a minimum of five years on the project site. After this~~

~~period, the interpretive display may be moved to another location in Beverly Hills, subject to the approval of the City.~~

Significance After Mitigation. Impacts to historic resources would be less than significant without mitigation. ~~A principle of environmental impact mitigation is that some measure or combination of measures may, if incorporated into a project, serve to avoid or reduce significant and adverse impacts to a historic resource. In reference to mitigating impacts on historic resources, the CEQA Guidelines state:~~

> ~~*Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the* Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings *(1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant. (CEQA* Guidelines *Section 15126.4 (b)(1))*~~

~~These standards, developed by the National Park Service, represent design guidelines for carrying out historic preservation, restoration and rehabilitation projects. The Secretary's Standards and the supporting literature describe historic preservation principles and techniques, and offers recommended means for carrying them out.~~

~~The demolition of an historic property cannot be seen as conforming with the *Secretary of the Interior's Standards*. Therefore, the absolute loss of an historic property is generally be regarded as an adverse environmental impact which cannot be mitigated to a less than significant and adverse level. Further, the usefulness of documentation of an historic resource, through photographs and measured drawings, as mitigation for its demolition, is limited by the CEQA Guidelines, which state:~~

> ~~*In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. (CEQA* Guidelines *Section 15126.4 (b)(2))*~~

~~Therefore, impacts would remain significant after mitigation.~~

Impact CR-2 There are no known archaeological or paleontological resources or human remains on the project site. However, there is potential to unearth previously unknown archaeological or paleontological resources. This is a Class II, *significant but mitigable*, impact.

The surface of the project site has been previously disturbed, graded, and developed, and no archeological or paleontological resources are known to be present on-site. The project site is not in an area of identified archaeological sensitivity. Nonetheless, excavation for building foundations and parking would occur at a greater depth (approximately 13 feet below ground

level) than in previous construction on-site. Consequently, excavation has the potential to disturb as yet undiscovered archaeological or paleontological resources and/or human remains. In the event that such resources and/or human remains are discovered on-site, mitigation would be required. This is a potentially significant impact.

Mitigation Measures. Implementation of Mitigation Measures CR-2(a) and CR-2(b) would reduce impacts to unknown archeological and paleontological resources and/or human remains to a less than significant level.

CR-2(a) **Archeological/Paleontological Monitoring.** In the event that a previously unknown artifact or fossil is uncovered during Project construction, all work shall cease until a certified archaeologist and/or paleontologist can investigate the finds and make appropriate recommendations. The applicant shall coordinate with the Native American Heritage Commission on the treatment of such artifacts. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.

CR-2(b) **Coroner Notification.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.

Significance After Mitigation. Impacts would be less than significant with implementation of the mitigation measures above.

c. Cumulative Impacts. Planned, pending, and future development in the City of Beverly Hills and surrounding area would add about 1.1 million square feet of non-residential development and 562 dwelling units. The addition of this development ~~could~~would not substantially alter the historic character of the City and or result in cumulatively considerable, and therefore significant, impacts to historic resources. ~~Where historic properties have been demolished or degraded, mitigation measures are not always sufficient to reduce Project-specific impacts to less than significant levels. In addition, approval of projects with significant and unavoidable impacts to historic resources could be seen as establishing a pattern of development/redevelopment that includes the continued loss of historic resources.~~ Each development proposal is reviewed by the City and undergoes environmental review when it is determined that potential for significant impacts exist. In the event that significant resources are discovered during the evaluation of future projects, impacts to such resources would be mitigated as feasible on a case-by-case basis in accordance with the requirements of CEQA. Therefore, the Project would not substantially contribute to cumulative impacts to historic resources.

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5.0 OTHER CEQA-REQUIRED DISCUSSIONS

This section discusses other issues for which CEQA requires analysis in addition to the specific issue areas discussed in Section 4.0, *Environmental Impact Analysis*. These additional issues include: (1) the potential to induce growth and (2) significant and irreversible impacts on the environment.

5.1 GROWTH INDUCING IMPACTS

The *CEQA Guidelines* require a discussion of a project's potential to foster economic or population growth, including ways in which a project could remove an obstacle to growth. Growth does not necessarily create significant physical changes to the environment. However, depending upon the type, magnitude, and location of growth, it can result in significant adverse environmental effects. The Project's growth-inducing potential is therefore considered significant if it could result in significant physical effects in one or more environmental issue area. The most commonly cited example of how an economic effect might create a physical change is where economic growth in one area could create blight conditions elsewhere by causing existing competitors to go out of business and the buildings to be left vacant.

5.1.1 Economic and Population Growth

The project would involve construction of a six-story residential building at 9265 Burton Way in Beverly Hills, with a net increase of 13 residential units over existing conditions. The project would generate temporary employment opportunities during construction, which would draw workers from the existing regional work force. In addition, the residences would likely induce population growth in the City.

According to California Department of Finance 2012 estimates, the average household size within the City of Beverly Hills is 2.294 persons per household; thus, the project could result in an increase in population of approximately 30 new residents, assuming a maximum project-generated population growth scenario where all occupants would move to Beverly Hills from outside of the City limits. The SCAG population forecast for Beverly Hills is 35,000 persons in 2020, an increase of 709 persons from the current population of 34,291. The project's maximum potential population increase would be within the projected growth forecast. Thus, the project would not cause the population in the region to grow in excess of that forecasted in the air quality management plan and no substantial increase in population would occur.

5.1.2 Removal of Obstacles to Growth

The project would be located in the fully urbanized area of Beverly Hills, which is well-served by existing infrastructure. No new roads would be required. Because the project constitutes redevelopment within an urbanized area, does not include a change in allowed land uses or densities beyond the project site, and does not require substantial capacity increases in infrastructure or the extension of new infrastructure through undeveloped areas, project implementation would not remove an obstacle to growth.

5.2 IRREVERSIBLE ENVIRONMENTAL EFFECTS

The *CEQA Guidelines* require that EIRs reveal the significant environmental changes that would occur with project development. CEQA also requires decisionmakers to balance the benefits of a project against its unavoidable environmental risks in determining whether to approve a project. This section addresses non-renewable resources, the commitment of future generations to the proposed uses, and irreversible impacts associated with the project.

Conversion of the project site from the existing one- and two-story residential buildings to a six-story residential building would likely result in a long-term commitment of the site to high-density residential use. Construction of the new building would involve the use of building materials and energy, some of which are non-renewable resources. Consumption of these resources would occur with any development in the region and are not unique to the proposed project.

The additional vehicle trips associated with project buildout would have no significant impacts on neighborhood street segments or intersections.

Because of traffic increases due to cumulative plus project traffic, regional air pollutant emissions would incrementally increase. However, the amount of additional air pollution due to the project would be incremental compared to regional development.

6.0 ALTERNATIVES

As required by Section 15126.6 of the State CEQA Guidelines, this EIR examines a reasonable range of alternatives to the proposed Project. This section also discusses the feasibility of implementing the Project at alternative sites. Finally, it identifies the Environmentally Superior Alternative as required by the *CEQA Guidelines*.

The following alternatives are evaluated in this EIR:

- *Alternative 1: No Project (no change to existing land uses)*
- *Alternative 2: Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation*
- *Alternative 3: Project without Density Bonus*
- *Alternative 4: Height-Compliant with Density Bonus*

Table 6-1 provides a summary comparison of the development characteristics of the Project and the alternatives. A more detailed description of the alternatives is included in the impact analysis for each alternative.

Table 6-1
Comparison of Project Alternatives' Buildout Characteristics

Characteristic	Alternatives				
	Proposed Project	**No Project Alternative**	**Reduced Footprint + ~~Historic~~9269 Burton Way Building Preservation**	**Project without Density Bonus**	**Height-Compliant with Density Bonus**
Residential Units	23	10	13	~~16~~14	~~20~~23
Maximum Building Height	6 stories	2 story	~~4~~5 stories	~~4~~5 stories	5 stories
Alteration of Onsite Structures	Demolition	No change	Partial demolition	Demolition	Demolition

6.1 NO PROJECT ALTERNATIVE

This alternative assumes that the Project would not be implemented and that the site would remain in its current condition. It should be noted that implementation of the No Project alternative would not preclude future proposals for site development.

The No Project alternative would ~~avoid~~further reduce the Project's less than significant impacts on aesthetics, biological resources, and ~~unavoidable~~ cultural ~~resource impacts~~resources. In addition, this alternative would avoid the less than significant impacts in all other issue areas studied in the EIR and Initial Study. However, the No Project Alternative would not meet any of the applicant's objectives for the Project.

6.2 REDUCED FOOTPRINT AND ~~HISTORIC~~9269 BURTON WAY BUILDING PRESERVATION ALTERNATIVE

The Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative would be designed with the intention of avoiding ~~impacts to~~demolition of the ~~historic~~ building at 9269 Burton Way. This alternative would involve preservation of the main building on the 9269 Burton Way property and demolition of the existing buildings on the adjacent 9265-67 Burton Way parcel, where the applicant would construct a condominium building with a reduced footprint relative to the proposed Project. The reduced footprint would be necessary, as the 9265-67 Burton Way parcel is approximately 60 feet wide by 130 feet deep and has a site area of 7,800 square feet, whereas the proposed project site encompasses 14,232 square feet. Given that the R-4 zone allows a maximum density of one dwelling unit per ~~871.2~~1,300 square feet of site area~~, nine~~ (based on the reduced site area), six base units could be built on this site. If the applicant agreed to reserve ~~two units~~one unit for very low income households, ~~as in the proposed Project,~~ the Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative would be eligible for a density bonus. Pursuant to BHMC Section 10-3-1526, the Planning Commission may grant a base density bonus of 20% if an applicant agrees to construct at least 5% of total housing units for very low income households; and for each 1% increase in the number of units for very low income households above the 5% threshold, the bonus may be increased by 2.5%. The maximum density bonus is limited to 35%. As ~~more than 22~~approximately 17% of the base units would be allocated to very low income households, the applicant could receive a density bonus of 35% ~~(three additional units). For a multi-family residential building, BHMC Section 10-3-2801 also allows~~ of the ~~construction of one additional efficiency unit that is not subject to~~ density ~~limits.~~that would otherwise be allowed under General Plan land use designations, which would allow for a total of nine units under the General Plan, plus four bonus units (35% of nine, rounded up to the nearest whole number). Thus, the Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative would include a total of 13 new housing units, including ~~three~~four bonus units~~ and one additional efficiency unit~~. As a density bonus incentive, this alternative would include a request to reduce the total width of side setbacks prescribed in BHMC Section 10-3-2807 from 19 feet to ~~12~~16 feet; each side setback would be ~~six~~eight feet in width. ~~The~~ As an additional density bonus incentive, the condominium building would rise to ~~four~~five stories~~,~~ (rather than the three-story limit that applies to properties 60 feet or less in width), with residential units on the second through ~~fourth~~fifth floors. This height would comply with the limit of five stories or 55 feet, whichever is less, in Height District C~~. This alternative~~, but would be above the otherwise permissible height for a 60-foot wide lot. Parking would be provided in accordance with density bonus parking standards. This alternative would provide parking and common areas within the first floor, and would also include one level of subterranean parking beneath 9265-67 Burton Way, with ingress and egress provided via the alley behind the property. While this alternative is feasible, it would require a different mix of unit types with reduced square footages and bedroom counts, and ultimately may not meet all of the applicant's objectives for the Project.

6.2.1 Aesthetics

Although the aesthetic impacts of the proposed Project do not rise to a significant level, there would be minor aesthetic effects that merit comparison with project alternatives. As discussed in the Initial Study (Appendix A to this EIR), the proposed Project would include removal of existing vegetation on-site but the site's visual character would be generally maintained by planting new trees and shrubs along the front and side setbacks. By contrast, this alternative would maintain the appearance of the parcel at 9269 Burton Way, including the tall, dense hedge that borders the property and the ~~historic~~primary building enclosed within. Existing vegetation would be removed at 9267-69 Burton Way but replaced with visually similar trees and shrubs. In addition, the overall perception of mass from the perspective of Burton Way would be incrementally reduced, as the condominium building would have a smaller footprint and would be ~~four~~five rather than six stories in height. As a result of the decreased height of the condominium building relative to the proposed Project, this alternative would have reduced shadow effects on surrounding uses. At a height of ~~four~~five stories, the building would be ~~lower than~~roughly the same height of the adjacent five-story multi-family residential building to the east ~~as well as~~and lower than the eight-story hotel to the west, and would have no shade effects on their rooftop uses. Shadow impacts would remain less than significant, as no shade/shadow-sensitive uses in the project vicinity would be affected. In summary, this alternative would incrementally reduce the less than significant impacts related to alteration of the visual character of the site. This alternative would also comply with City lighting standards. Due to the reduction in size and massing, the less than significant impacts related to the creation of new sources of light and glare would be slightly reduced. As with the proposed Project, this alternative would result in no impact on scenic resources or scenic vistas, given that the existing on-site conditions do not include such resources or vistas.

6.2.2 Biological Resources

Although the biological impacts of the proposed Project do not rise to a significant level, there would be minor biological effects that merit comparison with project alternatives. As discussed in the Initial Study (Appendix A to this EIR), the proposed Project would have less than significant impacts on migratory bird species, due to the highly urbanized nature of the site and its surroundings. Nonetheless, the Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative would preserve vegetation at 9269 Burton Way. The tall hedge at the south and east edges of the parcel would remain, as would the ornamental tree and grass in the front yard. With regard to other impacts to biological resources, no threatened, endangered or rare species or their habitats; locally designated species; locally designated natural communities; wetland habitats; or wildlife corridors are known to exist on the site. Therefore, both the Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative and the proposed Project would have no impact on these biological resources.

6.2.3 Cultural Resources

As discussed in Section 4.1, *Cultural Resources*, in the City's independent judgment, the property at 9269 Burton Way is not eligible for listing on the National Register of Historic Places and the California Register of Historical Resources, ~~and may be eligible~~or for designation as a City of Beverly Hills Landmark~~, due to its association~~. Although the property at 9269 Burton Way is

associated with the life ~~and accomplishments~~ of ~~a historic~~an important figure~~, and the property's association with a broad pattern~~ in the German-Jewish community of ~~historical events related to~~ Southern California during the World War II~~. Whereas the proposed Project would involve~~ era, the property is not directly associated with a productive period in his life, or with important historic events. Based on this assessment, the demolition of the ~~historic~~ residence at 9269 Burton Way~~, resulting in a~~ under the proposed Project would result in a less than significant ~~and unavoidable~~ impact on historic resources (Impact CR-1~~),~~). Nevertheless, the Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative would ~~preserve~~further reduce the already less than significant impact by preserving the main building at this site. ~~The~~In this alternative, the construction of a new and larger structure directly adjacent to the property, at 9265-67 Burton Way, would alter its context. However, the context of the site has already changed substantially since its construction in 1927, with larger, taller and more modern buildings in the site vicinity on the north side of Burton Way. This alternative would result in no historic impacts that ~~require mitigation; therefore, neither Mitigation Measure CR-1(a) (preparation of a Documentation Report for the property) nor CR-1(b) (preparation of an Interpretive Plan) would apply.~~meritmitigation. As a result of preserving the ~~historic resource, this alternative would reduce~~property, Impact CR-1 ~~from significant and unavoidable to~~would remain less than significant but would be reduced.

Impacts to archaeological or paleontological resources would remain significant but mitigable, due to the potential of unearthing previously unknown archaeological or paleontological resources during excavation at the 9265-67 Burton Way parcel. As with the proposed Project, in the event of discovery of previously unknown resources during construction, implementation of Mitigation Measures CR-2(b) (archaeological/paleontological monitoring) and CR-2(b) (coroner notification) would reduce impacts to a less than significant level.

6.3 PROJECT WITHOUT DENSITY BONUS ALTERNATIVE

The Project without Density Bonus alternative would have similar characteristics as the proposed Project, except that it would have a reduced density and would not include Density Bonus Permit incentives. Under this alternative, existing structures at both 9265-67 and 9269 Burton Way would be demolished. Given that the R-4 zone allows a maximum density of one dwelling unit per ~~871.2~~1,100 square feet of site area~~, 16~~, 13 base housing units (plus one efficiency unit) could be built on the project site. As no density bonus permit would be requested, this alternative would involve construction of ~~16~~14 residential units; by contrast, the proposed project would involve construction of 23 units. No units would be allocated to very low income households. Consistent with the reduction in density, the condominium building would include only ~~four~~five stories and would comply- with Height District C's limit of five stories or 55 feet, whichever is less. As a result of the reductions in height and density, this alternative would have the effect of reducing the overall intensity of proposed development on the site. All parking would be provided within the building's first floor (at grade) and in a one-floor subterranean garage~~,~~ (two total levels of parking), with ingress and egress provided via the alley behind the property. In contrast to the proposed Project, this alternative would not include density bonus incentives related to parking requirements. As with the proposed Project, the Project without Density Bonus alternative would involve a request for an R-4 permit for ~~rooftop uses,~~ reduced building modulation, and a second walkway along the front lot line. This alternative would provide the applicant with approximately 57% of the total residential

units contemplated under the proposed density bonus project, which may not meet all of the applicant's objectives for the Project.

6.3.1 Aesthetics

The aesthetic effects of this alternative would be similar to those of the proposed Project except for the development's height. This alternative would result in a ~~four~~five-story condominium building as compared with the proposed six-story building. Given that the height of structures on the site would increase to a lesser extent relative to existing conditions, effects on the visual character of the site would be incrementally reduced. Furthermore, this alternative would have reduced shadows due to the reduction in building height. At ~~four~~five stories, the building would ~~not~~ rise to roughly the same height of the adjacent five-story multi-family residential building to the east and lower than the eight-story hotel to the west, and would have no shade effects on their rooftop uses. However, the Project as proposed would not substantially shade light-sensitive uses, which include solar collectors; nurseries; primarily outdoor-oriented retail uses (e.g., certain restaurants); or routinely useable outdoor spaces associated with recreational, institutional (e.g., schools), or residential land uses. Therefore, this alternative would incrementally reduce the less than significant impacts related to alteration of the visual character of the site. The Project without Density Bonus alternative would also comply with City lighting standards. Due to the reduction in height, the less than significant impacts related to the creation of new sources of light and glare would be slightly reduced. As with the proposed Project, this alternative would result in no impact on scenic resources or scenic vistas, given that the existing on-site conditions do not include such resources or vistas.

6.3.2 Biological Resources

This alternative would include the removal of all existing on-site vegetation during demolition. Due to the highly urbanized nature of the project site and its surroundings, the removal of vegetation would not cause a significant ~~disturb~~disturbance of habitat for nesting migratory birds. Consequently, impacts to migratory bird species would remain less than significant. In addition, no threatened, endangered or rare species or their habitats; locally designated species; locally designated natural communities; wetland habitats; or wildlife corridors are known to exist on the site. Therefore, both this alternative and the proposed Project would have no impact on these biological resources.

6.3.3 Cultural Resources

Impacts to cultural resources would remain less than significant ~~and unavoidable~~ under this alternative~~, as it would involve demolition of the historic structure at 9269 Burton Way~~. Excavation also has the potential to unearth previously unknown archaeological or paleontological resources. As with the proposed Project, in the event of discovery of previously unknown resources during construction, implementation of Mitigation Measures CR-~~1(a~~2(b) (archaeological/paleontological monitoring) and CR-~~1~~2(b) (coroner notification) would ~~be required to mitigate~~reduce impacts to ~~the extent feasible, including preparation of a Documentation Report for the property and an Interpretive Plan to communicate to the public the historic importance of the property.~~a less than significant level.

6.4 HEIGHT-COMPLIANT WITH DENSITY BONUS ALTERNATIVE

The Height-Compliant with Density Bonus alternative is intended to bring the height of the proposed condominium building closer to that of surrounding structures. Under this alternative, existing structures at both 9265-67 and 9269 Burton Way would be demolished, similar to the proposed Project. In contrast to the proposed Project, however, this alternative would include construction of a condominium building that rises to five stories, in compliance with Height District C's limit of five stories or 55 feet, whichever is less~~.~~, with all parking provided within two subterranean levels. As a density bonus incentive, this alternative would include a request to reduce the front yard setback from 15 feet as prescribed in BHMC Section 10-3-2807 to 10 feet, and the rear yard setback from the required 15 feet to 13.5 feet.

Given that the R-4 zone allows a maximum density of one dwelling unit per ~~871.2~~1,100 square feet of site area~~, 16~~, 13 base housing units (plus one efficiency unit) could be built on this site. If the applicant agreed to reserve ~~one unit~~two units for very low income households, similar to the proposed project, the Height-Compliant with Density Bonus alternative would be eligible for a density bonus. Pursuant to BHMC Section 10-3-1526, the Planning Commission may grant a base density bonus of 20% if an applicant agrees to construct at least 5% of total housing units for very low income households; and for each 1% increase in the number of units for very low income households above the 5% threshold, the bonus may be increased by 2.5%. As approximately ~~6~~15% of the base units would be allocated to very low income households, the applicant could receive a density bonus of ~~22.5% (four additional~~35% of the density that would otherwise be allowed under General Plan land use designations, which would allow for a total of 17 units~~)~~. under the General Plan, plus six bonus units (35% of 17, rounded up to the nearest whole number). Thus, the Height-Compliant with Density Bonus alternative would include a total of ~~20~~23 housing units, including ~~four~~six bonus units, which equals the number of housing units ~~that~~ provided under the proposed ~~condominium building would provide on its first~~ Project. In order to accommodate all the units within five levels~~.~~ of above-grade construction (instead of six), all parking would need to be provided in a subterranean garage, rather than within the building's first floor. As a result of the reductions in height~~ and density~~, this alternative would have the effect of incrementally reducing the overall ~~intensity~~massing of proposed development on the site. All parking would be provided in a ~~one-floor~~two-level subterranean garage, with ingress and egress provided via the alley behind the property. As with the proposed Project, this alternative would involve a request for an R-4 permit for ~~rooftop uses,~~ reduced building modulation, and a second walkway along the front lot line. This alternative would accomplish the majority of the applicant's objectives for the Project, but would be more costly to construct due to the requirement of all parking being provided in a subterranean garage.

6.4.1 Aesthetics

The aesthetic effects of this alternative would be similar to those of the proposed Project except for the development's height and a modification of the front and rear yard setbacks. This alternative would result in a five-story condominium building as compared with the proposed six-story building. Given that the height of structures on the site would increase to a lesser extent relative to existing conditions, effects on the visual character of the site would be incrementally reduced. Furthermore, this alternative would have incrementally reduced

shadows due to the reduction in building height. At five stories, the building would rise to roughly the same height as the adjacent five-story multi-family residential building to the east, while remaining lower than the eight-story hotel to the west, and would have no shade effects on their rooftop uses. However, the Project as proposed would not substantially shade light-sensitive uses, which include solar collectors; nurseries; primarily outdoor-oriented retail uses (e.g., certain restaurants); or routinely useable outdoor spaces associated with recreational, institutional (e.g., schools), or residential land uses. The 1.5-foot reduction in rear yard setback and five-foot reduction in front yard setback would not substantially affect the visual character as seen from public viewing places. Therefore, this alternative would incrementally reduce the less than significant impacts related to alteration of the visual character of the site. The Height-Compliant with Density Bonus alternative would also comply with City lighting standards. Due to the reduction in height, the less than significant impacts related to the creation of new sources of light and glare would be slightly reduced. As with the proposed Project, this alternative would result in no impact on scenic resources or scenic vistas, given that the existing on-site conditions do not include such resources or vistas.

6.4.2 Biological Resources

This alternative would include the removal of all existing on-site vegetation during demolition. Due to the highly urbanized nature of the project site and its surroundings, the removal of vegetation would not cause a significant ~~disturb~~disturbance of habitat for nesting migratory birds. Consequently, impacts to migratory bird species would remain less than significant. In addition, no threatened, endangered or rare species or their habitats; locally designated species; locally designated natural communities; wetland habitats; or wildlife corridors are known to exist on the site. Therefore, both this alternative and the proposed Project would have no impact on these biological resources.

6.4.3 Cultural Resources

Impacts to cultural resources would remain less than significant ~~and unavoidable~~ under this alternative~~, as it would involve demolition of the historic structure at 9269 Burton Way~~. Excavation also has the potential to unearth previously unknown archaeological or paleontological resources. As with the proposed Project, in the event of discovery of previously unknown resources during construction, implementation of Mitigation Measures CR-~~1(a~~2(b) (archaeological/paleontological monitoring) and CR-~~1~~2(b) (coroner notification) would ~~be required to mitigate~~reduce impacts to ~~the extent feasible, including preparation of a Documentation Report for the property and an Interpretive Plan to communicate to the public the historic importance of the property.~~ a less than significant level.

6.5 DISCUSSION OF ALTERNATIVE SITES

The California Supreme Court, in *Citizens of Goleta Valley v. Board of Supervisors* (1990), indicates that a discussion of alternative sites is needed if the project "may be feasibly accomplished in a successful manner considering the economic, environmental, social, and technological factors involved" at another site.

As suggested in *Goleta*, several criteria form the basis of whether alternative sites need to be considered in detail. These criteria take the form of the following questions:

1. *Could the size and other characteristics of another site physically accommodate the project?*
2. *Is another site reasonably available for acquisition?*
3. *Is the timing of carrying out development on an alternative site reasonable for the applicant?*
4. *Is the project economically feasible on another site?*
5. *What are the land use designation(s) of alternative sites?*
6. *Does the lead agency have jurisdiction over alternative sites?*
7. *Are there any social, technological, or other factors that may make the consideration of alternative sites infeasible?*

Other sites that could physically accommodate the Project may be present in Beverly Hills, and some sites have land use designations that would accommodate the Project. However, the Project would serve the fundamental project objective of upgrading the City's housing stock on an underutilized property. Relocating the Project to another site may not achieve this objective. Moreover, the applicant is not known to have access to other sites and has already made an investment in the current project site. Therefore, relocating the Project to another site would not be feasible from either an economic or timing standpoint. Because relocation of the Project to an alternative site is not feasible and would not meet the project objectives, discussion of the impacts of alternative sites is not warranted.

6.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The No Project alternative would avoid the Project's less than significant impacts on aesthetics, biological resources, and ~~unavoidable impact on~~ historic resources. Consequently, the No Project alternative could be considered environmentally superior. However, the No Project alternative would not fulfill the basic objectives of the Project stated in Section 2.0, *Project Description*. Furthermore, the No Project alternative would not include any potential benefits associated with redevelopment of the site, such as increased affordable housing opportunities in the City.

The Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative would ~~avoid~~reduce the Project's less than significant~~ and unavoidable~~ impact on historic resources, although it would result in significant but mitigable impacts on archaeological and paleontological resources. To address the latter impacts, this alternative would require mitigation measures CR-2(a) to monitor archaeological/ paleontological resources and CR-2(b) to notify the coroner of human remains, in the event of discovery of previously unknown resources. The- Project without Density Bonus alternative would share the Project's less than significant ~~and unavoidable~~ impact on historic resources~~, thereby requiring~~ and therefore would not require mitigation~~ measures CR-1(a) to document historic resources and CR-1(b) to create an interpretive plan.~~. Further, the- Project without Density Bonus alternative would have significant but mitigable impacts on archaeological and paleontological resources and would require mitigation measures CR-2(a) and CR-2(b). The Height-Compliant with Density Bonus

alternative would have the same impacts and require the same mitigation measures as the Project without Density Bonus alternative.

Of the development alternatives being considered, the Reduced Footprint and ~~Historic~~9269 Burton Way Building Preservation alternative provides the most reductions in environmental impacts, ~~primarily~~ due to the ~~avoidance~~preservation of ~~demolition on the 9269 Burton Way parcel~~existing aesthetics and slight reductions in impacts to biological and cultural resources, and is considered the Environmentally Superior Alternative. Table 6-2 indicates whether each alternative's environmental impact is greater, lesser, or similar to that of the Project for each of the issue areas studied in this EIR.

Table 6-2
Comparison of Environmental Impacts of Alternatives

Issue	Alternative				
	Proposed Project Impact Class	**No Project Alternative**	**Reduced Footprint + ~~Historic~~9269 Burton Way Building Preservation**	**Project without Density Bonus**	**Height-Compliant with Density Bonus**
Aesthetics	III	=/+	+	+	~~=/+~~+
Biological Resources	III	+	=/+	=	=
Cultural Resources	~~I~~III	~~+~~=/+	~~+~~=/+	=	=

I – Class I, significant and unavoidable impact
II – Class II, significant but mitigable impact
III – Class III, less than significant impact

+ Superior to the project
- Inferior to the project
= Similar impact to the project

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7.0 REFERENCES AND REPORT PREPARERS

7.1 REFERENCES

Beverly Hills, City of, General Plan.

Beverly Hills, City of, Municipal Code, 2012. Available online at http://sterlingcodifiers.com/codebook/index.php?book_id=466.

Los Angeles County Office of the Assessor, Property Assessment Information System, 2013. Available online at http://maps.assessor.lacounty.gov/mapping/viewer.asp.

National Park Service, Guidelines for Evaluating and Nominating Properties Associated with Significant Persons. Available online at http://www.nps.gov/nr/publications/bulletins/nrb32.

San Buenaventura Research Associates, Historic Resources Report, 9265-67 and 9269 Burton Way, Beverly Hills, CA, September 21, 2012.

Note: please see also the references at the end of the Initial Study (Appendix A to the EIR).

7.2 REPORT PREPARERS

This EIR was prepared by Rincon Consultants, Inc., under contract to the City of Beverly Hills. Consultants involved in the preparation of the EIR are listed below.

Rincon Consultants, Inc.
Abe Leider, AICP CEP, Project Manager
Jonathan Berlin, Environmental Planner
Kathy Babcock, Graphics Technician
Katherine Warner, Graphics Technician
Wade Sherman, Graphics Technician
Katie Stanulis, Production Coordinator

San Buenaventura Research Associates
Mitch Stone, Principal/Preservation Planner

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8.0 COMMENTS and RESPONSES

This section includes comments received during the circulation of the Draft Environmental Impact Report (EIR) for the 9265 Burton Way Condominium Project; responses to the comments on the Draft EIR; and corrections and information added to the Final EIR, where appropriate, in response to comments relative to the proposed project's environmental effects.

The Draft EIR was circulated for a 45-day public review period that began on April 22, 2013 and concluded on June 5, 2013. The City received five comment letters on the Draft EIR. Commenters and the page number on which each commenter's letter can be found are listed below.

Commenter	Page #
1. Jeff Donovan	8-2
2. Salvatore Abaunza	8-4
3. Levin-Morris Architects, LLP	8-6
4. Varouj Narghizian	8-201
5. James Sicignano	8-203

The comment letters and the City's responses follow. Each comment letter has been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a letter. The responses to each comment identify first number of the comment letter and then the number assigned to each issue (Response 2.1, for example, indicates that the response is for the first issue raised in comment Letter 2).

Letter 1

From: Jeff @ MO Financial [mailto:jeff@mofinancial.com]
Sent: Saturday, April 20, 2013 3:05 PM
To: Ryan Gohlich
Subject: 9265 - 9269 Burton Way draft EIR
Importance: High

Hello Ryan,

I received this letter in the mail and have a lot of comments that I would like to say regarding this proposed development. I read through the letter and what the proposed project is. If this project were to get approved, the parking on Burton Way would be MUCH worse. There is already a severe parking shortage on Burton Way mainly due to the L'Ermitage Hotel.

My thoughts are NO density bonus should be allowed and that there should be a minimum of 2.0 parking spaces per bedroom. This will add considerable cost to the project, however, the developer should be able to add this cost to his sales price.

Please keep me informed of the public hearing.

I have lived at 9249 Burton Way (the neighboring building) for four years and have intimate familiarity with the parking.

Thank you.

Jeff Donovan

Letter 1

COMMENTER: Jeff Donovan

DATE: April 20, 2013

Response 1

The commenter states an opinion that there is a parking shortage on Burton Way and that the proposed project would exacerbate this shortage. The commenter goes on to suggest that the project should not be approved for a density bonus and that the parking requirement for the project should be two spaces for each unit.

Impacts related to parking supply and demand are discussed in the Initial Study (Appendix A to the EIR) under Item XVI, *Transportation/Traffic*. As discussed therein, the peak parking demand for the proposed project, based on Parking Generation, 4th Edition (Institute of Transportation Engineers [ITE], 2010), would be 35 spaces. As the project would provide 46 spaces, sufficient parking would be made available on site for the proposed condominiums. Impacts would be less than significant. Nevertheless, the commenter's opinions and suggestions are noted and will be forwarded to the City's decision makers for their consideration.

L'Ermitage
BEVERLY HILLS

Letter 2

April 24, 2013

Chair Craig Corman
Vice Chair Brian Rosenstein
Planning Commissioner Dan Yukelson
Planning Commissioner Howard Fischer
Planning Commissioner Alan Block

Re: 9265 Burton Way / Apartment Complex

I write on behalf of the L'Ermitage Hotel, which is located immediately to the west of the proposed apartment building project.

I have had the opportunity to review at length with Mr. Craig Berberian and Ed Levin, the architect, the plans of the property, which include the additional height requested and other benefits. We have discussed construction schedules and issues of that nature and it appears to me that this project would be quite beneficial to the City of Beverly Hills with a minimum of disruption to the neighborhood, as well as the L'Ermitage itself.

Based upon all aspects known to us at this time, we fully support the approval of the project as it is submitted and with the understanding that it will be conditioned accordingly as are all such projects.

Respectfully submitted,

SALVATORE ABAUNZA
General Manager L'Ermitage Hotel

L'Ermitage.1-1

9291 Burton Way Beverly Hills California 90210 T 310 278 3344 F 310 278 8247
RESERVATIONS 877 235 7582 lermitagebh.com VICEROY HOTEL GROUP

Letter 2

COMMENTER: Salvatore Abaunza

DATE: April 24, 2013

Response 2

The commenter, representing the L'Ermitage Hotel, states support for the proposed project. This comment does not question or challenge the analysis or conclusions of the Draft EIR, but is noted.

Levin-Morris Architects llp

Letter 3

Levin~Morris

9265 Burton Way Condominium Project EIR

COMMENTS ON DRAFT EIR
SECTION 4.1 CULTURAL RESOURCES

1305 N. Harper Avenue, West Hollywood, CA 90046 323 656-3034 tel 323 656-2420 fax

4.1 CULTURAL RESOURCES

This section analyzes potential impacts to cultural resources. The discussion of historic resources summarizes information from a historic resources report prepared for the Project by San Buenaventura Research Associates (SBRA) in September of 2012. This report is included in its entirety in Appendix B.

As stated in their September 2012 Report [see Appendix B], the conclusions expressed by San Buenaventura Research Associates ("SBRA") are based on "the factual data available at the time of its preparation."

But SBRA's claim of significance for the property at 9269 Burton Way is *not* based on the "factual data available" at the time their report was prepared. Rather it is based only on the incomplete "factual data" SBRA uncovered in the course of very limited online research. As it affects the claimed significance, that "factual data" consists almost exclusively of three interviews conducted in 1972, fully thirty years after the events in question, with no corroboration through contemporary documents or secondary materials.

These comments (as well as a report prepared by Historic Resources Group) are based on a substantial compilation of contemporary documents located in the Felix Guggenheim papers in the Doheny Library at the University of Southern California. These documents were provided to SBRA, who declined to review their content. Our comments outline in detail where those contemporary documents that SBRA refused to examine either clarify or refute the "factual data" on which SBRA's conclusions are based, and where those documents demand entirely different conclusions regarding significance.

The consequence of SBRA's inadequate research and lack of documentary corroboration is their overreliance on the transcripts of the 1972 interviews. Wilhelm Stadthagen (hereafter "William Stagen") was 80 years old in 1972, and he acknowledged the vagaries of memory, as he told the interviewer:

> **"*When you get to my age I wish your memory will still be good. I think mine is lousy right now. I don't remember anything. ... details, I think, you will have to ask other people. They want to say something too and they may know more about certain details than I could in this interview right now.*" [Stagen 1972: 34–35, 52]**

To highlight the extent to which documentary corroboration is essential to properly understand the 1972 interviews, at one point in Stagen's interview is the following exchange regarding a U.S. House of Representatives select committee hearing that took place in March 1942:

Interviewer:	***Do you remember incidentally which congressional committee that might have been?***
Stagen:	***It was called the Toland Committee. T-o-l-a-n-d. I believe there also was on the committee a senator from Texas, Mr. Clark, who later became a ...***
Interviewer:	***Tom Clark.***
Stagen:	***Tom Clark. Became a justice of the Supreme Court. But I still see Mr. Clark sitting there with his legs outstretched, his hands in his pockets, and listening. At the same time, or shortly thereafter, to help the status of the group...***
Interviewer:	***That was 1942, early 1942.***

Stagen: ***That was early 1942. I decided to form a War Savings Committee. In those days the federal government was very anxious to sell war bonds. ...*** **[Stagen 1972: 38]**

SBRA concludes from the above passage that Stagen decided to form a War Savings Committee in early 1942. This is clearly a misreading of the transcript. Documentary evidence—not examined by SBRA—reveal that Stagen's war bond efforts did not begin until an entire year later. That evidence, in the form of minutes of the January 1943 and February 1943 Board of Directors meetings of the Jewish Club of 1933, indicates that Stagen did not begin to form a War Savings Committee until February 1943. [6 January 1943 Jewish Club of 1933 Board minutes; 16 February 1943 Jewish Club of 1933 Board minutes]

In other words, Stagen had simply begun a new thought about war bonds:

Stagen: ***At the same time, or shortly thereafter, to help the status of the group, ~ I decided to form a War Savings Committee. ...***

Just as he had with "*Tom Clark*," the interviewer interrupted Stagen mid-sentence for clarification. Stagen confirmed the Tolan Committee was "*early 1942*", and resumed where he had left off. By relying solely on the interview transcript, without corroboration, SBRA badly misinterprets Stagen's words.

As further evidence of the danger of overreliance on the interviews alone, Tom Clark, whom Stagen recalled as a Senator from Texas and a member of the Tolan Committee, was actually the Chief of Civilian Staff for General John L. DeWitt of U.S. Army Western Defense Command. [Stagen 1972: 38]

This example is not an isolated instance of SBRA demonstrably misreading the "factual data" on which their conclusions rely; it is part of a consistent pattern of SBRA misinterpreting the historical evidence, based on their general ignorance of the historical context. Such analytical errors, which will be discussed point by point in these comments, have led SBRA to conclusions that are unsupported by evidence, greatly exaggerated, or completely refuted by contemporary documentary evidence.

SBRA's research failure has also led them to misunderstand the historical context and to improperly analogize the legal and political situation of German immigrants to that of the Japanese. SBRA simply presumes that the historical context of the Germans paralleled that of the Japanese, and they therefore incorrectly presume that they may rely on a 2005 National Park Service Theme Study of Japanese-Americans in WWII. This misunderstanding of the historical context further undermines SBRA's claims of significance.

Compounding their misreading and misunderstanding of the evidence and historical context, SBRA bases conclusions on speculation, misapplies National Register criteria, and misstates Beverly Hills Landmark criteria.

[Note: EIR Draft Section 4.1 "Cultural Resources" is included in its entirety, in black, with comments indented and in red. SBRA's list of Selected Sources [from Appendix B] follows. along with a list of the additional publications and manuscript documents that form the basis for these comments. Appended are complete copies of the referenced unpublished manuscript documents, and selected excerpts from published Congressional select committee reports.]

4.5.1 Setting

a. City of Beverly Hills. The present-day city of Beverly Hills is located on a portion of the 4,500-acre land grant Rancho Rodeo de las Aguas (sometimes known as San Antonio), awarded around 1820 to Vincente Valdez, a retired sergeant in the Spanish army, and his wife Maria Rita Valdez. After his death in 1828, the land became closely associated with Maria Valdez, who is often regarded as the area's first settler, although she maintained homes both on the rancho and in Los Angeles. Long-running disputes over the title to the ranch lands ultimately led to its sale in 1854 to American developers Benjamin Davis "Don Benito" Wilson, and Henry Hancock, who later sold his interests in the rancho to William Workman. The plans of the new owners to use the land for agriculture were thwarted by the prolonged regional droughts of the 1860s and 1870s. Subsequent efforts to develop the rancho with the townsites of Santa Maria and Morocco were unsuccessful (Cowan, 1956: 68-69; Robinson, 1939: 156-64).

The modern community known as Beverly Hills had its beginning in 1906, when a group of oil investors formed the Rodeo Land and Water Company and hired noted land planner Wilbur F. Cook, Jr. to design a community plan. The design, which represented one of the earliest planned communities in the region, anticipated an enclave of homes for the wealthy on the hillsides and more modest homes on the flat lands. The area reserved for the affluent was originally called Beverly Hills, while the less upscale portion of the community was known simply as Beverly. Initially, sales were slow, but the opening of the Beverly Hills Hotel by the Rodeo Land and Water Company in 1912 began to attract more visitors and buyers. The City, still little more than a tiny settlement, was incorporated in 1914.

The first major period of growth in Beverly Hills was concurrent with the regional land boom of the 1920s. The City began the decade as a community in its formative stages, mixing rural, urban and miscellaneous land uses, including the Los Angeles Speedway, which dominated the quadrant of the city south of Wilshire Boulevard and west of Beverly Drive. The settling of the City by entertainment industry personalities began in earnest in 1920, with the construction of Pickfair, the lavish estate of Douglas Fairbanks and Mary Pickford. Other industry notables followed their lead, to the extent that by the end of the 1920s, Beverly Hills had firmly established its reputation as an enclave of movie stars.

As the wealth of the entertainment industry was attracted to Beverly Hills during the 1920s and 1930s, so were architects of note. A competitive environment between entertainment industry leaders led to the construction of progressively more opulent homes in the period revival styles popular during these decades, often reflecting both the unprecedented affluence, and the theatrical character of the movie industry. By the 1930s and 1940s, Beverly Hills featured a posh retail district that competed with the Miracle Mile, Hollywood, and Westwood Village for fashionability. During the postwar era, the City became steadily more prominent as one of the Southern California region's major urban centers, as the office and retail district grew upwards and outwards, and pushed further west.

b. Site History and Context. The project site is located within a triangular section of Beverly Hills bounded on the north by Santa Monica Boulevard, on the south by Wilshire Boulevard, and on the east by the city limits. This area was annexed to the city in 1915 and subdivided mainly during the 1920s, but remained substantially undeveloped until after World War II. Burton Way, bisecting the area, was named for Rodeo Land and Water Company president Burton Green. The Santa Monica via Sawtelle line of the Pacific Electric Railroad Line ran down a right-of-way at the center of Burton Way, connecting to the south side of Santa Monica Boulevard, providing ready access to support later growth. This line was established in 1897 and provided passenger service between Los Angeles and Santa Monica until 1940. The former railroad right-of-way serves as a wide landscaped median today.

c. Historic Survey – 1985-1986. In 1985-86, consultants contracted to the City of Beverly Hills conducted a historic resources survey of the city in conjunction with the California Office of Historic Preservation. The project site is located within Survey Area 3, which includes the multi-family residential area bounded generally by Wilshire Boulevard on the south, Rexford Drive on the west, and Santa Monica Boulevard on the north. No historically or architecturally significant properties in this area were identified by the survey. Because this survey was completed more than twenty years ago, however, little effort was made to identify and evaluate properties constructed during the 1940s and later.

d. Prehistory and Ethnohistory. During the terminal Pleistocene/ Early Holocene period, the earliest inhabitants of Southern California are believed to have been nomadic large-game hunters. The middle Holocene period is characterized by technological advancement, including use of marine resources and seed grinding for flour. Aside from sites in Topanga Canyon, the only evidence of prehistoric occupation in the Los Angeles basin during this period is an occasional discoidal or cogged stone recovered from sites dating to more recent periods of pre-history. During the middle to late Holocene period, the coastal sites flourished, reflecting an increase in sociopolitical complexity and efficiency in subsistence strategies. It was during this period that the bow and arrow appeared. There are few sites within the Los Angeles Basin that date to this period; however, sites have been discovered in Topanga Canyon, Ballona Lagoon and on the Del Rey bluffs. The late Holocene period shows evidence of a reliance on the bow and arrow for hunting, with use of bedrock mortars and milling slicks. Late Prehistoric coastal sites are numerous. This period shows extensive trade networks, elaborate mortuary customs, and use of asphaltum. This period corresponds to increases in population size, economic and social complexity and the appearance of social ranking (All from Applied Earthworks, October 2005).

During the prehistoric period the Los Angeles basin was inhabited by the Gabrieleno people.The Gabrieleno are characterized as one of the most complex societies in native Southern California, second only perhaps to the Chumash, their coastal neighbors to the northwest. The Gabrieleno Tongva, a Uto-Aztecan (or Shoshonean) group, may have entered the Los Angeles basin as recently as 1500 B.P. In early protohistoric times the Gabrieleno Tongva occupied a large territory reportedly including the entire Los Angeles Basin. This region encompasses the coast from Malibu to Aliso Creek, parts of the Santa Monica Mountains, the San Fernando Valley, the San Gabriel Valley, the San Bernardino Valley, the northern parts of the Santa Ana Mountains, and much of the middle to lower Santa Ana River. They also occupied the islands of Santa Catalina, San Clemente, and San Nicolas. Within this large territory were more than 50 residential communities, with populations ranging from 50 to 150 individuals. The Gabrieleno Tongva had access to a broad resource base, which when combined with efficient subsistence technology, well developed trade networks, and a ritual system resulted in a society that was one of the most materially wealthy and culturally sophisticated groups in California at the time of Spanish contact (All from Applied Earthworks, October 2005).

e. Property Description.

<u>9265-67 Burton Way.</u> This property consists of two buildings. The larger building, located adjacent to Burton Way, is a two-story stucco-clad duplex residence. It features a mainly rectangular plan and a low-pitched hipped roof with shallow, open eaves. Ground-floor entry doors are located on the southern and eastern elevations above two-step concrete stoops covered with swept French Provincial-style projections featuring drapery-scalloped edges. Windows are primarily six-over-six multi-pane wood sash with narrow casings. The two-story building to the north and rear functions as a carport, with two

apartment units above. Second-story access is via a projecting staircase enclosed with a stepped stuccoed rail. This building's architectural detailing is similar to the main building's. Carports on the ground floor open to the alley. The two buildings form a courtyard to the south. (For photographs of the structures discussed in this section, please see the full historic resources report in Appendix B.)

The buildings were constructed in 1945 by Joe Endemiller of Beverly Hills, who is identified in the 1985-86 survey as one of the more prolific multi-family residence builders in the city during this time period. The architect is also indicated on the building permits as Endemiller, suggesting that it was constructed according to a standard plan generated by his office. Shortly after construction the property was evidently sold to Mary F. Burt, who sold it to Louis and Sonia Schultz in 1951. Apparently neither lived on the property and it was utilized as an income property. City directories suggest that the turnover of renters was frequent. The only renter for whom any substantive information was found was Frank E. Mortenson, who served for sixteen years as the executive secretary of the Southern California Retail Druggists Association. He moved to this address at some point after 1944, where he resided until the time of his death in 1946. In his obituary, among other distinctions related to his profession, he was described as "the father of the Fair Trade Acts now effective in 45 States and drafted the California fair trade law, which has served as the model for other States."

The abstracted French Provincial and Neocolonial references in the design are characteristic of the Minimal Traditional architectural style as it was commonly employed in the postwar era. The property is a modest example of the style. The property appears to be unaltered.

9269 Burton Way. This property consists of a two-story four-unit residence building adjacent to Burton Way and a detached, single-story garage located adjacent to the alley on the north. The stucco-clad residence is essentially rectangular in plan and features a symmetrical main (southern) elevation characterized by an entry located above a three-step, tiled stoop, the entry portion of the elevation projecting slightly from the balance of the elevation. The entry door is surrounded with faux quoins and flanked with wrought iron wall sconces. A pair of wood-frame multi-pane casement windows is located on the second floor, above. Flanking the entry are tripartite windows on both the ground and second floors. The lower windows are fixed in the center and flanked with narrow casement lights; the second-floor windows are equally divided by three, three-by-two light wood casements. Plaster garland swags are located between the floors. Windows on secondary elevations are mainly single light casements. Window casings are narrow. The roof is flat, with a shallow mansard clad in Spanish tile located above the southern elevation and a single-tile cap on a low parapet on the other elevations. The detached garage building is stucco-clad and rectangular in plan and features a flat roof and a low parapet topped by a single Spanish tile cap

These buildings were constructed in 1927 by August P. Clos of Los Angeles, apparently as a live-in income property. Clos and his wife Marie lived at this address for about three years, along with the renters of the other units. The architect for the buildings is listed on building permits as the Seaboard Engineering Company of Los Angeles, a firm that evidently provided architectural design in addition to engineering services. No substantial information was found about Clos or Seaboard Engineering. Around 1930 the property was sold to Simeon Le Gasse, a real estate developer or agent, who also utilized it as a live-in income property. No further information was located on Le Gasse. Around 1938-39 this property was purchased by Wilhelm Ernst Stadthagen.

Wilhelm Ernst Stadthagen was born in Berlin in 1892 to an affluent and mainly secular Jewish family. After serving in the Army on both the Eastern and Western fronts during the first World War, Stadthagen returned to Berlin to become a successful real estate developer and broker. By the early 1930s, with the rise of Nazism, he found his business

in Berlin increasingly difficult to operate. In 1934 he sold the company for half of what he thought it was worth, and emigrated to London with his second wife, Alice, who had worked as a photographer in Germany. Their first son, Frank, was born in London. Unable to obtain work permits in his profession in Britain, and aware of the increasing likelihood of another war in Europe, he began to explore opportunities in the United States. In April 1936 he travelled to New York City. Although he received employment offers there, the city and the climate were not to his taste, so he undertook a cross-nation trip to examine business conditions elsewhere in the country. The journey was planned to end with stops in Los Angeles and San Francisco, and a return to London.

Stadthagen's reception in Los Angeles was more welcoming than any he'd experienced elsewhere, and he was also impressed by the region's climate and relaxed way of life. An offer was extended to join a small real estate office in downtown Los Angeles, which he accepted. The final leg of his trip to San Francisco was cancelled and he wrote to his wife in London advising that the family should relocate to Los Angeles. Although not mentioned in his personal narrative of his move to the U.S., official immigration records indicate that Wilhelm and Alice Stadthagen reentered the country from Mexico in August 1936, crossing the border on foot from Mexicali. Entering the U.S. from a third country was a common tactic among European refugee immigrants, skirting the nation-based immigration quota system. Mexico and Cuba were frequently used for this purpose during the 1930s.

Stadthagen's wife and son moved into a rented home later that year. A second son, Thomas, was born shortly thereafter. In moving to the area, Stadthagen and his family became part of a growing German-Jewish immigrant community on the west side of Los Angeles and Beverly Hills second only in numbers to New York City, composed largely of German Jews who had fled Europe during the 1930s. Departing amicably from his first employer, Stadthagen struck out on his own, opening a real estate firm and investing in property in the area. The first of these was a four-unit apartment building at 9269 Burton Way in Beverly Hills, which also became the family's home. The precise date of the purchase is uncertain, but this event probably occurred in 1938 or 1939. Stadthagen assisted other recent immigrants with resettlement by renting them the remaining apartments in the building. Alice Stadthagen resumed her career as a photographer.

One of the primary support organizations for the immigrant community in Los Angeles was the Jewish Club of 1933, a group formally organized in 1936 out of a more casual network of clubs and organizations providing relief and social support to European Jewish refugees. As his business circumstances stabilized, Stadthagen became gradually more active in this organization, but not prominently at first. The entry of the U.S. into the war in 1941 caused a rapid shift in his thinking about the group's mission and purpose, however, and his level of political and social activism in general. Immediately after the Pearl Harbor attack in December, all ongoing naturalization petitions for German, Italian and Japanese immigrants were immediately placed on hold by the government, and nationals from these countries classified as enemy aliens. Stadthagen experienced this policy change first-hand, as the processing of his petition was halted only days before he was due for swearing in as a U.S. citizen.

> **In the above paragraph, SBRA demonstrates their serious misunderstanding of the historical context. The attack on Pearl Harbor did immediately halt all naturalization of German and Italian immigrants. But there could have been no "ongoing naturalization petitions" for Japanese immigrants; Japanese were legally ineligible for naturalization. The Naturalization Act of 1790 had restricted naturalization to "white persons," and that racial restriction was reinforced by the Immigration Act of 1924. Therefore, as a matter of Federal law, in December 1941 there could have been no "ongoing naturalization**

petitions" for Japanese immigrants. This legal distinction was very explicitly understood by Federal, State and local authorities at the time.

However, because SBRA misunderstands this obvious legal distinction, they falsely equate the historical context for German immigrants with that of the Japanese, and therefore misapply the historical context of the Japanese to the present analysis. This very serious analytical error has tainted SBRA's entire analysis, and it has led to them to grossly inflate of the significance of issues in connection with the property at 9269 Burton Way and with Wilhelm Stadthagen himself (again, hereafter "William Stagen").

In January 1942, Stadthagen called a meeting at his home to discuss the situation facing German-Jewish immigrants. By his own later account,

> *"In January, I think it was on my fiftieth birthday[1] if I recall correct, a meeting took place in my apartment, to which I had invited about, between 20 and 25 immigrants, Jewish immigrants of our group, selecting them from their various occupations. I had a doctor, I had a lawyer, I had businessmen in this line, I had businessmen in another line, I had an accountant, from all various lines. And I presented them with the alternative either to be removed and losing the little business or profession they had already built up, and finding themselves in a camp, or doing something about it. And we did something about it. We decided to fight it. We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim who had just arrived around 1940 or so, and had not settled in business yet. … We, or he, got together with similar groups in Seattle and in San Francisco. But I believe, here in Los Angeles we were the most active of all, and the leading group. And we mobilized all the people that we could find to speak in our favor with the government, and the general[2] in San Francisco."*
>
> [1] January 22, 1942.
> [2] U.S. Army General John L. DeWitte, in charge of military security on the West Coast.

Because SBRA did not adequately corroborate Stagen's 1972 interview, they have misinterpreted his words, failed to identify errors of fact, misstated Stagen's involvement, and grossly overstated the significance of a single 22 January 1942 meeting in his apartment.

SBRA suggests that the 22 January 1942 meeting was the first time that the German-Jewish immigrant community had come together to discuss and respond to the threat of forced relocation. This is not historically correct; it is wrong on both counts. Contemporary documents, not examined by SBRA, clarify both the event timeline and the nature and scope of the 22 January 1942 meeting. Review of that contemporary documentary evidence leads to an entirely different conclusion about the significance of the events in question and William Stagen's role in them.

A careful reading of Stagen's 1972 interview reveals that the 22 January 1942 meeting was <u>not</u> the seminal event that SBRA claims. Stagen makes it clear that it was <u>not</u> the first time the German refugees had met to discuss "enemy alien" restrictions. In his interview, Stagen stated he and a younger friend, Felix Guggenheim, responded to "enemy alien" restrictions by trying to enlist Heinz Pinner, an attorney, to represent the community:

> ***"This lawyer was willing to represent us, but he wanted a fee of $1000. He didn't want to do it as a kindness to his fellow Jews. … We couldn't raise the $1000 in those days, or maybe we didn't want to either."* [Stagen 1972: 36–37].**

Even faced with Pinner's refusal to represent the community *pro bono*, Stagen, Guggenheim and their friends still did not want to take the step of addressing the "enemy alien" restrictions themselves, as individuals. So they next

attempted to enlist the involvement of the Jewish Club of 1933. But they met resistance from the Club's president, Leopold Jessner. As Stagen described the sequence of events—why he waited until 22 January:

> **"*Now, coming back to the Jewish Club of 1933, and Jessner was still president. Before we did take this step we wanted that the Jewish Club does it or is behind it. We 20, 25 men didn't want to do it ourselves, as individuals. We felt it's a community problem. Jessner was very reluctant. He didn't want to do anything, hadn't done anything. And that's* [why] *I waited till the 22nd of January.*" [Stagen 1972: 39–40]**

And as noted in the interview, of that 22 January meeting, Stagen added:

> ***"We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim."* [Stagen 1972: 36]**

The importance of the above passages cannot be overemphasized. Based on Stagen's own words, an *ad hoc* group of "*20, 25 men*," including Stagen and Guggenheim, had discussed curfew and travel restrictions among themselves and with the Jewish Club of 1933 well before 22 January 1942.

Only <u>after</u> they failed to enlist Heinz Pinner, and only <u>after</u> they failed to persuade the Jewish Club of 1933 to act, did a group meet to endorse having Guggenheim taking on the issue himself. In other words, the 22 January meeting was neither the first such discussion nor the occasion of a major political awakening. Rather, it was simply one meeting among several.

The substance of the 22 January 1942 meeting was far less significant than SBRA claims. Although there had been rumors, 22 January predates any announcement of "enemy alien" relocation. Military authorities had excluded "enemy aliens" from coastal areas, defense installations, and defense industries, and there was some reason to imagine that matters would not end there. But forced relocations were neither announced nor legally authorized by 22 January. General John L. DeWitt of U.S. Army Western Defense Command did not announce his intention to relocate "enemy aliens" on the West Coast until 11 February—three weeks after the 22 January meeting. And Franklin Roosevelt did not issue Executive Order 9066, authorizing "enemy alien" relocation, until 19 February—a further week beyond that.

However, there is no need to speculate about the discussion at the 22 January meeting—we have direct evidence in contemporary documents. Felix Guggenheim discussed the meeting in an 11 February 1942 letter to Julia Seider, his immigration attorney. In that letter, Guggenheim wrote:

> ***"We – a few friends of mine and I – came together to look for a way to inform the local and State authorities (Washington most probably is informed) that they hurt us together with the Japanese, if they don't discriminate, that nothing would please Hitler more than seeing us persecuted as Nazis, that the Gestapo is clever enough to choose their agents among the naturalized Americans, etc. On the other side, we want the real enemy aliens treated as harshly as possible and don't want any consideration, because there are refugees among them. So the only way is, to take the group of refugees, who can prove that they are expatriated and have no allegiance to Germany, out of the class "enemy aliens". But that's a long way. I was very busy all these days, seeing many people and discussing the problems . I personally am not hurt till now (of course it is still possible, that all enemy aliens have to leave California) but all people who are in real business suffer heavily. For instance a Jewish influenced firm like Warner Bros.***

> ***cant employ Jewish refugees as actors, etc. (what they did till now) because the Warner lot is in a part of the city, which is prohibited for enemy aliens. Nobody knows what the outcome will be, as local, State, Federal, military and other authorities are involved in the matter."*** **[11 February 1942 Guggenheim letter to Julia Seider]**

From this letter it is clear that the focus of the 22 January meeting had not been forced relocation; even a full three weeks later, Guggenheim regarded it only as a possibility. Rather, the concern was with local, State, and U.S. Army curfew and travel restrictions, such as access to the Warner Brothers studio, located not far from aircraft factories at the Burbank airport. This focus on State and local authorities is also reflected in a set of typewritten notes that Guggenheim wrote some time around mid-January:

> **"*Washington—knowing that the potential reservoir of 5th columnists is to be found among Bundists, naturalized and even native Americans (the Gestapo being clever enough to choose agents not from the most exposed, but from the most protected group)—is reluctant in its measures.***
>
> ***"State and local authorities—less exactly informed and more endangered, besides that more exposed to emotion and trend of public opinion—are pushing ahead, not only to get an emotional outlet but also to avoid reproach (Pearl Harbour!) if really acts of sabotage start to happen."*** **[*circa* 15 January 1942 Guggenheim notes]**

As those notes reflect, prior to mid-February, Guggenheim did not believe the Federal government presented a genuine problem. Rather, he felt that State and local authorities were more likely the ones to act irrationally, out of fear of being accused of inaction. A subsequent 31 March letter to Julia Seider further refutes the suggestion that the 22 January meeting focused on relocation. Guggenheim apologized for not writing sooner, explaining:

> ***"In the meantime I had stopped since weeks writing private letters, as during the last 6 weeks I devoted my time from early in the morning till late in the evening to the "refugee" problem.***
>
> ***I became a kind of spokesman here and got much more involved than I foresaw at the beginning. The preparation of the hearings before the Congressional Committee (my own testimony was the smallest part of the necessary work), contact with the American-Jewish organizations, with Washington, ... "*** **[31 March / 1 April 1942 Guggenheim letter to Julia Seider]**

In fact, "*the last 6 weeks*" that Guggenheim mentions would have dated only as far back as mid-February—not all the way back to 22 January. Thus it is clear that Guggenheim's concerns had expanded to include the issue of relocation only <u>after</u> General DeWitt's 11 February announcement, and that this was "*much more*" than he and the group had foreseen on 22 January.

It is unclear if this ad hoc group ever adopted a formal name, but it was referred to in at least one press report as the Committee for Refugee Immigrants of Southern California.

As the documentary evidence indicates, Felix Guggenheim adopted a number of different names for his committee over time. As late as July 1942 it was rather awkwardly called the "Committee for Reclassification of Refugees Classified as Enemy Aliens." However, by October 1942, Guggenheim corresponded with the L.A. Civilian Defense Council as the "Committee for Refugee Immigrants of Southern California." [15 July 1942 Jewish Club of 1933 memo; 28 October 1942 Guggenheim letter to LA Defense Council]

... The group, chaired by Dr. Felix Guggenheim, Heinz Pinner and Stadthagen, ...

> **The idea that Heinz Pinner and William Stagen "chaired" the "Committee for Refugee Immigrants of Southern California" is factually incorrect; it is not supported by any contemporary evidence. Minutes of the Jewish Club of 1933 Board of Directors' meetings contain no evidence that Pinner or Stagen were even participants in Felix Guggenheim's "enemy alien reclassification" efforts—let alone "chairs". Guggenheim's extensive wartime papers identify no "reclassification committee" member other than Guggenheim himself.**
>
> **Neither Pinner nor Stagen made any such claim in their interviews. Read properly, Stagen himself was clear about this:**
>
> > ***"We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim."*** **[Stagen 1972: 36]**
>
> **It is obvious that Stagen meant not "*younger men*," plural, but rather "*a* younger man," singular, as he added "*and that was Felix Guggenheim*," indicating Guggenheim, alone. And when Stagen stated, "*We, or he, got together with similar groups...*," he quickly corrected "*we*" to *"he"*, again using the singular to refer to Guggenheim. Thus, the claim that Stagen "co-chaired" the reclassification effort is contradicted even by an accurate reading of Stagen's own interview.**
>
> **SBRA also misinterprets a related passage in that interview. Shortly after discussing the 22 January meeting, Stagen said:**
>
> > **"*So, Mr. Pinner, Mr. Guggenheim, Mr. Stagen, I believe we three, I am not quite sure, went to the board meeting, and just more or less took over. This had to be done, and we took over. So the whole thing was then done as it should have been, and was done under the aegis of the Club.*"[Stagen 1972: 40]**
>
> **But Stagen was not suggesting that he, Pinner and Guggenheim acted as co-chairs for the "enemy alien reclassification" efforts, as SBRA misinterprets the passage. Rather, Stagen was saying that they "*more or less took over*" the February 1942 Board of Directors meeting of the Jewish Club of 1933, to insist that the Club formally endorse Felix Guggenheim's "reclassification" efforts, so that Guggenheim would have the imprimatur of the Club in his dealings with authorities. The tactic evidently worked, as by 4 March 1942 Felix Guggenheim had been named to the Board of Directors of the Jewish Club of 1933, and was able to so identify himself in his correspondence with authorities. [4 March 1942 Guggenheim letter to John Abbott; 25 April 1942 memorandum from Jewish Club of 1933]**

... recruited important individuals to speak on their behalf. Most prominent among them was the German novelist Thomas Mann, a political refugee himself, who lived in the Los Angeles area during the war. He and the others testified before the Tolan Committee in early 1942, a committee of Congress charged with determining the fate of these immigrant groups. Others known to have testified before the Tolan Committee were novelist and screenwriter Bruno Frank and Beverly Hills attorney Hans Schwarzer. They brought to the committee the message that German Jews who fled Nazism should be treated as natural allies in the war against Hitler, not as enemy aliens. Through their efforts some German nationals living in the United States were able to avoid deportation, or forced relocation and encampment as befell the Japanese, but they remained under a strict military curfew, among other restrictions, for most of the war.

This analysis is historically incorrect. As noted, SBRA misunderstands the difference in legal status between the German immigrants and the Japanese. Because of their legal status, both Japanese immigrants and first-generation citizens were in genuine jeopardy of forced relocation, while the German-Jewish refugees had received assurances that they were not in similar danger. Underscoring SBRA's misunderstanding of the historical legal context, they speak of "avoid[ing] deportation"; deportation—removal from the United States—was never considered for any group.

SBRA also misunderstands the timeline, which leads them to assert causal connections that are logically impossible. The 22 January meeting at Stagen's apartment cannot have been a response to forced relocation, as that meeting took place three weeks *before* any formal announcement of relocations. Even more so, the 22 January meeting cannot have involved a discussion of the "Tolan Committee"; the documented event sequence makes that impossible.

The differences in treatment between the Japanese and the German-Jewish immigrants went far beyond the difference in their legal status; the two groups were perceived entirely differently. Japan had attacked the United States, and the presence of non-citizen Japanese immigrants was seen as a potential espionage threat to the West Coast of the U.S. mainland. By contrast, the Germans were understood to be refugees from Nazi oppression, and they had received assurances to that effect from Federal authorities.

Felix Guggenheim understood that everything turned on the question of "enemy alien" classification. Despite his confidence that the German refugees would not be treated like the Japanese, Guggenheim realized that there was an inherent danger in being classified as "enemy aliens"—even as a technicality. Thus his efforts would be directed toward "reclassification" of the German émigrés as "refugees from Nazi oppression." That was the designation used in Britain since 1939, as Guggenheim knew from his own experience there; his own British papers bore the designation "Refugee from Nazi oppression." [House Select Committee, Part 31: 11733–11734]

Guggenheim had reason to believe that his "reclassification" efforts would ultimately be successful. Francis Biddle, who became Attorney General of the U.S. in 1941, had previously served as the Director of the Immigration and Naturalization Service, and therefore fully understood the legal and political issues that surrounded the German refugees—and separated them from the Japanese. Biddle had made clear that the Department of Justice appreciated the situation of the German refugees, and communicated that understanding to the German-Jewish refugee community, as reflected in Guggenheim's papers:

> **"*Refugee-Problem: Some weeks ago all the authorities made it clear, that being classified as an "enemy alien" is only a "technicality", as long as the alien belongs to the "loyal aliens"*." [circa 15 January 1942 Felix Guggenheim notes]**

It therefore came as a shock when Guggenheim and the German refugee community learned of General DeWitt's 11 February initial proclamation that all "enemy aliens" on the West Coast would be relocated. In response, the Jewish Club of 1933 sent the following telegram—drafted or edited by Guggenheim—to the Council of Aliens of Enemy Nationality in New York:

> **"*According proclamation general de witt all enemy aliens will be removed from the westcoast and according statement coordinator clark in charge of removal german and***

> ***italian removal will begin not later than 60 days from now* <stop> *thousands of anti-nazi and stateless refugees here are in panic and distress as no word about exemptions for victims of nazi oppression and persecution forthcoming* <stop> *doubly distressed because trusting in francis biddles assurances about protecting loyal innocent refugees they expect at least opportunity to appear before boards or tribunals similar to british example before removed from homes jobs etc again* <stop> *spiritual strenght* [sic] *and power of endurance will be broken in most of them if they will have to suffer terribly afte rthey learned to rely on the democratic refuge of the united states* <stop> *much damage is done and being caused continuously by uncertainty* <stop> *please help us to avoid the worst* <stop> *our members urge you to intervene in washington without delay and to get clear unmistakable statement whether it is really contemplated to remove thousands of refugees from their homes exactly like nazis or whether we can expect exemption* <stop> *every day counts as every day brings new harm* <stop> *thanks.*"
> [*circa* 15 February 1942 telegram to Council of Aliens of Enemy Nationality]

The extent of the confusion in the first months following the attack on Pearl Harbor should not be understated. The military, particularly on the West Coast, was granted emergency powers, while Federal authorities scrambled to clarify what responsibilities would fall under military control and what would be retained by civilian authorities. In that context it seems fair to suggest that General DeWitt's 11 February announcement did not reflect Federal policy and had not been cleared with civilian authorities in Washington.

Regardless, DeWitt's announcement created substantial consternation, as reflected in the Jewish Club of 1933's telegram. This must have contributed to the community's heightened response to the subsequent announcement that a Congressional committee chaired by Representative John H. Tolan would soon hold hearings on the issue of "enemy alien" relocation.

However, as noted above, the "Tolan Committee" cannot have been a subject of discussion at the 22 January meeting in Stagen's apartment because the Committee had not expanded its scope to deal with the question of "enemy alien" relocation until after 22 January.

The Tolan Committee had been created in 1940 as the *House of Representatives Select Committee to Investigate the Interstate Migration of Destitute Citizens*, in response to State and local efforts to stop poor migrants from crossing State lines. In January 1941, with defense production underway, it was reauthorized by H. Res. 113 [77th Congress], renaming it the *House of Representatives Select Committee Investigating National Defense Migration*, and expanding its purview to defense workforce migration. The Committee had worked for nearly two years, publishing 10 volumes of reports relating to Depression migration and a further 18 volumes regarding defense workforce migration, before having its mandate expanded yet again to include gathering information on relocation of "enemy aliens."

But it was only some time after the 22 January 1942 meeting in Stagen's apartment—either in late January or early February—that the Tolan Committee's inquiry was formally expanded to deal with "enemy aliens." And not until some time in early February did the Committee schedule hearings to be held in San Francisco (21 & 23 February, and 12 March), in Portland and Seattle (26 & 28 February, and 2 March), and in Los Angeles (6 & 7 March), to receive testimony regarding relocation of "enemy aliens."

Not until 1 March 1942 did Felix Guggenheim contact Representative John Tolan about testifying at the Los Angeles hearings. Receiving a positive

response, Guggenheim coordinated oral and written testimony of Thomas Mann, Bruno Frank, Hans Schwarzer, and himself. [1 March 1942 Guggenheim letter to John Tolan; 4 March 1942 Guggenheim letter to John Abbott].

And contrary to SBRA's dramatic claim, the Tolan Committee was not "*charged with determining the fate of these immigrant groups*." The Committee was charged only with fact-finding; it had no decision-making role.

Similarly, California's position on relocation was determined only after 22 January. On 21 February 1942, Earl Warren, the State's Attorney General, testified before the Tolan Committee that:

> ***"Early in February 1942, I requested the district attorneys of those counties of the State having a Japanese population to have prepared maps of their counties showing all lands owned, occupied, or controlled by Japanese, including American-born Japanese as well as Japanese aliens."*** **[House Select Committee, Part 29: 10973]**

Warren asked for maps dealing with both immigrant Japanese and their U.S.-born children. Warren followed the map request with a 17 February teletype to "All District Attorneys, Sheriffs, and Chiefs of Police" requesting statements to be forwarded to the Tolan Committee. As one of three questions he posed, Warren specifically asked these officials if they believed that:

> ***"the danger can be adequately controlled by treating all enemy aliens alike, regardless of nationality, or do you believe that we should differentiate among them as to nationality?"*** **[House Select Committee, Part 29: 10988–11000]**

Not surprisingly, nearly all the respondents felt that Germans and Italians represented a far lesser threat than the Japanese, and therefore should be treated differently.

As events transpired, the uncertainty brought on by General DeWitt's 11 February proclamation was short-lived. On 26 March 1942, six weeks after DeWitt's announcement but less than three weeks after the Tolan Committee's Los Angeles hearings, the Jewish Club of 1933 received a telegram from John J. McCloy, Assistant Secretary of War. In his message McCloy reassured the German-Jewish refugee community that they were in no danger of relocation. As McCloy put it:

> ***"Matters being worked out on the West Coast in my judgment in a very fair and considerate manner. Army officers there are in touch with representatives of the heimatlos refugees. And I am sure their interests will be protected just as far as is consistent with military necessity."***
>
> **[26 March 1942 Western Union telegram to Jewish Club of 1933 from John J. McCloy, Assistant Secretary of War] McCloy used the term "*heimatlos*," the German word for "stateless," to refer specifically to the German refugees. Having been stripped of their German citizenship by the Nazis, and not yet having attained American citizenship through naturalization, most were legally stateless—citizens of no country.**

SBRA is also factually incorrect in its assertion that the German-Jewish immigrants "*remained under a strict military curfew, among other restrictions, for most of the war*." Most curfew and travel restrictions did remain in place during 1942, being gradually eased for specific exceptions, such as special permits allowing doctors to make house calls during curfew hours, and expanding the five-mile travel limit to allow salesmen to move more freely within their local sales areas. [13 April 1942 Guggenheim travel permit; 29 May 1942 memorandum from

Grau; 31 May 1942 Guggenheim letter from Grau; 9 July 1942 Guggenheim telegram from Grau; 15 July 1942 memorandum from Jewish Club of 1933 re salesmen's travel]

But restrictions did not remain in place "*for most of the war*," as SBRA maintains—far from it. Restrictions barely survived beyond the end of 1942. Felix Guggenheim's 5 January 1943 letter to the Los Angeles Defense Council notes that Army Western Command had lifted all travel and curfew restrictions. By the end of February 1943, Guggenheim received word from authorities, confirmed on 24 March, that German immigrants would be able to serve in civilian defense. San Francisco officials had made the same determination a month earlier. [5 January 1943 Guggenheim letter to LA Defense Council; 25 February 1943 Guggenheim letter from LA Defense Council; 26 February 1943 memorandum re SF Civilian Defense; 24 March 1943 Guggenheim memorandum re LA Defense]

Accordingly, SBRA's suggestion that the German immigrants narrowly escaped relocation is both historically incorrect and overblown. SBRA's suggestion that any "enemy alien" group was in danger of"deportation" has no basis in fact. The statement that William Stagen was personally involved in stopping the forced relocation of German immigrants is wildly incorrect. And SBRA's claim regarding the duration of restrictions is greatly exaggerated.

Also during 1942 Stadthagen arrived at the conclusion that the cause of German Jews living in the U.S. would be best served by visibly demonstrating an unstinting loyalty to their new country even in the face of official discrimination. He contacted the Treasury Department and formed a War Savings Committee, which in this case was even more pointedly named the Anti-Nazi Savings Committee, with Stadthagen as its chair. The committee held numerous rallies in Pershing Square to sell war bonds, with a variety of Hollywood celebrities in attendance. These events continued throughout the war.

As previously discussed, SBRA badly misrepresents the timing of William Stagen's war bond efforts. As demonstrated by contemporary documents they did not review, SBRA misunderstands Stagen's interview in suggesting that this war bond organizing occurred "*during 1942*." In fact Stagen did not begin this work until 1943.

During 1942, Stagen's personal involvement appears to have centered on the internal politics of the Jewish Club of 1933. He also chaired the Club's "Youth Committee" (later renamed the "War Effort Committee"), involving young members of the German-Jewish community in collection efforts to gather scrap materials for war production. [30 August 1942 Jewish Club of 1933 Board minutes; 6 January 1943 Jewish Club of 1933 Board minutes]

In fact, Stagen was not the first to broach the idea of war bond sales. At the 6 January 1943 Board meeting of the Jewish Club of 1933, another Board member, Erich Löwen, unsuccessfully proposed that the Club should organize war bonds sales efforts, as the minutes of that meeting record:

> **"*Lowen's suggestion to make the Club an agency for war bonds was withdrawn by Lowen after discussion.*" [6 January 1943 Jewish Club of 1933 Board minutes]**

There appear to be no detailed notes about the nature of the war bond sales discussion at the January Board meeting. However, it does seem apparent that it was only *after* the January Board meeting, some time between mid-January and early February 1943, that Stagen made initial contact with the Treasury Department. He proposed setting up a war bond sales committee focused on German-speaking immigrants, but not under the direct auspices of the Jewish

Club of 1933. The minutes of the 16 February 1943 meeting of the Club's Board of Directors reflect this timeline:

> ***"Stagen reports on the contact he made with the foreign section of the Treasury Department regarding a bond drive among our group. It was the general opinion that no public meeting shall take place."*** **[16 February 1943 Jewish Club of 1933 Board minutes; Stagen 1972: 38–39]**

Thus it was not until the 14 April 1943 meeting of the Jewish Club of 1933 Board of Directors that Stagen could report that:

> ***"the Anti-Nazi Immigrants War Savings Committee has finally been organized and has started its work. There will be a rally on May 16, 1943, for all the foreign-born groups."*** **[14 April 1943 Jewish Club of 1933 Board minutes]**

On 16 May 1943, the "Anti-Nazi Immigrants War Savings Committee" held its first public event, "I Am an American" Day, in Pershing Square. But as Stagen himself noted, his war bond committee was not unique; his was but one of a multitude of such committees at the time. And while the war bond events may well have "*continued throughout the war*," as SBRA suggests, Stagen's residence at 9269 Burton Way did not—he relocated his residence sometime in 1943. [Stagen 1972: 38]

It was felt by Stadthagen and members of the committee that the work of promoting their cause was larger than the group they had convened in his home in early 1942. The natural method for expanding their base of support in the community was through the Jewish Club of 1933, but they found the leadership of that organization unreceptive to taking on the more activist stance that Stadthagen and others argued that the circumstances demanded. Over the next few years Stadthagen and the others in his committee joined the board of the Club, and by 1945 had changed its direction and depth of social and political involvement. Also spinning off from the original meetings at Stadthagen's home in 1942 was a more informal group of 10 who met privately once a month and became a kind of brain trust to address issues of anti-Semitism and other social and political issues within the Southern California Jewish community. This group was still meeting monthly, as of the early 1970s.

SBRA's use of phrases like *"Stadthagen and members of the committee"* and *"Stadthagen and the others in his committee"* is entirely misleading. SBRA is conflating the "enemy alien reclassification committee," which Felix Guggenheim organized and ran by himself, with a broader "political committee" consisting of Stagen, Guggenheim, Heinz Pinner, Harry Salinger, and others who were determined to reshape the Jewish Club of 1933. [Stagen 1972: 41–42]

During 1942, Stagen became active in the internal politics of the Jewish Club of 1933, and was involved in the leadership changes during 1943. However, in the summer of 1943, when Leopold Jessner stepped down, Felix Guggenheim—not William Stagen—was named the Club's new President.

But the internal politics of the Jewish Club of 1933 are of no consequence in the context of this analysis. Nor do Stagen's subsequent political or social activities maintain any association with the property at 9269 Burton Way, given that he relocated his household in 1943.

In the postwar years, the reinvigorated Jewish Club of 1933 addressed refugee social issues, such as unemployment, and held cultural events, including lectures, readings and educational programs. As the membership aged, the Club's mission evolved to address the issues of the elderly. Stadthagen served as the Club's president and during his tenure in the

1950s was responsible for obtaining a reparations settlement from the government of West Germany. These funds were used to support the Jewish Home for the Aging and the Westside Community Center. The group was reorganized in 1980 as the Benefactors of The Jewish Club of 1933, Inc. and remains in operation today.

> **Stagen's postwar activities have no association with the property at 9269 Burton Way, given that he moved his residence in 1943.**

Stadthagen and his family lived on Burton Way until 1943, when he combined the family home and office in a building on Wilshire Boulevard. In 1950 the home and office were again separated. By 1949 the Burton Way property had been sold to Clara Oreskes-Speigel, possibly another refugee. She divided one of the units into two in that year and continued to live on the property until at least 1960, along with a variety of tenants.

At some point between 1940 and 1943, Wilhelm Stadthagen changed his name to William Stagen. His company, Stagen Realty and Property Management, remains in operation in Beverly Hills today. At his death in 1980 Stagen Reality was said to own or operate numerous large-scale properties, including the Wilshire Theater, Sierra Towers, and Crocker Bank Building in Beverly Hills, as well as other residential and commercial properties. Over the course of his career it was reported that he had "spent much of the profit from his holdings on the Jewish Club of 1933."

> **It is tangential to this resource analysis, but based on contemporary documents, Wilhelm Stadthagen changed his name to William Stagen some time around early- to mid-1942, although the transition was less than abrupt.**
>
> **On 1 June 1942 Stagen wrote to Leopold Jessner on *"Wm. E Stagen, Realtor"* letterhead. signing "*Stagen*". A 15 June letter to Jessner, also on "*Wm. E Stagen, Realtor*" letterhead, was signed "*Stadthagen*". Jessner's 19 June reply addressed "*My dear Mr. Stagen.*" However, the 30 August 1942 minutes of the Executive Committee of the Jewish Club of 1933 still refer to "*Stadthagen.*" And when Guggenheim wrote him on 16 November 1942 regarding a real estate matter, he addressed his friend formally, as "*Mr. Stadthagen.*" [1 June 1942 Stagen letter to Jessner; 15 June 1942 Stagen letter to Jessner; 19 June 1942 Jessner letter to Stagen; 30 August 1942 Jewish Club of 1933 minutes; 16 November 1942 Guggenheim letter to Stagen]**

The property where Stadthagen lived is a modest expression of the Spanish Revival style as it was constructed widely during the Southern California real estate boom of the 1920s. Alterations include the evident enclosure of windows or doors on the eastern and northern elevations, possibly related to the interior reorganization of 1949.

f. Regulatory Setting. A property may be designated as historic by National, State, or local authorities. In order for a building to qualify for listing in the National Register of Historic Places, the California Register of Historical Resources, or as a locally significant property in the City of Beverly Hills, it must meet one or more identified criteria of significance. The property must also retain sufficient architectural integrity to continue to evoke the sense of place and time with which it is historically associated. An explanation of these designations follows.

National Register of Historic Places. The National Register of Historic Places (NRHP), which is administered by the National Park Service, is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources (National Park Service Official Website, 2008). The National Register assists in

the preservation of historic properties through the following actions: recognition that a property is of significance to the nation, the state, or the community; consideration in planning for Federal or federally assisted projects; eligibility for Federal tax benefits; consideration in the decision to issue a federal permit; and qualification for Federal assistance for historic preservation grants when funds are available.

Properties may qualify for NRHP listing if they:

A. *Are associated with events that have made a significant contribution to the broad patterns of our history;*
B. *Are associated with the lives of persons significant in our past;*
C. *Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
D. *Have yielded, or may be likely to yield, information important in prehistory or history.* (National Park Service, 2002)

According to the NRHP guidelines, the essential physical features of a property must be present for it to convey its significance. Further, in order to qualify for the NRHP, a resource must retain its integrity, or the "ability to convey its significance." The seven aspects of integrity are:

1. ***Location*** *(the place where the historic property was constructed or the place where the historic event occurred);*
2. ***Design*** *(the combination of elements that create the form, plan, space, structure, and style of a property);*
3. ***Setting*** *(the physical environment of a historic property);*
4. ***Materials*** *(the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property);*
5. ***Workmanship*** *(the physical evidence of the crafts of a particular culture or people during any given period of history or prehistory);*
6. ***Feeling*** *(a property's expression of the aesthetic or historic sense of a particular period of time); and,*
7. ***Association*** *(the direct link between an important historic event or person and a historic property).* (National Park Service, 2002)

The relevant aspects of integrity depend upon the NRHP criteria applied to the property. For example, a property nominated under Criterion A (events) would be likely to convey its significance primarily through integrity of location, setting, and association. A property nominated solely under Criterion C (design) would usually rely primarily on integrity of design, materials, and workmanship. The California Register procedures include similar language with regard to integrity.

California Register of Historic Resources. The California Environmental Quality Act (CEQA) requires evaluation of Project impacts on historic resources, including properties "listed in, or determined eligible for listing in, the California Register of Historic Resources [or] included in a local register of historical resources." The California Register is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. A resource is eligible for listing on the California Register if it meets any of the following criteria for listing:

1. *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
2. *Is associated with the lives of persons important in our past;*
3. *Embodies the distinctive work of an important creative individual, or possesses high artistic values; or*
4. *Has yielded, or may be likely to yield, information important in prehistory or history.*

The California Register may also include properties listed in "local registers" of historic properties. A "local register of historic resources" is broadly defined in Section 5020.1(k) as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." Local registers of historic properties come in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current; and, (2) landmarks designated under local ordinances or resolutions (PRC Sections 5024.1, 21804.1, 15064.5).

By definition, the California Register of Historic Resources also includes all "properties formally determined eligible for, or listed in, the National Register of Historic Places," and certain specified State Historical Landmarks. The majority of formal determinations of NRHP eligibility occur when properties are evaluated by the State Office of Historic Preservation in connection with federal environmental review procedures (Historic Preservation Act of 1966, Section 106). Formal determinations of eligibility also occur when properties are nominated to the NRHP, but are not listed due to owner objection. The minimum age criterion for the NRHP and the California Register is 50 years. Properties less than 50 years old may be eligible for listing on the NRHP if they can be regarded as "exceptional," as defined by the NRHP procedures, or in terms of the California Register, if "it can be demonstrated that sufficient time has passed to understand its historical importance." [Chapter 11, Title 14, §4842(d)(2)]

City of Beverly Hills Landmarks and Historic Districts. In February of 2012, the City of Beverly Hills Landmark Designation Criteria was adopted into the Municipal Code (Section 10-3-3212). A nominated property may be designated as a landmark if it is more than 45 years of age and satisfies the requirements set forth below.

- *Properties that are less than 45 years of age can be designated, but in addition to meeting the criteria below, they must also exhibit "exceptional significance" as defined in the article.*
- *For the purposes of this section, any interior space or spaces open to the general public, including, but not limited to, a lobby area, may be included in the landmark designation of a property if the city council finds that the public space(s) satisfies the following criteria:*
- *To be designated as a landmark, a property must satisfy the following criteria:*

  A. The property meets at least two (2) of the following criteria:
    1. *Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;*
    2. *Is directly associated with the lives of significant persons important to national, state, city or local history;*
    3. *Embodies the distinctive characteristics of a style, type, period, or method of construction;*
    4. *Represents a notable work of a person included on the city's list of master architects or possesses high artistic or aesthetic value;*
    5. *Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;*
    6. *Is listed or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been determined eligible by the state historical resources commission for listing on the California register of historical resources.*

  B. The property retains integrity from its period of significance. The proposed landmark retains integrity of location, design, setting, materials, workmanship, and association. Integrity shall be judged with reference to the particular criteria specified in subsection A of this section. A proposed landmark's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.

C. The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article.

g. Eligibility of Historic Resources.

National and California Registers: Significance, Eligibility and Integrity.

9265-67 Burton Way. This property does not appear to be eligible for listing under NRHP Criterion A or CRHR Criterion 1 (associations with historic events). While it is associated with the historical theme of the pre-and postwar residential development of Beverly Hills, it appears to be only generally associated with these themes, and represents no known, notable role in these theme. The property does not appear to be eligible for listing under NRHP Criterion B or CRHR Criterion 2 (associations with historically significant individuals). Of the known owners or occupants of the properties for whom any substantive biographical information was found, two may have made a significant contribution towards the historical development of the state, nation, or community. The property was constructed by Joe Endemiller, a prolific Beverly Hills real estate developer. While his contributions to the historical development of the community appear to be significant, this property is one of a large number that he constructed during his lifetime, and is not known to be related to his career in any significant manner. Also living at this address was Frank E. Mortenson, an individual who appears to have made a significant contribution to the pharmacist profession and in trade legislation. However, the available evidence suggests that he lived at this address for no more than two years at the end of his life. Consequently, his productive career is likely to be more closely associated with his earlier places of residence or business. This property does not appear to be eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical example of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

9269 Burton Way. This property appears to be eligible for listing under NRHP Criterion A and CRHR Criterion 1. The property's association with a broad pattern of historical events derives from the home front response to the declaration of war against Germany and Japan in December of 1941, an event supporting a large number of military, economic, social, and political historical themes. The particular facet of this larger theme represented by this property is the classification of German, Japanese, and Italian foreign nationals as enemy aliens by the government with the nation's entry into World War II. A detailed historical context for this theme has been developed by the National Park Service for Japanese-Americans, but a similar context does not appear to currently exist for the other affected ethnic groups.

The home of William Stagen was the location of a meeting held in January 1942 where the response of the Southern California German-Jewish immigrant community to the threat of deportation and other official sanctions at the beginning of the U.S. involvement in World War II was formulated. Twenty or more members of this community representing a variety of professions were in attendance at the committee meeting, which was chaired by prominent members of the German-Jewish business community: Dr. Felix Guggenheim, Heinz Pinner and William Stadthagen. The result of this joining of forces was the coordination of testimony before the Tolan Committee of the U.S. Congress in 1942.

While this context is not presently fully documented, as it has been for Japanese-Americans, it appears that the organized opposition to sanctions which started on this property resulted in the Tolan Committee deciding to allow German Jews who were not yet citizens to remain in the United States. Committee co-chair Heinz Pinner later recalled,

"[c]redit [for stopping the deportation threat] can be claimed by the committee, and by various personalities of high standing, like Thomas Mann." A significant individual in his own right, Pinner became known for his work in seeking restitution for victims of Nazism, for which he was later awarded the Grand Cross of the Order of Merit by the West German government. Similar defense movements occurred at the same time on behalf of Italian nationals, which succeeded in permitting resident aliens to remain in the country and pursue citizenship. This was clearly not the automatic result of the Committee's deliberations; by contrast, Japanese nationals and Japanese-Americans were subjected to forced relocation. Also growing directly out of this committee's meetings were war bond drives organized by and centered on the German-Jewish expatriate community.

Again, this is deeply flawed historical analysis, and does not meet National Register standards. SBRA asserts that "*it appears that the organized opposition to sanctions started on this property resulted in the Tolan Committee deciding to allow German Jews who were not yet citizens to remain in the United States*" [emphasis added]. This assertion is demonstrably incorrect in every aspect; every aspect of the claim is refuted by the documentary record. As discussed above, organized opposition to curfew and travel restrictions began before the 22 January 1942 meeting; that meeting was not related to the Tolan Committee; the Tolan Committee had no authority to decide relocation policy; and there was never any question of deportation, *i.e.*, being literally unable "*to remain in the United States*."

SBRA is factually incorrect in claiming that William Stagen was a "co-chair" of an enemy alien reclassification committee, and factually incorrect in linking Stagen to "*the coordination of testimony before the Tolan Committee of the U.S. Congress in 1942*." Stagen had no direct involvement in the reclassification effort, and Tolan Committee testimony was coordinated by Felix Guggenheim, alone.

The applicable historical context "*is not presently fully documented, as it has been for Japanese-Americans*." But it is an analytical fallacy for SBRA to borrow the historical context of the Japanese for this analysis. It is beyond dispute that the legal and cultural contexts were substantially different. An undeveloped context cannot be replaced by an inapplicable and incorrect context, merely because the latter is better documented.

By wrongly assuming that the German immigrants shared the same legal and political context as the Japanese, SBRA wrongly credits the intervention of the German-Jewish community for the fact that German immigrants were not forcibly relocated while, on the other hand, the Japanese were interned. There was never a genuine possibility of the forced relocation of Germans. As previously noted, Federal authorities in the Department of Justice had assured the German refugees that being classified as an "enemy alien" was only a "technicality" and that they ought to be considered "loyal aliens."

Because the 22 January 1942 meeting was not a response to forced relocation, and could not have been a response to the Tolan Committee. the meeting does not rise to the level of significance that SBRA claims.

In addition to misunderstanding and misrepresenting the relevant history, SBRA misapplies NRHP criteria. In discussing NRHP Criterion A, National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation," states "*A property is not eligible if its associations are speculative.*"[National Register Bulletin 15: 12] SBRA's assertion, "*it appears that the organized opposition ...*" is just suchimproper speculation—and it is entirely incorrect speculation, as

the documentary evidence demonstrates. Even under a generous interpretation, the association is indirect and insufficient, given that Stagen moved in 1943.

SBRA further misrepresents the historical record in their claim of Stagen's war bond sales efforts "*growing directly out of this committee's meetings*." As the historical evidence demonstates, Stagen's war bond efforts did not begin until 1943, and there is no demonstrable connection between Stagen's war bond committee and Guggenheim's reclassification committee. In fact, there is no evidence to indicate whether Stagen ran his war bond efforts from the apartment at 9269 Burton Way or from his professional real estate office, which at the time was located at 6822 Sunset Boulevard. Therefore any association of Stagen's war bond efforts with the property at 9269 Burton Way is entirely speculative.

Accordingly, both on the documented historical facts and the proper application of NHRP guidelines, the property at 9269 Burton Way cannot be deemed eligible under NHRP Criterion A or CRHR Criterion 1.

The property also appears to be eligible for listing under NRHP Criterion B and CRHR Criterion 2. It was the first property owned (circa 1938 to 1943) by William E. Stadthagen (Stagen), an immigrant businessman from Germany, one of a substantial number of individuals who fled Europe during the rise of Nazism during the 1930s and resettled in Southern California. Stadthagen (Stagen) appears to be one of the most active and distinguished members of this community. During the time in which he owned and lived on this property, he became heavily involved with promoting immigrants rights within the German-Jewish community in Los Angeles. These early efforts evolved into a leadership role in the reinvigoration of the Jewish Club of 1933 as a force in the promotion of Jewish culture and civil rights in Southern California, as well as a life-long commitment to philanthropic efforts in providing social services to this community. While these activities continued throughout his lifetime, the meetings of early 1942 which initiated this realm of significant activities took place at his home, on this property.

SBRA's assertion that William Stagen "*appears to be one of the most active and distinguished members of this community*" reflects a serious lack of understanding of the German émigré community in Southern California in the prewar period. In the decade before the War, there was a prominent German community in Southern California. Many were Jews, but the Nazis had also targeted intellectuals and artists. So while that community included many individuals in business trades, like Stagen, it famously encompassed world-renowned writers, musicians, film makers, actors, and thinkers.

Those internationally-known figures included novelists Thomas Mann (1929 Nobel Prize winner for literature) and Heinrich Mann, playwrights Bertolt Brecht and Lion Feuchtwanger, film director Fritz Lang, composer Arnold Shoenberg, philosopher and essayist Theodore Adorno, and architects Richard Neutra and Rudolf Schindler, among many others. Such was the international stature of the Southern California German émigré community that it was referred to as "Weimar on the Pacific."

In that context, it is extraordinarily incorrect to suggest that William Stagen was "*one of the most active and distinguished members*" of the Southern California German immigrant community, as SBRA claims.

Neither is there any factual basis for SBRA's claim of eligibility under NHRP Criterion B and CRHR Criterion 2 that:

> **"*During the time he owned and lived on this property he became heavily involved with promoting immigrants rights within the German-Jewish community in Los Angeles.*"**

This assertion is factually incorrect. As discussed above, Stagen was not directly involved in "enemy alien reclassification" at all. Nor was he "*heavily involved*" in any activity that could be reasonably characterized as "*promoting immigrants' rights*" during his period of residence at 9269 Burton Way.

Beyond his general lack of significance as an individual, because Stagen relocated during 1943, his period of residence at 9269 Burton Way does not sufficiently coincide with his productive life, as required for eligibility. National Register Bulletin 32 "Guidelines for Evaluating and Documenting Properties Associated with Significant Persons," II (B)(7) explains that:

> **"*Eligible properties generally are those associated with the productive life of the individual in the field in which (s) he achieved significance. Associations with an individual should have occurred during the period of time when the person was engaged in the activities for which (s) he is considered significant.*" [National Register Bulletin 32, p. 16]**

SBRA attempts to explain away the wholly indirect nature of this association:

> **"*These early efforts evolved into a leadership role in the reinvigoration of the Jewish Club of 1933 as a force in the promotion of Jewish culture and civil rights in Southern California, as well as a life-long commitment to philanthropic efforts in providing social services to this community. While these activities continued throughout his lifetime, the meetings of early 1942 which initiated this realm of significant activities took place at his home, on this property.*" [emphasis added]**

But this "*early efforts evolved*" claim is just the type of indirect association that National Register guidelines explicitly discourage. Again, they stress that a property should be evaluated based on activities that occurred *while the individual actually lived there—not* based on activities that "*evolved*" after that individual moved to a different residence, as is the case here.

To further inflate this dubious claim, SBRA refers to "*the meetings of early 1942*," plural, as though there was a pattern of activities at Stagen's residence rather than merely a single meeting on 22 January 1942. There is no factual evidence for a claim of multiple meetings at 9269 Burton Way.

In short, William Stagen is not an individual of significance for NHRP Criterion B or CRHR Criterion 2 eligibility. But even under the most generous interpretation, his association with 9269 Burton Way does not conform to National Register guidelines, as his period of residence does not sufficiently coincide with the period in which activities may have occurred.

Accordingly, on both the documented historical facts and the proper application of NHRP guidelines, the property at 9269 Burton Way cannot be deemed eligible under NHRP Criterion B or CRHR Criterion 2.

This property does not appear to be eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical example of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

Integrity Discussion.

9265-67 Burton Way. This property appears not to be significant under any of the

eligibility criteria. Consequently, an evaluation of its integrity is not required.

9269 Burton Way. This property appears to be significant under NRHP Criterion A and CRHR Criterion 1, and NRHP Criterion B and CRHR Criterion 2. Consequently, a determination of the ability of the property to convey its significance is required to establish its potential eligibility. The integrity of location for this property is intact; it remains on its original location. The property's integrity of design is substantially intact. Alterations, including the closure of window and door openings on the apartment building, are generally minor in scope and location.

The property's integrity of setting is considerably compromised. Once a part of a neighborhood of low-rise apartment buildings, it is now surrounded by mid- and high-rise buildings constructed during the 1970s and later. The only remaining element of the property's historic setting is Burton Way and the wide median, previously a Pacific Electric streetcar right-of-way. The property is not substantially altered, and to that extent, its integrity of materials and workmanship are also intact. The property's integrity of feeling and association are largely intact, as the buildings on the property are used for their historic residential purposes.

Based on the discussion above, the property at 9269 Burton Way appears to retain sufficient integrity to convey its significance and therefore should be regarded as a historic resource for the purposes of CEQA. The historic period for the property based on the documented associations is circa 1938 to 1943. The appropriate boundary of the eligible property is the legal parcel.

> **Under proper application of National Register guidelines the property at 9269 Burton Way is not eligible for either NRHP Criterion A and CRHR Criterion 1 or NRHP Criterion B and CRHR Criterion 2. Therefore an integrity evaluation under NRHP or CRHR is moot.**
>
> **In any event, the property's *setting* integrity is entirely compromised; the other buildings on the entire north side of Burton Way are all much larger scale and several decades newer than the presumed oeriod of significance. The property's *design* integrity is impossible to evaluate. Some doors and windows have been altered, and at least one unit has been subdivided since Stagen resided there. And we do not know which unit was Stagen's residence, so we do not know the extent to which the later alterations affect his actual place of residence.**
>
> **Far more importantly, the property at 9269 Burton Way does not maintain integrity of *association*. Even under the most speculative reading, 9269 Burton Way does not retain sufficient association with William Stagen, as required for eligibility. Again, under National Register Bulletin 32 "Guidelines for Evaluating and Documenting Properties Associated with Significant Persons," II (B)(7):**
>
> > **"*Eligible properties generally are those associated with the productive life of the individual in the field in which (s)he achieved significance. Associations with an individual should have occurred during the period of time when the person was engaged in the activities for which (s)he is considered significant.*" [National Register Bulletin 32, p. 16]**
>
> **Therefore, even under the most generous interpretation of SBRA's analysis, and even allowing for their unsupported claims and improper speculation, there is simply insufficient overlap between William Stagen's period of residence and SBRA's proposed period of significance. This means that the**

property at 9269 Burton Way does not maintain sufficient integrity of *association*. There is *no* *"direct link between an important historic event or person and a historic property*," as required for the property to maintain and historic integrity. Accordingly it *cannot* be considered eligible for NRHP or CRHR listing. Therefore it *cannot* be regarded as a historic resource for the purposes of CEQA.

Local Significance and Eligibility. The Beverly Hills Municipal Code (§10-3-3212) establishes criteria for listing properties within the city as landmarks. The City of Beverley Hills listing criteria appear to be functionally similar to the NRHP and CRHR criteria for eligibility, with the significant departure that a landmark must meet at least two of the criteria to be considered eligible. The property at 9269 Burton Way appears to meet Criterion 1 (identified with important events); and Criterion 2 (associated with the lives of significant persons), as described the NRHP and CRHR evaluation, above. The property at 9265-67 Burton Way does not appear to be eligible under any of the criteria in the Beverly Hills Municipal Code.

Although SBRA correctly transcribes the City of Beverly Hills Landmark ordinance (Section f. Regulatory Setting, above), they misunderstand and misstate its structure. Contrary to their analysis, Beverly Hills does not require "*at least two of the criteria to be considered eligible*," with a parallel integrity analysis. Rather, the City requires that a property meet all three criteria for listing: Criterion A (significance, which itself requires satisfying at least two of six significance subcriteria), *and* Criterion B (integrity), *and* Criterion C (value to the community; furthers the goals of preservation).

Therefore, when SBRA claims that the property meets two criteria: "Criterion 1" and "Criterion 2", they are actually saying that it meets Subcriteria A.1 and A.2, which together comprise only one criterion. As a practical matter, however, 9269 Burton Way meets neither subcriteria.

Regarding Subcriterion A.1: The meeting of 22 January 1942 at 9269 Burton Way does *not* rise to the level of an "important event[s] in the main currents of national, state, or local history." Contemporary documentation refutes SBRA's claim that this meeting was a seminal event. Therefore, the property at 9269 Burton Way does not meet National Register guidelines for NRHP Criterion A or CRHR Criterion 1, and therefore it does not meet Beverly Hills Landmark Subcriterion A.1.

Regarding Subcriterion A.2: In describing the Beverly Hills criteria as "functionally similar" to NRHP and CRHR, SBRA misses a difference in the language of Beverly Hills Subcriterion A.2. Unlike NRHP Criterion B or CRHR Criterion 2, which require that a property "[i]s associated with the lives of persons important in our past," Beverly Hills Subcriterion A.2 requires that it "[i]s *directly* associated with the lives of significant persons ..." [emphasis added]. Rather than repeat NRHP and CRHR criteria verbatim, Beverly Hills emphasizes that the association must be *direct*, reflecting the greater than usual propensity of properties in Beverly Hills to have had some temporary or limited association with the lives of significant persons.

However, as discussed above, William Stagen's association with the property at 9269 Burton Way does not even meet the general "association" standards under National Register guidelines for NRHP Criterion B or CRHR Criterion 2. Further, for reasons discussed, William Stagen cannot be considered an individual of significance under National Register guidelines.

Contrary to SBRA's misinterpretation of events, Felix Guggenheim—not William Stagen—was the moving force behind the Southern California German refugee community's "enemy alien reclassification" efforts. Therefore, for both reasons of significance *and* association, the property at 9269 Burton Way does not meet Beverly Hills Landmark Subcriterion A.2.

A minimum of two subcriteria are required to satisfy Criterion A. In this case, properly evaluating the evidence under National Register guidelines, *neither of the proposed subcriteria is met*. Accordingly, the property at 9269 Burton Way *cannot be considered eligible* for local listing, as it does not meet the requirements of Criterion A, and it must meet all three criteria.

The City Code also provides for evaluating the integrity of a potential landmark, utilizing the integrity criteria of the NRHP and CRHR, but apparently suggesting an unconventional methodology for determining if the integrity level is sufficient. The Municipal Code states that a nominated property must retain its "integrity of location, design, setting, materials, workmanship, and association" from the period of significance. The implication of the plain language in the Municipal Code is that, unlike the NRHP and CRHR, all aspects of integrity must be present for a property to be eligible. However, the code section also states that integrity "shall be judged with reference to the particular [significance] criteria." The possible meaning of this language is that integrity should be judged based upon the means by which the property derives its significance. This method is more similar to evaluating integrity for the NRHP and CRHR.

The implications of this integrity evaluation language taken as a whole are uncertain. Depending on the interpretation of the Municipal Code, the property at 9269 Burton Way may or may not retain sufficient integrity to be eligible for landmark listing. If it is the intention of the Municipal Code to set a higher standard for integrity than the NRHP and CRHR, then it would not be eligible due to the loss of setting integrity, as described in the NRHP and CRHR evaluation, above. However, if it is the intention of the code to set a similar standard of evaluation, then the property would retain sufficient integrity for listing.

Given that the property does not meet Beverly Hills Criterion A, and therefore cannot satisfy all three criteria, as required, an integrity evaluation under Criterion B is moot. In any case, the property does not maintain integrity of *association*, which is the essential integrity criterion for designation under BH Subcriterion A.2, "*directly associated with the lives of significant persons*." William Stagen moved his residence from this property in 1943. It Therefore the property at 9269 Burton Way *cannot be considered eligible* for local listing, as it does not meet the requirements of Criterion B, and it must meet all three criteria.

Finally, SBRA's analysis simply ignores the third prong required for local eligibility—namely, Criterion C, which reads:

> **"*The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article.*"**

The property at 9269 Burton Way is not "*of significant architectural value to the community.*" Its designation is *not* necessary to further the goals of historic preservation in the City of Beverly Hills; the opposite is true. The purposes of preservation are better served by avoiding questionable and unsubtantiated

designations; that is why BHMC § 10-3-3212 requires two significance criteria. Therefore, 9269 Burton Way cannot satisfy Criterion C, as required for listing as a City of Beverly Hills Landmark.

As clearly stated in the BHMC, a property must meet all three criteria for listing. Failure to meet any one of the three is absolutely disqualifying. The property at 9269 Burton Way meets none.

Adjacent and Nearby Properties. No properties in the immediate vicinity are currently designated, listed, determined to be eligible, or appear to be eligible for listing on the NRHP, CRHR, or as a City of Beverly Hills Landmark.

4.5.2 Impact Analysis

a. Methodology and Significance Thresholds. According to the Public Resources Code, "a project that may cause a substantial change in the significance of an historical resource is a project that may have a significant effect on the environment." The Public Resources Code broadly defines a threshold for determining if the impacts of a project on an historic property will be significant and adverse. By definition, a substantial adverse change means, "demolition, destruction, relocation, or alterations," such that the significance of an historical resource would be impaired. For purposes of NRHP eligibility, reductions in a property's integrity (the ability of the property to convey its significance) should be regarded as potentially adverse impacts.

Further, according to the CEQA Guidelines, "an historical resource is materially impaired when a project...[d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources [or] that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant."

The lead agency is responsible for the identification of "potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource." The specified methodology for determining if impacts are mitigated to less than significant levels are the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), publications of the National Park Service.

With respect to archaeological and paleontological resources, the proposed project would have a significant effect if it would:

- *Cause a substantial adverse change in the significance of an archaeological resource as defined in § 15064.5 (discussed under Impact CR-1)*
- *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (discussed under Impact CR-2)*
- *Disturb any human remains, including those interred outside of formal cemeteries (discussed under Impact CR-2)*

b. Project Impacts and Mitigation Measures.

Impact CR-1 The proposed Project would involve demolition of the existing buildings at 9265 – 9269 Burton Way. The 9269 Burton Way

property is considered a historic resource pursuant to CEQA. Mitigation is required to reduce this impact, but would not reduce it to a less than significant level. The impact would be Class I, *significant and unavoidable.*

Based on a clear preponderance of the historical evidence, including a substantial compilation of documents not reviewed by SBRA and therefore not considered in their analysis, the property located at 9269 Burton Way is *not historically or culturally significant*, and *cannot be deemed eligible* for listing on the NRHP or CRHR or as a City of Beverly Hills Landmark.

Therefore, the property at 9269 Burton Way *cannot be considered an historic resource* for purposes of CEQA. [PRC 21084.1] Accordingly, *demolition will not result in a Class I significant impact as defined by CEQA*. Therefore Impact CR-1 is not applicable to the proposed Project.

The proposed project would result in the demolition of the property located at 9269 Burton Way. As discussed above under section 4.1.1.g, the property at 9269 Burton Way is eligible for listing on the National Register of Historic Places and the California Register of Historical Resources, and may be eligible for designation as a City of Beverly Hills Landmark, due to its association with the life and accomplishments of William Stagen, and the property's association with a broad pattern of historical events that derives from the home front response to the declaration of war against Germany and Japan in December of 1941, an event supporting a large number of military, economic, social, and political historical themes.

Mitigation Measures. The following measures would reduce the significant impacts of the proposed project on historic resources, but not to less than significant levels.

The property at 9269 Burton Way is *not an historic resource under CEQA*. Therefore, demolition will *not* result in any significant impact as defined by CEQA, and Impact CR-1 is not applicable to the proposed Project. Because there are no significant impacts, no mitigation measures are required.

CR-1(a) **Documentation Report.** A historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the City of Beverly Hills to complete a Documentation Report on the property located at 9269 Burton Way. The property shall be photographed according to accepted archival methods, and a written historic report prepared by a qualified historic preservation professional. This documentation, along with historical background of the properties, shall be submitted to an appropriate repository approved by the City of Beverly Hills, and shall be completed and approved by the City prior to the issuance of demolition permits.

CR-1(b) **Interpretive Plan.** In consultation with the City of Beverly Hills, a historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the city to prepare an on-site interpretive plan, focusing on the significant historic themes associated with the property at 9269 Burton Way. The plan shall consist of a public display or other suitable interpretive approach, as approved by the city, and shall be installed in an appropriate public or semi-public location on the project site. The interpretive plan shall be completed and approved prior to the issuance of building permits for the proposed project, and

shall be implemented within one year of occupancy of the proposed building. If the proposed building is not occupied within two years after the issuance of demolition permits, another suitable temporary or permanent location for the interpretive display shall be determined, subject to the approval of the city. The interpretive display shall remain in public view for a minimum of five years, and if removed, appropriately archived.

Significance After Mitigation. A principle of environmental impact mitigation is that some measure or combination of measures may, if incorporated into a project, serve to avoid or reduce significant and adverse impacts to a historic resource. In reference to mitigating impacts on historic resources, the CEQA Guidelines state:

> *Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the* Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings *(1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant. (CEQA* Guidelines *Section 15126.4 (b)(1))*

These standards, developed by the National Park Service, represent design guidelines for carrying out historic preservation, restoration and rehabilitation projects. The Secretary's Standards and the supporting literature describe historic preservation principles and techniques, and offers recommended means for carrying them out.

The demolition of an historic property cannot be seen as conforming with the *Secretary of the Interior's Standards*. Therefore, the absolute loss of an historic property is generally be regarded as an adverse environmental impact which cannot be mitigated to a less than significant and adverse level. Further, the usefulness of documentation of an historic resource, through photographs and measured drawings, as mitigation for its demolition, is limited by the CEQA Guidelines, which state:

> *In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. (CEQA* Guidelines *Section 15126.4 (b)(2))*

Therefore, impacts would remain significant after mitigation.

There are no significant historic resource impacts under CEQA; therefore Impact CR-1 is not applicable to the proposed Project. Because there are no significant historic resource impacts, no mitigation can be required and there can be no residual historic resource impacts.

Impact CR-2 There are no known archaeological or paleontological resources or human remains on the project site. However, there is potential to unearth previously unknown archaeological or paleontological resources. This is a Class II, *significant but mitigable*, impact.

There is little reason to believe that such resources or remains exist on the Project site. However, if any are discovered during excavation, Impact CR-2 will be applicable, and the proposed mitigation measures would be appropriate.

The surface of the Project site has been previously disturbed, graded, and developed, and no archeological or paleontological resources are known to be present on-site. The project site is not in an area of identified archaeological sensitivity. Nonetheless, excavation for building foundations and parking would occur at a greater depth (approximately 13 feet

below ground level) than in previous construction on-site. Consequently, excavation has the potential to disturb as yet undiscovered archaeological or paleontological resources and/ or human remains. In the event that such resources and/ or human remains are discovered on-site, mitigation would be required. This is a potentially significant impact.

Mitigation Measures. Implementation of Mitigation Measures CR-2(a) and CR-2(b) would reduce impacts to unknown archeological and paleontological resources and/ or human remains to a less than significant level.

CR-2(a) **Archeological/ Paleontological Monitoring.** In the event that a previously unknown artifact or fossil is uncovered during project construction, all work shall cease until a certified archaeologist and/ or paleontologist can investigate the finds and make appropriate recommendations. The applicant shall coordinate with the Native American Heritage Commission on the treatment of such artifacts. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.

CR-2(b) **Coroner Notification.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.

Significance After Mitigation. Impacts would be less than significant with implementation of the mitigation measures above.

c. Cumulative Impacts. Planned, pending, and future development in the City of Beverly Hills and surrounding area would add about 1.1 million square feet of non-residential development and 562 dwelling units. The addition of this development could alter the historic character of the City and result in cumulatively considerable, and therefore significant, impacts to historic resources. Where historic properties have been demolished or degraded, mitigation measures are not always sufficient to reduce Project-specific impacts to less than significant levels. In addition, approval of projects with significant and unavoidable impacts to historic resources could be seen as establishing a pattern of development/ redevelopment that includes the continued loss of historic resources. Each development proposal is reviewed by the City and undergoes environmental review when it is determined that potential for significant impacts exist. In the event that significant resources are discovered during the evaluation of future projects, impacts to such resources would be mitigated as feasible on a case-by-case basis in accordance with the requirements of CEQA. Therefore, the Project would not substantially contribute to cumulative impacts to historic resources.

Selected Sources Examined by SBRA (from Appendix B)

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Select Committee Investigating National Defense Migration. Hearings Before the Select Committee Investigating National Defense Migration House of Representatives Seventy-Seventh Congress Second Session Pursuant To H. Res. 113, Part 31 Los Angeles and San Francisco Hearings, March 6, 7, and 12, 1942, Problems of Evacuation of Enemy Aliens and Others from Prohibited Military Zones. United States Government Printing Office Washington, 1942.

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Jaeger, Roland. *New Weimar on the Pacific: the Pazifische Presse and German exile publishing in Los Angeles 1942–48*, Los Angeles: Victoria Dailey, 2000.

[Select Committee Investigating National Defense Migration]. Hearings Before the Select Committee Investigating National Defense Migration, House of Representatives, Seventy-seventh Congress, First Session, Pursuant to H. Res. 113, Part 11, Washington, D. C, Hearings, March 24, 25, 26, 1941.
Part 29, San Francisco Hearings, February 21 and 23, 1942.
Part 30, Portland and Seattle Hearings, February 26 and 28, and March 2, 1942.

U.S. Department of Interior. *National Register Bulletin 32*, "Guidelines for Evaluating and Documenting Properties Associated with Significant Persons," 1991.

Manuscript Documents [all from University of Southern California, Doheny Library, Special Collections; Felix Guggenheim papers, boxes 165/ 166]

15 January 1942:	**(*circa*) Felix Guggenheim notes regarding response to "enemy alien" classification.**
31 January 1942:	**Felix Guggenheim's copy of a letter to Francis Biddle, Attorney General of the United States, authored by Prof. Richard B. Goldschmidt of the San Francisco émigré community.**
11 February 1942:	**Felix Guggenheim letter to Julia Seider, immigration attorney.**
14 February 1942:	**(*circa*) Felix Guggenheim draft of telegram from Jewish Club of 1933 to the *Council for Aliens of Enemy Nationality* in New York.**
15 February 1942:	**(*circa*) Western Union night letter from Jewish Club of 1933 to the *Council for Aliens of Enemy Nationality* in New York.**
17 February 1942:	**Felix Guggenheim's copy of a transcript of a letter to the Editor of the *Seattle Post Intelligencer*, authored by Ludwig Pick on behalf of the Seattle émigré community.**
1 March 1942:	**Felix Guggenheim letter to Congressman John Tolan, chair of the House Select Committee Investigating National Defense Migration ("Tolan Committee").**
2 March 1942:	**Felix Guggenheim's copy of a letter to Leopold Jessner, President of the Jewish Club of 1933, from Elsa Schwerin of the Seattle émigré community.**
4 March 1942:	**Felix Guggenheim letter to John W. Abbott, Chief Field Investigator for the House Select Committee Investigating National Defense Migration ("Tolan Committee").**
26 March 1942:	**Western Union telegram to Jewish Club of 1933 from John J. McCloy, Assistant Secretary of War.**

31 March / 1 April 1942: Felix Guggenheim letter to Julia Seider, immigration attorney.

6 April 1942: letter from Manfred George, Editor of *Aufbau (Reconstruction)*, naming Felix Guggenheim to the national editorial staff.

13 April 1942: "Alien Enemy Permit to Travel" to allow Felix Guggenheim to travel to San Francisco to discuss German-Jewish refugee issues with US Army Western Defense Command, signed by Wm. Fleet Palmer, United States Attorney for the Southern District of California.

17 April 1942: letter to Felix Guggenheim from Congressman John Tolan, Chairman of the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee").

18 April 1942: Felix Guggenheim letter to Julia Seider, immigration attorney.

25 April 1942: Memorandum from the Jewish Club of 1933 officially naming Felix Guggenheim as their representative for "reclassification" efforts, signed by Leopold Jessner, President of the Club.

28 April 1942: Felix Guggenheim letter to Congressman John Tolan, Chairman of the House Select Committee Investigating National Defense Migration ("Tolan Committee").

30 April 1942: memorandum from the Jewish Club of 1933 to their membership.

23 May 1942: Felix Guggenheim letter to Julia Seider, immigration attorney.

31 May 1942: letter to Felix Guggenheim from Richard Grau of the San Francisco émigré community.

1 June 1942: Felix Guggenheim's copy of letter from William Stagen to Leopold Jessner, President of the Jewish Club of 1933.

15 June 1942: Felix Guggenheim's copy of letter from William Stagen to Leopold Jessner, President of the Jewish Club of 1933.

19 June 1942: Felix Guggenheim's copy of letter from Leopold Jessner, President of the Jewish Club of 1933 to William Stagen.

26 June 1942: letter to Jewish Club of 1933 from George Hjelte, Director of the Los Angeles Defense Council, in response to a 5 June 1942 letter from Felix Guggenheim,

9 July 1942: Western Union telegram to Felix Guggenheim from Richard Grau of the San Francisco émigré community.

15 July 1942: memorandum from the Jewish Club of 1933, authored by Felix Guggenheim.

30 August 1942: minutes of the Jewish Club of 1933 Board of Directors' meeting of 30 August 1942.

28 October 1942: Felix Guggenheim letter to George Hjelte, Director of the Los Angeles Defense Council.

16 November 1942:	**Felix Guggenheim letter to William Stagen.**
5 January 1943:	**Felix Guggenheim letter to George Hjelte, Director of the Los Angeles Defense Council.**
16 February 1943:	**minutes of the Jewish Club of 1933 Board of Directors' meeting of 16 February 1943.**
25 February 1943:	**letter to Felix Guggenheim from George Hjelte, Director of the Los Angeles Defense Council.**
26 February 1943:	**Felix Guggenheim's copy of memorandum from Council of Jewish Émigrés of San Francisco and the Bay Area, chaired by Richard Grau.**
24 March 1943:	**Felix Guggenheim draft memorandum regarding the Los Angeles Defense Council lifting defense service restrictions.**

CONTEMPORARY MANUSCRIPT DOCUMENTS

Manuscript Documents from the Felix Guggenheim papers
at the Doheny Library, University of Southern California

Felix Guggenheim's papers relating to immigrant issues and his founding of the Pazifische Presse are accessible to the public. This is a selection of relevant documents, most found in Boxes 155 and 156 of the Guggenheim papers. These consist of memoranda and letters written by or sent to Guggenheim, together with his copies of others documents. relating to his work in the wartime period.

Felix Guggenheim memorandum
circa 15 January 1942?

This memo is unsigned and undated, but it relates to the earliest discussions about the threat of "enemy alien" restrictions, and therefore must have been written some time prior to the 22 January 1942 meeting in William Stagen's apartment. What is not clear is whether it was written specifically in preparation for the 22 January meeting or, as seems more likely, in preparation for an earlier January meeting with the Board of Directors of the Jewish Club of 1933, at which William Stagen and Felix Guggenheim tried to convince the Jewish Club of 1933 to take up the issue of "enemy alien reclassification." It was only after the Club declined to take up the "reclassification" issue that the 22 January meeting was held.

Although it is unsigned, there can be no real doubt that Guggenheim is the author of this document. The memo references the evaluation system used in Britain for classifying German-Jewish refugees as "refugee from Nazi oppression." Felix Guggenheim spent two years in London before coming to the US. He learned English there, and his Tolan Committee testimony discussed the British system for individual evaluation and classification as "refugee from Nazi oppression"; Guggenheim's own British papers bore that designation.

This memo clearly suggests that Felix Guggenheim—not William Stagen—was the intellectual force behind creating a "reclassification committee" to fight the designation of German refugees as "enemy aliens."

USC Felix Guggenheim papers

Situation : Action against enemy aliens increasing- especially as long as war situation not satisfactory and as real danger of sabotage acts (like 1917) imminent. Japanese aliens especially dangerous.

Washington-knowing, that the potential reservoir of 5th columnists is to be found among Bundists, naturalized and even native Americans (the Gestapo being clever enough to choose agents not from the most exposed , but from the most protected group) - is reluctant in its measures.

State and local authorities- less exactly informed and more endangered, besides that more exposed to emotion and trend of public opinion - are pushing ahead, not only to get an emotional outlet but also to avoid any reproach (Pearl Harbour!) if really acts of sabotage will start to happen.

Refugee-Problem: Some weeks ago all the authorities made it clear , that being classified as an " enemy alien " is only a"technicality", as long as the alien belongs to the " loyal aliens ".
But exactly as in England it proved to be impossible , to clear the question of loyalty in an individual manner , and as measures against enemy aliens are necessary in wartime, it is better, to have innocent aliens suffer , than to go not far enough in the protection of the nation.
So it would be the most unwise and most dangerous attitude for the Jewish refugees , to find any measure against enemy aliens too harsh or uncalled for.
But what can he do finding himself in the most unfortunate position imaginable at all? Namely: being classified as a Nazi, after having suffered the most terrible persecution by the Nazis, and being treated as an enemy alien in spite of having -with good reasons- the most friendly and grateful feelings for this country and this people.

By the way : It involves even a general danger to all Jews in this country, if the term " Jewish refugee" becomes mixed up and identified with the term " enemy alien".

Remedy : There seems to be no other way to avoid unnecessary hardship and irreparable material and ideal damage, than to impress with all arguments in our command to everybody concerned, that our group doesnt belong to the " enemy aliens" - not because our individuals , if allowed to, can prove their individual loyalty , but because the essential characteristics of our group prove, that the group is the most antagonistic to the enemy Nazis and by reasons of blood and race even uncapable to join them by act of will , whereas for instance a Frenchman can decide, to be a Free French or a Vichy French in this country according to his wish and without being treated as an enemy in both cases.

Arguments : For the legal mind : By law of the German Government all members of our group (not as individuals , but as Jews) are expatriated not only as citizens , but also as "nationals" and expropriated as well. So they are even less "Germans" than the citizens of Danzig who for formal and legal reasons arent considered as " enemy aliens ".
For the political mind: Not to give the Nazis the comfort to see part of the energy directed against them wasted in an effort to treat their most irreconcilable enemies, the Jewish refugees, as their allies.

For the humanitarian mind: Not to make a group of loyal and useful people miserable unnecessarily and without military reasons, but just out of an easily corrigible mistake in classification.

Technical way of correction : Either to declare, that people who registered in their First Papers as of "Hebrew Race" arent considered as "enemy aliens" .(There is no genuine Jewish refugee, who didnt take out his first papers first thing after his immigration!)

Or to follow the British example and to mark the identification card with " refugee from Nazi oppression " so enabling the authorities to issue restrictions with the special provision, that they dont apply to " refugees from Nazi oppression".

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letter to Francis Biddle, Attorney General of the United States
from the San Francisco German immigrant community
31 January 1942

Felix Guggenheim's copy of a letter dated 31 January 1942, authored by Prof. Richard B. Goldschmidt, on behalf of the San Francisco German-Jewish refugee community. The Los Angeles German refugee community was far from alone in its efforts for "reclassification." And it seems cleat that by the end of January Guggenheim had begun communicating and sharing thoughts on strategy with the German immigrant communities in San Francisco, Portland, and Seattle.

In this letter to Francis Biddle, the Attorney General, the San Francisco group expresses their natural allegiance to the anti-Nazi war effort, and argues that they should not be classified as "enemy aliens," but rather as "refugees from Nazi oppression" (as Britain had granted to similarly-situated refugees as early as 1939, and as Guggenheim had been advocating as a strategy).

USC Felix Guggenheim papers

The following is a copy of a letter sent by Mr. Richard B. Goldschmidt, professor at the University of California, Mr. Oscar Meyer, former leader of the democratic party in the German Reichstag, and a group of over thirty other German refugees who are now living in the S.F. Bay Area.

San Francisco and Berkeley, Calif.
January 31, 1942

To the Attorney General of the United States
Mr. Francis Biddle
Washington, D. C.

Sir:

Deprived of our country by Hitler we came to the United States to become loyal citizens and to educate our children in loyalty to America.

We are grateful that the American nation has generously received us, and that under its powerful protection we enjoy freedom and take part again in the heritage of mankind. Since the outbreak of the war, however, the refugees from Nazi oppression have been classified as "enemy aliens". We believe that this term when applied to refugees from Nazi oppression results in moral disqualification. Being outlawed by Hitler as enemies whom he wants to exterminate, we are now again designated as "enemies" in the country of our refuge. Thus we face the danger to appear to the public as the enemies of everyone. To bring us into such position is Hitler's aim, and certainly contradictory to the intention of the American government.

Although the American government intends that the term "enemy alien" should be understood in a technical sense, the people will be inclined to take the term as expressing a reality instead of a mere legal concept. The words "friend" and "foe", "ally" and "enemy" mean so much to the nation in wartime that it cannot be otherwise. Moreover it may become necessary, and in fact necessity has already arisen to take action against persons on American soil who are considered inimical to the American nation. If the term "enemy alien" is indiscriminately applied to classes of persons who completely differ in their attitude to this country the danger will always be present that such emergency measures will be extended to all those who are called "enemy aliens." In fact the regulations excluding "enemy aliens" from certain areas in California and other defense districts which will soon be followed by more comprehensive orders, all of which will be of vital importance for many persons comprise axis aliens and refugees as well. That may involve a necessary sacrifice regarding such persons who are citizens of axis countries and who can be suspected or even presumed to be loyal towards their old countries. Nothing of that kind applies to us.

Being still aliens we look forward impatiently to the day when we shall be allowed to become American citizens. While waiting we are in the meantime neither German aliens nor enemy aliens. This is true not only in substance because we have nothing in common with Nazi Germany and categorically reject every connection with Nazi Germany; but also in form because the German government by various actions has severed all legal ties between Germany and ourselves. This has been effectuated by decrees denationalizing many of us individually, and by the recent German law of November 25, 1941, terminating the involuntary German citizenship of the rest of us. We are therefore neither citizens nor subjects of a country at war with the United States.

Our classification as "enemy aliens" is now almost exclusively based upon the place of birth. The mere hazard of the place of birth cannot carry weight in this war between two irreconcilable idealogies where the borderlines between the European countries have lost their significance. It would be contradictory to the democratic ideals and therefore to the very basis of the American war effort if discriminations based on outlived standards would tend to induce public opinion in America to regard the refugees as enemies instead of accepting them as living proof of the crimes of Hitlerism and as co-fighters against Hitler.

We refugees are fighting Hitler since 1933. We all bear scars of this fight. Many of us went through tortures. Almost everyone of us has lost members of his family or dear friends in this struggle. The goal of the United States in this war - the defense of the rights of mankind - is necessarily cherished by us. We share the American love of freedom and the American ideals for the future of the world. Our reliance on America's victory is of necessity identical with our confidence in the future of ourselves and our children. Because this is so, we are second to none in the desire and the conviction that America must win this war and take a decisive part in the inevitable reconstruction of the world.

We recognize that in the interest of the safety of this country investigation of the past record and conduct of each refugee may be required. We welcome any opportunity to submit such proof. Even more shall we welcome every opportunity given to us to take part in the active defense of America.

This petition we feel is expressive of our loyalty to this country as well as of our self-respect and our vital interests:

to be named and treated as "refugees from Nazi Oppression" instead of "enemy aliens".

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Felix Guggenheim letter to Julia Seider, immigration attorney
11 February 1942

Felix Guggenheim writes to his immigration attorney in New York, who is working to bring in at least one of his relatives. In this letter Guggenheim makes reference to the 22 January meeting at William Stagen's apartment, and clearly indicates that the meeting was concerned with restrictions imposed by "local and State" authorities—not Federal authorities, and not the Tolan Committee:

> *We – a few friends of mine and I – came together to look for a way to inform the local and State authorities (Washington most probably is informed) that they hurt us together with the Japanese...*

USC Felix Guggenheim papers

Felix Guggenheim
238 Tower Drive
Beverly Hills, Cal.

February 11, 1942

Mrs. Julia L. Seider
91 East Main Street
Bay Shore, N.Y.

Dear Julia :

This time I hesitated longer, than I intended, to answer your nice letter of January 19. For in the meantime it isnt any more only the problem , what will happen with Heinz and the Adelheims, but it is very much the problem what will happen to us. As in England the inevitable reverses of war make people conscious of the danger of sabotage, and in California this danger is more real than anywhere in the States. So you cant blame the people getting afraid, if they see the Japanese gardeners etc. pass the aircraft factories. And it is quite natural that something has to be done against "enemy aliens" . Unfortunately for unknown reasons the Jewish refugees - expatriated and expropriated - are classified as enemy aliens. We - a few friends of mine and I - came together to look for a way to inform the local and State authorities (Washington most probably is informed) that they hurt us together with the Japanese , if they dont discriminate, that nothing would please Hitler more than seeing us persecuted as Nazis, that the Gestapo is clever enough to choose their agents among the naturalized Americans, etc. On the other side , we want the real enemy aliens treated as harshly as possible and dont want any consideration , because there are refugees among them. So the only way is, to take the group of refugees, who can prove that they are expatriated and have no allegiance to Germany , out of the class " enemy aliens". But that s a long way. I was very busy all these days, seeing many people and discussing the problems. I personally am not hurt till now (of course it is still possible, that all enemy aliens have to leave California) but all people who are in real business suffer heavily . For instance a Jewish influenced firm like Warner Bros. cant employ Jewish refugees as actors, etc. (what they did till now) because the Warner lot is in a part of the city, which is prohibited for enemy aliens. Nobody knows what the outcome will be, as local , State, Federal , military and other authorities are involved in the matter. Another point is, that at a time when American

parents send their sons to the Army to risk their lives, nobody cares, whether a few refugees loose their job or business. And as sacrifices in wartime - especially in a war against Hitler- are a matter of course for all the refugees, the psychological viewpoint (treated in Germany as Jews and in America as Nazis) is more important than the economical.

I take it much easier than most of my friends because I went through the same thing already once in England and because my whole attitude during 1941 was one of expecting things like that.

The Heinz case and the Adelheim case of course are still very much on my mind. Therefore I am glad, that your letter is a little more engouraging. Heinz writes the same thing as the Adelheims do: Namely that the consul advised them, that a special appellation board would reconsider cases of genuine refugees in Washington . I dont know whether that will take place automatically or whether Mr. Beyer for Adelheims and I for Heinz have to make new applications ,(I really dont dare to bother you with more work). Did you hear anything about the new procedure or did you get an answer to your wonderful letter to Mr. Dorsz of January 19?

I am glad, that you have good family-news, especially that your mother is out of hospital again. Please remember me to her. - Your brothers nice remark about the "louisiana purchase" shows , that he knows how to take it and I wish him all the best for his further military career.

I hope this letter will find you somewhere in Florida vacationing . May you have a well-deserved holiday with your husband and the children. Of course we understand, why you had to go to Florida, but we never will be consoled, that you couldnt choose California (it really is beautiful here in spite of the war, if you dont happen to be an enemy alien) I hope all of you will have a good time in Miami . It would be nice, if you could extend your visit to get over to Cuba.

All you write about Lene and Richard is only too true . Nothing can be added to your words.

Of course I am very much flattered about your confidence, as far as I am concerned. Unfortunately I had no opportunity till now to live up to your expectations . But it really makes me feel proud and happy, that you with all your experience and knowing so many people and not being exactly the incautious type write so nice and trusting words about me and my future business ventures. Judging how the war goes and will go for quite a time, I am afraid it will take quite a while till I can try to prove that I deserve your kind words.

Evelyn joins all my good wishes for you and your dear ones .(She is especially grateful for your inquiring about her cinematic prospects, which are pretty dark - for reasons explained above) She would so much like to meet you. So would I . But the only chance I can see just now would be our being evacuated from California. You see : I am still of good mood and even frivolous!

All our love ! Heartily yours

Felix

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draft of telegram [night letter] to *Council for Aliens of Enemy Nationality*
from Jewish Club of 1933
undated but *circa* 14 February 1942

The Jewish Club of 1933 sent a telegram to the *Council for Aliens of Enemy Nationality* in New York in response to the 11 February 1942 announcement from General John L. DeWitt of the US Army Western Command to relocate all "enemy aliens" on the West Coast.

This is Felix Guggenheim's draft copy with his manuscript edits, suggesting that he had drafted the message, but certainly indicating that he had final editorial responsibility for its contents, as his edits are reflected in the final message. Guggenheim's manuscript edits read:

> *and according statement, coordinator Clark in charge of removal Germans and Italians. removal will begin not later than 60 days from now. hope of definite refuge.*
>
> ["coordinator Clark" refers to Tom Clark, assistant to General DeWitt.]

USC Felix Guggenheim papers

COUNCIL for ALIENS of ENEMY NATIONALITY

According proclamation general dewitt all enemy aliens will be removed from the westcoast period thousands of antinazi stateless refugees here in panic and distress as no word about exemptions for victims of nazi oppression forthcoming. period. doubly chocked because trusting in Francis Biddles assurances about protecting loyal innocent refugees they expect at least opportunity to appear before boards or tribunals according to British example before losing homes, jobs etc. for the second and sometimes third and fourth time period spiritual strength and power of endurance will be broken in most of them if they will have to suffer from the one thing they learned to rely on the democratic ~~institutions~~ refuge of the united states period much damage is done already please help us to avoid the worst period our members urge you to intervene in washington without delay and to get a clear and unmistakable statement whether it is really contemplated to remove thousands of stateless refugees from their homes exactly like nazis or whether we can expect exemptions for victims of nazi oppression period every day counts as every day brings new harm thanks

Jewish Club of 1933 Inc. Los Angeles

and according statement coordinator Clark in charge of removal Gromm and Halsing removal were begun not later than 60 days from now

hope of definite refuge

telegram [night letter] to *Council for Aliens of Enemy Nationality*
from Jewish Club of 1933
undated but *circa* 15 February 1942

The Jewish Club of 1933 sent a telegram to the *Council for Aliens of Enemy Nationality* in New York in response to the 11 February 1942 announcement from General John L. DeWitt of the US Army Western Command to relocate all "enemy aliens" on the West Coast. In the message, the Club calls on the New York Council to "intervene in Washington."

This is a copy of the final telegram (night letter) with Felix Guggenheim's edits.

USC Felix Guggenheim papers

Charge to the account of _____ $_____

CLASS OF SERVICE DESIRED			
DOMESTIC		CABLE	
TELEGRAM		ORDINARY	
DAY LETTER		URGENT RATE	
SERIAL		DEFERRED	
OVERNIGHT TELEGRAM		NIGHT LETTER	X
SPECIAL SERVICE		SHIP RADIOGRAM	

Patrons should check class of service desired; otherwise the message will be transmitted as a telegram or ordinary cablegram.

WESTERN UNION

1206-B

R. B. WHITE, PRESIDENT — NEWCOMB CARLTON, CHAIRMAN OF THE BOARD — J. C. WILLEVER, FIRST VICE-PRESIDENT

CHECK

ACCOUNTING INFORMATION

TIME FILED

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

COUNCIL FOR ALIENS OF ENEMY NATIONALITY
c/o SELFHELP OF IMMIGREES FROM ENTRALEUROPE
165 West 46th Street
New York, N. Y.

According proclamation general dewitt all enemy aliens will be removed from the westcoast and according statement coordinator clark in charge of removal german and italian removal will begin not later than 60 days from now stop thousands of antinazi and stateless refugees here are in panic and distress as no word about exemptions for victims of nazi oppression and persecution forthcoming stop doubly distressed because trusting in francis biddles assurances about protecting loyal innocent refugees they expect at least opportunity to appear before boards or tribunals similar to british example before removed from homes jobs etc again stop spiritual strenght and power of endurance will be broken in most of them if they will have to suffer terribly after they learned

Charge to the account of _____ $_____

CLASS OF SERVICE DESIRED			
DOMESTIC		CABLE	
TELEGRAM		ORDINARY	
DAY LETTER		URGENT RATE	
SERIAL		DEFERRED	
OVERNIGHT TELEGRAM		NIGHT LETTER	
SPECIAL SERVICE		SHIP RADIOGRAM	

Patrons should check class of service desired; otherwise the message will be transmitted as a telegram or ordinary cablegram.

WESTERN UNION

1206-B

R. B. WHITE, PRESIDENT — NEWCOMB CARLTON, CHAIRMAN OF THE BOARD — J. C. WILLEVER, FIRST VICE-PRESIDENT

CHECK

ACCOUNTING INFORMATION

TIME FILED

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

to rely on the democratic refuge of the united states stop much damage is done and being caused continuously by uncertainty stop please help us to avoid the worst stop our members urge you to intervene in washington without delay and to get clear unmistakable statement whether it is really contemplated to remove thousands of refugees from their homes exactly like nazis or whether we can expect exemption stop every day counts as every day brings new harm stop thanks

Jewish Club of 1933 Inc.
228 West 4th Street
Los Angeles

letter to the Editor of the *Seattle Post Intelligencer* from Ludwig Pick
17 February 1942

Felix Guggenheim's copy of a letter to the Editor of the *Seattle Post Intelligencer*, dated 17 February 1942, authored by Ludwig Pick, on behalf of the Seattle German refugee community. Echoing the efforts of the Los Angeles, San Francisco and Portland immigrant communities, Pick argues that German-Jewish refugees should not be classified as "enemy aliens," because of their natural antipathy to the Nazis, and the fact that they had been stripped of their German citizenship.

This copy in Guggenheim's files reflects the extent of coordination among the Los Angeles, San Francisco, Seattle and Portland communities in the days following General DeWitt's "enemy alien relocation" announcement.

USC Felix Guggenheim papers

February 17,1942

Seattle Post Intelligencer
Seattle,Washington

Att.:Mr.Fussell

Gentlemen:

Much exitement and alarm has been caused by the latest news concerning evacuation of enemy aliens from the Puget Sound area.

Does it not seem unjust to classify the German Jewish refugees as enemy aliens as evidently the authorities are doing? Who are greater foes of Hitler? Have they not been deprived of homes,business,separated from their children and languished in concentration camps?

You will find that all of them applied for citizenship almost on the day of their arrival here. The fact that war was declared before the five year waiting period passed prevented their naturalization.

Actually the German Jewish refugees are not German nationals having been deprived of their German citizenship by a Nazi law of November 26,1941. Therefore,describing them friendly aliens would not mean an exemption of a general ruling. It would only serve to make clear the law and deal justly with those who are only eager to align themselves with the American people in the common purpose to crash Hitlerism.

Very truly yours,

signed Ludwig Pick

published on February 19,1942 in the Post Intelligencer.

Felix Guggenheim letter to John Tolan, US Congressman
1 March 1942

Felix Guggenheim writes to Congressman John Tolan, chair of the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"). Guggenheim tries to make the case against classifying the German refugees—"Hitler exiles" as he terms them—as "enemy aliens" whose loyalty might be questioned.

In this letter Guggenheim suggests individual investigations and hearings at various locations around the country for the purpose of establishing the status of individual refugees (similar to the method employed in Britain during Guggenheim's two years there).

Although the letter was written only one week before the Tolan Committee would appear in Los Angeles to receive testimony, there is no mention in this letter about that testimony, which apparently was arranged at very short notice in response to this letter.

USC Felix Guggenheim papers

March 1, 1942

Mr. John H. Tolan, Chairman
Congressional Committee
204 Henry Building
Seattle, Washington

Dear Sir:

As Hitler exiles who are now American citizens we feel qualified to express the sentiment of those on our group who, because of their shorter residence in this country, have not yet been admitted to citizenship.

These people have one pathetic experience in common. They have been victims of the most cruel persecution that recent history knows of. They have been humiliated and dispossessed; they have been deprived of what they built up and loved. Hundreds of them, too old or too weak to emigrate, committed suicide. Others, determined to start a new life, came to the United States, as it seemed to them the safest place to escape from the Nazi regime.

They all have taken out their first papers. Many among the younger men have enlisted in the Army. Every one is willing to cooperate in defense work whenever and wherever called, no matter at what sacrifice for himself. He feels his own future inseparably tied up with the American cause. He is doomed if the Nazis win.

As far as these people are Jewish by "race", they have ceased to be German nationals and lost all property they were forced to leave behind in Germany under a decree of the Hitler government of November 20, 1941. Many of the non-Jews were treated in the same way by individual orders. They all, Jews and non-Jews alike, feel only one allegiance, legally and emotionally, the allegiance to the United States.

Are such people likely to help establish the Nazi regime in this country? Have they done anything to justify so paradoxical a suspicion?

There may be some Fascists among such natural born Americans as do not really know what it means to live under a dictator. There may be some Nazis among those citizens of German extraction, or their parents, who left Germany in earlier times, some of them because they disliked political or economic conditions in democratic Germany after the first World War.

The Hitler exiles, however, cannot, in justice and fairness, be grouped together with such persons whom they believe deadly foes of American democracy as well as themselves. They wish to be considered as what they are, and that means as the most reliable associates in

this war against Hitler. They wish to be relieved from the ignominious and untrue stigma which labels them as "enemy aliens." The Austrian refugees have been exempted. The German refugees are by no means less loyal than they.

It is respectfully submitted that individual investigations be arranged and hearings be held in different States and among different classes of Hitler exiles. Such hearings will, as we are certain, fully confirm the foregoing statements. If, as it is possible in any group of people, some sporadic outsider should be found, the Federal Bureau of Investigation would easily take care of him. We ourselves will be most anxious to help the FBI, with our knowledge of background and personality of such a person.

May we take the opportunity to express our fullest confidence in the work of your committee.

Respectfully yours,

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Jewish Club of 1933 letter from Elsa Schwerin, Seattle, WA
2 March 1942

Leopold Jessner, President of the Jewish Club of 1933, received this letter from Elsa Schwerin, who was coordinating the Seattle German refugee community's efforts against forced relocation. Jessner passed the letter along to Felix Guggenheim.

Schwerin discusses the Seattle community's letter-writing campaign and their testimony before the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"), and notes that the Joint Committee of Émigré Groups, in New York, had sent a representative to attempt to dissuade the West Coast communities from testifying before the Tolan Committee.

It is a little-discussed aspect of the fight against forced relocation efforts that it was not a national fight. Rather illogically, all "enemy aliens" were to be relocated only on the West Coast, and therefore only German-Jewish refugees living there would potentially be affected. Not only did the leadership Jewish émigré community in New York fail to support the efforts of their West Coast brethren in Los Angeles, San Francisco, Seattle, and Portland, but actually made some attempts to squelch those efforts, presumably out of a desire for Jews not to be seen as troublemakers.

USC Felix Guggenheim papers

Seattle, March 2,1942

Professor Leopold Jessner
Jewish Club of 1933,Inc.
228 West 4th Street
Los Angeles,California.

Dear Professor Jessner:

The Tolan Committee holding hearings on the question of evacuation of enemy aliens from the West Coast has left Seattle to-day for Los Angeles. In the hearings of this morning a refugee of Seattle had been given the opportunity to be heard by that committee.

We feel that the Los Angeles refugee group might be interested to hear about the work that has been done here in this question and therefore we are given you the following report.

The first step taken was a wire writing campaign by American citizens and refugees to Francis Biddle,Attorney general,in Washington D.C. and to different senators and congressmen of this district protesting against classifying refugees as enemy aliens and stating that they are Hitler victims and Hitler foes.

Next letters and articles were written to newspapers describing individual cases but all keyed up to the general tune that the status of enemy alien is wrong,unfair,unjust.

Finally as preparations for the hearings of the Tolan Committee Christian Churches were contacted, statements prepared by individuals and by the group of refugees who have become American citizens.

In each case the personal hardships resulting from an evacuation were not mentioned at all or only very briefly. Emphasis was always placed on the change of the status of refugees from enemy aliens to friendly aliens. That most of them had been expatriated by Hitler,that all of them had taken out first papers but that they had not had the time for completion of their citizenship was plainly stated. In the hearings this morning a senator of the Stae of Washington took up our case and one of the refugees, a physician who has resided here for 4 years and 3 months gave our view point. A catholic priest as a representative of the Social Workers Association,a minister representing the protestant Council of Churches, two students as representatives of the student body of the University, they all while they were mainly concerned with the Japanese problem took time to repeat again and again our plea for being taken out of the enemy classification.

In general,we had a wonderful public response. We are sorry that we have to mention,though, that we did not get help from the Jewish community ,or organizations,nor from the refugee committee. In fact, a man was sent from the Joint Committee in New York to try to keep us away from being publicly heard. As far as we know he is now on his way to Los Angeles. He had frightened refugee groups in San Fransisco and Portland not to go in front of the Tolan Committee.

21

Our Seattle man was thus the first refugee to appear. The Tolan Committee acted extremely sympathetic toward us and was very glad to have one of us to testify.

The action we took was based on the principle that the problem is not one concerning only the 650 refugee families in Seattle or the refugees of the West Coast, but one of all the refugees in the United States,Jewish as well as non Jews. The Los Angeles group is the next one to have the opportunity to continue the fight.

We are enclosing copies and clippings of our statements.

We would be very much interested to hear what you will do and what will take place in Los Angeles. If you want anymore information,please contact us. If you have any additional ideas that did not occur to us let us know so that we can give you our support.All communications please address to Dr.Hanna Kosterlitz, 1155 10th Avenue N. Seattle,Washington who is one of the citizens in our group.

Very sincerely yours,

Elsa Winners Schwerin

5038 20th N.E.
Seattle, Wash.

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Felix Guggenheim letter to John W. Abbott,
Chief Field Investigator for the Tolan Committee
4 March 1942

Felix Guggenheim writes to John W. Abbott, Chief Field Investigator for the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"). Guggenheim is apparently following up on a telephone conversation earlier that day with Abbott, discussing testimony before the Committee only a few days later, on 7 March 1942.

In fact, the letter only names Bruno Frank as the individual who would testify—Thomas Mann, who would also testify, is nowhere mentioned here. This suggests that the Tolan Committee testimony was arranged at very short notice, directly between Guggenheim and Abbott.

USC Felix Guggenheim papers

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 6847

Felix Guggenheim, Dr.oec.publ. Dr.jur.
Member of the Board of Directors

March 4, 1942

Mr. John W. Abbott
Chief Field Investigator
House Committee on Defense Migration

254 Federal Building
Los Angeles, Cal.

Dear Mr. Abbott:

First of all I want to thank you for the kindness you showed me during our to-day's conversation.

According to your request I should like to repeat the following: The Jewish Club of 1933, Inc. represents the Jewish part of the Antinazi Refugees from Central-Europe, as far as they live in Metropolitan Los Angeles and intends to educate them to fit into American life.

In our estimate half of the number of as German classified aliens in California, and the majority of these aliens in Los Angeles are in fact expelled and expropriated Antinazi Refugees, who were stateless when the war broke out and who don't owe any allegiance to any country at war with the United States.

These refugees whether Gentile or Jewish feel that they are wrongly classified and begin to realize the terrible consequences of that wrong classification. In the world-struggle between Democracy and Nazism they were the first martyrs and the first victims. They bear still the scars on their bodies or on their minds or on their lives or family. It would be the worst tragedy for them to suffer again at the hands of their natural allies with whom they hoped to have found a final refuge after they have suffered so much from the Nazis at a time when the world didn't realize that it only was the first chapter. The day - may it never come - when 10 000 refugees from Nazi oppression will have to leave their homes and jobs and small businesses and in a sad procession will look for relief and assistance with the stigma of enemy aliens as additional burden,- this day would be counted by history as a first-class victory of Hitlerism against Democracy.

The real enemy aliens know why and for whom they are bearing hardship. The refugees don't have the spiritual strength and the power of endurance anymore to suffer without understanding at the hands of their friends and allies.

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 6947

Therefore we feel obliged to offer our testimony at the hearings of the House Committee on Defense Migratory and would be deeply grateful if we would get an opportunity to present some facts regarding the following matter:

We should like to present the experiences in France, when France made the terrible mistake of having detracted her attention from the fight against fifih- columnists by fighting senselessly the loyal democratic Antinazi-Refugees in their midst. We would like to add how the President's of the United States Advisory Committee intervened and saved some outstanding personalities from being treated as enemy aliens in France, refugees who - oddly enough - now are classified as enemy aliens again in this country and are in danger of being expelled from California.

We should like to present how England acted in setting up tribunals for the refugees, who exempted the genuine refugees from restrictions and stamped in their registration certificates "refugee from Nazi oppression". When the enemy came within 20 miles of England's shore the authorities tightened the restrictions suddenly but the public opinion and the House of Commons didn't give way till the position of the refugees had been restored - and today the refugee scientists, doctors, industrialists and workers contribute gladly and successfully to the English war effort.

We should like to give the facts about the stateless refugees, about the laws expatriating them before the war, about the registration which put the details about every refugee into the files of the local F.B.I. and about the registration questionaire, which indicated the intention of treating separately the group og refugees from political, racial and religious persecution.

We should like to mention in all modesty, how valuable it would be, if democracy gives special consideration, where special consideration is due, and how confidence in democracy as protector of Nazi victims would grow.

We should like to draw attention to the many outstanding personalities among the refugees who in many fields want to attribute to the war effort.

We should like to present the plan, consistent with the proclamation of General De Witt, to license in the military areal (ofcourse not in the "spot" zones) the genuine refugees, till they will be taken out of the enemy alien group by the Administration. A plan in which trustworthy refugees of long standing and beyond suspicion could give valuable assistance.

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 8847

This all we should like you to hear from a leading personality among the refugees, the outstanding writer Dr. BRUNO FRANK, 513 No. Camden Drive, Beverly Hills, phone: CR 1-9243, who is prepared to appear at the hearings at any time convenient to you.

Respectfully Yours,

(Felix Guggenheim)

John J. McCloy, Assistant Secretary of War
telegram to Jewish Club of 1933
26 March 1942

The Los Angeles hearings of the Tolan Committee had taken place on 7 March 1942. Less than three weeks later the Jewish Club of 1933 received this telegram from John J. McCloy, Assistant Secretary of War, assuring the German refugee community that they had nothing to fear regarding relocation. There would be curfews and travel restrictions for another year, but the decision had already been made that there would be no relocation of German "heimatlos refugees."

Most of the German refugees were considered "heimatlos", or "stateless." Germany had revoked their passports, and not yet having been naturalized as Americans they were technically citizens of no state. However, this was not true of all the German refugees. Thomas Mann enjoyed such international stature that when the Nazis stripped him of his German citizenship, Edvard Beneš, President of Czechoslovakia, had awarded him citizenship there. So although he testified before the Tolan Committee in support of his fellow refugees, with his Czech passport he was not himself considered an "enemy alien."

USC Felix Guggenheim papers

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JEWISH CLUB OF 1933 INC

228 WEST 4TH ST LOSA

MATTERS BEING WORKED OUT ON THE WEST COAST IN MY JUDGMENT IN A VERY FAIR AND CONSIDERATE MANNER ARMY OFFICERS THERE ARE IN TOUCH WITH REPRESENTATIVES OF THE HEIMATLOS REFUGEES AND I AM SURE THEIR INTERESTS WILL BE PROTECTED JUST AS FAR AS IS CONSISTENT WITH MILITARY NECESSITY

JOHN J MCCLOY ASST SECY OF WAR WASHN DC.

658P

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

Felix Guggenheim letter to Julia Seider, immigration attorney
31 March / 1 April 1942

Felix Guggenheim writes to his immigration attorney in New York, outlining his full-time efforts in dealing with the refugee issues, including testifying before the Tolan Committee. He notes that his involvement was far greater than he had originally foreseen:

> *In the meantime I had stopped since weeks writing private letters, as during the last 6 weeks I devoted my time from early in the morning till late in the evening to the "refugee" problem.*
>
> *I became a kind of spokesman here and got much more involved than I foresaw at the beginning. The preparation of the hearings before the Congressional Committee (my own testimony was the smallest part of the necessary work), contact with the American-Jewish organizations, with Washington, ...*

The "6 weeks" that Guggenheim mentions in connection with "*the "refugee" problem*" would have dated back only as far as mid-February—not to 22 January. This again suggests that the original 22 January meeting at William Stagen's apartment had been focused only on State and local issues, and that it was only some weeks after the 22 January meeting that Guggenheim's scope of the work had expanded to include a response at the national level under his direction.

USC Felix Guggenheim papers

Felix Guggenheim
238 Tower Drive
Beverly Hills, Cal.

March 31
April 1 1942

Dear Julia:

You answered my letter of February 11 so promptly and so encouragingly and so full of real friendship and sympathy that I felt so touched and happy as I always do when I get one of your written masterpieces.

In the meantime I had stopped since weeks writing private letters, as during the last 6 weeks I devoted my time from early in the morning till late in the evening to the "refugee" problem.

I became a kind of spokesman here and got much more involved than I foresaw at the beginning. The preparation of the hearings before the Congressional Committee (my own testimony was the smallest part of the necessary work) , contact with the American-Jewish organizations, with Washington , with the different offices here couldnt be done in spartime. Besides that the attempt to keep the refugees from unwise and dangerous reactions had also to be made in countless conversations and in a speech before the refugee organization.

The situation will interest you not only from the Jewish, but also from the American and from the legal point of view:

For reasons nobody can understand Francis Biddle kept the expatriated refugees in the "enemy alien" group since war broke out. In all other questions he decided so liberally and so democratically, that opposition - see the Japanese problem- was inevitable. He declared the Hungarians to be friendly aliens (Hungary declared war against USA), also the Austrians , the Danzigers and other groups with a notorious high percentage of Nazi-sympathizers. Even those Germans , who obtained (with or without the Gestapos help) another passport before entering this country arent enemy aliens according to Biddles proclamations . But the refugees are. Even those who have been saved from being treated as enemy aliens in France by the President are now enemy aliens in this country. I would like you to read in the "Aufbau" (Lene can give it to you) what Thomas Mann and Bruno Frank said about it before the Tolan Committee.

The practical consequenzes werent too hard. You remember the Camera and Radio restrictions . Of course they were useless as long as any

real spy could buy a new camera in every camerashop and even keep it if he happened to be a naturalized citizen. So you can rely on the Gestapo that they choose their agents among citizens.
What we objected against was the moral discrimination, to call Hitlers first enemies and first victims "enemy aliens". First the Jews were called the Warmongers and now a large Jewish group is labelled as enemy aliens. I will never understand, why Biddle did that and I will never understand, why the American Jews didnt sense the danger for them, if a big Jewish group is more and more identified with the enemy of the American people.
As in other countries the action against the innocents detracted the attention from the action against the dangerous. And so it came to a terrible outburst of anger here, that nothing happened against the Japanese. Again legal questions were involved: Many Japs are citizens. So the whole problem without correction the mistake of wrongly classifying the refugees, has been handed to the military authorities here. The general - and I even cant blame him- thinks that it is not of his business to correct the mistakes of the Department of Justice and he treats as enemies whoever is labelled as such by the government. Therefore he wants to evacuate all of them and in the meantime imposed a curfew at 8 oclock in the evening and restricted the "enemies" within 5 miles of their residence, if they are not on the place of their employment.
Consequence: For the first time in American history a Jewish group couldnt go to the Friday evening services and to the Passover evening services. No exceptions!
There are about 6000 families on the Westcoast of German origin, half of them Jewish refugees.
As the Jews are salesmen, doctors, nurses and similar occupations, they loose their jobs quite naturally, if they cant go out after 8 and cant visit customers in daytime.
A pregnant women asked for exemption if the child should come during night hours, so she could go to the hospital. The answer was: No.
A refugee professor working on important research had to stop, because the library is more than 5 miles from his residence.
Our participation in the State Guard, Red Cross, Air Raid Warden, and so on is over, because it takes place after 8 or more than 5 miles from where we live.
The bitterness and loss of faith among the refugees is growing to terrible proportions. The Nazis quite naturally must enjoy themselves that the refugees from Nazi oppression are on the spot again in USA and we will see very shortly the Nazi Propaganda in Southamerica and occupied Europe what to expect from America.
It is not a nice picture and even for my optimistic attitude it is difficult to console my friends and to explain why no answer from Washington is forthcoming. The moral damage is much higher than the economic, and it will be difficult to restore faith in democracy. I see one of my important tasks in opposing bitterness and dispair among the refugees and in encouraging them that Washington will do something, but the power of endurance among them is broken and the same people who could stand persecution by the Nazis couragously cant bear to be treated as Nazis and enemies at the hands of their friends and natural allies.
If there were one reason benefitial to the American war effort, they would sacrifice everything gladly to defeat Hitler. But the military authorities make no secret, that there is no reason of military importance to treat as like that and they would be glad to leave us alone, if only Washington would take the label "enemy aliens" from us, which as everybody admits, doesnt fit us.
I wrote such a long letter, because I feel that on the Eastcoast people have little idea what is going on here and what issues of democratic importance and of Nazi propagande and of comfort to the real enemy are involved.

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Aufbau open letter
(weekly newspaper of the national German-Jewish emigré community)
6 April 1942

Naming Felix Guggenheim to the editorial staff, a month after the Los Angeles community testimony before the Tolan Committee.

AUFBAU

American Jewish Weekly in German and English

Serving the Interests and the Americanization of the Immigrants.

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MANFRED GEORGE, EDITOR

April 6, 1942

To whom it may concern.

This is to certify that

Mr. Felix Guggenheim, 238 South Tower Drive, Beverly Hills, California

is permanently assigned to the editorial staff of Aufbau, (Reconstruction).

Aufbau has a nationwide circulation of 35.000 copies and is written in English and German. It serves the Americanization and the interests of all immigrants and the combat of racial intolerance.

Aufbau is one of the few foreign language papers that are members of the Audit Bureau of Circulations.

AUFBAU
67 WEST 44th STREET
NEW YORK CITY

Manfred George

Office: 67-73 West 44th Street, New York City . . Telephone: VAnderbilt 6-3168
Published by the New World Club, Inc.

Felix Guggenheim travel permit
13 April 1942

Travel permit to allow Felix Guggenheim to travel to San Francisco to discuss German refugee issues with US Army Western Command. Military authorities had been given considerable control over “enemy alien” issues, and this permit is further evidence that Guggenheim was representing the Los Angeles refugee community in connection with relocation issues and curfew and travel restrictions.

USC Felix Guggenheim papers

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

DIG:CA

DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF CALIFORNIA

LOS ANGELES

April 13, 1942.

ALIEN ENEMY PERMIT TO TRAVEL

FELIX GUGGENHEIM whose residence is at

238 Tower Drive
Beverly Hills, California

and who is of German nationality, Alien Registration No. 7516041 is hereby granted a permit to travel from Beverly Hills, California to San Francisco, California

Date of departure: April 13, 1942, in the evening.

Date of return: April 16, 1942.

Route to be followed: Inland.

Carrier to be used: Train.

Purpose of travel: Interview at the Western Command, San Francisco, California

This permit is good until: Revoked.

Right thumb print: Waived.

Wm. Fleet Palmer

WM. FLEET PALMER
United States Attorney

Felix Guggenheim letter from John H. Tolan, US Congressman
17 April 1942

Felix Guggenheim received this letter from Congressman John Tolan, Chair of the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"), acknowledging and thanking him for his testimony before the Committee.

USC Felix Guggenheim papers

SEVENTY-SEVENTH CONGRESS

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Congress of the United States

HOUSE COMMITTEE INVESTIGATING
NATIONAL DEFENSE MIGRATION

Washington, D. C.

April 17, 1942

Dr. Felix Guggenheim
Member of Board of Directors
Jewish Club of 1933, Inc.
228 West Fourth Street
Los Angeles, California

Dear Dr. Guggenheim:

On behalf of the members of this Committee I wish to express my thanks for your contribution to our recent inquiry into problems connected with the evacuation of enemy aliens on the West Coast.

Please be assured your contribution will receive careful consideration in the forthcoming report based on this inquiry.

With kindest personal regards, I am

Sincerely yours,

John H. Tolan

JOHN H. TOLAN
Chairman

Felix Guggenheim letter to Julia Seider, immigration attorney
18 April 1942

Felix Guggenheim writes to his immigration attorney in New York, discussing his recent trip to US Army Western Command in San Francisco, and expressing his frustration that, between Western Command, the Department of War in DC, and the Department of Justice in DC, no one wants to take responsibility for formally resolving the question of the forced relocation of refugees; each, he notes, blames the others for the impasse:

> "*I have a letter from the Western Command saying, that our reasons are "persuasive", but that they have no authority to help us, because the Department which classified us as "enemies" would have to reclassify us and than the military authorities would be only to glad, to get rid of us and to concentrate on the real enemies. They therefore suggest, that we pursue our remedy with the Department of Justice and that we neednt worry any more about the military, if the Department which labelled us enemies would label us friends. No military reasons to treat us as enemies. I have a letter from the Department of Justice, that unfortunately they agreed, that the whole thing is handled by the Department of War and to their regret they had to transfer our complain there. (They purposely don't mention, that we only have to do with the military, because the Department of Justice included us in the bunch of people which have been delivered to the military for treatment as enemies, and that they can reclassify us whenever it pleases them.)*
>
> *I have a very nice letter from the Department of War, that they are very sympathetic but that the Westcoast Situation is under the authority of the Western Command. Therefore they suggest, we should explain our case to the Western Command. - What the Werstern Command thinks, is contained in the first of the 3 letters, I mentioned before.*
>
> *So our main task is, to find somebody, who doesnt prefer to shift responsibility to somebody else. I repeat: We never found somebody, who said: I have a good reason, to treat you like Nazis and that is the reason. See whether you can refute my reason. If not you remain enemy aliens, if yes we change it. That would be a clear and easy situation. But everybody says: You are absolutely right, but there is a war, which brings injustice to the innocents, and I am not competent, to deal with that question, but try there and there, perhaps they are competent. But it turns out they arent either of they at least pretend not to be.*"

USC Felix Guggenheim papers

Felix Guggenheim
238 Tower Drive
Beverly Hills, Cal.

April 18, 1942

Dear Julia:

Your encouraging letter of April 6 was really a great pleasure and consolation to me. I can assure you , that I am full of fight and that I do my best . The day before yesterday I came back from San Francisco , where I had some talks at the Western Command and I hope , that in the end our case is a too strong one , that anybody wants to take the responsibility for an evacuation procession of lo ooo antinazi refugees, which wouldnt remain as unnoticed as most of the events till now. I enclose some information which is not only for you but which you are entitled to show to everybody in authority you think should know about it. For instance a person like Sol Bloom.

The most deplorable position is that of the Department of Justice, because they are responsible for the whole mess - and already attacked for being too liberal in many instances - just want to prove that they arent-in the only case , where being liberal would help more to win the war , than giving freedom of speech and action to those who use it to destroy America . It is a funny thing, that in all countries the fascists were allowed to take advantage of the rules of the game in spite of their making clear, that they will use that advantage to destroy the game. Please understand me correctly: I nowhere found bad faith, bad intention, antisemitism or things like that, but I found plenty of red tape, unwillingness to take responsibility or to correct a mistake even if its consequences grow to ever bigger proportions - and real fear, that justice for the refugees would lead to antisemitic counteraction, because most of the refugees are Jews. Blindness for the clear fact, that food for antisemites grows somewhere else and that treating a Jewish group as enemies of the American people must lead to more antisemitic feelings among the ordinary people than anything else. I have a letter from the Western Command saying, that our reasons are "persuasive", but that they have no authority to help us, because the Department which classified us "enemies" would have to reclassify us and than the military authorities would be only to glad, to get rid of us and to concentrate on the real enemies. They therefore suggest, that we

pursue our remedy with the Department of Justice and add that we neednt worry any more about the military, if the Departement which labelled us enemies would label us friends. No military reasons to treat us as enemies. I have a letter from the Department of Justice , that unfortunately they agreed , that the whole thing is handled by the Department of War and to their regret they had to transfer our complaint there. (They purposely dont mention , that we only have to do with the military, because the Departement of Justice included us in the bunch of people which have been delivered to the military for treatment as enemies, and that they can reclassify us whenever it pleases them.)

I have a very nice letter from the Department of War, that they are very sympathetic but that the Westcoast Situation is under the authority of the Western Command. Therefore they suggest, we should explain our case to the Western Command. - What the Western Command thinks , is contained in the first of the 3 letters , I mentioned before.

So our main task is, to find somebody , who doesnt prefer to shift responsibility to somebody else. I repeat : We never found somebody , who said: I have a good reason, to treat you like Nazis and that is the reason. See whether you can refute my reason. If not you remain enemy aliens,if yes we change it. That would be a clear and easy situation. But everybody says: You are absolutely right, but there is a war , which brings injustice to the innocents , and I am not competent , to deal with that question , but try there and there , perhaps t h e y are competent . But it turns out they arent either or they at least pretend not to be.

But my good hope is the following: Till now it was easier and less troublesome, to evade our case and to do nothing. Through our efforts it perhaps will soon be less disagreable to do something about it than to let things go on like that and more and more persons know about it and start critizising. So in fact I am in good mood and full of hope , because in the end somebody must be strong enough to say : stop that thing and take your allies without asking them where they are born as long as they like what you like and hate what you hate!

Heinz and Adelheim: I am so glad , you take care of it ; I appreciate especially your last letter, which I could show to Mr. Beyer.

I enclose a few remarks about both cases, which may be helpful. (Also a letter of the Council of Jewish Women , which gives some hints.- Mr. Beyer answered already, that you will represent him and that he therefore doesnt need their help)

I hope , my long letters dont bore you. - I am so glad you assist Lene in her house-trouble. Our heartiest regards to the Seider - family and all the best to all of them. Our special love and our special wishes to you -

ever sincerely yours

Thanks for the Latin proverb! Another latin motto had to guide me during the last weeks - as I met many who dont like frank and plain talk - : suaviter in modo, fortiter in re. And being"suaviter" is very difficult in a newly acquired language.

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Jewish Club of 1933 memorandum
25 April 1942

Memorandum from the Jewish Club of 1933 formally naming Felix Guggenheim as their representative for all discussions regarding the forced relocation of German-Jewish refugees, and the reclassification of those refugees as “refugees from Nazi oppression” rather than “enemy aliens.”

USC Felix Guggenheim papers

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 6847

April 25, 1942

To whom it may concern:

We have charged Dr. Felix Guggenheim, 238 So. Tower Drive, Beverly Hills, member of our Board, to take care as our assistant of all negotiations and of all work connected with the evacuation problem and the reclassification of the refugees. Dr. Guggenheim serves as our honorary representative.

JEWISH CLUB OF 1933, INC.

Leopold Jessner

Leopold Jessner, Chairman

Felix Guggenheim letter to John Tolan, US Congressman
28 April 1942

Felix Guggenheim writes again to Congressman John Tolan, chair of the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"). Guggenheim again makes the case for reclassifying the German-Jewish refugees as something other "enemy aliens". He notes that the "military authority" (by which he means both the War Department and Army Western Command) has indicated that there is no military reason for classifying—and treating—German-Jewish refugees as"enemy aliens".

Guggenheim also discusses the impact of curfew and travel restrictions, but he does not mention relocation, as this is no longer a question.

USC Felix Guggenheim papers

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 6847

Dr. Felix Guggenheim
Member of the Board

April 28, 1942

The Honorable John H. Tolan
Chairman, House Committee investigating
National Defense Migration
Washington, D.C.

Dear Mr. Tolan:

I highly appreciate your kind letter of April 17. Not only for me , but for all refugees on the West-Coast the "TOLAN - COMMITTEE" was a sensational and touching experience: We saw democracy living and working even in war-time and we realize, that there is no other country in the world to-day , where the proceedings we witnessed would have been possible. The governor and the mayor, prominent people and simple folks , rich and poor , white and oriental, everybody could testify , plead and speak his mind without being afraid or intimidated - and the congressmen representing the American people listened carefully , patiently and with profound sympathy , eager to get the correct picture and to attribute to a fair and just solution.

This we will never forget and we all are deeply grateful to you and your associates.

Your hearings gave us the first real hope, that the stateless antinazi refugees, unfortunately born in Germany and therefore subjected to restrictions which were devised against real enemies,would be reclassified and no longer mixed up with their own enemies , the Nazis.

In the meantime we learned from military authority, that there is no military reason to keep us among the enemy aliens and that there are no objections to our being taken out.

This was of great importance for us, because we would have been ashamed to pursue our remedy any further , if there had been one single reason - benefitial to the American war effort- which would have required a continuation of our unfortunate classi-

Jewish Club of 1933, Inc.
228 West 4th Street
Los Angeles, California
Michigan 6847

fication.
Of course it was a terrible shock for the refugees, when instead of reclassification an 8 o'clock curfew and 5 miles restrictions were applied against them exactly like against Nazis and Fascists.
The consequences were severe: Night-workers and people working overtime lost their jobs. As especially in Los Angeles the distances between residential districts and business districts are more than 5 miles these persons couldnt even look for new jobs. The travelling salesmen, drivers, nurses and similar occupations are prevented by the 5 miles restriction to continue. No physician can visit his patients or a hospital after 8 o'clock.
Jewish religious services on Friday evenings and Passover could not be attended by Jewish refugees.
All patriotic activities - so important for the Americanization of immigrants (auxiliary state guard, air raid warden, red cross training, citizenship school) and practised after working hours in the sparetime- have been stopped. The splendid relationship between American neighbours and refugees has been interrupted in many instances as our American friends learning that the government keeps us indoors after working hours like dangerous Nazis must cease to regard us as refugees, friends and natural allies.
We still are full of confidence , that in the end a reclassification will be forthcoming , and that a method will be established to distinguish between friend and foe , between victim and oppressor. But in the meantime mental and material hardship , much damage , much loss of faith and hope, despair among our children, who feel repulsed and segregated again, has occured . Therefore every day counts and it is only too natural , that we are praying , help may come in time.
Your and your associates generous, humane and understanding attitude gives me hope that you will forgive my imposing on you with this long and detailed letter.

Respectfully and sincerely yours

Felix Guggenheim

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Jewish Club of 1933 memorandum
30 April 1942

Memorandum from the Jewish Club of 1933 to their membership indicating that they have received formal word from Washington, confirming that relocation will not occur. The memorandum also indicates that curfew and travel restrictions will remain in place, and cautions that violations may jeopardize the community's position.

USC Felix Guggenheim papers

J E W I S H C L U B O F 1933 I N C . ,

228 West 4 Street 4 - 30 - 1942 MI 6847

We have received word from Washington repeating the previous information that we can expect a satisfactory solution of the evacuation and curfew problem on the West Coast eventually. Therefore we are doubly anxious that in the meantime no incident regarding violation of regulations may occur in which any refugee may be involved.

We mention this because we had a conversation with Mr. Attilio di Girolamo, Assistant United States Attorney, during which he informed us that the United States Attorney's office has learned of many violations of curfew and five miles regulations. He added that he has received instructions to absolutely prosecute anyone violating any regulations issued either by the Western Defense Command or by the United States Attorney General.

In case anybody wants to avoid certain hardships by changing residence within the Metropolitan of Los Angeles, we are gladly prepared to give information about the formalities involved.

JEWISH CLUB OF 1933 Inc.,

Leopold Jessner, Chairman

Memorandum from Council of Jewish Emigrés, San Francisco, CA
29 May 1942

Richard Grau, Chairman of Council of Jewish Emigrés of San Francisco and the Bay Area, forwarded this memorandum to Felix Guggenheim. The memorandum informs doctors in the San Francisco of special permits they can obtain for making house calls during curfew hours. Such special permits were part of the process of modification and gradual lifting of curfew and travel restrictions that would result in all restrictions being lifted within a year.

USC Felix Guggenheim papers

Council of Jewish Emigrés

of San Francisco and the Bay Area

Richard Grau, Chairman
1914 Vine Street, Berkeley
Telephone: AShberry 8399

Albert Steiner, Secretary
172 Palm Avenue, San Francisco
Telephone: BAyview 6919

Frederick Lambert, Treasurer
41 Palm Avenue, San Francisco
Telephone: EVergreen 2642

Address all communications to:
172 Palm Avenue, Apt. 2
San Francisco, California

May 29, 1942.

Dear Doctor:

RE: Emergency calls of doctors.

We want to inform you about the following:

Doctors will upon application obtain permission in case of necessity to call on a patient during the curfew hours.

(1) The permit should be secured in time if the necessity of the call can be foreseen.

(2) If an emergency call reaches the doctor at night he shall notify the officer on duty at the Whitcomb Hotel enabling him to make a record. Such notification shall be made before following the call.

These special permits shall be confined to severe cases where immediate medical help is of great importance.

In the event that the obtaining of permits should meet with difficulties please inform Mr. Richard Grau.

Very truly yours,

Albert Steiner.

Albert Steiner.

Felix Guggenheim letter from Richard Grau, Berkeley, CA
31 May 1942

Richard Grau, who was coordinating the San Francisco German refugee community's reclassification efforts writes to Felix Guggenheim to discuss curfew and travel restrictions. Again, the Los Angeles community's efforts were paralleled by similar efforts in San Francisco, Seattle, and Portland.

USC Felix Guggenheim papers

Richard O. Grau.

1914 Vine Str.
Berkeley, Cal.

May 31, 1942.

Dear Mr. Guggenheim:

I refer to our telephone conversation and to the communication of the Council of Jewish Refugees of San Francisco and the Bay Area which you will have received in the meantime. For your further information I enclose a confidential information sheet.

I was informed by a doctor that he was called for a delivery last night, and that he informed the officer on duty at the Western Defense Command, Whitcomb Hotel, who made a record on the case. However, it appeared that the officer was not informed on the new policy. The officer had no objection that the doctor performed his duty in view of the fact that the doctor had received official information from his organisation. As a matter of course, I shall communicate with the Command and ask for instructions to be given to the offices and officers in charge.

Very sincerely yours,

Richard Grau

William Stagen letter to Leopold Jessner
1 June 1942

Felix Guggenheim's carbon copy of William Stagen's letter to Leopold Jessner, President of the Jewish Club of 1933, discussing a slate of nominations for the Board of Directors of the Club (the copy bears Stagen's manuscript annotation "for Guggenheim," dated 2 June 1942).

In this period, Stagen appears to be primarily concerned with internal Club politics. Guggenheim's archives contain little correspondence involving Stagen in this period, and none of it contains even incidental references to "reclassification" or "immigrants' rights" issues.

It's also worth noting that Stagen wrote using "Wm. E. Stagen Realtor" letterhead, reflecting the name change from Stadthagen, and using his realty firm's address of 6822 Sunset Boulevard, rather than his home address of 9269 Burton Way.

USC Felix Guggenheim papers

Copie

Wm. E. Stagen
Realtor
6822 Sunset Blvd.
Los Angeles
HE 3175

J. Dr Guggenheim
and my file
J. 2/6/42

June 1, 1942

Professor Leopold Jessner,
President, Jewish Club of 1933, Inc.,
228 West Fourth Street,
Los Angeles, California.

My dear Professor:

I received your special delivery letter of May 29th and the list prepared by the Nominating Committee.

Mr. Guggenheim and Mr. Salinger will talk about it at your tomorrow's meeting.

May I reciprocate the hope expressed by you that in case our mutual cooperation should materialize it will be a pleasant one and accrue to the benefit of the organization.

Very truly yours,

Wm. E. Stagen

William Stagen letter to Leopold Jessner
15 June 1942

Felix Guggenheim's copy of William Stagen's letter to Leopold Jessner, President of the Jewish Club of 1933, further discussing internal Club politics in response to Board meetings held on 7 June and 12 June.

In outlining his complaints, Stagen expresses his concern that "*in our opinion there should be no place in the affairs of the Club for the discussion of certain political ideologies*." and states his decision not to run for a seat on the Board of Directors (Guggenheim was already on the Board by this point). Again, all of the Stagen correspondence from this period in Guggenheim's files concerns the politics of the Jewish Club of 1933, and not the "reclassification" issues which Guggenheim was handling.

And again Stagen wrote using "Wm. E. Stagen Realtor" letterhead, using his realty firm's address of 6822 Sunset Boulevard, rather than his home address of 9269 Burton Way. However, in this instance he signs the document as "Wm. E. Stadthagen."

USC Felix Guggenheim papers

COPY

Wm. E. Stagen
Realtor
6322 Sunset Blvd.
Los Angeles
HE 3175

June 15, 1942

Prof. Leopold Jessner
President, Jewish Club of 1933, Inc.
228 West Fourth Street
Los Angeles, California

My dear Professor:

When we met in the lounge of Mr. Bernstein's hotel on May 16th, I stressed the point that in our opinion there should be no place in the affairs of the Club for the discussion of certain political ideologies, and that any creation of antagonism to that effect must be forestalled. You agreed on this emphatically.

Last week we were sorry to learn about -

1. the content of your statement at a Board meeting on June 7th.

2. Mr. Pinkus' special delivery letter of June 7th to Mr. Guggenheim.

3. the remarks made by Mr. Royce at the Board meeting of June 12th.

These various utterances do not reflect that spirit of good will and cooperation indispensable to the mutual confidence which we had hoped for as the basis of a "Einheitsliste" as suggested by some Board members for us to run on for elections.

For this reason my friends and myself have decided not to be candidates on such "Einheitsliste".

In closing I wish to say that we cannot but approve of the part of Mr. Salinger's statement of June 12th dealing with questions of general interest (the other part being a personal matter of his), and of Mr. Guggenheim's letter answering Mr. Pinkus.

I would appreciate your submitting this letter to the other Directors at the next Board meeting.

Very sincerely yours,

Wm. E. Stadthagen

Leopold Jessner letter to William Stagen
19 June 1942

Felix Guggenheim's copy of Leopold Jessner's response to William Stagen's letter of 15 June 1942 to Leopold Jessner, President of the Jewish Club of 1933. Jessner addresses Stagen as "My dear Mr. Stagen", and writes to him at his business address of 6822 Sunset Boulevard, not his home address on Burton Way.

Felix Guggenheim's membership on the Club's Board of Directors had been the result of pressure exerted by Guggenheim, Stagen and others who wanted to alter the ideological direction of the Jewish Club of 1933. However, this collaboration was limited to issues affecting the Club and its leadership, and should not be mistaken for collaboration on matters relating to Guggenheim's "reclassification" efforts.

USC Felix Guggenheim papers

COPY

June 19, 1942

Mr. Wm. E. Stagen
6323 Sunset Blvd.
Los Angeles, California

My dear Mr. Stagen:

I have received your letter of June 15th, and I am sorry to learn that you have decided not to be candidates on a "Einheitaliste". In my opinion that decision of yours must be based upon a misjudgement of some occurences to which you refer in your letter:

1. My statement cannot be regarded as a cause but as a consequence. The fact of the matter is that my statement was consequential to a speech made by Dr. Salinger, in which he refused to debate a proposed "Einheitaliste" on the ground that it represent a solid block of Board-members who are ideologically opposed to the "group".

2. Mr. Pinkus addressed a letter to Dr. Guggenheim as a purely private affair. I am not of the opinion that Mr. Pinkus' letter although it dealt with Club-discussions should be regarded as an official statement. It was written on Mr. Pinkus' private stationary and not on the stationary of the Jewish Club of which Mr. Pinkus has some for his official correspondence.- Furthermore Mr. Pinkus' letter dealt virtually exclusively with the relationship between spiritual faith, and the activities based upon that faith. I am at a loss to understand in which way Mr. Pinkus' letter might have prejudiced any antagonism which was not prejudiced previous to his letter.

3. Concerning the remarks of Mr. Royce, I believe that all the participants in the negotiations about the "Einheitsliste" were under the impression that they were a very clear, subjectively justfied repudiation of the methods of negotiation which were forced upon the Committee by nobody but Dr. Guggenheim and Dr. Salinger and which were entirely new to the Jewish Club of 1933.

As I fully appreciate the seriousness of the now existing situation I wonder whether you, dear Mr. Stagen, for yourself have ever stopped to answer the question whether your representatives really were best qualified to work out a true understanding which was and is essential in any negotiation.

In closing I wish to say that it cannot lead anywhere to ignore differences which are obviously in existence; it is better to talk them out. If it proved to be impossible to iron out those existing difficulties it is better to say so. I never meant to say that I wish to ban discussions which prove to be necessary in order to attain an understanding. It is the regrettable fact that the "Einheitsliste" did not materialize because - for which reasons ever, I do not know - Dr. Guggenheim fiercely refused to talk out the differences which were at the very base of the understanding I desired not less than anybody.

I have caused your letter and my answer to come to the attention of the members of the Board of Directors of the Jewish Club of 1933.

Very sincerely yours,

Leopold Jessner

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Jewish Club of 1933 letter from City of Los Angeles Defense Council
26 June 1942

The Jewish Club of 1933 received this letter from George Hjelte, Director of the Los Angeles Defense Council, in response to a 5 June 1942 letter from Felix Guggenheim, concerning the possibility of German immigrants serving in the Citizen's Defense Corps. A number of non-citizen German immigrants had served in the California State Guard before the war, but were summarily discharged following the attack on Pearl Harbor.

The German refugees wanted to demonstrate their loyalty and their commitment to their new country by returning to some form of civil defense service. Hjelte expresses his concern regarding the ability of the immigrants to provide proof of expatriation, or forced expulsion, from Germany, and notes that he has referred this question to his superiors.

USC Felix Guggenheim papers

DEFENSE COUNCIL
CITY OF LOS ANGELES
City Hall

GEORGE HJELTE
SECRETARY-DIRECTOR

TED B. GEISSLER
ASST. SECRETARY-DIRECTOR

MAYOR FLETCHER BOWRON
CHAIRMAN
NORRIS J. NELSON
VICE-CHAIRMAN
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D. D. DURR
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DR. W. BALLENTINE HENLEY
MRS. IRENE T. HEINEMAN
GEORGE HJELTE
DEE HOLDER
CECIL R. KING
SOL LESSER
JOHN R. RICHARDS
GEORGE B. ROBERTS
CARLETON B. TIBBETTS

June 26, 1942

The Jewish Club of 1933, Inc.
228 West Fourth St.
Los Angeles, Calif.

Gentlemen:

Your communication of June 5 with reference to enrollment of expatriated citizens of Germany in the Citizens' Defense Corps has been brought to the attention of the Defense Council. I was instructed to refer the matter to the Director of the Southern California Sector of the Office of Civilian Defense, Mr. Willard Keith, for his advice concerning the matter. It is desired that Mr. Keith confirm the opinion expressed in the New York Region by Mr. Harold W. Newman, Jr., Acting Chief of the Legal Division of the Office of Civilian Defense, according to a copy of a communication to Mrs. Oswald B. Lord which was enclosed with your letter to me.

One question that we have requested Mr. Keith to answer is whether evidence of "expatriation" is necessary in order to admit one to membership in the U. S. Citizens' Defense Corps, and if so what the nature of such evidence should be. In other words should a local Defense Council enroll a former citizen of Germany upon his mere statement that he fled the country under duress?

We appreciate your interest in this matter and your desire to have a part in the civilian defense activities in the local community, and as soon as we have received a reply from Mr. Keith you will be further advised.

Sincerely yours,

George Hjelte

George Hjelte, Director
Los Angeles Defense Council

GH:ch

Felix Guggenheim telegram from Richard Grau, Berkeley, CA
9 July 1942

Richard Grau, who was coordinating the San Francisco German émigré community's reclassification efforts, writes to Felix Guggenheim to report that US Army Western Command is still deferring the question of "enemy alien" reclassification to the Department of Justice, in Washington.

USC Felix Guggenheim papers

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1220

(43)

A. N. WILLIAMS, PRESIDENT
NEWCOMB CARLTON, CHAIRMAN OF THE BOARD
J. C. WILLEVER, FIRST VICE-PRESIDENT

SYMBOLS
DL = Day Letter
NT = Overnight Telegram
LC = Deferred Cable
NLT = Cable Night Letter
Ship Radiogram

The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

SR6 114 NT COLLECT=DA BERKELEY CALIF JUL 9

1942 JUL 10 AM 7 48

FELIX GUGGENHEIM= 72+7
238 TOWER DR BV=

HAD TODAY FIRST CHANCE TO SEE COLONEL NO LIFTING OF RESTRICTIONS IN VIEW AND EXEMPTION OF THE GROUP IS ONLY POSSIBLE IF JUSTICE DEPARTMENT MAKES THE FIRST MOVE MR ROWE AND MR ENNIS WILL COME TO SANFRANCISCO IN 2 WEEKS FROM NOW I AM PREPARING TO GET IN TOUCH WITH THEM BY WASHINGTON MONDAY I SHALL TELEPHONE THE COLONEL TO GET HIS ANSWER ON THE DOCTOR PROBLEM AND LOSANGELES AS A UNIT

AS THINGS STAND UNFORTUNATELY I SEE NO WAY FOR SECOND ORAL INTERVIEW IN VIEW OF THE SCHEDULE OF THE COLONEL MY APPOINTMENT WAS CANCELLED SEVERAL TIMES AND TODAY THERE WAS ONLY MOST LIMITED TIME FOR THE WHOLE DISCUSSION FURTHER INFORMATION MONDAY=

RICHARD GRAU.

2 GRAU.

nd

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

Jewish Club of 1933 memorandum by Felix Guggenheim
15 July 1942

Memorandum from the Jewish Club of 1933, authored by Felix Guggenheim informing the membership of some relaxation of travel restrictions for salesmen while pursuing their business. Thus, by 15 July 1942, salesmen were no longer required a special permit to travel more than five miles from their place of business.

At this point Guggenheim's work comes under the moniker of "Committee for reclassification of refugees classified as enemy aliens," as there is no longer any question of forced relocation.

USC Felix Guggenheim papers

J E W I S H C L U B O F 1933 I N C . ,

228 West 4th Street MI 6847 Los Angeles, Calif.

The Committee for reclassification wants to make known the following information, given by the Western Defense Command Office of Assistant Chief of Staff, Civil Affairs Division, W C C A, Chief of regulatory section:

" In the case of salesmen there is some
" modification of the travel regulations.
" They may travel - while actively pur -
" suing their calling - within their
" immediate Metropolitan area during
" non-curfew hours.
" No special permit is necessary for such
" modification. "

The Committee advises everybody among our members whom it may concern to carry this information with him whenever he has to pursue his calling within the Metropolitan area of Los Angeles but outside of his 5 miles district.

Committee for reclassification of
refugees classified as enemy aliens.

JEWISH CLUB OF 1933 INC.,
by; Felix Guggenheim

L.A.July 15th,1942

Jewish Club of 1933 minutes of the Board of Directors
meeting of 30 August 1942

Minutes of the Board of Directors' meeting of 30 August 1942 reflect William Stagen's (still using his original name, Stadthagen) role within the Jewish Club of 1933.

Felix Guggenheim reported on the issue of reclassification (Item 8), recording a meeting with other Board members (notably *not* including William Stagen), regarding efforts to engage the Los Angeles civil defense and police authorities. Such engagement was opposed by the Federation of émigré groups in New York, who feared the consequences of overt political action. This opposition was supported by some of the Board members, who felt they should defer to the position of the Federation, but Leopold Jessner, the President of the Club, strongly supports Guggenheim.

As reflected in the minutes, Stagen was concerned with Board and Club operations only. His entire recorded involvement at this meeting takes the form of moving that all minutes be kept in English (Item 3), and moving that semi-annual dues be increased to $2.40 (Item 6).

USC Felix Guggenheim papers

HARRY D. SALINGER
809 SOUTH MANSFIELD AVENUE
LOS ANGELES, CALIFORNIA
WHITNEY 9120

Minutes of the meeting of the Executive Committee of the Jewish Club of 1933, Inc., on August 30, 1942, at ten o'clock A.M. at the Fairfax Temple.

Present all member except Mr. Nunberg, who was ill, and Mrs. Mendel, who was excused.

1. The amendment to the By-Laws accepted at the membership meeting of August 2, 1942, shall have the following wording:

> "Persons who have rendered outstanding services to the Club or the cause of the Refugees from Nazi and Fascist oppression can be made Honorary Members by a majority vote of the Executive Board." (Article Second, Section 1 a.)

2. Jessner reports that Mr. Nunberg is ill, and that he will probably have to stay away from our meetings for some time. Jessner extends best wishes for speedy recovery in the name of the Executive Committee.

3. On seconded motion of Stadthagen resolved that the minutes shall be kept in the English language.

4. Pinner reports about the financial situation.
   a. As the fiscal year started on June 1, he had to examine the books for the conduct of the financial matters from that date on, and made the following objections:
      (1) In the report of Mr. Holt, a deficit of about $100 could not be clarified. Mr. Holt entered this amount as "Miscellaneous Expenses".
      (2) The Vanguard Players received a contribution of $38.20.
      (3) Mr. Pinkus received $3 twice, once in May and once in June.
      (4) For telegrams sent to Washington by Mr. Nunberg, $32.42 had been expended.
      (5) In the matter of the retracted articles in the "Aufbau", altogether $52.42 had been paid. This amount was not marked in the books as a loan, but is de facto a loan to the persons responsible for this expenditure.

   b. Mr. Lowen gives the following explanations:
      (1) This is an old error which can be clarified only if the books are examined for many years back. In order to save this expense, the deficit had been charged off as "Miscellaneous Expenses."
      (2) and (3) These payments were made in accordance with a resolution of the Executive Committee.

(4) These payments were made in the interest of the reclassification matter. Nunberg promised to contribute $25 which had been received by him as contribution for the reclassification work.

(5) After the discussion of this matter, Royce moved that all members of the Executive Committee should pay $3 to cover this amount. Salinger pointed out that such contribution could only be voluntary. It was resolved accordingly. Mr. Pinnter asked that the old Executive Committee should cover any deficit, ~~after payments had been received~~. remaining

5. Upon seconded motion it was resolved that Wildberg should try to have a public telephone installed in our office. If this is not possible, there shall be a charge of $.05 for each private telephone call made from our office.

6. As to the financial situation in the future, Pinner pointed out that we have about $300 cash on hand. Up to now, the monthly expenses of the Club were about $150. But the expenditures in the reclassification matter which so far had been paid by the Group, now have to be paid by the Club. Pinner estimates the total monthly expenses at about $300, including the contribution to the Jewish Federation in New York. This, together with a safety margin, amounts to about $4000 annually. As we have 600 members, the total income from membership dues therefore would be $1440. The income from social events and entertainments will sharply diminish due to the curfew. Therefore the membership dues must be increased. Pinner suggests $5 annually retroactively for this year. Pinkus suggests that we should not demand a retroactive payment and asks for semi-annual minimum payments of $2.40. Jessner is opposed to a minimum payment, but wants to make it an ordinary payment for everyone.

Although technically we need an amendment to the By-Laws for such an increase in membership dues, we must take the responsibility to enact this matter without calling a new membership meeting.

Upon motion of Bucky properly seconded, it was resolved to make a drive for new members and voluntary contributions. On motion of Stadthagen it was further resolved that from 1943 on the membership dues shall be $2.40 semi-annually, and an additional membership fee for the current six months shall be asked, unless the drive proposed by Mr. Bucky should bring sufficient contributions until October 1 to cover this year's deficit. Three votes were cast against this resolution. Mr. Pinner delcared that he would present the books of the Group to the President.

7. Election of the Second Vice President. Frank pointed out that in the last election the vote of Lowen for Dr. Leeser should not have been counted according to custom. Jessner contradicted that we are interested not in technicalities but should act according to the real intent of the Committee. Bernstein nominates Dr. Leeser; Lowen and Bucky refuse to be nominated, Frank nominates Breuer who later refuses to be nominated. Dr. Leeser is elected with 8 against 5 votes 3 non voting

8. Guggenheim reports about the situation in the reclassification question, particularly about new regulations issued by the Western Command, the meeting between Mr. Lindenbaum, Jessner, Salinger and himself, the stand of the Federation regarding intended negotiations with the Office of Civilian Defense and Deputy Chief of Police MacDonald who is in charge of the matter. The Federation opposes our intended interview with Mr. MacDonald together with Lindenbaum.

Bernstein criticizes thechange of the name for the Club Committee regarding reclassification, and the attitude of Mr. Guggenheim and the Group in connection with the Federation. He reports a conversation between himself and Mr. Lewis of the Federation. Jessner points out that our attitude in this matter must be firm and that our criticisms of the Federation are justified. However, the opinion was unanimous that in this matter

(a) we can only try to persuade the Federation to cooperate with us and
(b) we must avoid to antagonize them.

Dr. Leeser suggests that a complete memorandum shall be presented at each meeting with American authorities and Jewish and non-Jewish organizations. Guggenheim suggests that in order to save time the secretary at the Club Office should be permitted to open the incoming mail every morning. On seconded motion of Mr. Breuer it is unanimously resolved to establish a committee for Austrian matters; the four Austrian members Breuer, Dr. Leeser, Lurie and Royce are appointed as members.

A. J. Salinger

Felix Guggenheim letter to Los Angeles Defense Council
28 October 1942

Felix Guggenheim wrote to George Hjelte, Director of the Los Angeles Defense Council, to follow up an earlier letter of 5 June 1942, regarding the possibility of German-Jewish émigrés serving in the Citizen's Defense Corps. Guggenheim reminds Hjelte that the German émigrés had not yet received an answer to their question of service.

Having resolved the matter of forced relocation, and having made some headway in the matter of "enemy alien" reclassification, the name of Guggenheim's committee has morphed to the neutral-sounding "Committee for Refugee Immigrants of Southern California."

USC Felix Guggenheim papers

COPY

October 28, 1942

Mr. George Hjelte
Director, Civilian Defense Council
City Hall
Los Angeles, California

Dear Sir:

May we respectfully remind you that some time ago you were kind enough to investigate whether expatriated refugees from Germany could be admitted to the Civilian Defense. At that time we submitted a letter showing that the Office of Civilian Defense, Washington, doesn't consider expatriated refugees as enemy aliens for the purposes of the Civilian Defense.

We expatriated refugees as the first victims and the first enemies of Nazism are very eager to join the common war effort against the common enemy and not to be mixed up with the Nazis as enemy aliens.

It would be very unfortunate for us if in this gigantic struggle we wouldn't have an opportunity to do our part as natural allies of the American people to whom we owe so much gratitude and loyalty and to whom, in fact, we owe our life.

Not to be found among the volunteers for Civilian Defense is a terrible stigma for everybody loyal to this country and we would highly appreciate your answer whether we would be permitted to join the Civilian Defense.

Respectfully and sincerely yours,

Committee for Refugee Immigrants
of Southern California

_____

Felix Guggenheim, Chairman

Felix Guggenheim letter to William Stagen
16 November 1942

Felix Guggenheim writes to William Stagen regarding maintenance of the apartment building he purchased from Stagen, one unit of which served as Guggenheim's own residence.

This apartment building, at 238 S. Tower Drive in Beverly Hills, had been constructed in 1929, and according to tax assessor's records consists of 14 apartments in 11,398 square feet. The units were thus relatively modest, which may explain why the meeting of 22 January 1942 had been held at Stagen's apartment rather than Guggenheim's.

USC Felix Guggenheim papers

November 16, 1942

Mr. W. E. Stadthagen, Realtor,
6822 Sunset Blvd.
Los Angeles, Cal.

Dear Mr. Stadthagen:

When I bought the apartment - house 238 Tower Drive from you, you assumed the obligation to regularly supervise the maintenance of the building etc. You were very helpful till now and I only write you this letter, because I would like to know, whether the coming gas rationing will affect your business. I would appreciate if you would be able to keep up the service which is part of our agreement and if you would inform me accordingly.

Very truly yours

(Felix Guggenheim)

Felix Guggenheim letter to Los Angeles Defense Council
5 January 1943

Felix Guggenheim writes again to George Hjelte, Director of the Los Angeles Defense Council, to follow up his earlier letter of 28 October 1943, regarding German refugee immigrants serving in the Citizen's Defense Corps. Guggenheim notes that, in the interim, the US Army Western Command has removed all curfew and travel restrictions on the German refugees.

USC Felix Guggenheim papers

January 5, 1943

Mr. George Hjelte
Director, Civilian Defense Council
City Hall
Los Angeles, California

Dear Sir:

We respectfully refer to our letter of October 28, 1942, copy of which is enclosed.

In the meantime the Western Defense Command has lifted all curfew- and travel restrictions imposed upon German aliens and stateless refugees. As long as these restrictions were in force it would have been technically difficult for us to serve effectfully as Civilian Defense Volunteer, due to the necessity of being at home at 8 6'clock in the evening and of being restricted within 5 miles of our residents.

After these obstacles have been removed by General DeWitt we would like to renew our application contained in our letter of October 28, 1942.

We would highly appreciate your favorable reply as we are eager to volunteer for and to participate in any activities which may help the war effort.

Respectfully and sincerely yours,

Committee for Refugee Immigrants
of Southern California

Felix Guggenheim, Chairman

Jewish Club of 1933 additional minutes of the Board of Directors meeting of 6 January 1943

This clarification of the minutes of the Board of Directors' meeting of 6 January 1943 note that the "Political Committee" would issue a memorandum (whose contents are not indicated) in both English and German, not only in German as had been previously suggested by another Board member.

William Stagen's "Youth Committee," involving younger members of the immigrant community in scrap materials drives, has been renamed the "War Effort Committee," presumably more accurately reflecting its mission.

The minutes also record that Erich Löwen's "*suggestion to make the Club an agency for war bonds was withdrawn by Lowen after discussion*." It was apparently after this meeting that William Stagen made his initial contacts with the Treasury Department regarding forming a separate war bonds sales committee focused on the German-speaking immigrant community.

USC Felix Guggenheim papers

To the Board members.

Re.: Minutes of the seventh Board meeting, January 6, 1943, at Goghi's.

The minutes mailed to you still need some amplification, to wit:

The motion Pinner to mail copies in English and German of the circular prepared by Guggenheim on behalf of the Political Committee was made and adopted after a discussion suggested by Pinkus who had proposed to mail a German text.

It was also decided at the meeting, to add a German text from now on in all cases where the English text should prevail, if and when the length or importance of the communication should warrant it.

With respect to Bernstein's motion "public lecture" should read: "verbal information to members interested in the problem."

Lowen's suggestion to make the Club an agency for war bonds was withdrawn by Lowen after discussion.

The Committee of Physicians to be formed by Lesser, and Bernstein with the inclusion of Weinberg, on motion Stagen, is supposed to become a medium for the physicians to take care of their professional interest s especially in matters raised by the attitude of various other groups towards refugee doctors.

The newly appointed War Effort Committee shall replace the former Youth Committee which thereby is dissolved.

The special Board meeting to be held on motion Pinkus shall mainly discuss and if possible determine the general line to be followed by the Club in its policy, since Mr. Pinkus did miss such definition which, as he said, makes it difficult for him to give his paper a clear tendency.

Also, it was decided to appoint Frank, Pinkus and Bernstein to prepare such Board meeting as the various views to be discussed should be lined out and properly prepared.

(signed) Harry D. Salinger

Jewish Club of 1933 minutes of the Board of Directors
meeting of 16 February 1943

Minutes of the Board of Directors' meeting of 16 February 1943 reflect William Stagen's involvement in the "War Effort Committee", which had been renamed the previous month from the "Youth Committee" and which was involved in material drives, in which children collected metals, rubber, and other material useful for the war effort. Stagen also reports his early contacts with the Treasury Department regarding setting up an war bond sales committee.

The minutes also reflect Felix Guggenheim's ongoing work on the issue of reclassification.

USC Felix Guggenheim papers

MINUTES OF THE EIGHTH MEETING OF THE BOARD OF DIRECTORS OF THE JEWISH CLUB OF 1933, INC., ON TUESDAY, FEBRUARY 16, 1943, AT 7 PM, AT GOGI'S.

Present all members except Lesser and Bucky, who arrive late; Fritz Simmel as invited guest. Pinkus is also absent. Jessner reports that Pinkus joined the Army this day. On motion of Stagen, the best wishes of the Board will be extended to him.

Upon motion of Stagen resolved that motions shall be submitted in writing, and that the text as amended after discussion shall be read to the members of the meeting before the vote is taken.

Upon motion of Stagen resolved that the minutes of the Board Meetings shall be entered in an appropriate book, signed by the one who keeps the minutes, and counter-signed by the chairman of the respective meeting. The minutes shall contain number of meeting, date, place, and time of beginning and end.

Stagen reports for the War Effort committee. There was a meeting with the representatives of the Victory Volunteers who had decided to merge entirely with the Club. 7 subcommittees have been organized to promote the different drives. The general business shall be handled by a committee with Salinger as chairman, Simmel as secretary and Eckmann as treasurer.

Simmel reports on the plans of the committee and suggests that a badge be created for members who are very active in war work. After a lenghthy discussion and upon motion of Guggenheim properly made and seconded, resolved that the War Effort Committee shall prepare regulations for a V-badge with the following directions: There shall be strict provisions before a member can receive the badge. There shall be a schedule, for instance, how many blood donations, how many hours of work in the sewing circle, how many War Bonds must be purchased, how many other activities must be proved. In addition, there might be different classes of the badge. The regulations shall then be submitted to the officers and the Board.

Upon suggestion of Mrs. Wendel, the treasurer makes a provisional allotment of $ 30.- for Mrs. Wendel's charity work, at her free disposal.

Stagen reports on a letter received from the Immigrants Fight for America, a new organization in New York. Guggenheim suggests that we contact the Federation in New York in order to learn their reaction. Letters shall also written to other prominent individuals. A discussion on our attitude toward the Council For Democracy then arises. Pinner is authorized to pay $ 25.- as a contribution. A letter shall be written to Raymond Gram Swing.

Guggenheim reports on the situation in the reclassification matter. Salinger then submits a resolution which has been drawn up by Frank and himself in accordance with an unanimous resolution of the political committee, as follows:

Der Vorstand des Jewish Club of 1933, Inc., Los Angeles, haelt die Zeit fuer gekommen, die Schaffung einer einheitlichen Front aller Refugees aus Mitteleuropa in den Vereinigten Staaten anzuregen. Es soll damit erreicht werden, dass auch die Stimmen dieser fruehen Opfer Hitlers bei solchen Verhandlungen der Zukunft zu Gehoer kommen, in den ueber Suehne und Wiedergutmachung begangenen Unrechts entschieden wird.

Der Vorstand des Jewish Club of 1933, Inc., haelt es aber fuer irrefuehrend und schaedlich, wenn in der amerikanischen Oeffentlichkeit der Eindruck erweckt wird, dass die Refugees an der kuenftigen politischen Gestaltung Deutschlands mitwirken wollen. Er steht auf dem Standpunkt, dass die Verbrechen der letzten zehn Jahre die Verbindung Deutschland und uns zerschnitten haben, und dass unsere Gegenwart und Zukunft dem Lande gehoeren, das uns in der Stunde der Bedraengnis Zuflucht geboten hat, und das uns zu seinen Buergern machen will.

After a lengthy discussion upon motion of Salinger resolved that the resolution as above set forth shall be made a resolution of the Board and that Frank and Salinger shall give it the proper form in German as well as in English.

Stagen reports on the contact he made with the foreign section of the Treasury Department regarding a bond drive among our group. It was the general opinion that no public meeting shall take place.

Bernstein is confirmed as Club page editor.

Bucky reports on the forthcoming Austrian affair.

(signed) Harry D. Salinger

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Felix Guggenheim letter from George Hjelte, Los Angeles Defense Council
25 February 1943

George Hjelte, Director of the Los Angeles Defense Council, responds to Felix Guggenheim regarding German non-citizen immigrants serving in the Citizen's Defense Corps. Hjelte expresses the feeling that "a satisfactory conclusion can be arrived at," and asks Guggenheim to telephone him to discuss the matter further.

USC Felix Guggenheim papers

DEFENSE COUNCIL
CITY OF LOS ANGELES
City Hall

GEORGE HJELTE
SECRETARY-DIRECTOR

TED. S. GEISSLER
ASST. SECRETARY-DIRECTOR

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GEORGE HJELTE
DEE HOLDER
CECIL R. KING
SOL LESSER
IRA J. McDONALD
JOHN R. RICHARDS
CARLETON B. TIBBETTS

February 25, 1943

Mr. Felix Guggenheim, Chairman
Jewish Club of 1933, Inc.
228 West 4th St.
Los Angeles, Calif.

Dear Sir:

Reference is made to previous correspondence with you concerning the subject of eligibility of expatriated German citizens to participate in the civilian defense program in the City of Los Angeles. I regret that so much delay has taken place in clearing this matter. This delay was due in part to the effect of the curfew regulations, which have recently been relaxed, and also to other matters. I feel that a satisfactory conclusion can be arrived at which will be pleasing to the many aliens of enemy nationality who desire to assist in civilian defense programs here. Would it be possible for you to call at this office at some convenient date to discuss the matter with us? If you will call me by telephone at Michigan 5211, Station 2351, I shall be glad to make an appointment.

Sincerely yours,

George Hjelte, Director
Los Angeles Defense Council

GH:ch

2 Friendly

memorandum from *Council of JewishEmigrés of San Francisco and the Bay Area*
26 February 1943

Memorandum from Council of JewishÉmigrés of San Francisco and the Bay Area, chaired by Richard Grau, reporting to his membership the decision of the San Francisco Civilian Defense Council that German non-citizen immigrants could serve in most civil defense roles. Grau's efforts paralleled those of Felix Guggenheim on behalf of the Los Angeles community.

USC Felix Guggenheim papers

Council of Jewish Emigrés

of San Francisco and the Bay Area

Richard Grau, Chairman
1914 Vine Street, Berkeley
Telephone: AShberry 8399

Albert Steiner, Secretary
172 Palm Avenue, San Francisco
Telephone: BAyview 6919

Frederick Lambert, Treasurer
41 Palm Avenue, San Francisco
Telephone: EVergreen 2642

Address all communications to:
172 Palm Avenue, Apt. 2
San Francisco, California

February 26, 1943

Dear Friends:

Re : Civilian Defense

After the lifting of the Curfew, the undersigned member of your Board got in touch with the CIVILIAN DEFENSE WAR COUNCIL and repeated the willingness of our group to participate in Civilian Defense activities.

Thereupon a directive has just been issued by Jack Helms, Director of the San Francisco Civilian Defense Council, that "Enemy Aliens" may be given assignments with the approval of the service. However, assignments as Air Raid Wardens and Auxiliary Policemen can be given to citizens only.

In cooperation with the Civilian Defense Council, we now urge all our members and their families and friends to call at the

Volunteer Office
532 Market Street (corner Sansome)
EXbrook 8515
9 to 9, Saturdays 9 to 1

for an assignment in any of the many activities of Civilian Defense. There is a constant need of men and women in the Ration Boards, Scrap Drive, etc.

As soon as you get an assignment, please, notify your Secretary or the undersigned by Postal Card.

Whether you have registered before or not, act immediately and do your part in helping win this war.

Cordially yours,
Council of Jewish Emigres
of S. F. & the Bay Area

By:
MARTIN E. GOLDSCHMIDT

Felix Guggenheim memorandum regarding Defense Corps service
24 March 1943

A month after receiving an encouraging letter from George Hjelte, Director of the Los Angeles Defense Council, Felix Guggenheim reports that the Defense Council Board had decided on 23 March 1943 to permit German non-citizen immigrants to serve in civilian defense.

By this point, with all travel and curfew restrictions having been lifted some months earlier, and "reclassification" having been achieved, Guggenheim reports the lifting of this last restriction as a member of the "Political Committee."

USC Felix Guggenheim papers

Refugees and Civilian Defense
in Los Angeles.

The political committee reports:

As the result of many months of negotiations we had with the Civilian Defense authorities, the City Defense Council (chairman: Mayor Fletcher Bowron; director: George Hjelte) finally recognized the difference between an expatriated refugee from Germany and an alien enemy of this country: The Council in its meeting of March 23rd decided, to admit German-Jewish expatriated refugees to the U. S. Citizens Service Corps.

We quote from the Los Angeles Examiner, March 24,1943:

"

"

The technical details of the procedure have not yet been decided upon; further information and a circular letter to the members.

Box 7 968

Jewish Club of 1933 minutes of the Board of Directors
meeting of 14 April 1943

Minutes of the Board of Directors' meeting of 14 April 1943 reflect William Stagen's report that "*the Anti-Nazi Immigrants War Savings Committee has finally been organized and has started its work. There will be a rally on May* 16, 1943, *for all the foreign-born groups*."

Felix Guggenheim reported that the Los Angeles Defense Council had removed virtually all restrictions regarding German non-citizen immigrants serving in civilian defense, and that this news would be circulated to the membership to recruit participants to that end. Guggenheim would continue to deal with these matters under the aegis of the "Political Committee," as there was no longer any need for a "reclassification committee."

USC Felix Guggenheim papers

MINUTES OF THE ELEVENTH MEETING OF THE BOARD OF DIRECTORS OF THE JEWISH CLUB OF 1933, INC., ON WEDNESDAY, APRIL 14, 1945, AT GOGI'S.

Present: Bernstein, Breuer, Guggenheim, Jessner, Lowen, Mendel, Salinger, Stagen.

Jessner reports that Mrs. Lourié resigned as a member of the Board.

Stagen reports for the committee which had been elected at the last Board meeting for the preparations of the next membership meeting. It was generally held that no final decision should be made because some members of the Board were not able to attend the Board meeting. However, a preparatory discussion of names took place in order to prepare a final discussion for the next Board meeting.

Bernstein declares that he cannot accept again an office for the next year on advice of his physician. Mendel suggests that he should take a leave for two months in order to restore his health. The matter was then continued to be taken up at the next Board meeting.

Mendel reports on the Hadassah Drive. More than $ 3,000.- have been collected within our group due to our efforts.

Jessner thanks Mrs. Mendel in the name of the Board.

On motion of Stagen properly made, seconded and resolved that the President of the Club be instructed to acknowledge with Mrs. Lourie's receipt of her resignation from the Board of Directors and to express her the thanks of the Club for her work in this drive. The same thanks should be expressed in writing to Mrs. Vicki Baum and to the other ladies who helped Mrs. Mendel to accomplish the very satisfactory result of the drive. An appropriate letter should be sent to the Hadassah and to the Fairfax Temple.

Guggenheim reports on the Civilian Defense (Citizens Service Corps) situation. A circular-letter will be mailed within a week to all our members in order to start a drive of participation. It was generally held that this matter should remain in the hands of the Political Committee.

The State Guard matter was continued to be taken up at the next Board meeting.

Aufbau. Salinger reads the Aufbau-letter of February 5, 1945. It was held that in our answer we should point out that we need a circular-letter in order to organize the war effort of our members. If we cannot reach all our members by means of the WESTKUESTE, we shall have to send circular-letters for which we probably have to use a larger amount of paper than that used for 250 copies of the WESTKUESTE.

Stagen reports on the Club home situation. Negotiations for a lease on a place close to Western Avenue and Wilshire are in an advanced stage. It was generally held that Stagen shall continue such negotiations.

Stagen reports that the Anti-Nazi Immigrants War Savings Committee had finally been organized and has started with its work. There will be a rally on May 16, 1943, for all the foreign-born groups. It was held that we should make efforts to secure a sufficient and effective participation of our group. A letter shall be written to Mr. Royce asking him to cooperate in the preparations of this rally.

(signed)

Harry D. Salinger

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Anti-Nazi Immigrants War Savings Committee “I Am an American Day”
text of message by Thomas Mann
16 May 1943

The first major public event held by William Stagen’s Anti-Nazi Immigrants War Savings Committee was held in Pershing Square on 16 May 1943. Earl Warren, then the Governor of California, appeared, and the event was covered by local radio station KFWB.

This is the text of an address written by Thomas Mann, but delivered by Ernst Deutsch, an Austrian actor who had immigrated some time around 1930, and had resumed his career in Hollywood by the mid-Thirties.

USC Felix Guggenheim papers

ANTI-NAZI IMMIGRANTS WAR SAVINGS COMMITTEE
Wm. E. Stagen, Chairman
Lothar Frank - Leopold Jessner - Henry Koster - Nathan Meyer - Rabbi M. Nussbaum
Arthur Pathe - Fritz Sabersky - Hugo Weinberg, M.D.

***

TEXT OF THOMAS MANN'S MESSAGE
Delivered by Ernst Deutsch over KFWB, Los Angeles, California
on
"I AM AN AMERICAN" day, May 16, 1943.

Ladies and Gentlemen:

It is an honor and a pleasure for me to add a few words, in the name of the immigrants from Germany, to the expressions of loyalty and homage pronounced on this day. For us European intellectuals, the transplantation to these shores was a great experience, a great relief for which we cannot be grateful enough. From deranged, poisoned narrowness we came into the largeness, into the expansive atmosphere of a country of happy origins, happy premises, happy history, where, contrary to the over-experienced, tired and somber Europe, life is determined by confidence, hope and a hearty faith in humanity and the human progress toward the better. Despite all antagonisms and differences of conviction which naturally divide even this country into competing camps, the clean, benevolent and spiritually sound principles and the moral code of conduct upon which the Union was originally established by the founding fathers, are still alive and decisive here; they form the myth of this two hundred year old community, the national tradition. There is a straight line running from Thomas Jefferson, the author of the immortal document called the Declaration of Independence, to Henry A. Wallace and his famous speech about the Century of the Common Man. If we ask ourselves, however, what is the conserving and all-pervading characteristic element of America's political philosophy, the answer is: it is the principle that "men are endowed by their Creator with certain inalienable rights" and that among those inalienable rights is "the pursuit of happiness."

Happiness as a natural right of man - that is a strangely daring thought which could never have found its way into a state document in the old Europe; it belongs to the optimistic pioneer spirit of America, to a fundamental trait of this country's character which is so comforting to us newcomers, - the American kindness. This kindness which recognizes the natural right of man to the pursuit of happiness is destined, in my opinion, to play an important part in the shaping of a new, more happily organized society of peoples, for which we all hope, and one may regard it as good fortune that the mightiest nation on earth combines goodness with its power.

Pacific Palisades, California, May 12, 1943.

"With a Million Hearts"
Song of Immigrant Children
in Alfred Neumann's Ballad "Now we are in America"
Staged in Los Angeles, California on May 16, 1943.

With a million hearts
  Ever so grateful
We'll be true to you, America
  And we stand here now
With a solemn vow
  To protect you and all that you are

With a welcome hand
  You have shared this land
With your children from afar
  And we'd give our all
Answering when you call
  And forever may you be right
  And forever may you be right.

Lyric: Sam Lerner

Music: Hans J. Salter.

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“TOLAN COMMITTEE” REPORT EXCERPTS

Hearings Before the Select Committee Investigating National Defense Migration,
House of Representatives, Seventy-seventh Congress, First Session,
Pursuant to H. Res. 113,

Part 31: Los Angeles and San Francisco Hearings, March 6, 7, and 12, 1942,
Problems of Evacuation of Enemy Aliens and Others from Prohibited Military Zones
United States Government Printing Office Washington, 1942.

Excerpts from the “Tolan Committee” hearings in Los Angeles and San Francisco, including testimony and prepared statements from Thomas Mann, Hans Schwarzer and Felix Guggenheim in Los Angeles, and Richard Grau in San Francisco. Also included is testimony from Tom Clark, civilian coordinator for General John L. DeWitt of the US Army Western Command.

NATIONAL DEFENSE MIGRATION

HEARINGS

BEFORE THE

SELECT COMMITTEE INVESTIGATING
NATIONAL DEFENSE MIGRATION
HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 113

A RESOLUTION TO INQUIRE FURTHER INTO THE INTERSTATE MIGRATION OF CITIZENS, EMPHASIZING THE PRESENT AND POTENTIAL CONSEQUENCES OF THE MIGRATION CAUSED BY THE NATIONAL DEFENSE PROGRAM

PART 31

LOS ANGELES AND SAN FRANCISCO HEARINGS

MARCH 6, 7, AND 12, 1942

PROBLEMS OF EVACUATION OF ENEMY ALIENS AND OTHERS FROM PROHIBITED MILITARY ZONES

Printed for the use of the Select Committee Investigating National Defense Migration

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942

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JUL 13 1942

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JOHN J. SPARKMAN, Alabama
LAURENCE F. ARNOLD, Illinois
CARL T. CURTIS, Nebraska
GEORGE H. BENDER, Ohio

ROBERT K. LAMB, *Staff Director*

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Yamazaki, Rev. John M., Los Angeles, Calif. 11871

NATIONAL DEFENSE MIGRATION

SATURDAY, MARCH 7, 1942

MORNING SESSION

House of Representatives,
Select Committee Investigating
National Defense Migration,
Washington, D. C.

The committee met at 10 a. m., in the State Building, assembly room, Los Angeles, Calif., pursuant to notice, Hon. John H. Tolan (chairman).

Present: Representatives Laurence F. Arnold (acting chairman), of Illinois; George H. Bender, of Ohio; and Carl T. Curtis, of Nebraska.

Also present: Dr. Robert K. Lamb, staff director; John W. Abbott, chief field investigator; Francis X. Riley, field investigator; Jack B. Burke, field investigator; and Ruth B. Abrams, field secretary.

Mr. Arnold. The committee will come to order.

TESTIMONY OF RICHARD B. HOOD, SPECIAL AGENT IN CHARGE, LOS ANGELES DISTRICT, FEDERAL BUREAU OF INVESTIGATION

Mr. Arnold. Will you give to the reporter your name and occupation?

Mr. Hood. Richard B. Hood, special agent in charge of the Federal Bureau of Investigation at Los Angeles.

Mr. Arnold. The committee understands, Mr. Hood, that you have a statement to make to the committee. We will be glad to have it.

Mr. Hood. Thank you.

Mr. Chairman and gentlemen of the committee, I appreciate the opportunity of appearing before the committee as the local representative of the Federal Bureau of Investigation inasmuch as we do not feel that yesterday's statement by Mayor Fletcher Bowron relative to the relationship between this Bureau and the Army and the Navy Intelligence Service is a true statement of the facts. With reference to the statement that there has not been sufficient cooperation in a practical way between the F. B. I. and the Army and Navy Intelligence Services, it should be stated that the present relationship between the organizations is practical, workable, and effective. Since September 1939, and not only since the declaration of war following the attack on December 7, but since September 1939, have the respective agencies been in constant collaboration on national defense matters. This relationship has been developed by the mutual ex-

Information regarding rise in retail prices of vegetables, first figures showing price week preceding Dec. 7, 1941, and second figure representing prices to which commodities rose following declaration of war and the ensuing closing of many wholesale houses in the produce markets—Information received by local 1510, Feb. 21, 1942, from managers named—Continued

McDANIELS MARKET (SAVE-RITE PRODUCE), 208 EAST VALLEY BLVD., ALHAMBRA CALIF., CHARLES TAMBARA, MANAGER

	Price, week preceding Dec. 7	Price rise following Dec. 7
Lettuce	5 and 7 cents per head	10 cents per head.
Carrots	2 bushels, 8 cents	7 cents per bunch.
Celery	15 cents per stalk	18 cents per stalk.
Potatoes	7 pounds for 25 cents	6 pounds for 25 cents.
Spinach	3 bunches for 10 cents	5 cents per bunch.
Beets	do	Do.
Cabbage		No change.
Cauliflower	10 cents per head	18 cents per head.
Brussels sprouts	10 cents per pound	Not obtainable.

RADIO CENTER MARKET, 1334 NORTH VINE ST., HOLLYWOOD, CALIF., WM. FUNATSU MANAGER

Lettuce	7 cents per head	10 cents per head.
Carrots	3 bunches for 10 cents	5 cents per bunch.
Celery	12 cents per stalk	15 cents per stalk.
Potatoes	7 pounds for 25 cents	4 pounds for 19 cents.
Spinach	3 bunches for 10 cents	2 bunches for 9 cents.
Cabbage	3 cents per pound	4 cents per pound.

Several persons in the stores listed stated that some vegetables could not be had for a short time after December 7, 1941. Top prices continued for several days, until wholesale markets were reopened.

We believe that the markets listed and the prices represent the average percentage of rise in prices in vegetable stands throughout the city of Los Angeles and vicinity.

We were informed that the price of fruit did not change to any noticeable degree during same period.

Retail fruit and vegetable stores, Los Angeles County

Total number of retail fruit and vegetable stores operated by Japanese	1,000
Average number of employees in one store	5
Total number of Japanese engaged in retail fruit and vegetable stores	5,000
Approximate yearly gross sales from Japanese operated stores	$25,000,000

Remarks: It is estimated that approximately 75 percent of all retail fruit and vegetable stores in Los Angeles County are operated by Japanese.

Due to the special skills of the Japanese in cleansing and displaying green vegetables and fruits there is a great saving of waste products.

Gardening, Los Angeles County

Approximate number of Japanese gardeners in Los Angeles County	2,000
Average monthly income per gardener	$125
Total average monthly income	$250,000
Total yearly income	$3,000,000
Average number of homes serviced by 1 gardener	12
Total number of home serviced by Japanese gardeners in Los Angeles County	24,000

Remarks: The maintenance and care of yards and gardens of approximately 25,000 homes will be affected with the removal of Japanese gardeners.

A special skill acquired by these gardeners makes them quite irreplaceable.

It is an acknowledged fact that the Japanese are well suited for this type of work and are considered the best available.

Restaurants and cafes.—Approximate number of Japanese-operated restaurants and cafes, 350. Approximately 80 percent of these Japanese-operated restaurants and cafes cater to the American public. The majority of these cafes and res-

taurants are located near concentrated employment centers and cater exclusively to American trade.

Hotels and apartments.—Number of Japanese-operated hotels and apartments, 395 in Los Angeles County. Approximately 75 percent of these Japanese-operated hotels and apartments cater to the American public. The majority of the hotels are of the transient type. Ninety percent of these Japanese-operated hotels and apartments are located in metropolitan Los Angeles.

TESTIMONY OF DR. THOMAS MANN, 1550 SAN REMO DRIVE, PACIFIC PALISADES, CALIF., AND DR. BRUNO FRANK, 513 NORTH CAMDEN DRIVE, BEVERLY HILLS, CALIF.

Mr. ARNOLD. Dr. Mann, you and Dr. Frank need, of course, no introduction, but for the record the committee would like to have you give your name, address, and occupation so that the record might be complete.

Dr. MANN. My name is Thomas Mann. I am living now in Pacific Palisades, No. 1550 San Remo Drive.

Mr. ARNOLD. Doctor, will you give us for the record your occupation and a little background?

Dr. MANN. I am a writer, sir; author, novelist, essayist, and lecturer.

Mr. ARNOLD. Are you a native American?

Dr. MANN. No, sir. I was born in Germany. I lived a long time in Munich where I studied and married. I left Germany in the year 1933 just before Hitler came to power. Then I lived 5 years in Switzerland before I came over to America.

I came over to America first in the year 1934 for a short visit and I visited America each year after that. I came over to settle definitely in this country in the year 1938.

I followed my vocation of lecturing at the University of Princeton. I did that for two winters. It was only for 1 year first, but it was prolonged for the second year.

Then I made the acquaintanceship of California and came out here to settle. We have our home in Pacific Palisades.

Mr. BENDER. Dr. Mann, I would like to ask you about the Munich conference, but I won't.

One of the questions which has come to our attention during our hearings in San Francisco, Portland, and Seattle, has been the effect of the evacuation order on refugees from Axis countries. We are interested in hearing from yourself and Dr. Frank your views and observations.

The committee would like to have you proceed in your own way, Dr. Mann, and then we will hear from Dr. Frank. We understand that you happen to be a Czech.

Dr. MANN. Yes.

Mr. BENDER. And are not yourself affected by the recent alien-control regulation.

Dr. MANN. Correct.

Mr. BENDER. Would you proceed in your own way.

Dr. MANN. Thank you very much.

I really feel highly honored to have the opportunity to take part in this meeting, the subject of which has been close to my heart since the problem arose. It is close to my heart not only because it is of so vital, moral, and material importance for the people it concerns,

but also because only a fair solution would be worthy of this great Nation which is fighting for freedom and human dignity.

I would like to add that, certainly, the behavior of a war-waging nation against her emigrees has something to do with the good fighting spirit of that nation. It is the frightening example of France I had in mind. A nation which seeks and enjoys victory over the most intimate and most natural enemies does not seem to be in the happiest psychological condition to meet these enemies.

I realize, of course, that in times of crisis no natural inclination to generosity and kindness can be allowed to imperil the safety of the country, and certainly it is not easy to find a general solution which does justice to both sides, the refugees and the interests of the country at war. As a matter of fact, we have to face an absolutely paradoxical situation, such as perhaps never existed before. We have to deal with people who by their birth and descent, if their case is treated mechanically, fall under the category of "enemy aliens," but who are in fact the most passionate adversaries of the European governments this country is at war with, and who left their native lands in protest against the political systems ruling there, or were forced to leave it. Most of them lost the citizenship of their original countries, and even formally cannot be regarded as nationals of a country with which they do not have the slightest connection. So in this war, the idea and characteristic of "enemy alien" has lost its logical justification in the case of the German and Italian emigrees.

Perhaps it is not superfluous to add that I, personally, am not affected for the reason that when I was deprived of my German citizenship, President Benes of Czechoslovakia was generous enough to make me a Czech citizen; so I am a friendly alien, even technically, but only by chance. And I have imagination enough to understand the feelings of these victims of national socialism and fascism who were seeking refuge and freedom to breathe in this great democracy, and would be only too happy to do their share in the work of defense, but now find themselves under suspicion and subjected to special regulations which, for many of them, would mean a deadly catastrophe, the collapse of their newly and painfully rebuilt existence. For that reason, just some weeks ago I decided to join a few prominent emigrants from Italy and Germany in sending a telegram to the President of the United States, in which we expressed the same feelings and ideas I am trying to develop today. I give you the names of the signers of this telegram; they were the Italians, Arturo Toscanini, Count Carlo Sforza, and Professor Borgese, and the Germans, Bruno Walter, Albert Einstein, my friend Dr. Frank, and myself. With the exception of Toscanini, all these men are either already American citizens or friendly aliens, but all of them felt obligated to act for their countrymen, and to ask the President to bring about, in some way, a clear and practical distinction between potential fifth columnists and people who are the victims and proven opponents of the powers with which America is at war today.

I really do not feel that the difficulties for establishing such a distinction are insurmountable. Other groups of aliens like the Austrians Czechs, and so on, have already been excepted. It is certainly not my intention to say anything against the loyalty of these groups, but so much may be said that in no other group so many reasons

speak for a passionate desire for Hitler's defeat, as in the case of German and Italian refugees. So I think that where it can be incontestably proven that a person is a refugee, a victim of Nazi oppression, an exception should be made, and the questionnaire of the registration form has already given, by its point 15, the authorities the necessary material for clarification. Moreover, there can be no doubt that the Federal Bureau of Investigation has carefully observed all aliens for quite some time, and has proven to be very well informed about their behavior and intentions. Whoever is individually suspicious will doubtless be taken care of, and it should not be difficult to find out all cases needing clarification. In my opinion it would be worth while to investigate a number of cases, which certainly would not be very considerable, instead of taking radical measures against the entirety of the refugees. All of us know that the burning problem on the west coast is the question of the Japanese. It would be a great misfortune if the regulations, perhaps necessary in their case—it is not my business to talk about the Japanese problem—would be applied to the German and Italian refugees, even with the intention of revising single cases later. For, as I have already mentioned, in many cases irreparable harm would be done to perfectly harmless and loyal persons. I think this should and could be avoided, and I am certain that other members of this meeting will make more concrete and practical propositions. In speaking for the refugees it is not only their interests I am visualizing. Every day it becomes more urgent that all available forces be put into the service of the country, and there are certainly many of the refugees who instead of becoming a burden to themselves and the country could be of valuable help in the struggle until victory.

Mr. BENDER. Doctor, I am appreciating that your position is rather delicate by virtue of your Czech citizenship. I would like to ask you a number of questions and if you desire to answer all right, and if not it will be perfectly all right.

Are you acquainted personally with a Dr. Fritz Baum?

Dr. MANN. No; I don't know him.

Mr. BENDER. Who is the husband of the daughter of Albert J. Berridge?

Dr. MANN. Sorry; I don't know.

Mr. BENDER. Are you acquainted personally at all with Dr. Frank Zigmund, who is a scientist and inventor? He is a Czech citizen.

Dr. MANN. It seems to me that I remember the name but surely I never met him.

Mr. BENDER. Do you know the Czech language, Doctor?

Dr. MANN. No; I don't.

Mr. BENDER. In regard to this question of alien enemies, your impression is that everybody who is labeled that way is not necessarily an enemy?

Dr. MANN. No; surely not.

Mr. BENDER. And you believe, from your observation, that possibly we might have additional facilities for handling that problem?

Dr. MANN. I think so.

Mr. BENDER. In expediting the just treatment of these cases?

Dr. MANN. Yes; I think so. I am sure that some way will be found.

Mr. BENDER. You believe that there are many alleged enemy aliens incarcerated in detention places that might be of service in this war effort in the event that this could be expedited?

Dr. MANN. That is very probable; yes.

Mr. BENDER. What percentage of the Jewish refugees are classified as enemy aliens? For example, from Germany, Czechoslovakia, Rumania, and other places.

Dr. MANN. What percentage?

Mr. BENDER. What percentage of them?

Dr. MANN. Of Jewish descent?

Mr. BENDER. Yes; that are now being held by the United States Government who might be extremely useful in this war effort in the event of such expediting?

Dr. Frank, would you care to answer that question?

Dr. FRANK. Well, perhaps I can.

Mr. BENDER. Doctor, before you speak, I wish you would identify yourself. It is the committee's understanding that you are an officer of a refugee organization and are deeply concerned with alien-control rulings and that you have given the problem some thought.

Dr. FRANK. Yes, I have.

Mr. BENDER. First, for the record, will you identify yourself?

Dr. FRANK. My name is Bruno Frank. I am by profession a writer. I live at 513 North Camden Drive in Beverly Hills.

Mr. BENDER. Under what circumstances did you come to this country?

Dr. FRANK. I left Germany in February 1933 the very first day after the legal government was overthrown, because very probably I wouldn't have survived the second day.

Mr. BENDER. We would like to have you discuss the problem that we are particularly interested in at the moment, as it affects anti-Axis refugees who happen to be citizens of enemy countries.

Dr. FRANK. Yes.

Mr. BENDER. Will you proceed in your own way?

Dr. FRANK. I am appearing before your committee, most thankful for the honor bestowed upon me, and let me add this at once, with a deep feeling of confidence:

Ever since the question of the evacuation of enemy aliens arose, there has been much consternation and fear among the German and Italian refugees out here. Many of them remember how, in a moment of frantic confusion, the Government of France treated the exiles, and they are afraid the same things might happen again. They already see their last and only hope gone.

May I frankly say that I personally could never share these dreads for a single moment. No, the victims of that hateful oppression won't be confounded with the oppressors. The bitterest and most consistent foes of nazi-ism and fascism won't be treated the same way as Nazis and Fascists themselves. Not in this country. Not under the great President of this Republic; not under its Congress, which is the strongest remaining fortress of constitutional freedom in the world; not under its Department of Justice, whose humane and enlightened utterances we have heard; and not, certainly not, under its military men. For these are not Prussian generals shaped after the pattern of some unspeakable "Fuehrer." They are American citizens proudly wearing

their uniforms in defense of the same liberties, the loss of which has driven the refugees out of their homeland.

Thus my confidence was greatly strengthened when I saw the registration questionnaire, which so clearly indicated the intentions of the American Government. For here the fullest opportunity was offered to each German or Italian refugee for stating whether he left his country because of racial, religious, or political persecution and for naming such trustworthy persons who could vouch for his loyalty. This, I feel sure, was not done without good reason and purpose.

And there is still stronger evidence. Before the war, about a year and a half ago, a number of refugees, then trapped in defeated France, were saved by a magnanimous action of your Government. Among them were eminent statesmen, scientists, artists, writers. Under the auspices of the Presidential Advisory Committee, emergency visas were granted to them, and so they were, in the nick of time, snatched from immediate peril. How then could anyone imagine that these same people, who by the American Government were recognized as stanch democratic fighters against the Nazis, should now be branded as enemy aliens by the same Government?

But, sir, I am not so much concerned about those outstanding men, when, for instance, I read that Arturo Toscanini, before going from New York to Philadelphia in order to conduct a concert for the War Relief Fund or the Red Cross, has to ask for a permit because he is technically an enemy alien—then I think this an odd story. But I am not afraid for Signor Toscanini. Not much will happen to him. A great name, or even a well-known name, shields a man from hardship.

I am concerned about the so-called average man or woman, the little fellow who, after long and terrible sufferings, having lost situation, property, and, more often than not, those dearest to him, has finally found here a haven of rest and ultimate hope.

As it is always more instructive to give a concrete and living example than to speak in generalities, let me present to you, sir, an average case among many, nothing particularly striking, but typical for those refugees who now live in deadly fear to be branded as enemies.

In a family I happen to know they have a housemaid, a Jewish girl, kind, honest, hardworking. She alone of her kin has escaped from Germany, and it is her only longing to save and to bring to these shores her old parents she was forced to leave behind.

She comes from a small town in northern Germany, where 80 Jewish families have been living for more than 600 years. It was one of the oldest communities. Now the Nazis have uprooted these people, they have burnt their synagogue to the ground, trampled under foot and swinishly soiled their sacred books, and desecrated their graveyard. Of the 80 families 3 are left. The rest have been exterminated, dispersed, or have been "removed to Poland." What this expression means, sir, you most certainly know. It was perfectly illustrated by those horrid pictures in last week's Life magazine, showing heaps of naked, emaciated corpses, piled upon one another like so much rubbish, ready to be flung into the common pit.

The two old people over there live under the constant threat of being carried away to that hell. Get the money for leaving the country—or else—they are told. Their daughter saves every penny

she makes for their passage and for the bribes—for every single one of those Nazi gangs has to be bribed separately. But each time she offers her savings, she is told it is not enough. Transportation costs have gone up, and so have the bribes.

The girl knows what a life her parents have over there. They live in one windowless room. They are not allowed to go out in the daytime. They are not allowed to burn light at night. They are not allowed to use a phone or a radio, or to ride on the train, or to sit on a bench in the park.

Don't lose patience, writes the girl (or, rather, she wrote, because now of course she cannot write any more). Don't despair. One day my money will be enough. Then you will come here. This is heaven. One lives among friends here. I shall work for you, and you will live peaceful years.

Well, sir, what should she write now, if write she could? I am no longer among friends? I am branded as an enemy now, just as the beasts who are torturing you. Forget all about it. It was but a dream. Go to Poland, and die.

No, sir, she won't have to write thus. Not here.

Your Government, sir, is acutely aware of the gulf that separates the victims from the oppressors. They have already exempted different groups from being classified as enemy aliens, for instance, the Czechs and the Austrians. Nothing could be more justified, more appropriate. And though, when exempting these groups, the Attorney General most certainly realized that among the holders of Czech passports are those so-called Sudetens, who plotted with the Nazi aggressors; and that among the holders of Austrian passports are those Austrian Nazis who opened the gates of Vienna to Hitler. These facts, most fairly, were not considered a reason for impairing the rights of the enormous majority of loyal Austrians and Czechs. If any of the suspect elements were to be found in this country, the F. B. I., I am sure, would make short shrift of them.

But, sir, the only group where even such loathsome exceptions are most unlikely to be found, are the refugees from Germany, the very victims and proven opponents of Hitler.

Nearly all of them have been deprived of their nationality, either by individual decree or by groups. This means they have been outlawed and officially robbed of all they possessed. All of them, or next to all, have, under their oath, declared that they will sever allegiance to the debased land of their origin as soon as the American law will allow them to do so. There is absolutely no relationship left between them and the Nazis, none but bitter, implacable hatred.

Never, as far as my knowledge goes, has there been one single case of a refugee conspiring with or working for the enemy. In France there have been at least 20 times more refugees than in the United States. Not a single case has occurred. And the same goes for England.

In England, as I take it from the excellent information furnished by our expert in this matter, Dr. Felix Guggenheim, examination boards were set up, which exempted all genuine refugees from restrictions. However, when the Nazis came within 20 miles of England's shores, restrictions were suddenly tightened. But, under the very bombs of the aggressors, public opinion and the House of Commons protested

violently and they did not give way until the position of the refugees had been restored. Today all these exiled scientists, physicians, workers, and industrialists enthusiastically contribute to the British war effort against the common foe. And in their registration certificates, in order to identify them as allies, these words are stamped, "Victim of Nazi oppression."

Now, as I pointed out, the number of refugees in this country is very much smaller. In the Los Angeles area, for instance, where accumulation is relatively dense, there are about 4,000—that is one-fifth of 1 percent of the population. The number of 4,000 individuals is equivalent to 1,000 or 1,200 family units. The task of investigating this number, and so to avoid the tragic consequences of wrong classification, would not be a heavy one.

For, since the registration, which in my opinion came as a godsend, the exact data about any single one of these cases are in the hands of the F. B. I. The vast majority of them will be clarified at once. There might be a few border cases, especially among gentile refugees who left Nazi Germany out of sheer horror and disgust, and who, being gentiles, were not honored by the Hitler regime with expatriation.

An examination board, sir, should be set up at once. I cannot presume to suggest how such a board should be composed. The only thing I feel allowed to propose is that, in an advisory capacity, one or several aliens with a sound knowledge of the matter, and enjoying the confidence of both the authorities and their fellow refugees, should be associated to it.

Pending final regulation, a licensing system could be established in the military zone No. 1, not in any contradiction but in fullest accordance with General DeWitt's proclamation. The spot zones, naturally, designated as such, would be excluded.

But now, sir, here comes my plea, and most ardent it is. Please don't delay. Take the anguish off the minds of those harassed people as soon as ever possible.

The idea has been proffered, I am told, that at first the refugees should be evacuated as enemy aliens, and that later on, by and by, individual readmission might be granted. Sir, that would never do. Such a procedure would spell disaster. Once removed, these people would be lost. The frail roots they have taken in this soil would be cut off. They would lose their jobs, their small businesses, and, most important of all, the friendly contact they have established with their American neighbors. Should they ever come back, perhaps after many months, they would be unwelcome strangers again, looked at with suspicion as people who once have been stigmatized and taken away as potential enemies.

Not all of them, sir, would have the strength for starting afresh, not many of them. They have been through too much. I don't want to dramatize, but I know that, if such steps were taken, there would be suicides before long.

May I add one final word, sir? I could imagine some people saying: All this may be true, but this is a world war. Our country faces the gravest crisis in her history. We are sending our husbands and sons to distant shores to fight and, maybe, to die. Why should we care for a handful of foreigners?

I don't know whether anybody in this country speaks like that. I'd rather think not. But, if so, this would be the answer:

These foreigners have fought against the same hideous foe as your boys. They still bear the scars on their bodies and souls. There is hardly anyone among them who has not lost relatives and friends by the same brutish hands. No group, by its hatred of evil and its love of freedom, could be closer united in spirit to the American soldier than these very people.

Mr. BENDER. Doctor, is the United States Government making sufficient use of your services, and Dr. Mann, of yours, and your associates who were in similar positions or are in similar positions to yours? Is there anything that you could assist with further that we might suggest to the United States Government that they might call on you for additional services other than those which you have already been called upon to render?

Dr. MANN. Well, I am only awaiting a call from the Government. I would be absolutely at the service of the Government. At present my defense work is more or less personal because I am going over the country and lecturing in many cities about the problems of the war and of the coming peace. That is my moderate contribution to the public service.

Mr. ARNOLD. Dr. Mann, I might say that in my district in Illinois, about one-third of my constituents are of German descent, mostly American citizens, but several of whom, prior to Pearl Harbor, were sympathetic, apparently, with Mr. Hitler. I might utilize your services this fall in the campaign.

Mr. BENDER. Recognizing the condition that you speak of, Dr. Frank and Dr. Mann, do you not think that for one of these alleged enemy aliens or any of that group to be incarcerated in these immigration detention centers, or in any other place, even in their plight, is like Heaven, compared to the alleged freedom of their existence over in Europe under Axis domination?

Dr. FRANK. Yes; I certainly would prefer the life in an American prison to free life in Germany or even in France today. This, I admit. But I don't wish it for them. They wouldn't survive.

Mr. ARNOLD. Thank you very much, gentlemen. We appreciate having you come here before the committee. We will take a 2-minute recess.

(Short recess.)

Mr. ARNOLD. The committee will come to order. We will hear one more witness, if he is here. Dr. Felix Guggenheim. The committee will recess for approximately 45 minutes after we hear Dr. Guggenheim.

Mr. CURTIS. Mr. Reporter, before we hear Dr. Guggenheim, is Courtney Lacey in the room?

He is not here; if you will insert his statement in the record, then we will proceed.

(The statement referred to above is as follows:)

LOS ANGELES, *March 7, 1942.*

Hon. JOHN H. TOLAN,
Chairman, Congressional Committee on Evacuation of Alien Enemies.

SIR: During the past few days I have had conversations with several Japanese nationals residing in southern California. Today one of them, an influential businessman in Los Angeles, stated to me that he and some of his friends had been discussing the evacuation problem, and, according to them, it would seem:

That the Japanese Government is willing to accept a return to Japan of those Japanese nationals now residing in the United States who wish to return to Japan; that the Japanese Government will provide transportation for them; that in the return of such Japanese nationals to their own country, the Japanese Government will return the interned Americans held in Japan; the exchange, so to speak, to be effected on some isolated island in the mid-Pacific Ocean, or any other suitable location and under supervision of a neutral nation; both United States and Japan to guarantee safe conduct during the exchange.

Thousands of Japanese nationals now residing in the United States wish to and are willing to return to Japan. The estimated number given to me by the Japanese is approximately 40,000, which includes, of course, the wives and minor children.

I have been asked to submit to your honorable committee the above-proposed plan.

And, in so doing, I would respectfully call your attention to the fact that thereby the financial burden which will rest upon our country, if we are compelled to indefinitely care for these Japanese nationals in concentration camps, or otherwise, will be greatly lessened. It will also serve to eliminate from our country those Japanese about whom there is or may be some question concerning their danger and enmity to our country. It will also serve to effect a return to their country and families of our own courageous soldiers, sailors, and fighting civilians who so valiantly sought to defend Guam, Wake, and Midway.

Respectfully submitted.

COURTNEY LACEY,
Attorney at Law.

TESTIMONY OF DR. FELIX GUGGENHEIM, 238 TOWER DRIVE, BEVERLY HILLS, CALIF.

Mr. CURTIS. Where is your residence at the present time, Mr. Guggenheim?

Dr. GUGGENHEIM. At 238 Tower Drive, Beverly Hills.

Mr. CURTIS. What is your business or occupation?

Dr. GUGGENHEIM. At the present time I am operating an apartment house there.

Mr. CURTIS. What does the "Doctor" indicate?

Dr. GUGGENHEIM. I graduated in Switzerland in economics and social science, and I graduated in Germany in law.

Mr. CURTIS. Ph. D., is it?

Dr. GUGGENHEIM. Similar to that.

Mr. CURTIS. Doctor, where were you born?

Dr. GUGGENHEIM. I was born in Constance. That is on the Swiss-German border.

Mr. CURTIS. And your nationality?

Dr. GUGGENHEIM. I am of German nationality, expatriated.

Mr. CURTIS. And when did you come to this country?

Dr. GUGGENHEIM. I came to this country in 1940 and I happened to be in England when the same question of enemy aliens arose there so I have had the opportunity to go through the whole problem already. That is the reason I should like to say a few words as to what a simple refugee, living in England, experienced when the question of distinguishing between enemy aliens and refugees came up there.

Mr. CURTIS. Now, Doctor, we want you to proceed in your own way, giving us the benefit of your observations in this enemy alien control situation, touching the high points. I don't want to limit you in any of the important points you wish to make, but I do want to say this: If you happen to have something to add to your testimony today, you can submit it and we will see that it is incorporated in the record, together with your oral testimony.

ENGLISH TREATMENT OF ALIENS

Dr. GUGGENHEIM. I was in England when the war broke out in September 1939. The English were badly prepared in many respects, but Scotland Yard was on the alert and in the first days of the war, a great number of German spies were arrested. Many spies had been known to Scotland Yard for a long time but they hadn't been arrested before because Scotland Yard didn't want them replaced by unknown spies.

A second group was arrested also: German aliens, who, before the war, were members of Nazi organizations in England. There and in all other countries as well, many Nazi and semi-Nazi societies were flourishing, organized openly and operating publicly.

The English authorities, in close contact with the refugee organizations immediately realized that the majority of so-called German aliens consisted of refugees persecuted by the very enemy of England. They realized also that it was a group distinguished from other groups. Therefore, they established a procedure to sift these aliens. They had to appear before special tribunals. Eminent judges and outstanding lawyers were appointed, personalities who, by long experience, were especially suited to distinguish between harmless and dangerous, between genuine and fake.

Three groups were formed:

(*a*) People dangerous for political, sabotage, or spy reasons. Immediate internment followed.

(*b*) People who, by one reason or the other, couldn't convince the tribunal that they were genuine refugees. They were subjected to special restrictions and in some parts of the country even to internment.

(*c*) People who proved their status as refugees. They got stamped in their certificate of registration a certain paragraph, and I would like to quote from my own certificate:

> The holder of this certificate is to be exempted until further order from internment and from the special restrictions applicable to enemy aliens under the Aliens Order, 1920, as amended.

The judge of the tribunal, in many cases, Sir Maxwell, added in his own handwriting:

> Refugee from Nazi oppression—

and signed it. I would like to leave a photostatic copy here in evidence.

Mr. CURTIS. I will be glad to receive it.[1]

RESTRICTIONS ON MOVEMENT OF ALIENS

Dr. GUGGENHEIM. The restrictions those in group (*c*) had to comply with consisted chiefly in an obligation to report change of residence and to report any absence from the permanent residence for more than 14 days. Group (*c*) was treated as friendly aliens and practically as natural allies. Only a few hundred belonged to group (*a*). Only a few thousand eventually were classified as (*b*). The rest, about 60,000, including women and children, could establish their genuine

[1] Photostat held in committee files.

refugee status, and I don't know of a single case where reclassification in group (*c*) became necessary.

Within a few months all refugees had passed their tribunal, the decision, for instance in my certificate being dated November 2, 1939.

The procedure itself was as follows: Field investigators visited each family, asked certain questions, and got an impression of how and where the family lives. Their reports, checked with the files of Scotland Yard, were on the judge's table when he examined the alien. The job seemed to be tremendous at the beginning but the fact was that the percentage of harmless, uprooted people was so high that an experienced judge, checking the field reports and getting a personal impression normally had no difficulties in deciding quickly, especially as the aliens were asked to bring letters along from English relatives or friends or from other refugees of high standing and well known reputation. Even witnesses could appear if either the alien or the judge thought it advisable. The system worked without difficulties, especially as close cooperation existed with the refugee organizations, which always were able to check back, not only a few years back, but also the whole life history of a doubtful case.

REFUGEES WERE NOT FIFTH COLUMNISTS

I have to relate that after the sudden collapse of Holland, Belgium, and France, when England had to fight alone and for her very life, the Nazi armies and airplanes being within 20 miles of England's shores, some English authorities started an indiscriminate internment campaign and a tightening of restrictions. The term "fifth columnist" wasn't so well known as it is today. The stories coming from France and Holland were very confusing and it took the English a few months to get the facts and to understand that the fifth columnists and saboteurs in Holland, Belgium, and France (and a few weeks before in Norway) hadn't been the refugees, but naturalized and native citizens and such aliens who already before the war made no secret of their Nazi sympathies. Public opinion in England, newspapers and members of the House of Commons, therefore, didn't give in until the refugee's position was restored. Today I get letters from refugee friends over there telling how gladly and successfully they contribute to the English war effort according to their abilities in many fields. Some of those refugees live on the south coast of England and face the Nazi threat and the Nazi bombs, together with their English friends. That is all I have to say.

Mr. CURTIS. Doctor, I want to compliment you on the concise and orderly way you have described the English system. We are very glad to have it for our records. Now, can you tell me about how many people were involved in all three classifications in England?

Dr. GUGGENHEIM. Between sixty and seventy thousand.

Mr. CURTIS. And you do not know how that compares with the total number of people, both citizen and alien, that we will have to deal with in this problem on the Pacific coast here, do you?

Dr. GUGGENHEIM. I don't quite get the question because you say "citizens." If you want me to talk about German aliens and the percentage of refugees, then I can give an answer. I can't give an answer about the Japanese or Italians.

Mr. CURTIS. It is well that we have this information for what guidance we can get from it. We do have some problems here involving legal rights of our own native-born citizens, and we also have a problem of a cosmopolitan people made up of many, many races that form the American people, but we are glad to have the English experience.

Dr. GUGGENHEIM. Would you allow me one further remark?

Mr. CURTIS. Yes.

Dr. GUGGENHEIM. I think the refugee is a distinct problem for one reason: It is the only group I know of which can be distinguished easily, whereas, all other groups don't know each other so well and don't have the same life story as this group. That is all I want to say.

Mr. ARNOLD. Thank you very much, Doctor, your prepared statement will be inserted in the record at this point.

(The statement referred to is as follows:)

STATEMENT BY DR. FELIX GUGGENHEIM, MEMBER OF THE BOARD OF DIRECTORS, JEWISH CLUB OF 1933, INC., LOS ANGELES, CALIF.

MARCH 4, 1942.

The Jewish Club of 1933, Inc., represents the majority of the Jewish part of the anti-Nazi refugees from central Europe, as far as they live in metropolitan Los Angeles and intends to educate them to fit into American life.

In our estimate half of the number of as German classified aliens in California, and the majority of these aliens in Los Angeles are in fact expelled and expropriated anti-Nazi refugees, who were stateless when the war broke out and who don't owe any allegiance to any country at war with the United States.

These refugees whether Gentile or Jewish feel that they are wrongly classified and begin to realize the terrible consequences of that wrong classification. In the world struggle between democracy and nazi-ism they were the first martyrs and the first victims. They bear still the scars on their bodies or on their minds or on their lives or family. It would be the worst tragedy for them to suffer again at the hands of their natural allies with whom they hoped to have found a final refuge after they have suffered so much from the Nazi at a time when the world didn't realize that it only was the first chapter. The day—may it never come—when 10,000 refugees from Nazi oppression will have to leave their homes and jobs and small businesses on the west coast of the U. S. A. and in a sad procession will look for relief and assistance with the stigma of enemy aliens as additional burden, this day would be counted by history as a first-class victory of Hitlerism against democracy.

The real enemy aliens know why and for whom they are bearing hardship. The refugees don't have the spiritual strength and the power of endurance any more to suffer without understanding at the hands of their friends and allies.

Therefore we feel obliged to offer our testimony at the hearings of the House committee on defense migration and would be deeply grateful if we would get an opportunity to present some facts regarding the following matter:

We should like to present the experiences in France, when France made the terrible mistake of having detracted her attention from the fight against fifth columnists by fighting senselessly the loyal democratic anti-Nazi refugees in their midst. We would like to add how the President's Advisory Committee intervened and saved some outstanding personalities from being treated as enemy aliens in France, refugees who—oddly enough—now are classified as enemy aliens again in this country and are in danger of being expelled from California.

We should like to present how England acted in setting up tribunals for the refugees, who exempted the genuine refugees from restrictions and stamped in their registration certificates "refugee from Nazi oppression." When the enemy came within 20 miles of England's shore the authorities tightened the restrictions suddenly but the public opinion and the House of Commons didn't give way till the position of the refugees had been restored—and today the refugee scientists, doctors, industrialists, and workers contribute gladly and successfully to the English war effort.

We should like to give the facts about the stateless refugees, about the laws expatriating them before the war, about the registration which put the details

about every refugee into the files of the local Federal Bureau of Investigation and about the registration questionnaire, which indicated the intention of treating separately the group of refugees from political, racial, and religious persecution.

We should like to mention in all modesty, how valuable it would be if democracy gives special consideration where special consideration is due, and how confidence in democracy as protector of Nazi victims would grow.

We should like to draw attention to the many outstanding personalities among the refugees, who in many fields want to contribute to the war effort.

We should like to present the plan, consistent with the proclamation of General DeWitt, to license in the military area I (of course not in the "spot" zones) the genuine refugees, till they will be taken out of the enemy alien group by the administration, a plan in which trustworthy refugees of long standing and beyond suspicion could give valuable assistance.

Mr. ARNOLD. We will now recess until 1:45.

(Whereupon, at 1 p. m. an adjournment was taken until 1:45 p. m. of the same day.)

NATIONAL DEFENSE MIGRATION

SATURDAY, MARCH 7, 1942

House of Representatives,
Select Committee Investigating
National Defense Migration,
Washington, D. C.

The committee met at 1:45 p. m.

Mr. Arnold. The committee will come to order. Capt. W. N. Cunningham will be our first witness this afternoon.

TESTIMONY OF CAPT. W. N. CUNNINGHAM, INDUSTRIAL DEPARTMENT, UNITED STATES EMPLOYMENT SERVICE, LOS ANGELES, CALIF.

Mr. Arnold. Be seated, Captain.

Witnesses before this committee, Captain, have testified that the Japanese play an important part in the production of the vegetables in this area. Could you give us a picture of the labor situation in relation to demand which will arise when this group is evacuated?

Mr. Cunningham. Well, I will try to, gentlemen. In the first place, we want to state that from our observation the Japanese is not, as he is presumed to be, a farmer, especially in this community and in this territory. He is a gardener on a mass scale. They have never patronized the Employment Service for any appreciable number of people.

Our available files contain the applications of 34,000 persons. Of that number there is a total Japanese registration of 446.

That represents 1.3 of our total available file of male Japanese workers of whom only four are listed as agricultural laborers.

In the women's industrial department we have registered 179 Japanese women, all of whom have insurance claims, and most of whom have been engaged until recently in the fish industry. There are a few other types.

In reference to the agricultural situation, I have the acreages for 1940–41, which I can submit to the committee. Here are the crops in which the Japanese largely figure in Los Angeles County: Cabbage, 3,600 acres; carrots, cauliflower, celery, corn and vegetables of all types, 41,750 acres; beans, which I didn't consider as a vegetable, due to the fact that it is a mass crop, about 21,000 acres.

Largely, these small acreages, which vary in size from 2 to 25 acres, are very intensively gardened the year around. The crops are rotated and almost constantly there is a crop coming on—radishes and small vegetables.

That is the crop that will be affected and the crop that will be difficult to replace because it is largely stoop labor. In the mass

picture. We could use our knowledge and our physical make-up for America, for America and not for Japan. Of course, whatever wise thing the Government decides, we will do, but since you want to know some of the situations and facts, we would like to express that.

And so, in your plan of evacuation, we would recommend that you would allow a good portion of the Japanese, and maybe a larger portion of the Japanese-Americans, to remain here and be of greater service and of greater usefulness for America's defense and offense.

Mr. BENDER. Reverend, when you took the stand, we informed you that Mr. Clark had another engagement, and he has now arrived. Will you leave the stand and resume after he is through.

Reverend SUZUKI. I was just about through.

Mr. BENDER. Well, we will call you back. We have some questions to ask you.

TESTIMONY OF TOM CLARK, CHIEF OF THE CIVILIAN STAFF OF GEN. JOHN L. DEWITT, UNITED STATES ARMY, FEDERAL BUILDING, LOS ANGELES, CALIF.

Mr. CLARK. I am chief of the civilian staff of Gen. John L. DeWitt of the United States Army, headquarters, Presidio, San Francisco, Calif.

Mr. ARNOLD. The committee appreciates very much your testifying again, Mr. Clark. As you remember, when in San Francisco, we expressed the hope that you might appear in Los Angeles in about 10 days to testify on later developments arising from the Executive order of the President.

Mr. CLARK. Yes, sir.

Mr. ARNOLD. Since your last appearance we know that you have been appointed by General DeWitt to serve as his coordinator concerned with the evacuation problems. For the purpose of the record will you list at this time the Federal agencies represented in your organization.

FEDERAL AGENCIES REPRESENTED

Mr. CLARK. Well, right now, we have about 12. I couldn't give you the names of all of them but I will give you the chief ones. For the last 2 days, we have been getting our organization together and assigning the work to each individual agency.

The Federal Security Agency, of course, has several agencies under it, like the United States Employment Service, and other services of a like character. Each one of those are separate agencies under the governmental set-up. They are headed up by the Federal Security Agency.

Then we have the United States Department of Agriculture, which, of course, has quite a few agencies itself, as you well know, like the triple A, the Farm Security Administration, the Surplus Commodities Corporation and organizations like that.

Our most important department right now, I think, is the United States Treasury Department. It is going to handle the property set-up. That is one of the main things we have been working on in the last couple of days.

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CONSULTATION WITH JAPANESE LEADERS

Mr. CLARK. Oh, yes. They might not have to go through them at all. We are going to establish an office right here in Los Angeles to meet with these Japanese leaders. I have been urging them to get their leaders together and have a committee that could meet with us and I am sure they are doing that. They should be. Next week we will have an office right here where we can work out problems of community transplanting.

Mr. ARNOLD. In some cases the Caucasian ministers will probably speak for their group. They seem to be the leaders.

Mr. CLARK. Yes, sir. We will be happy to—in fact, we urge their cooperation because it is most helpful.

Mr. ARNOLD. In other words, you want all the help you can get.

Mr. CLARK. Well, sir, I will say that no one understands the enormity of the task. It is like the Mexican jumping bean. The minute you think you have got her, why she jumps over here. I have had some pretty tough jobs myself, from top sergeant on up, but I haven't had any like this.

AFTER-WAR USE

Mr. ARNOLD. Here is another quotation in the case of the Japanese. You are quoted as saying:

> At the end of the war, the evacuees will be returned to their homes and farms and the once-forbidden zones and the resettlement communities will be transformed into recreation and rehabilitation centers for war veterans.

Is that a correct statement?

Mr. CLARK. Of course, if they wish, they can go anywhere they want after the war. They are American citizens. I did say that it was Government property that was being used there, that we planned on using it—or, rather, the Army did—I won't be in the picture then, I hope—for vocational centers and recreational centers for our soldiers who have been in the war. As you remember, in the last war we had to build a great number of vocational centers. These buildings are portable and would be very much adaptable to that use.

CATEGORIES EXEMPTED FROM EVACUATION

Mr. CURTIS. In reference to the question of Italians and Germans, you will recall the committee's proposal to the President that the Coordinator's office start immediately planning for the creation of hearing boards. We notice that General DeWitt, in his order, has exempted certain categories. Will you give the committee the description of these categories and tell us whether it is contemplated that additional categories be created? Is it your opinion that appeal boards would make it possible to return a great majority of these people to civil life?

Mr. CLARK. Well, sir, as I said before, General DeWitt is the boss man. He makes these rules. All I do is follow the rules. I couldn't say whether he is going to add any more or not. I could just guess. Your guess would possibly be as good as mine. I am just guessing. When the general makes up his mind, he doesn't change it. I would say that there won't be any more. However,

there may be. The rules now in a broad way are that all people over 70 among the Italians and the Germans are exempted.

Mr. CURTIS. And certain parents of soldiers?

Mr. CLARK. And the parents of soldiers, or sisters, brothers, wives, children of soldiers of German and Italian descent are exempted.

Mr. CURTIS. Has any statement yet been made as to the conditions under which Italian and German aliens will be allowed to reside outside of zone 1-A?

Mr. CLARK. It will be.

Mr. CURTIS. Will they be free to establish individual residences at will away from designated military prohibited zones?

Mr. CLARK. If it is outside of 1-A, yes, sir. Of course, there are exceptions to all these answers. It would depend on the circumstances. If they were of a subversive character, why, of course, it would be better if they were incarcerated or restrained. That would not apply to my answer. My answer is, where a person is loyal and he just happens to be of Italian or German lineage, outside of 1-A under the present regulations, he would be able to live in a community of his own choosing.

Mr. CURTIS. And of course all of these things are subject to the effect of great and unexpected happenings that none of us can foretell?

Mr. CLARK. Oh, yes, all depending on the action of these folks. If they behave themselves and live right and do right and stand up right by the United States, they are not going to be harmed.

Mr. CURTIS. Now, referring to these people you just mentioned. Will they be free of curfew restrictions and other limitations outside of designated restricted areas?

Mr. CLARK. No, sir. There is not a curfew regulation now by the Army. It hasn't been promulgated. The one by the Attorney General only applies to aliens.

Mr. BENDER. Don't you think it would be desirable if you, yourself, and members of this committee, were subject to curfew regulations?

Mr. CLARK. I think it would be swell, Congressman. I would be the one to shout for that first. I got to bed last night about 3 o'clock and 10 minutes after 4 the night before.

WORK PROJECTS

Mr. CURTIS. What types of work, other than agricultural operations, are being planned or considered, and what agencies are being charged with the planning of these projects?

Mr. CLARK. Well, sir, there are several that have been suggested and to which I think the Japanese would be adaptable. It has been suggested that they be engaged in making a number of these articles that we used to buy over in the 5 and 10. That is the store where I trade. You could always go in there and buy something and on the back of it used to be "Made in Japan." So we could make it "Made in America," with Japan on the back. Or we could put them to making American flags—that would be nice, and I think a very laudable undertaking, also. Then Mr. Nicholson has several suggestions which I thought were good, of a reclamation character, particularly those who are adaptable to labor. They could be engaged in various reclamation, irrigation projects.

Mr. CURTIS. I don't know whether you are familiar with it or not, but many of the buildings that were erected for Civilian Conservation Corps camps are located in areas where they need work done.

Mr. CLARK. Yes, sir.

OTHER PROJECTS

Mr. CURTIS. In soil conservation, irrigation, flood control, and that sort of thing. And should it develop that Japanese boys are discharged from the Army, it is entirely possible that they could recruit C. C. C. camp members from these boys and carry on that work that was stopped because of the shortage of boys.

Mr. CLARK. That is a very fine suggestion, sir, and I think the location of the C. C. C. camps would make them adaptable to that very type of work.

Mr. CURTIS. I think you will find a welcome for that in the Great Plains States, the drought areas, where they were carrying on those projects and had to stop, or some of them didn't get started.

Mr. CLARK. Yes, sir.

Mr. CURTIS. Can you tell the committee what sums are available to date to do the necessary work in connection with evacuation and resettlement?

Mr. CLARK. The Army has unlimited funds available at this time from their unallocated funds. Those are the funds we are using. And the Social Security Board has some funds. I don't know the exact amount.

Mr. CURTIS. I think that is a rather limited amount but the plan is, under the delegation of authority, for all of those to channel through the Army.

Mr. CLARK. Yes, sir. Until they get into the definite, completed resettlement where they have reached their final destination, until the war is over; then, of course, the Army wouldn't want to pay that and I think it is up to Congress to take care of that. Of course, the Army is going to have to ask the Congress for an appropriation to supplement what they have now. This is no game of marbles.

Mr. CURTIS. We are fully aware of that, Mr. Clark, and we are aware that this is just one of the burdens that is placed upon the shoulders of General De Witt. This committee wants to be just as helpful as we can. In that connection I mentioned some of the testimony that has been taken here. On many phases of it we have had some concrete suggestions that seemed very, very frank. After our hearings are over, if some member of our staff could get what is wanted when it is wanted in a hurry, without having somebody wade all through these hearings, I think they should render a service.

Mr. CLARK. I wonder if you could let one of your staff stay here for the next 2 weeks.

Mr. CURTIS. I think that could be arranged. I am not the chairman.

Dr. LAMB. Would you want them here, or in San Francisco?

Mr. CLARK. San Francisco.

Dr. LAMB. That would be easy to arrange.

Mr. CLARK. That would be fine. The problem is going to crystallize in the next few days and if we could have someone who has heard

the testimony or is familiar with the record, I think your committee could be of great help to us. I know that the General feels that you have been of great assistance to him in pointing out some of the pitfalls. You have saved us lots and lots of headaches. We have got enough already so on behalf of General De Witt and for myself I want to thank you very much for the work you have done.

Mr. ARNOLD. We won't keep you much longer, Mr. Clark. We have just about finished here. The committee has been concerned with the problems of the Italians and Germans because we are reluctant to see policies created here which may stand as precedents for subsequent action in other parts of the country where the size and scope of the problem are of such enormous magnitude as to jeopardize the very war effort. I have reference to the fact that where there are 85,000 in this coastal area there are approximately 1,000,000 German and Italian aliens, including 300,000 Germans and 600,000 Italians, according to the 1940 census. This number will, of course, be multiplied by dependents and immediate relatives who are citizens. This group, in turn, will be found to be related by ties of blood and marriage to a far greater number so that it is unthinkable that we should treat this matter lightly.

Bearing these matters in mind, what special suggestions have you for the certification as to the loyalty of these individuals and handling of the situation?

Mr. CLARK. Well, sir, there have been no orders entered as to Italians and Germans, or Japanese insofar as evacuation is concerned. The small area along the coast, known as the 1–A area, has tentatively been the General's plan insofar as the Germans and Italians are concerned. Our statistics show that there are approximately 86,000 involved there. After you subtract those that the General has already excepted, together with those who are sick and in hospitals and have various other exceptions, the number won't be so large.

HEARING BOARD TO BE SET UP

Then, again, the General is going to set up a hearing board. I did not answer your question a moment ago about that hearing board. The General is going to set up on his staff a group that would take up these matters, and where it involves a situation that needs some special attention, this military board, we believe, would be the most effective one. That is his intention now, I believe. It is a military problem and we think that the establishment of civil hearing boards would possibly not be as effective nor be as quick as would be a military board. It has not been decided, though.

Mr. CURTIS. Are you familiar with the English experience on that?

Mr. CLARK. No.

Mr. CURTIS. We had a witness here today who outlined it. I won't take the time to enumerate it but it is in the record and if the arrangement is carried out for our staff to have someone there, why they can provide it.

Mr. CLARK. Perhaps we could use that system. We want to take as much off the military as we can.

Mr. CURTIS. I don't know that you can use it entirely but there may be some phases of it that you want.

Mr. CLARK. The General hasn't decided the problem, of course, because it hasn't arisen yet; what I am telling you are my own thoughts on the matter.

Mr. BENDER. I have just two or three questions.

What is being done, Mr. Clark, to break down antagonism of local groups to the general program?

Mr. CLARK. Well, we have been doing a little campaigning. We haven't passed out any cards but we have been over talking to them and we have made some progress, sir.

Mr. BENDER. Mr. Clark, how much money do you think will be required for this undertaking?

Mr. CLARK. I couldn't say, sir.

Mr. BENDER. Have you had any estimates as yet?

Mr. CLARK. Well, our fiscal office has but I would prefer not to state it, sir.

Mr. BENDER. In my nightly conversations with various agencies at Washington in connection with this committee's activity, that is a question that has been asked and it is a question that should be thought of quite seriously by all of us immediately.

Mr. CLARK. Yes, sir; I think the committee is entitled to that and I would be happy to furnish it to your representative.

Mr. BENDER. As you understand, of course, there isn't a day that passes but what there aren't at least half a dozen speeches made on the floor of Congress regarding this issue and the problems involved.

Mr. CLARK. Yes, sir.

Mr. BENDER. All of us are trying to bend backwards not to act as a headline-hunting committee, but rather as a fact-finding committee, and, in turn, translating that to the various departments in Washington so that they, in turn, as well as Congress, might act intelligently. We found a very fine response on the part of General DeWitt and yourself regarding those things that were necessary to do without any blowing of trumpets, and I am sure we will proceed in that manner from henceforth on.

Mr. CLARK. Well, I think you have done a splendid work, as I have said before, and I think that your records and the use of whoever you assign, will be most helpful to the general. I trust that you will be able to find it possible to have that man where he will be available at the beginning of the week, or as soon as you release him from his duties with you.

Mr. BENDER. The committee expects to be back in San Francisco on Monday and no doubt will meet with you.

Mr. CLARK. Very well, sir. I will be there.

Mr. CURTIS. Thank you, very much, Mr. Clark. I appreciate your coming.

Mr. LACEY. Before Mr. Clark leaves, I would like to have one question directed to him if the committee see fit.

Mr. BENDER. Who are you?

Mr. LACEY. I am an attorney here and I am representing certain Japanese. My name is Lacey.

Mr. CURTIS. What does it have reference to?

Mr. BENDER. You will have to ask us privately as to the question you would like to ask, and then we will, in turn, put the question if we think it is desirable.

APPENDIX B

FEBRUARY 20, 1942.

Dr. ROBERT K. LAMB,
Tolan Committee,
San Francisco, Calif.:

Conferred with group of social workers and lawyers last night who feel that time is all important element in this matter. As I indicated they propose immediate establishment by Executive decree President of Alien Control Authority to be composed representatives War, Navy, Justice, Agriculture, Labor, Social Security, and some transport agency. Function military authorities to delimit two major areas on west coast, viz, primary military areas in which no licensing any kind would be permitted and secondary military areas in which licensing would be permitted subject to control of the authority both areas to be subject to modification by military from time to time. Function of the authority itself to be made up of four bureaus, viz, registration and licensing, resettlement, maintenance and reemployment, and alien property conservation. Under registration and licensing three separate licensing boards to be set up re Japanese, German, and Italian nationals. Our feeling is that this proposal should be submitted to General DeWitt through Tolan for approval in principle. Such authority would be flexible and would relieve all officials of unnecessary responsibility and would coordinate entire program. Feel that this proposal should be transmitted to top officials in Washington immediately, in particular Biddle, Wallace, McNutt, Downey, and others, with request it be laid before President before any summary action is taken. Your committee can develop factual background and specific prop sals re policy and practice before board once it is constituted by Presidential decree. If such action could be taken immediately would provide committee with time to undertake thorough hearings and investigation and would also in meantime keep situation in hand.

CAREY MCWILLIAMS,
Chief, Division of Immigration and Housing.

APPENDIX C.—THE PROBLEM OF THE STATELESS REFUGEE

The plight of the stateless refugee from Nazi Germany represents one of the most tragic human dramas of the age. They have been persecuted, expelled, their property expropriated, and they have expatriated from the country of their birth. They owe no allegiance to their former country because they were neither citizens nor subjects of Germany at the time that war was declared. Nevertheless, they are classified as enemy aliens. If any group merits special consideration it is this group.

The real enemy aliens may have the loyalty to their country to sustain them, and they know why and for whom they have to bear the hardships. The refugees are loyal to the United States. They hope to become as good citizens of the United States as the refugees of previous generations. Having suffered so much materially and spiritually under the Nazis, they cannot reconcile themselves to the fact that they are identified with their deadly enemies, the Nazis. It seems like adding insult to injury. It is especially hard for the younger generation who grew up in the American spirit and who are gradually forgetting the terrible experiences of their past.

The desperate situation confronting some of these refugees may be gleaned in part at least from documents 1 and 2 attached to this appendix. The first is from a native American who is about to enter the military service of the United States, whose wife is a refugee from Germany and therefore one of the stateless refugees facing with them the prospect of evacuation while her husband is fighting in the armed forces of the United States. The second document is from one of the most prominent local attorneys to whom they turned in their despair.

The urgent need for reclassification either by separating the refugees from the enemy alien group or by licensing the stateless refugees or by clearing them individually from the stigma of being enemy aliens becomes apparent also when the moral and spiritual strain on the refugees is taken into consideration. Special consideration is essential. Fortunately, there is ample precedent for such consideration.

The Attorney General has already exempted the following groups from being classified as enemy aliens:

1. Registered Austrians are not considered enemy aliens despite the possibility that there are many potentially dangerous persons among them as in any other group.

2. Persons of German, Italian, or Japanese citizenship who have acquired any other citizenship (i. e., from Lichtenstein which could be bought easily and cheaply, or Haiti or some small South American country) are also exempted despite the possibility that there are as many potentially dangerous persons among them as in any other group.

3. Citizens from Danzig are also exempted "pending the final decision whether they are enemy aliens or not."

There are other exemptions of less importance such as enemy aliens serving in the ranks of the United States forces, Koreans, immigrants from certain Mediterranean islands, etc.

It may be hoped, therefore, that sooner or later the Attorney General will see his way clear to making similar exceptions for the stateless anti-Nazi refugees who applied for naturalization upon their arrival here, but have not been here long enough to acquire full citizenship.

Since the situation on the west coast may require more drastic regulations in the very near future, it should be possible to license all aliens of enemy nationalities who are registered with the Alien Registration Division of the Department of Justice as stateless.

The importance of this suggestion for the west coast becomes evident if the figures for enemy aliens are borne in mind. The new registration figures will probably show that half of the so-called Germans in California and the majority in Los Angeles are, in fact, anti-Nazi stateless refugees with first papers who planned to become American citizens and who may be presumed to be as loyal as any other alien group in this country. The 1940 alien registration showed about 19,000 Germans in California, approximately half of them being refugees. The situation has probably not changed much since then. The State of Washington has about 3,000 German aliens and Oregon has about 1,800 German aliens with probably a similar percentage of anti-Nazi refugees. Therefore—as far as the enemy aliens of the white race on the west coast are concerned—the possibility exists that, owing to a wrong classification, Americans will either stop distinguishing between refugees and Nazis or will have their attention diverted from the real enemies.

Quite aside from the humane aspects of the censing proposal, there are some important benefits to be derived from the presence of the stateless refugees in this area because of the service they can render to the United States by pointing to the real enemy aliens in our midst. The services they can render in this respect may be enumerated as follows:

1. *Identification of imposters.*—Imposters, especially if posing as refugees, can be identified by loyal stateless refugees, by checking their past. An imposter can prepare a plausible story for the last few years and can have falsified documents to substantiate his story. But he cannot have such documents to cover his entire life. The refugees, coming from every important city and town in Europe, can immediately check and expose him if he talks about his past, or they can prepare detailed questions to ask him which he will be unable to answer if he is an imposter, or they can suggest what person in the United States would know him intimately if the story he tells is true.

2. The Federal Bureau of Investigation cannot possibly have specialists for every problem concerning Europeans, in every local office in every city of the United States. The local offices cannot obtain help from headquarters for every individual item. But whether a given question is significant or not, only the expert can tell. An informal group organized locally and consisting of selected and trustworthy refugees to assist in selecting significant instances, if letters or documents are found which do not seem important enough to send to Washington, but which should be checked up locally, can be of inestimable value.

3. The same set-up might be used to check on the refugees here. There are many refugees who, by their past, their activities, their American relationships, are beyond suspicion. They could form an advisory board and sift most of the refugees here at least on some such basis as the following: (*a*) Valid reasons for loyalty to the United States; (*b*) no reasons for suspicion; (*c*) requires watching; (*d*) definitely suspicious.

4. Success in intelligence work depends largely on putting togteher two or more pieces of information. In cases where the refugees cannot furnish missing information, they most likely can indicate where it might be obtained in neutral countries of Europe (Switzerland or Sweden).

5. The following item from the newspapers may serve as an example of such services:

Mr. Gros, Mrs. Gros, and Mr. Reuter, all American citizens, were arrested in Beverly Hills by the Federal Bureau of Investigation. Mrs. Gros made a statement to the press to prove her husband's innocence. Without going into details here, it can be said that Mrs. Gros apparently does not know German foreign exchange regulations intimately (many refugees were forced to know this regulation better than lawyers or Federal Bureau of Investigation agents) because everything she said seemed to be prima facie proof of guilt, for anybody who knows the Nazi regulations. Had refugees been asked to check her statement, they would have known what questions to ask to establish guilt or innocence.

Such examples could be multiplied ad infinitum if there were an opportunity to learn and check the statements made by suspects.

If no general exemption or no license for the stateless refugee can be achieved, then it may be possible as a last resort to do what Great Britain has done. About 2 months after the war broke out, the refugees there were asked to appear before special tribunals, and if found to be genuine refugees, had the following stamped in their certificate of registration:

"The holder of this certificate is to be exempted until further order from internment and from the special restrictions applicable to enemy aliens under the Aliens Order 1920 as amended. Refugee from Nazi oppression."

Perhaps it may be possible to have a similar procedure on the west coast which would clarify in a short time the position of all persons who have registered as stateless during the recent alien registration.

APPENDIX C—DOCUMENT 1

MARCH 1, 1942.

Mr. JOSEPH P. LOEB,
Pacific Mutual Building, Los Angeles, Calif.

DEAR MR. LOEB: The world has reached a stage in its turning where I am in need of the counsel and services of an A 1 attorney.

There were two references on the radio today that the Army is considering evacuating all enemy aliens from the Pacific States including California. You may remember that my wife, ———, came from Manheim, Germany, in 1939. She is now eligible for her second papers but we expect that this will take about a year. We are expecting to have an addition to our family some time in March. I may also be drafted into the armed services, some time in March. Thus, it may happen that ——— will be forced to leave the State in the very near future and face a rather uncertain future.

I would very much like to talk this matter over with you and to secure your professional advice. I will call you on the telephone Monday afternoon or Tuesday to see if I can make an appointment with you.

Thank you kindly for your consideration of this matter.

Yours very truly,

——— ———.

APPENDIX C—DOCUMENT 2

JOSEPH P. LOEB,
610 PACIFIC MUTUAL BUILDING,
Los Angeles, Calif., March 4, 1942.

MY DEAR MAURICE: I am sending to you herewith a letter written to me on March 1 by Mr. ———, whose wife, a Jewish refugee from Germany, fears that she may be classified as an alien enemy and compelled to leave the State of California.

The letter is written to me in my professional capacity, but Mr. ——— has consented that I send it to you, to be used in such manner as you may consider proper.

In order that you may have some further background for the case, and may better understand how it illustrates the hardship and I think injustice that will result from the indiscriminate classification of regufee aliens as enemies, I give you the following.

One of Mr. ———'s grandmothers was born in Los Angeles. His nother was born in Los Angeles, and his father in Akron, Ohio. Mr. ——— himself was

born in Los Angeles on March 24, 1914. He is a graduate of Stanford University and did post graduate work at University of Southern California and the University of North Carolina. His training has been in sociology and at present he is on the staff of the University Religious Conference at University of California of Los Angeles. Mr. —— is a nephew of Mr. S. Tilden Norton, also a native of Los Angeles and active, as you know, in welfare and civic affairs.

I hope that the information which I am sending you will be helpful to you and to the authorities with whom you are in contact in your study of the enemy-alien situation.

Cordially yours,

JOE LOEB.

TESTIMONY OF CAREY McWILLIAMS—Resumed

Mr. McWILLIAMS. I should appreciate it if that could be done.

I might say one word in connection with the plan. The plan contemplates the establishment, by Executive decree, of an alien-control authority in which could be vested jurisdiction with respect to the several aspects of this plan. I think it is self-evident that such matters, as property conservation, are intimately related to other aspects of the problem, including resettlement, maintenance, transportation, and so forth.

The plan also would establish, as part of the authority to be created, a bureau for registration and licensing, all of which would be, as you can see, centralized in one authority.

The provision with respect to registration and licensing is very carefully patterned upon the English experiences, which have been testified to earlier today by other witnesses. I appreciate the opportunity merely of presenting the plan and I thank you for the opportunity.

Mr. ARNOLD. Thank you very much, Mr. McWilliams.

Mr. BENDER. The gentlemen of the American Civil Liberties Union.

TESTIMONY OF A. L. WIRIN, OF THE AMERICAN CIVIL LIBERTIES UNION

Mr. ARNOLD. How many are there in your group?

Mr. WIRIN. Just one. My name is A. L. Wirin. I am counsel for the southern California branch of the American Civil Liberties Union. Both as a matter of necessity and as a matter of choice I shall be very brief at this time.

I have a short statement which will take just a few minutes to present.

Our approach to the problem is in terms of two primary considerations:

Our deep concern for our national as well as local and State security through adequate military defense.

Our abiding belief in the Bill of Rights, and the protection of hard-earned American civil liberties, consistent with military security.

As corollary to our emphasis upon constitutional liberties is our commitment to the guaranties of the fourteenth amendment of the United States Constitution, which assures all races and groups in our midst of the equal protection of the laws.

Hence, our mind is set against discrimination because of race.

Mr. BENDER. You heard Mr. Clark say, which has been repeated on a number of occasions, that your leadership and the leadership in various lines of endeavor would be called in and would be consulted with in order to accomplish this without any difficulty.

Mr. SASAGAWA. Yes; but, continuing, may I add another point to that? That I am sure that Mr. Clark, who has been dealing with these many officials, has found that we among ourselves have many groups, many organizations, and in that way get many conflicting plans and suggestions. So I suggest that the authorities see individual leaders, not so much organizations, and compile the data together and then issue one command, or not a command, but more or less a statement to that effect.

Mr. BENDER. Is there anything further you have to offer?

Mr. SASAGAWA. No. It is just this, that Mr. Clark has more or less mentioned about building camps for these evacuees. I am a member of the committee on inland farm cooperatives, and I believe you have their notes?

Mr. BENDER. Are you a student? Are you going to school now?

Mr. SASAGAWA. Well, no. I am not in school now.

Mr. BENDER. What is your occupation?

Mr. SASAGAWA. Well, my business was a draftsman at one time, an architectural and structural engineering draftsman. I am a member of this organization which has 64 churches, or about 6,000 people who are farmers, and we at the present time are planning to find a site for them.

Mr. BENDER. What church is that?

Mr. SASAGAWA. That is the Christian Church, Federation of California.

Mr. ARNOLD. You heard Mr. Clark say that the governmental office here would be glad to hear from and have the cooperation of leaders of Japanese?

Mr. SASAGAWA. Yes.

Mr. ARNOLD. And I assure you we will be glad you have that cooperation.

TESTIMONY OF HANS F. SCHWARZER, LOS ANGELES, CALIF.

Mr. ARNOLD. What is your name, sir?

Mr. SCHWARZER. Hans F. Schwarzer.

Mr. BENDER. Proceed, Mr. Schwarzer.

Mr. SCHWARZER. I would like to give you a simple example of a simple citizen, if I may call myself a citizen.

I have been here since November 10, 1938. I have a lot of friends here, and all of us tried to start all over again and to build up a new life. I own an apartment house at 727 South Mariposa, and all of us work. I don't like to brag about myself, and to tell the committee too much, but as I told you this is a simple example of the life we try to live here. My son became an Eagle Scout and my daughter is a Girl Scout, and we try in every way to get Americanized.

When I say "we," I don't mean myself alone, but as part of a group. The group is the refugees who came here from middle Europe as refugees to find a place of freedom and liberty. We have many American friends, and all of them have been telling us, "Don't worry; this doesn't concern you at all."

So I don't think there is one person who really could think that we are dangerous or even suspicious. I don't think there has been one case where one of our group, if I may call it a group, has been of any danger. We know what it would mean if Hitler would win this war. I couldn't think of it and I don't believe it is possible.

THE REFUGEE'S POINT OF VIEW

So we try to cooperate and to do everything we can to help America win this war. I don't want any privileges for our group, but, on the other hand, I feel that it would be a discrimination if we would have to leave this State. I think America has been built up by immigrants and I can't see why it should make a little bit of difference because somebody who was lucky enough to arrive here 2 years earlier than somebody else can become naturalized. In 1½ years, for instance, I would have a chance to take out my second papers, and I can't see why we should leave now.

So we are willing to do everything and to sacrifice everything if we could help win the war, but I can't see how it could help this country to win this war if we were to have to leave.

I think it would be very difficult for most of us to start somewhere else again. I was worried when I heard what Mr. Clark told us when he said that the general has made up his mind and that was that, but I hope the committee will make it possible to tell the military authorities about this problem and these questions, to make it possible not to give any privileges, but to make it possible to make these decisions individually and not wholesale.

Mr. BENDER. Do you think that is something to worry about when he makes up his mind? Don't you think we should be happy that we have somebody who can make up his own mind?

Mr. SCHWARZER. I might be very glad, but I understood Mr. Clark that he wanted to tell the committee that the general has spoken and that it has to be like he told it. He means that all of us have to leave the so-called area A.

Mr. BENDER. The general is an American and he is one of these typical Americans and he believes in the American way. I am sure you don't know the general very well.

Mr. SCHWARZER. I am sorry I don't know him at all. But I hope your words will make us a little more secure. The last few weeks all of us have really worried and some of us have wanted to leave to avoid a mass evacuation. I would like to have these courts established which have been mentioned by Dr. Guggenheim.

TESTIMONY OF RONALD LANE LATIMER

Mr. BENDER. Mr. Latimer, will you please identify yourself?

Mr. LATIMER. I am Ronald Lane Latimer; of American ancestry on both sides for about 150 years; before that, English. I am a priest in a Buddhist temple which was originally founded as a mission of one of the Japanese Buddhist sects. I have studied Buddhism in Japan. I am a graduate of Columbia University. I did some work in comparative religion there.

I didn't expect to come before your committee this afternoon, but I heard that there had been certain discussions of religion. There

15–4. Provide that insofar as a sentence imposes the penalty of death or the penalty or detriment of banishment, it shall not be confirmed except by the military governor, but may be set aside or moderated by intermediate reviewing authority.

15–5. Provide that subject to paragraphs "15–2," "15–3," and "15–4," all judgments of commissions sitting as courts within any district and all judgments of superior provost courts therein which impose the penalty or detriment of banishment shall be reviewed and either confirmed or revised by the district officer of that district.

15–6. Provide that subject to paragraphs "15–2," "15–3," "15–4," and "15–5" every judgment of a provost court within any subdivision shall be reviewed by the president of the commission for that subdivision if he is qualified to act in that case on review, and if not, then by the next senior civilian member of that commission who is so qualified. Provided that no member shall be qualified to act on review if he participated in the trial or decision of the case reviewed.

15–7. Provide that the term "revise" shall be understood to include setting a judgment aside in whole or part, dismissing the case, ordering a new trial, or reducing or remitting all or any part of a judgment or sentence under review.

15–8. Provide that applications for clemency will be considered only after conviction of the prisoner on whose behalf they are made; that they must state the prisoner's name, nationality, address, age, and occupation and those of the applicant; that they must state when, where, and by what court the prisoner was convicted and the sentence imposed; that they must state specifically and briefly the facts deemed to require or justify clemency in his case, and the name, nationality, address, and occupation of any person claimed by the applicant to have personal knowledge of those facts of any of them; that they must indicate the action desired; that they must be verified under the oath of the applicant; and that they may be delivered to any member of a military commission in any subdivision. Provide that, if according to such an application, the prisoner is under sentence of death the member receiving it shall, as promptly and directly as possible and as informally as need be, communicate the fact and contents of the application to the executive officer who shall thereupon communicate them promptly with his recommendation to the military governor. Provide that in all cases the application shall be promptly transmitted through the president and district officer to the executive officer, who shall cause to be made such investigation as he deems appropriate, and shall report the facts with his recommendation to the military governor. State that the military governor retains the right to stay the execution of any sentence not fully executed or to direct any remission or mitigation thereof which the facts may, in his opinion, warrant.

Respectfully submitted to the section.

C. HUNTINGTON JACOBS.

EXHIBIT 13.—THE POSITION OF ALIENS IN GREAT BRITAIN DURING THE WAR

REPORT BY BRITISH LIBRARY OF INFORMATION, 30 ROCKEFELLER PLAZA, NEW YORK CITY

MARCH 20, 1942.

Introduction.—At the outbreak of war Great Britain announced a considerate policy toward her enemy aliens, most of whom were known to be "refugees from Nazi oppression." "There will be a general desire," said the Home Secretary, "to avoid treating as enemies those who are friendly to the country which has offered them asylum." [1] The unexpected course of the war in Europe brought about drastic changes in this policy, and when in the tenth month of the war invasion seemed imminent, Britain interned a large number of enemy alien refugees, and even transferred some to internment in Canada and Australia. Later, however, it became possible to revert to the old policy. The interned refugees were almost all released and were allowed, on the same terms as other friendly aliens, to play their full part in the Allied cause. Though some persons saw even temporary internment as an unnecessary hardship to refugees who were Hitler's enemies, the dominant fact is that Britain interned refugees only in a period of unexpected crisis, and reversed this policy for all who proved, after scrutiny, to be completely trustworthy.

[1] Parliamentary Debates, House of Commons, September 4, 1939.

The problem of the refugees was but a portion of the larger alien problem of Great Britain. There were hostile enemy aliens who had to be interned. There were aliens, allied or neutral, whose treatment had to be considered individually. More difficult still, many refugees came to Britain, as the war developed from countries occupied by the enemy, and it was often difficult to decide whether they were reliable or not. Most of the alien problems of Great Britain have now been solved, and the story can be surveyed as one which has achieved a relatively happy ending.

The outbreak of war.—In September 1939 there were in Great Britain 238,074 aliens of the following nationalities:

American	13, 665	Japanese	966
Austrian	11, 989	Norwegian	2, 220
Belgian	4, 207	Polish	8, 776
Bulgarian	79	Portuguese	470
Chinese	2, 652	Rumanian	2, 692
Czechoslovak	7, 930	Russian	47, 664
Danish	3, 162	Serbian	509
Dutch	5, 668	Spanish	3, 039
Finnish	447	Swedish	2, 691
French	11, 613	Swiss	10, 088
German	62, 244	Turkish	866
Greek	1, 607	Others	9, 738
Hungarian	3, 965		
Italian	19, 127	Total	[1] 238, 074

[1] Parliamentary Debates, House of Commons, October 26, 1939.

In an order dated September 4, 1939,[2] all aliens over 16 were obliged to report immediately to the police. Enemy aliens (that is Germans and Austrians) were forbidden, without previous permission, to change their residence or to travel more than 5 miles from their residence (except in the London area), or own vehicles, cameras, or maps. Other aliens were only to notify changes of address or absences of over 2 weeks. British and foreign women who had acquired German or Austrian nationality by marriage had to register. Citizens of Czechoslovakia, even though previously resident in areas occupied by Germany, were not classified as enemy aliens.

Some 2,000 enemy aliens on the "black list" of the British authorities were immediately interned at the outbreak of war; [3] but it was known that of the 74,233 Germans and Austrians resident in Great Britain at least 50,000 were "refugees." The majority of these refugees were Jews, or Christians of Jewish descent, who had been forced to leave Germany or Austria because of "racial" persecution. Others were victims of religious persecution (as Christians), or of political persecution. The Government announced that it would refrain from a policy of general internment, but would, instead, have all Germans and Austrians reviewed before tribunals, to ascertain which of them could properly be left at large, and which should be interned or subjected to other restrictions.[4]

The tribunals for enemy aliens.—Within a few weeks over 100 tribunals were set up throughout the country, most tribunals being given not more than 500 cases to examine. The tribunal, in every case, consisted of a single person with judicial experience, usually a judge or a barrister, assisted by a liaison officer, and if required, by an interpreter. The liaison officer was selected by the voluntary refugee committees, and was able to supply information in the possession of these committees. A police officer was also present to supply the tribunal with confidential information in the possession of the authorities.[5] Friends or witnesses could accompany the alien.[6]

The tribunals were instructed to specify which of the enemy aliens they examined could be considered as refugees, and to put every enemy alien in one of three categories:

Category A. To be interned immediately.

Category B. Subject to some restrictions, mainly restriction of movement without permission.

Category C. Free of all restrictions, except those applicable to nonenemy aliens.

[2] Statutory Rules and Orders, 1939 No. 994.
[3] House of Lords, Parliamentary Debates, May 23, 1940.
[4] Parliamentary Debates, House of Commons, September 4, 1939.
[5] Parliamentary Debates, House of Commons, September 20, 1939.
[6] Parliamentary Debates, House of Commons, September 28, 1939.

By March 1940, 73,353 Germans and Austrians had appeared before the tribunals, and had been classified as follows:

Category A. Interned	569
Category B. Restricted	6,782
Category C. Free from restriction	64,254

Fifty-five thousand four hundred and fifty-seven had been recognized as "refugees from Nazi oppression." [7]

It was generally agreed that the tribunals had acted fairly, though there was some complaint of a lack of uniformity in decision. Appeals were entered against many of the A and B decisions, and revisory committees were set up to hear the appeals. The greatest lack of uniformity had been over the B category, which had apparently been interpreted by some tribunals to mean "possibly dangerous" and by others as "almost certainly innocent." Twelve regional committees were therefore set up to review the B decisions, and also to reconsider any C cases where the police thought it advisable.[8]

During this period all aliens, including uninterned enemy aliens, were allowed to reside in any part of Great Britain and to accept employment subject to the consent of the Ministry of Labor. Enemy aliens were recruited for the Auxiliary Military Pioneer Corps and were allowed to work in defense industries upon the receipt of a permit from the Home Office (8a). Statutory Rules and Orders, 1939. No. 1660.

Stricter attitude to all aliens.—At the end of March 1940 the Government began to take stricter measures with regard to the control of aliens. An order was issued [9] declaring that aliens resident in the "protected areas" (mainly important coastal districts) could continue to live there only with the written permission of the police or the Home Secretary. If, having normally lived or worked in these areas before this time, they desired to continue residence, application was carefully considered, and they were allowed to continue residence pending a decision. From April onwards, the "protected areas" were greatly extended in number.[10]

At the beginning of May, when the Netherlands were over-run by the Nazi invaders, the British public became alarmed at the possibility that there might be some fifth columnists among the aliens who still enjoyed freedom in Great Britain. On May 12 the Government suddenly interned all male enemy aliens between 16 and 60 residing in certain coastal areas, and ordered all other aliens residing in these areas, to report daily in person to the police, to refrain from using any motor vehicle or bicycle, and to observe a curfew between 8 p. m. and 6 a. m.[11] It was stated that all these measures were to be regarded as provisional, and the police were authorized to grant exemptions to these restrictions if they were satisfied that it did not prejudice the national interest.[12] A few days later,[13] the general internment of all male enemy aliens between 16 and 60 of category B was ordered and soon the Government began to intern practically all male enemy aliens mainly of category B.[14] During the same period orders were issued, tightening the control over all, including nonenemy aliens.[15] Control over employment was made stricter. They were subjected to a curfew of 10:30 to 6 a. m. (12 midnight to 6 a. m. in the London area), and were forbidden to own firearms, motor vehicles, bicycles, boats, or radios. They were obliged to report their movements carefully to the police, though it was stated that exceptions would be granted in cases where there was no danger. In July an order was issued under which all former Austrians, Germans, and Italians, who had become naturalized British subjects since December 1, 1932, were also obliged to report to the police (15a). Statutory Rules and Orders, 1940. No. 1148.

Internment of enemy aliens.—By the end of July 1940 a total of 27,261 enemy aliens had been interned in Great Britain, of which 22,878 were German and Austrians and 4,383 Italians.[16] Of the Germans and Austrians some 5,000 were of category B and 13,200 of category C.[17] The Italians had never been classified by tribunals, owing to their late entry into the war.

[7] Parliamentary Debates, House of Commons, March 1, 1940.
[8] Home Office statement (Daily Press, March 28, 1940).
[9] Statutory Rules and Orders, 1940. No. 468.
[10] Statutory Rules and Orders, 1940. Nos. 726, 857, 869, 931, 988, 1464.
[11] Statutory Rules and Orders, 1940. No. 720.
[12] Home office statement (Daily Press, May 13, 1940).
[13] Home office statement (Daily Press, May 17, 1940).
[14] Parliamentary Debates, House of Commons, June 20, 1940.
[15] Statutory Rules and Orders, 1940. Nos. 750, 754, 819, 1061.
[16] Parliamentary Debates, House of Commons, December 5, 1940.
[17] Parliamentary Debates, House of Commons, October 10, 1940.

The Government stated a number of times that internment was "a precautionary measure only, and was not intended to make, nor did it in fact make, any reflection on any loyal or friendly alien interned in pursuance of general directions".[18] On May 29, 1940, the under secretary of state for the home department had affirmed that he could not recall any case since the beginning of the war, of anything which could be described as a hostile act having been proved in a court of law to be attributable to German or Austrian refugees. The dominant cause of the internment policy of 1940 was the expectation of invasion, under which it was felt that "enemy aliens were better out of the way," even those who had proved friendly to the Allied cause. For the same reason, when hostile enemy aliens and prisoners of war were sent in July 1940 to Canada and Australia "for safe-keeping," it was considered advisable to send with them as many interned refugees as possible, on the general principle that the fewer people who had to be looked after during an invasion, the better it would be. As it had never been anticipated in Great Britain that it would be expedient to intern refugee aliens, little preparation had been made with the result that during July and August 1940 conditions in refugee internment camps in Britain were, to say the least, imperfect. Public opinion in Britain was greatly aroused on these questions, and before long the Government gave assurances that certain groups of refugee aliens would be released from internment and that conditions would be greatly improved, as soon as possible, for those remaining.[19]

Review and release.—The various committees set up for the treatment of aliens in Great Britain were active after August 1940 in many directions. The Lytton committee was an advisory council on general alien policy,[20] the Asquith committee on internment policy, the Lorraine committee on interned Italians. Separate tribunals reviewed enemy aliens claiming to be released as active anti-Fascists, Germans, and Austrians of category B, and nonenemy aliens detained under article 12 (5A) of the Alien Order, 1922.[21] As early as August 1940, the Government specified (in a White Paper—Cmd. 6233) some categories of interned enemy aliens who could apply for release. In October 1940 and again in 1941, these categories were extended. They may be summarized as follows:

1. Refugees under 18 and over 65, the invalid and infirm, and cases of special hardship.
2. Refugees who held key positions in industries or undertakings of national importance; skilled persons engaged in agriculture, food growing or forestry; managing employers of firms employing at least 12 British workers and engaged in national work.
3. Doctors and dentists practising or studying, scientists, research workers, students.
4. Refugees about to emigrate.
5. Refugees accepted for the Pioneer Corps or honorably discharged from the corps; parents of anyone serving in His Majesty's forces; volunteers for the Army not accepted on the grounds of health or age; refugees who have taken an active part in opposition to the Nazi regime and are friendly to Britain.

The Government was pressed to release all friendly aliens without further delay, but the Home Secretary stated[22] that the policy of the Government would be to extend the process of release in the given categories, in the hope that all who were loyal and useful, or who deserved release on other grounds, might be released under the White Paper. This policy has been carried out thoroughly, and practically all the refugees who were interned in Great Britain are now at liberty.

Refugees transferred to Canada and Australia.—When the policy of releasing interned refugees was announced for Great Britain, it was hoped to extend this policy to refugees transferred in July 1940 to internment in Canada and Australia. At first the governments in both Dominions were not prepared to consider release, taking the view that the internees had only been transferred for safekeeping and not as immigrants.[23] The British Government sent representatives to both countries to arrange for the return to Great Britain of refugees who might justifiably claim release under the White Paper.[24] Over 1,000 refugees were returned to Britain from Canada and over 500 from Australia. The Cana-

[18] Parliamentary Debates, House of Commons, January 22 and May 8, 1941.
[19] Parliamentary Debates, House of Commons, July 23, 1940.
[20] Parliamentary Debates, House of Commons, August 7, 1940.
[21] Parliamentary Debates, House of Commons, November 20 and December 3, 1940.
[22] Parliamentary Debates, House of Commons, November 26, 1940.
[23] Parliamentary Debates, House of Commons, March 4, May 29, June 19, July 31, October 16, October 23, 1941, etc.
[24] Parliamentary Debates, House of Commons, December 3, 1940, January 21, 1941.

dian Government also agreed, after a time, to release in Canada student refugees, and men who might be of special value to the war effort. Nearly 300 have already been released on these grounds. It has been announced recently that refugees in Australia will now be released for the Australian Army, the industrial war effort, as students or on health grounds.[25]

While the questions of release were pending in Canada and Australia, conditions for the interned refugees were greatly improved in both countries, and many special facilities were granted to them. Charges made concerning the conduct of the guards on the ships on which the aliens were sent abroad were thoroughly investigated by committees set up by the British Government. The offending soldiers were punished, and the refugees were compensated for loss of their property.[26]

Statistics.—On the 11th of November 1941, the Home Secretary gave the following figures of enemy aliens still interned:

	Germans and Austrians				Italians	Total
	A	B	C	Total		
Men:						
Great Britain	206	67	321	594	1,893	2,487
Canada	2,119	399	609	[1] 3,127	320	3,447
Australia	297	229	807	1,333	188	1,521
Women: Great Britain	430	654	114	1,198	10	1,208
Total	3,052	1,349	1,851	6,252	2,411	8,663

[1] About 100 have since been released in Canada.

The figures given in this paper are summarized in the following table:

Enemy aliens in Great Britain

	Germans and Austrians			Total	Italians
	Category A and unclassified	B	C		
In Britain in September 1939	569	6,782	64,254	73,353	19,127
Maximum number interned, July 1940	4,678	5,000	13,200	22,878	4,383
Still interned Nov. 11, 1941	3,052	1,349	1,751	6,152	2,411

Present position of aliens in Great Britain.—Nationals of states at war with the Axis have recently been exempted from all wartime restrictions on aliens.[27] Though other aliens are still subject to the restrictions mentioned above with regard to curfew, residence in "protected areas," ownership of vehicles of transport, etc., every effort is made to "administer the regulations sympathetically" when the alien is thoroughly reliable and when the restrictions affect employment or civil defense duties. Aliens are helping the national effort on almost the same footing as citizens.[28] Two striking measures have been taken to secure the maximum service of aliens. In 1940 the Minister of Labor had announced that an international labor force would be formed in which all aliens could be usefully employed in Great Britain. In June and July 1941, all aliens, including enemy aliens, had to register for employment for national service ((29a) S. R. and O, 1941. Nos. 719, 720, 721, 722, 723, 724, 1020) and it was then found that over 85 percent were already usefully employed. Many had high professional qualifications or were skilled workmen when they came to England; others have received or are receiving training for industrial work under the same conditions as British citizens. The other step taken was to allow all alien doctors, including enemy

[25] Parliamentary Debates, House of Commons, January 29, 1942.
[26] Parliamentary Debates, House of Commons, February 23, May 27, August 5, 1941, January 20, 1942.
[27] Parliamentary Debates, House of Commons, February 12, 1942.
[28] Parliamentary Debates, House of Commons, November 27, 1941.

alien refugees, to practice during the present emergency, even without taking the British diploma previously required.[29] Special consideration is shown to aliens whose close relatives are serving in the Allied cause.

Enemy alien refugees are still recruited in considerable number to the armed forces. The men join the Auxiliary Military Pioneer Corps, though they may be transferred to other regiments, and may even be granted commissions. The women volunteer mainly for the Auxiliary Territorial Service. All can serve in civilian defense. It must be emphasized that the employment of aliens is always subject to the receipt of permits from the security organizations, but these are very rarely withheld.

Two modifications must be made in assessing the number of aliens in Great Britain today as compared with the number for September 1939. A considerable number, probably some thousands of enemy aliens and other alien refugees who were only in England as transmigrants at the outbreak of war, were able to emigrate overseas, mainly to the United States, during the first year of the war. On the other hand, a considerable number of refugees arrived in Great Britain from countries overrun by Germany. These include some 3,000 Poles, 1,600 Dutch, 13,900 Belgians, 450 Czechs, and 130 Spaniards.[30] Exiled governments have been given certain rights over their nationals in Great Britain.

Exhibit 14.—Statement by Paul Shoup, President, Merchants and Manufacturers Association, 725 South Spring Street, Los Angeles, Calif.

February 13, 1942.

The question of the removal of aliens who are citizens of enemy countries and in addition of Japanese who by birth are American citizens, has resulted in presentation of many plans. With respect to the Japanese of American birth, questions arise as to constitutional rights of citizens. It is stated by our counsel that under martial law these constitutional rights, including writ of habeas corpus under section 9, article 1, and other rights named under article XIV of the Constitution, can be suspended under present conditions, since American territories along many shores in the Pacific have been invaded.

The resolution enclosed adopted February 11, by the Los Angeles County Civilian Defense Council, through its committee, Gordon L. McDonough, chairman, which was given necessary power, deals with the practical problems presented to the committee and is of some length accordingly.

With the counsel of District Attorney Dockweiler and Deputy District Attorney Shoemaker, members of the committee reviewed carefully a plan for complete evacuation, technically, from strategic areas, licensing those who might be permitted to remain or subsequently enter such areas, but in the course of that examination certain problems arose, as follows:

(*a*) Interference with work of residents, traffic through such areas, advice in time to strangers, possible interruptions to defense industry, cost and annoyance to the individuals involved, expense to the Government in continual enforcement of the order necessary.

(*b*) Impracticability of protecting the paper boundaries of such strategic areas, where at all extensive, as against the return of anyone bent on sabotage or espionage.

(*c*) Attempting protection by such arbitrary boundaries and at the same time allowing the banned classes to be at entire freedom immediately outside thereof, without making any provisions either for their control or subsistence.

(*d*) No provision to take care of crops which the Department of Agriculture had declared to be "must" crops, under Japanese operation.

The meeting after 2 hours' discussion adjourned until Tuesday, 10 a. m., when the resolution enclosed was unanimously adopted. It was formulated as solutions were suggested for the specific problems put in the form of questions. They are as follows:

(1) Would it be necessary to declare martial law and technically evacuate all people, as from the critical area to which martial law was applied, licensing those who were permitted to remain in the area or reenter that area, in order to keep out American citizens of Japanese descent?

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[29] Statutory Rules and Orders, 1941, Nos. 24, 1484.
[30] Parliamentary Debates, House of Commons, July 4, 1940.

Conclusion was that if through martial law we had the constitutional power to keep out these Japanese through evacuation of the entire population and licensing those returning, then the Government likewise would have the power through martial law to remove these Japanese and any others that it might wish to remove, since the end attained would be exactly the same without disturbing others. (Of course, there is no question about the constitutional power of the Government to intern all aliens who are citizens of enemy countries.)

(2) Even if martial law is the final answer, should we not take all steps that could be taken effectively and promptly, to avoid the extension of martial law over the entire State—even under our suggestion that the only people to be removed thereunder would be enemy aliens and American-born Japanese?

The answer is that it would be better, thus avoiding unnecessary interference with local governments and local courts—their powers being superseded by those of the Federal Government and its agencies; and, further, that the expense involved in making effective the program of evacuation through State-wide martial law would be unnecessarily great. Therefore, our committee provided for the various steps which in our judgment would limit the application of martial law, as a last resort, to very small areas. Further we concluded that in connection with crop production now under way the creation of working internment areas where these classes could be put to work making them self-supporting and furnishing food for the country would be of real aid.

Limitation on unnecessary hardships, such as the movement of the aged, the infirm, women and children, except where they went as part of family units, would follow the plan we presented.

We have reason to believe such a plan as this would be more apt to meet with the approval of the National Government than the wholesale evacuation of these classes under discussion, without provision for their future.

(3) What would be the first step in this plan and why would it be taken?

The first step is described in section (1). Our committee feels there will be no difficulty under the law in enforcing this prohibition. It is already installed as far as defense industry, waters, docks, and the like are concerned, where passes are required at the present time. In the very large areas of forest and parks (two-fifths of State's area is under Federal control), record is required of people entering, fees collected, camping sites designated, policing provided, and many other rules and regulations; so it is not believed that there would be any trouble legally in enforcement there.

This step No. 1 does not involve taking anybody away from his home but it does cover very largely the areas most in danger.

(4) What should be done with the citizens of enemy countries taken from homes?

Section (2) of the enclose is our answer. They should be placed under Government control—that is, in a practical way be subject to internment rules and regulations. To designate certain strategic areas from which to exclude them, taking them from their homes, and then letting them roam at will outside, would not solve the problem. With respect to large strategic areas the boundaries would be paper boundaries only; could not be satisfactorily patrolled; and any alien shut out bent on sabotage or espionage could return and engage in his work perhaps even more freely than if he were at home and had to account for his whereabouts. Therefore, if he is to be taken out of an area on the ground that he is under suspicion, he must be looked after in his new location. Hence the provision for working internment areas. To take an alien from home, take his job away from him, and then turn him loose 15, or even 50, miles away, certainly will result in it being impossible for him to get work privately and perhaps make the wolf out of him that he would not otherwise be. Hence our conclusion very definitely that if dispossessed from their homes and their jobs these aliens must immediately be controlled, given subsistence and work. In some instances, meeting the desire of the Department of Agriculture to keep crops growing, these internment areas might be where the men are now employed.

(5) But, how under our constitutional provisions are we going to get the native-born Japanese to leave their homes and work and subject themselves to internment under Government rules?

The answer is that they constitute about 40 percent of the adult Japanese population; are very much bewildered and distressed at this time; their inclination will be to follow their elderly parents (aliens) if still alive; that if they do not accept voluntarily the invitation to put themselves under complete Government control through internment, whatever form it may take, they will then be subject to regulations provided in section (5). If the employers do not accept

one or more of the resulting units not only do not contain more potential traitors than the average of the Nation, but actually less, is it not highly desirable from any point of view that the men and women of this group be cleared of the label of enemy aliens?

You gentlemen have been shown in Los Angeles and the other coast centers that the expatriates and refugees are the most bitter enemies of Hitler and of everything he stands for. Should one really—when one can avoid it so easily—give Adolph Hitler and his fellow gangsters the enormous pleasure to see the people whom he hates most in the world, the men and women who stood up against him and the men and women that he drove from their homes treated as if they were Nazis? It would be a victory for him and one that can be avoided.

If the United States accept in principle to make a division of the enemy aliens of German and Italian lineage and want to exempt any group of them that can actually be proven to be highly reliable, these groups can be defined: There are, according to the 1940 registration, 19,000 Germans in California, 1,800 in Oregon, and 3,000 in Washington. Since 1940 the total number must have declined through naturalization, and any newcomers could only be refugees as no Germans could leave their country in wartime. Of this total of about 23 or 24 thousand Germans, nearly half, 10 or 11 thousand persons are refugees, are families who had to leave Germany for reasons of political, racial or religious persecution, and, besides having taken out the first papers of the United States citizenship, have lost their German citizenship through legal action of the Hitler government. The Federal Bureau of Investigation today, with the second registration concluded, can compile the exact list of these stateless persons without difficulty. And whatever the Federal Bureau of Investigation, which is doing such excellent work, should not know about these refugees, we ourselves can find out. Give us the permission to cooperate, and in 2 weeks—I say 2 weeks—these—about 4,000 families could be investigated by an advisory board composed of trusted refugees under the presidency of an officer of the Department of Justice. It is nearly impossible that an imposter could stand up under the questions about school and occupation and family background in the old country which such a board could fire at him. After the exemption of this first and most numerous group, which could be completed before the evacuation of the enormous mass of Japanese and American Japanese is finished, there might be set up a tribunal which could judge about the relatively small number of German expatriates, who still have the status of German citizens but are genuine victims of their democratic convictions and their love of liberty.

I do not know the figures of the Italian citizens and excitizens involved but I should imagine that very similar facts will be found to exist.

There is only one more point to be mentioned. Whilst the problem of the Japanese and the grave problem of the Japanese-Americans is burdened with the enormous number of persons involved and the deep-rooted feelings of the populations of the Pacific States against them, none of these factors exists for the German expatriates. Their number is relatively small, they are well-defined and no objection will be found among the so friendly populations of California, Oregon, and Washington, which would force to evacuate the German refugees for reasons of public morale or safety of the persons involved. On the contrary, gentlemen, the whole country, including zones not touched directly, would be thankful to the Tolan committee for having shown that the United States can be tough where it is necessary but will not unnecessarily compromise the life and property of thankful, loyal, and proud future citizens.

NATIONAL DEFENSE MIGRATION

THURSDAY, MARCH 12, 1942

House of Representatives,
Select Committee Investigating
National Defense Migration,
Washington, D. C.

The committee met at 9:45 a. m., in room 965, 1355 Market Street, San Francisco, Calif., pursuant to notice.

Present were: Leonard A. Thomas, counsel, presiding; Dr. Robert K. Lamb, staff director; John W. Abbott, chief field investigator; Herbert Roback, investigator; and F. P. Weber, economist.

Mr. Thomas. The committee will please come to order.

First of all, I want to offer an apology for the chairman and the committee for not being present this morning, but they were called back to Washington. Mr. Tolan left on Tuesday evening.

The purpose of this conference this morning is to put into the record some pertinent material that the committee felt they had to have before our record would be complete.

This morning we are going to call two witnesses who have filed applications for second papers in connection with their proposed naturalization to show, for the purposes of the record, what length of time has elapsed since they filed those applications and what status their particular case is now in.

We will then call on representatives of those who are engaged in naturalization work, and we will have an informal round-table discussion here as to some of the problems that confront the naturalization workers.

The first witness we would like to call is Mrs. Fioretti.

TESTIMONY OF MRS. ENRICHETTA EMMA FIORETTI, 1473 FRANCISCO STREET, SAN FRANCISCO, CALIF.

Mr. Thomas. Mrs. Fioretti, would you give your full name and your address to the reporter?

Mrs. Fioretti. Mrs. Enrichetta Emma Fioretti, 1473 Francisco Street, San Francisco.

Mr. Thomas. Are you an American citizen, Mrs. Fioretti?

Mrs. Fioretti. No.

Mr. Thomas. Are you married to an American citizen?

Mrs. Fioretti. Yes.

Mr. Thomas. Where were you born?

Mrs. Fioretti. In Italy.

Mr. Thomas. How long have you been in the United States?

Mrs. Fioretti. Twenty-one years.

The opening paragraph of the proclamation designates it a measure to protect from espionage and sabotage national-defense materials, premises, and utilities as defined in certain long standing acts of Congress. The proclamation would seem to be at once an authorization from the Commander in Chief to invoke a qualified martial law and a restriction on that action to limit it to those areas wherein may be found military activity or activities in aid of the war effort. It ought not to be questioned that the armed forces are the appropriate means of protecting such areas and a measure of martial rule is justified for the protection of such vital areas. Whether or not the action actually taken under the proclamation on the west coast, in declaring a whole half State a military area from which are to be moved a certain group of enemy aliens and their citizen descendants, is action not at all justified by the circumstances or, if so justified, is in excess of the authority given by the President, must be determined on the basis of the principles set out above if it is to be viewed as an instance of martial rule.

It must be recognized that, although as a practical matter the military may exceed the bounds of authority herein set out and that at the time it may be impossible to obtain civil redress or injunctive relief, nevertheless such action according to past standards and experience has not been found to be justified and the considerations above set out should be given serious thought for reaso of policy and in the ever present effort to protect and preserve our democratic institutions.

ROBERT J. DELL'ERGO,
Boalt Hall of Law, University of California; Berkeley, Calif.

"Weiner" referred to above in the text is a recent book "A Practical Manual of Martial Law" by Frederick Bernays Weiner published in 1940.

EXHIBIT 4.—LIABILITY OF STATELESS PERSONS FOR MILITARY SERVICE

REPORT BY RICHARD GRAU, 1914 VINE STREET, BERKELEY, CALIF.

Section 3 (a) of the Selective Training and Service Act as amended by act of Congress of December 20, 1941 (ch 602, 1st sess., 77th Cong.) provides as follows:

"Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 20 and 45 at the time fixed for his registration, or who attains the age of 20 * * * shall be liable for training and service in the land or naval forces of the United States: *Provided*, That any citizen of a neutral country shall be relieved from liability for training and service under this act if, prior to his induction into the land or naval forces, he has made application to be relieved from such liabilities in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any person who makes such application shall thereafter be debarred from becoming citizen of the United States: *Provided further*, That no citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States shall be inducted for training and service under this act unless he is acceptable to the land or naval forces."

The above provision makes liable for military service "every male citizen of the United States, and every other male person residing in the United States." Within the latter class are the stateless persons. Both provisos which make certain exemptions are not applicable to stateless persons.

The first proviso mentions in clear term, "citizens of a neutral country." The reason for the special treatment of such persons are international treaties or general principles of international law (discussed already during the last war) which made it advisable not to provide for compulsory service of citizens of other countries which are neutral. Said reason originates only in consideration of the interests of those countries, citizens of which are residing in the United States. In the case of stateless persons there are no such foreign countries involved.

The second proviso in turn is also applicable exclusively to citizens or subjects of a foreign country. This proviso as distinguished from the first proviso applies to citizens or subjects of a country at war with the United States. There are again reasons based on international law which exclude compulsion of citizens or subjects of those countries to serve in the armed forces of the United States. Stateless persons owe no allegiance whatsoever to any foreign country, so that the second proviso is also not applicable to them.

The information sheet attached contains a summary of board release No. 112, Bulletin 60, issued by Col. Arthur V. McDermott, New York City, Director of Selective Service.

At the end of the summary the conclusion is drawn that stateless persons are liable for military service. See the following statement at page 2:

"The provision that neutral aliens may file applications for exemption from service was introduced in order to comply with international treaties and does not refer to stateless persons nor to citizens and subjects of countries which are not expressly recognized as neutral * * *."

The above statement takes it obviously as self-evident that stateless persons are not citizens or subjects of countries at war with the United States and that they are subject to military service without any limitation or exemption, their liability being equal in all respects to the absolute liability of United States citizens.

The Psychological Factors Connected with the Refugee Problems

ADDED STATEMENT BY RICHARD GRAU

I. The action taken against Jews and liberals in Germany under the Nazi regime was an essential part of Hitler's foreign policy and his preparations for the present war. Barring minor points, three main effects were aimed at by Hitler's anti-Semitic program: The average German should feel himself superior to certain other people which was a preparatory step for building up the master race idea. Secondly, the beating of the Jews and liberals was the setting of an impressive example for the subjugation of a group to a status of disparagement and outlawry—again a preparatory step for similar subjugation of peaceful nations in Europe. Finally, the treatment of the Jews in Germany was likely to increase anti-Semitism and to spread the germ of discord in many other countries which was a further very effective preparatory step for the present war. It should be remembered that Hitler, whenever he tried to bring a new country into the Axis orbit, requested the issuing of decrees corresponding to the Nuremberg laws by that country in order to differentiate such country from the democratic nations.

The close connection between Hitler's actions against Jews and liberals in Germany and his striving for world domination makes it clear that the refugees from Germany can truly be designated as the first subjected people. They are not merely victims of Hitler's interior politics. In the light of later events it has become clear that the same ambition to dominate the world is behind the struggle of the Nazis against the Jews as behind their conquests of peaceful countries in Europe.

The refugees are also much aware of the complete analogy between their own fate and that of the subjected nations that they felt deeply disappointed when they were classified as enemies; in other words, considered as companions of their own conquerors.

II. One of the direct consequences of the campaign of the Nazis against the Jews and the liberals was the feeling of complete isolation which overcame the victims and brought them into despair. They were not only excluded from all activities in the community life but also their human interrelationships were closely supervised and in connection therewith gradually limited to the utmost extent.

Man is a social animal. He therefore cannot suffer such treatment without considerable increase of his need for contacts and cooperation with other people. Since exclusion from normal human relationships has so long been the lot of the refugees, the possibility of further exclusion has become a nightmare to them. Nothing in the world can terrify the average refugee more than the prospect of becoming an outlaw again. That psychological factor makes the refugees particularly vulnerable against their treatment as enemy aliens. The term "enemy" is apt to deprive them of a good deal of their hardly regained self-confidence and to imperil their feeling that they have become a welcome part of a great entity.

III. On December 7, 1941, a wave of enthusiasm and hope went through the refugee people. To be sure, their gratefulness toward the American Nation and the President and their hatred against the Nazis had a big part in causing that enthusiasm. However, the hope to be admitted to share in America's war effort was a further factor which was largely responsible for that enthusiasm. They evisaged their chance to use whatever strength and skill they have for something better than individual purposes. At last, so they felt, they would be admitted to cooperate in a great common cause. It is hard to describe the appalling dis-

appointment which followed when they saw themselves designated as dangerous to that very cause, in which to cooperate they had been so eager.

Very realistic fears regarding the future accompany their present disappointment. In 20 or 30 years from now, long after the end of the war, the refugees and their children living as citizens in this country will be asked why they did not do their full share in the war. Explanations in the way that as enemy aliens they were not allowed to do their full share will be of little avail in those future times. If the refugee people and their children cannot answer to such questions in pointing to a satisfactory war record, then danger will be ahead for them. Successes of individuals will be explaind with lack of patriotic sacrifices and the individuals concerned will find themselves exposed to criticism and disparagement for many years to come. For people who never want to return to their former country and who look to America as the country of future generations of their families, such prospect is terrifying. It therefore is a complete misconception of the true facts if it has sometimes been said that the refugees should bear in patience the hardships imposed upon them and that they should realize what other kind of hardships those have to bear who are now fighting for America. It is not the point in question that the refugees do not want to take hardships upon them at a time when everybody should bear hardships. All they request is that they be spared the wrong kind of hardships which merely exclude them from America's war effort and that the right kind of hardships may be imposed upon them.

IV. The desire of the refugees coincides, they believe, with the public interest.

Public opinion was for years ardently interested in the fate of the first victims of Hitlerism and the average person in this country and in other countries as well considers these opponents and victims of Hitlerism as natural partisans on the side of democracy. The news on present tortures of the Jaws in Germany, the subjected countries, and in the invaded part of Russia makes the public aware that such feeling of the average man is perfectly in line with the facts. It certainly has a confusing effect on the minds of the public if people who are so clearly partisans of the cause of democracy are, in spite of that fact, named and treated as enemies.

Nazi propagandists can attempt to increase such confusion by claiming that the treatment of the refugees in the United States has to be considered as an involuntary endorsement of their own allegations against the Jews. The effect of such propaganda would possibly be felt in this country and would be much more intensive in other countries, for instance, in South America.

The future reconstruction of the world will certainly be directed toward elimination of the causes for group hatred. The queer position into which the refugees would be put in the future if they will remain excluded from the war effort would in all probability become responsible for disparagement of their group in the future. Such cause of criticism will be avoided if the refugees are now allowed to show themselves as active partisans of the democratic cause.

V. This war is so definitely a struggle between two ideologies that the nationality of an individual is not any more a satisfactory yardstick in judging his loyalty to the democratic cause. Much less can former nationality furnish such yardstick.

The enemy-alien concept is in substance based not on the hazard of the birthplace but on actual allegiance owed to the king or other sovereign of a foreign country by an individual. Nothing comparable to allegiance exists between the refugees and Germany. They have been ejected from that country and expatriated. Taking this state of affairs as definite, they do not desire to return at any future time to Germany. Their only desire is to become United States citizens as soon as possible. For people in their position, loyalty to the United States is a matter of course. Their former nationality has become a matter of the past which is of no actual interest.

Their position may become clearer if compared with the position of people who are still nationals of various European countries and who desire to return to their former countries after the war. So far as they are concerned it is of little interest whether they are nationals of a country which is, in consequence of a declaration of war drafted in Berlin, actually at war with the United States or which is merely in fact part of Hitler's new order in Europe. Duress has become so much a customary factor in European politics that a declaration of war of a country which is in the hands of Hitler does not mean much. That is evidently the reason why nationals of Hungary and Rumania are not considered as enemy aliens. In form even Masaryk was a national of a country at war with the United States when during the last war he prepared in the United

States the future establishment of a national government in Czecho-Slovakia which at that time was still part of the Austrian empire.

In this war between two irreconcilable ideologies only one clear distinction is of real avail, namely, the distinction between the sympathizers of nazi-ism and fascism—including Quislings of any nationality—on the one hand, and opponents of Hitlerism and facism on the other hand.

The precedent regarding the Austrians, who in the last war were treated in a way different from the Germans, is entirely in line with the above discussion. The Austrians received a better treatment apparently because it was felt that the government of the Austrian empire which was in a status of decay had lost hold on the peoples belonging to that empire. Looking at the precedent from this angle leads to the conclusion that it is not merely a precedent in favor of the Austrians but of all those people who do not adhere to the rulers of the countries of their origin.

That the refugees are within that general class is shown conclusively by the fact that the government of their former country mistreated and ejected them and finally expatriated the vast majority of them.

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Aufbau
(West Coast edition of the major American German weekly newspaper)
24 December 1943

William Stagen appears on the masthead as a member of the Executive Committee of the Jewish Club of 1933. Felix Guggenheim appears as Club President.

sehr gerne in einem nicht zu grossen Betriebe arbeiten, in dem ich eventuell auch nach dem Krieg eine Existenzmöglichkeit hätte.

Antwort: Es ist sehr vernünftig, bei jedem Aenderungs-Entschluss, den man heute trifft, auch die Chancen nach dem Krieg zu erwägen. Ich kenne in Portland einen Betrieb, der eventuell weitere Kräfte als weibliche Zuschneider und "power-machine operators" einstellen würde. Der Betreffende fabriziert alle Arten von Uniformen aus Leinen, für Nurses, Fellnerinnen und Industriearbeiter. Es ist ein Betrieb mittleren Umfanges, in dem meiner Ueberzeugung nach auch eine gute Chance für die Nachkriegszeit besteht. Der Inhaber ist selbst vor fünf Jahren eingewandert und sein Betrieb ist in Portland als Musterbetrieb bekannt. Bitte wenden Sie sich direkt an Mr. Julian Shipley, 1109 S. W. 4th Avenue, Portland, Ore.

Brief No. 29 aus New York: Habe mir eine gutgehende Fabrikation von orthopädischen Schuhen und Einlagen hier eingerichtet. Meine Frau kann aber das Klima nicht vertragen und wir möchten nach dem Westen gehen. Ich arbeite mit WPB Priority und habe eine komplette Einrichtung mit allen elektrischen Maschinen. Welche Stadt soll ich erwägen? Soll ich meine Maschinen mitnehmen oder einen Posten annehmen?

Antwort: Ihr Problem kann nicht im Rahmen einer Korrespondenz erledigt werden. An Ihrer Stelle würde ich selbst einmal nach dem Westen fahren und mich umsehen. Im Pacific-Northwest werden Sie kaum grosse Konkurrenz finden. Einige Schuhläden führen Einlagen und einige Spezialitätsgeschäfte haben einen eigenen Mann, der diese "nach wissenschaftlicher Grundlage" verkauft. Ich würde Ihnen unter allen Umständen davon abraten, Ihre Maschinen zu verkaufen. Setzen Sie sich einmal mit den Handelskammern in Spokane (Wash.), Walla Walla (Wash.), Bend (Oregon), Eugene (Oregon) und Klamath Falls (Oregon) in Verbindung.

Brief No. 30 aus Salt Lake City: I am 46 years old and 3½ years in this country. I am in the retail fruit business. Last summer I contracted a hernia and was suffering from high blood pressure. The doctor advised me to go to the Pacific Northwest. I should be only too glad to go to a small place like the one suggested by you, if you consider it advisable in my particular case. I would, of course, prefer to maintain an independent position, if possible. I was thinking of renting a stall at a Grocer's Market.

Antwort: Your situation is similar to that of the gentleman who wrote to me from N. Y., letter No. 29. You have to find a place for yourself of your own choice. You are right, don't go to a large town, but on the other hand you shouldn't go to a very small place either. Yakima (Wash.) is the fruit basket of the U.S.A.; also Wenatchee (Wash.). These two towns are well located and their climate is very mild. Stockton in California should also be the right place for you. In any case, I advise you to take a trip to these places and see for yourself.

*

Vor einiger Zeit erhielt ich einen Brief aus Massachusetts, worin sich der Schreiber bei mir beschwert, dass er sich an verschiedene Komitees wegen Umsiedlung wandte, nichts anderes wollte, als einen Rat — und keine entsprechende Antwort bekam. Es ist nicht selten, dass ich solche Briefe erhalte, und ich versuche in meiner Weise zu helfen, indem ich solche Leute an die entsprechende Stelle verweise. Vor kurzer Zeit erhielt ich von dem Sekretär der "Imas" in Boston, Mass., Arthur Gottschalk, einen Brief. Herr Gottschalk schreibt:

"Mir liegt daran, Sie darauf hinzuweisen, dass Sie von dem Briefschreiber über die Lage in Massachusetts nicht zutreffend unterrichtet worden sind. In Boston gibt es ein Committee for Refugees (333 Washington St.), das unmittelbar mit dem Jewish Vocational Service in Verbindung steht. Neben einer ganzen Zahl sonstiger einschlägiger Stellen, die bereitwillig dem Refugee, natürlich auch dann, wenn er nicht in Boston selbst wohnt, zu raten und zu helfen suchen, ist unsere von Immigranten und für Immigranten geschaffene Organisation in allen Fällen bereit, nach Möglichkeit beizustehen. Dass unser Verein als soziales und kulturelles Zentrum für unseren Kreis dient, erweist wohl anliegende Imas News, die wir für Sie beifügen."

Nach all den Briefen, die ich von vielen — ich kann wohl sagen hunderten Personen — bekomme, ist die Mitteilung des Herrn Gottschalk sehr erfreulich, da man ersehen kann, dass die Refugees in Massachusetts an ihrem Klub wirklich eine grosse Stütze haben.

DIE BARMIZWAH UNSERES SOHNES

KURT

FINDET AM SAMSTAG, 25. DEZEMBER 1943, UM 10 UHR MORGENS IN DER WEST END SYNAGOGUE CONGREGATION SCHARRAY TIFILA, 160 WEST 82nd ST., N. Y., STATT.

MAX ZIMBLER und Frau BLANCA

GEB. FRIEDMANN (fr. Wien I)

200 WEST 82nd STREET NEW YORK, N. Y.

PHOTOS für BÜRGER-PAPIERE

Photo-Weitzmann

2424 Broadway, N. Y. C.
bet. 89th & 90th St. - SCh uyler 4-6270
441 Knickerbocker Ave., BROOKLYN

Kinder- und Familienaufnahmen

im eigenen Heim in bester Ausführung durch langjährigen Fachmann

H. MUELLER 701 W. 178. Str. Tel. WA 8-4928

Vergrösserungen u. Amateurausarbeit.

JEWISH CLUB OF 1933, Inc.

LOS ANGELES (CALIFORNIA) — 228 WEST 4th STREET — MICHIGAN 6847

Executive Committee: Honorary President: Professor Leopold Jessner; President, Felix Guggenheim; Vice-President, Hans Breuer; Executive Director Harry Salinger; Treasurer, Heinz Pinner; Club Editors, Hans Kafka and Ferdinand Kahn. Bruno S. Bernstein, Walter Buky, Lothar Frank, Eric Lowen, Mrs. Edith Mendel, Wm. Stagen, Mrs. Lisa Arnhold, George Loeff, Hugo Massarik, Dr. Hugo Weinberg.
Ehrenmitglieder: Bruno Frank und Thomas Mann.

JEWISH CLUB OF 1933 INC.

Zweiter Dichterabend

Sonntag, 9. Jan., 1944, 8:15 p. m.

Friedrich Torberg

liest im Fairfax-Tempel
525 Soutl. Fairfax Avenue
aus eigenen Werken

PROGRAMM

Aus dem Roman "Abschied" (1937)
Zwei Gedichte
Zwei Szenen aus der Komödie "Die andere Möglichkeit"
Kurzgefasste Lebensgeschichte des Friedrich Israel Torberg

Verfluchung Kains (Aus dem Französischen des Paul Claudel)
Rebellen-Gebet (Aus dem Tschechischen)
Herr Neidinger erlebt den Anschluss
Aus der Novelle "Mein ist die Rache"
Kadisch 1943

Unkostenbeitrag für Mitglieder 25c., für Gäste 50c. Soldaten in Uniform haben freien Eintritt.

Der Vorstand.

Membership Meeting

The Jewish Club of 1933 Inc. is having a membership meeting on Saturday, January 15, 8:15 p. m., at a place to be announced later.

At first Mr. *David Coleman*, who is in charge of the Anti-Defamation League of B'nai B'rith for Southern California, will speak about "Antisemitic activities in U.S.A." After this speech a report will be given by the board of directors about the future tasks of the Jewish Club of 1933 Inc. The members will have the opportunity to ask questions and to take part in the discussion.

Reserve the evening of January 15 for this meeting.

The board of directors of the Jewish Club of 1933.

*

An der Gedächtnisfeier für Max Reinhardt haben auf Grund der dem Jewish Club of 1933 als Mitveranstalter zur Verfügung gestellten Einladungen eine grosse Anzahl Mitglieder des Club teilnehmen können. Von den bei dieser Feier auftretenden Künstlern seien an dieser Stelle nur mit Namen genannt: Prof. *Thomas Mann, Ernst Deutsch, Mady Christians, Edward G. Robinson, Olivia De Havilland, Erich Wolfgang Korngold.*

Das an diesem Abend zum Verkauf gelangte Heft war nach Form und Ausstattung nicht nur ein Programm, sondern eine künstlerisch wertvolle Erinnerungsmappe. Diese enthält unter anderem eine ausgezeichnete Reproduktion der Lithographie *Emil Orliks*, die eine Portraitskizze Max Reinhardts darstellt, die facsimilierte Kopie einiger Seiten des von Reinhardt eingerichteten und selbst geschriebenen Regiebuches zu "Dantons Tod", einen Aufsatz *Heinz Heralds* "In memoriam", die Texte der von *Erich W. Korngold* vertonten Gedichte Shakespeares, etc.

Da wir von verschiedenen Seiten ersucht wurden, weitere Exemplare zur Verfügung zu stellen, teilen wir mit, dass noch eine beschränkte Anzahl dieser Mappen vom Club Office für einen Dollar ausgegeben werden können.

Der Vorstand.

Social Gathering

sponsored by the Committee for Foreign Born of the Council of Jewish Women: Wednesday, January 12, 1 to 4 p. m. For reservation call: Jewish Club of 1933, Inc. MI 6847.

Wedding, Diamond, Engagement-Rings Watches

Julius Hamburger
605 W. 142nd STREET
Phone: AUdubon 3-0882

Für die mir anlässlich meines 80jährigen Geburtstages in so grosser Masse erwiesenen Aufmerksamkeiten sage ich allen Verwandten, Freunden und Bekannten herzl. Dank.

Julius Gutmann
21 Fort Washington Ave.

Für die mir anlässlich meines 80. Geburtstages von allen Seiten zugegangenen Glückwünsche danke ich aufs herzlichste.

Isaac Weiss (fr. Landau, Pfalz)
62 Sterling Avenue
Weehawken, N. J.

Die glückliche Ankunft unserer Tochter

Eva Caroline

zeigen hocherfreut an
Ernest Weichsel und Frau Flori geb. Hess
fr Frankfurt a. M. — fr. Wetter bei Marburg
260 Maplewood Ave., Bridgeport, Conn.
November 26, 1943

We happily announce the birth of our son

Jeffrey Tom

on December 15, 1943
Siegfried and Friedel David
née Katzmann
85 Johnson Avenue, Newark, N. J.
(f'rly Aufsess & Flieden, Germany)

We are happy to announce the birth of our second son

William Lauren

Jenny & Michael Schnaittacher
3657 Broadway, N. Y. C.

We are happy to announce the arrival of our son

George Steven

on December 19th, 1943
Eugene and Doris Hoffman
née Ehrenberg
85 Fairview Avenue New York City

We are happy to announce the arrival of our son

Harvey Mark

on December 16, 1943
Max and Erna Oppenheim
née Schoenwalter
160 Wadsworth Avenue, New York 33

Wir freuen uns, die Geburt unserer Tochter

SUSAN HEDDI

anzuzeigen.
7. Dezember 1943
Leonhard L. Barschall u. Frau Irma geb. Ebenstein
412 Greenwood Ave. Trenton 9, N. J. — früher Berlin-Moabit

We are happy to announce the arrival of our daughter

Eleanor Ann

on December 17, 1943
Dr. Eugene and Lony Alexander
née Herzberg
(formerly Berlin)
108 So. Main Street, Homer, N. Y.

EINE FAMILIEN-ANZEIGE

in dieser Grösse
(1" hoch und 2" breit)
kostet
$1.00

Die Barmitzwoh unseres Sohnes

Fred

findet Samstag, d. 25. Dezember 1943, statt: Congregation Beth Hillel (Paramount-Gebäude) 601 W. 183 St.
William and Trude Scheidt
geb. Strauss
560 Audubon Avenue, N.Y.C.
Zu Hause: Samstag, 12-2 Uhr Sonntag 12-5 Uhr

Die Barmitzwoh unseres Sohnes

HARRY FRED

findet am 1. Januar 1944 im "Tempel Beth Schalom" in Wilmington, Deleware, statt.
Ludwig Themal und Frau Bella
geb. Strassburger
(früher Pforzheim-Berlin)
201 W. 28th St. Wilmington 239, Del.

Die Barmitzwoh unseres Sohnes

Herbert

findet am 25. Dezember 1943, 10:15, in der Synagoge 'Hebrew Tabernacle', 161st St., Fort Washington Avenue, statt.
Albert Heimann und Frau Rosa
geb. Fromm
238 Fort Washington Ave., N.Y.C.

Die Barmitzwah unseres Sohnes

Manfred

findet am 1. Januar 1944 in der Synagoge B'nai Amunah Congregation, 4200 S. Grand Ave., statt.
Otto Buschhoff & Frau Hertha
geb. Heyum
4163 S. Hoover Street
Los Angeles 37, Calif.
(früher Köln a. Rh.)

Die Barmitzwah unseres Sohnes

GEORGE

findet S.G.W. am Schabbos Chanukka 25. Dezember 1943, in der Synagoge der Hebrew Tabernacle Congregation of Washington Heights, 665 W. 161st Street, N. Y. C., statt.
Dr. Fritz Oberlander und Frau
geb. Braun
655 West 160th St. (fr. Wien)

Miriam Peiman
Erwin H. Lipstadt

Engaged
Chanukka 5704

Detroit Mich. — New York 23, N. Y. 100 West 72nd St.

Erika M. Kopalt
George Schlesinger

Engaged
Chanukka 5704

552 W. 171 St. New York 32, N. Y. (formerly Berlin) — 665 W. 160 St. New York 32, N. Y. (f'rly Fürth i. B.)

Piri Frishman
Meir Steinharter

Engaged
Sabbath Chanukka 5704

281 Hooper St. Brooklyn 11, N.Y. — 5447 Parkheights Ave. Baltimore 15, Md.

Rose Mayer
Pvt. Jack Neustaedter

Engaged
Chanukka 1943

(formerly Ingelheim, Berlin, Herlingen School, Engl.) — (formerly Bad Kissingen)
140 Sanford Ave. Bridgeport 4, Conn. — 730 Maplewood Ave. Bridgeport 5, Conn.

Ilse Mayer
Leo Rosenbaum

Engaged

formerly Landau, Pfalz — (f'ly Baumbach (Bezirk Kassel)
51 Hamilton Place New York City — 551 West 128th St. New York City
Chanukka 1943

New members since November 1943

Rabbi Auerbach and Mrs. (Stuttgart), Carl Bach and Mrs. (Munich), Paul I. Eigart and Mrs. (Vienna), Walther Finch and Mrs., Blanka Reinisch and mother (Vienna), Henry L. Weiss and Mrs. (Bucarest).

*

U. S. Citizen Service Corps

The following members of our Club received the official pin of the U. S. Civilian Service Corps for having completed fifty hours of volunteer service:

Mrs. Marg. Dispeker, Mrs. Helen Glaser, Mrs. Gertrude Grünwald, Mrs. Johanna Marx, Mrs. Ilse Marx, Mrs. Stella Marx.

Kammermusik

Kammermusik-Spieler, insbesondere Streicher, die an der Pflege häuslichen Musizierens interessiert sind, werden gebeten, ihre Namen und Adressen an den Unterzeichneten zu übersenden. Es werden ihnen dann Fragebogen zur Ausfüllung zugehen. An Hand dieses Materials soll die Möglichkeit geschaffen werden, die geeigneten Partner miteinander in Verbindung zu bringen und dadurch Kammermusikgruppen — Trios, Quartette, Quintette etc. — zu bilden.

Erich Blumenthal
248 Reeves Drive, Beverly Hills.

Hannah Regensteiner
Fred Grunwald

Engaged
Chanukka 1943

143 Adelaide Ave. Providence, R. I. — 292 Riverside Dr. New York, N. Y.

Hermann Henry Strauss
Marianne Strauss
née Levy

Married
December 11, 1943

formerly Frankfurt a. M. — formerly Köln a. Rh.
82 Wadsworth Terrace, Apt. 6-F
New York City

Mr. and Mrs. Felix Lemel announce the marriage of their children

Anne and Henry.

Fred Kirschbaum — Pfc. Henry Lemel
Anne Kirschbaum — Jean Hanni Lemel
née Lemel — née Jaffa
(f'rly Bln.-Neukölln, Mainz) — (f'rly Mainz, Bln. SW 87)
Brooklyn, N. Y. — U. S. Army
293 Martense St. — 323 Martense St.

November 1943

Frederick Kotler
Ilse Kotler
née SELLO

Married
December 19, 1943

929 East 12th Street, Brooklyn, N. Y.
(formerly Karlsruhe, Baden) — (formerly Berlin)

Josef Nussbaum
Rosi Nussbaum
née Lamm

Married
December 18, 1943

(formerly Kyllburg, Eifel) — (formerly Ober-Gleen, Oberhessen)
632 West 171st St., New York City

Cpl. Hans Zwinger
Eva Zwinger
née Joachim

Married

f'ly Quedlinburg — f'ly Breslau
August, 1943
11a Fordham Ave. Melbourne, Australia — Camberwell E 8

Dr. and Mrs. J. Bick announce the marriage of their daughter

Inge

to

Sgt. Eric Isler

The Wedding ceremony will take place on Sunday, December 26, 1943, 1:30 p. m.
at Synagogue Gates of Israel
566 W. 185 St., Washington Heights.

15 Magaw Place (formerly Frankfurt a. M.) — U. S. Army (formerly Berlin)

Ben Dreifuss
Eleanore Dreifuss
née Monat

Married

Ceremony: December 26, at 3 p. m.
Congregation Tikvoh Chadoshoh
1717 N. Broad St., Philadelphia, Pa.

(formerly Frankfurt) — (formerly Wachenheim a. M.) Kr. Worms)
214 Green Street, Lansdale, Pa.

Pvt. Harold Hans Bloch
Margot Bloch
née Lucas

Married December 19, 1943

541 W. 137th St. — 15 W. 106th St.
New York City

Camp Claiborne, La. (formerly Giessen-Wieseck) — 214 4th St. Alexandria, La. (formerly Nürnberg)

Aufbau
(West Coast edition of the major American German weekly newspaper)
7 January 1944

William Stagen's wartime role within the Jewish Club of 1933 is evident in this early 1944 issue of the West Coast edition of *Aufbau*. Stagen appears as one of three contacts for the "Anti-Nazi Day" event put on by the Anti-Nazi Immigrants' War Finance Committee, that he founded and chaired. By contrast, Felix Guggenheim addresses the membership as President of the Club,

cordingly the reader is told of a "Plot to Give Britain Control of U. S. Gold" and told that "President Hides Facts by Using Statistical Mirages".

Some of he vermin press has already taken up the cry "Reynolds For President", while other smear sheets can be expected to fall in line shortly for they have worshipped at his feet for a long time and given much space to the utterances of the great "statesman".

A Star-gazing Quisling

One of his worshippers is *William Kullgren* of Atascadero, California, a former Silver Shirter who w s named in the Washington Grand Jury's Conspiracy indictment. He is still publishing a sheet called "America Speaks" which in tone strongly resembles the Reynolds rag.

Recently Kullgren, who is somewhat of a stargazer, advertised a booklet which he had printed several years ago. Undoubtedly he had some stock on hand and wanted to get rid of it. It is entitled "The Origin and Destiny of the Jews" and states in the preface, above Kullgren's signature, that "our desire is to protect ourselves from the Jews' insidious control. To do that", the preface goes on, "it is necessary to expose the Jew's false claims; to tell you the story, as presented in our Christian Bible, so that Christian people will know they cannot uphold and support the Jew, and at the same time be obedient to the laws of God."

The booklet presents a number of articles, some of which are trying to "prove" through quotations from the Bible that the Jews are the most despicable people under the sun. Kullgren and his contributors may be entitled to that opinion, but sending this booklet through the mail while America is at war with Germany may fall under the classification of sedition for it contains propaganda material which emanated from one of the adjuncts of Dr. Goebbels' Propaganda Ministry, the "World Service" which was edited by Col. Ulrich Fleischhauer of Erfurt, Germany, who was also named in the Conspiracy indictment.

The article: "Roosevelt Rules America," written by George Deatherage, one of the conspirators, states in the lead:

"No president of any other country in the world has so much time to interest himself in matters which do not concern him as has Franklin Delano Roosevelt, the President of the United States.

"Although the American people must be quite indifferent as to what form of government various European countries adopt, President Roosevelt seizes every suitable opportunity for attacking the authoritarian states, National Socialist Germany and Fascist Italy in particular.

FDR—Not an "Aryan"

The article charges that Roosevelt is leading this country into war because the Jewish people want it and the President is doing it because he is partly Jewish.

"World Service" quotes James True, Gerald B. Winrod and Robert E. Edmundson, three of Deatherage's fellow-indictees and Congressman Hamilton Fish's statement that FDR's "hysterical speeches, attacking foreign nations may well light the spark that will set the world in flames."

Two articles from the "Christian Free Press" are reprinted in the booklet. That paper was published by Paquita de Shishmarova alias Leslie Fry, who was named in the indictment rendered by the Washington Grand Jury in October of last year.

Kullgren also offers a review of a book on Jewish Ritual Murder for the publication of which the author, *Arnold S. Leese* was given a jail sentence.

The last pages of the booklet are given over to a list of pro-Nazi and anti-Semitic publications which Kullgren has for sale, among them are the poison pen products of Lizzie Dilling, Nesta Webster, Gerald B. Winrod and others. Listed also are reprints of speeches by Congressman Clare E. Hoffman. Indeed the Michigan Representative finds himself in "good" company.

As America enters the home stretch in the war against Germany, the little Quislings increase their activities. Once General George Van Horne Moseley was their man on horseback. Years ago, at the Los Angeles Bund headquarters, I saw a campaign card "Moseley for President", now they are ready to lift the Senator from Buncombe County on their shields and announce—as is customary at political party conventions—"I give you a great American, our 'Bob' Reynolds."

JOACHIM BENJAMIN LOMNITZ was naturalized a Prussian citizen on March 11, 1912, in Breslau, Silesia. His great-great-grandson, son of Marie and Franz Lomnitz, late of Breslau, was naturalized as the American citizen SGT. **ALFRED EDWARD LAURENCE**, on December 17, 1943, in Richmond, Va.

EINE FAMILIEN-ANZEIGE
in dieser Grösse
(1" hoch and 2" breit)
kostet
$3.50

Grössere Anzeigen kosten:
1½" hoch, 2" breit $4.50
1½" " 2½" " $5.25
2" " 2" " $7.00

Anzeigen bitten wir im Voraus durch Scheck oder Money Order zu bezahlen. Anzeigenschluss Dienstag 12 Uhr.

JEWISH CLUB OF 1933, Inc.

LOS ANGELES (CALIFORNIA) — 228 WEST 4th STREET — MICHIGAN 6847

Executive Committee: Honorary President, Professor Leopold Jessner; President, Felix Guggenheim; Vice-President, Hans Breuer; Executive Director Harry Salinger; Treasurer, Heinz Pinner; Club Editors, Hans Kafka and Ferdinand Kahn Bruno S. Bernstein, Walter Buky, Lothar Frank, Eric Lawen Mrs. Edith Mendel, Wm. Stagen, Mrs. Lisa Arnhold, George Leff, Hugo Mamarik, Dr. Hugo Weinberg.
Ehrenmitglieder: Bruno Frank und Thomas Mann.

Membership Meeting On January 15

Dear Members:

Your board of directors feels that the time has come to have a membership meeting in order to give you some information about our activities, especially as far as they don't manifest themselves in gatherings and social affairs. And also in order to establish contact with you and to get your cooperation, criticism and suggestions.

There are two theories about membership meetings: The one is: Once a year the members express satisfaction or dissatisfaction with their board by voting in the ordinary general meeting. In the meantime the board has a mandate which it has to carry out according to its conscience and its ability. —The other theory says: Even between general election meetings the members should have an opportunity to show their interest in their board's work and to show their cooperation by coming to special membership meetings and by attaining a closer contact between membership and board.

Our hope that the second theory may prove correct and may justify itself by a huge attendance and participation in our January meeting, is not the only reason for inviting you to be with us on January 15. We have seen many of you at our *Chanukka Celebration* and at the *Max Reinhardt Memorial*, others at our *"Dichterabende"* and others again at our *Seminary*. We have seen you coming to the office for all kinds of advice and asstistance, working at the headquarters of the US Citizens Service Corps, preparing the gift-packages for the soldiers and we have seen you at the Red Cross Blood Bank. But this time we would like to see all of you, at least all those, who think about the future of our newcomer-group in this country which gives us refuge, hospitality and citizenship. If—as we all hope and pray and as the military leaders already take for granted—victory in Europe will be achieved in 1944, new tasks, problems and duties will come up for our group and it will be necessary to be prepared for it. The deep gratitude we owe the American people need not make us overlook some less pleasant aspects of the situation here which in a way are part of the struggle in which American boys—and numerous refugees among them—are fighting all over the world.

So it is not by chance that our first speaker will be *David Coleman*, who knows more than anybody in Southern California about anti-semitic activities in this country and their connections with Nazism and who did more than anybody in Southern California to fight anti-Semitism.

It is also not by chance that just now organizations like our Club are springing up in other cities like San Francisco and Portland and that they contact us with rather nice remarks about our activities, remarks which deserve our best efforts. On the other side we have also heard voices, that there is no raison—d'être. for organizations like ours, and different arguments have been put forward to this effect. We are not "Vereinsmeier" and we don't pretent that the club is an aim and an endeavor in itself, but the whole evidence and all the facts show that an organization like the Club is more important than ever; and to discuss this evidence and to explain these facts is one of the purposes of our meeting on January 15. In the meantime it is an encouraging and a gratifying sign that our office is receiving the requests for the 1944 membership-cards at an unprecedented rate.

Felix Guggenheim.

JEWISH CLUB OF 1933, INC.

MEMBERSHIP MEETING

on SATURDAY, JANUARY 15, 8:15 p. m.,
at FAIRFAX TEMPLE, 525 S. Fairfax Ave.

DAVID COLEMAN, Director, Southern California Office of the Antidefamation League, will speak on

"Antisemitic Activities in the USA"

FELIX GUGGENHEIM will speak on

"Jewish Club of 1933 in the year 1943 and thereafter"

THE BOARD OF DIRECTORS will report on the different fields of activities.

THE MEMBERS are invited to attend in great numbers and to cooperate with their board by taking part in the discussion and by giving new suggestions.

Admission for members free. Please bring your 1943 or 1944 membership card!

MARK YOUR CALENDAR

SUNDAY, JANUARY 23, 2-5 P. M.

ANTI-NAZI DAY

at VICTORY HOUSE, Pershing Square, Los Angeles.

★

In compliance with a request from the Treasury Department, the Anti-Nazi Immigrants' War Finance Committee will be in charge of the Victory House stage.

There will be many well known artists, and a repetition of Alfred Neuman's "Ballad to America."

Various merchandise will be auctioned off, free, to War Bond buyers.

★

Come Out and Bring Your Friends

and buy as many War Bonds as possible, directly from the Treasury Department staff at Victory House.

Let's show the Government and the people of Los Angeles what we newcomers are willing and capable of doing to help win the war.

And, Besides, You'll Have Lots of Fun!

If kept from attending, call Lothar Frank, HI 0111 or GL 0351, or Arthur Pathé, WA 8784, or Wm. E. Stagen, DR 7325, a few days before the event.

Die Chanukkafeier des Jewish Club of 1933

war eine sehr gelungene Veranstaltung. *Ernst Blumenthal* als master of ceremonies stellte sofort eine besonders freundliche Verbindung zwischen Bühne und Publikum her, und erzeugte damit eine Stimmung, die den ganzen Abend das Gepräge von Gemütlichkeit und Heiterkeit gab.

Nachdem Rabbi Dr. Sonderling die Chanukkalichter entzündet und in einer Ansprache die Bedeutung der Stunde den Hörern nahe gebracht hatte, wurden drei Frauen — Mitglieder des Clubs — die Söhne in der Army haben, durch Verleihung einer silbernen Nadel geehrt.

Als erster im Programm trat der weltberühmte und unendlich vielseitige Varietékünstler Sylvester Schäfer auf, dieses Mal als Schnellmaler, und verblüffte durch die Sicherheit, mit der er in einigen Minuten zwei grosse Oelgemälde zu gleicher Zeit malte, indem er die sich drehende Tafel abwechselnd auf der einer oder der anderen Seite bearbeitete. Eric Neumann erntete freudigen Beifall mit seinen Klavierparodien und Max Salsman — einst Präsident einer Kölner Karnevalsgesellschaft — trug mit viel Erfolg eigene ernste und heitere Gedichte vor. Thomas Redlend, Mitglied der Metropolitan Oper in New York, sang, begleitet von Mrs. Nelson, einige Arien und zum Schluss mit besonderer Innigkeit "The Lord's Prayer".

Und Tombola und Tanz und Büfett- und Tanzkonkurrenz mit Preisen — ein Abend, der jedem gefallen hat. F. K.

Essay Contest

Der *American Jewish Congress* veranstaltet einen *Essay Contest* über das Thema "What Youth Seeks in the Post-War World." Der erste Preis: $50 U. S. War Bond; zweiter Preis: $25 U. S. War Bond; dritter Preis: $25 U. S. War Bond.

Die Schiedsrichter sind: Dr. William Agar, Acting President of Freedom House; Dr. Mary McLeod Bethune, Dean of Columbia College; Judge Nathan President Emeritus of Bethune-Cookman College; Dr. Harry J. Carman, D. Perlman, Vice-President, American Jewish Congress; Mrs. Stephen S. Wise, President of the Women's Division, American Jewish Congress.

Alle weiteren Auskünfte erteilt Mr. Nathan Zuckerman, Executive Director of the Young Men's and Women's Division of the American Jewish Congress, 330 West 42nd St., New York City.

GEBT DEM
UNITED JEWISH APPEAL

Wedding, Diamond, Engagement-Rings Watches

Julius Hamburger
605 W. 143nd STREET
Phone: AUdubon 3-0862

PHOTOS für BÜRGER-PAPIERE
Photo-Weitzmann
2424 Broadway, N. Y. C.
bet 89th & 90th St. - SChuyler 4-6270
441 Knickerbocker Ave., BROOKLYN

Unser
Alfred Wolfgang
wird am 8. Januar 1944 Barmitzwah.
Berthold und Ruth Block
geb. Meyer
3616 E. Cherry Street
Seattle 22, Wash.

Inge Sachs
Ernest Forst
Verlobte
(fr. Frankfurt a. M.) (fr. Köln a. Rh.)
1. Januar 1944
720 Waveland Ave., Chicago, Ill.

Dr. and Mrs.
Carl E. Cahn Bronner
announce the engagement
of their daughter
Lilo
to
Dr. Royal S. Cutler
January, 1944
1370 East Fifty-fourth Street
Chicago 15, Ill.

Pvt. Dave Spiegel
Lore Spiegel
née Kallman
Ft. Custer, Mich. 924 Kelly
Fly Bronx, N.Y. Bronx, N. Y.
Fly Trier, Mosel
announce their marriage
which took place Dec. 27th
at Fort Custer, Mich.

Hanne Zadek
Lisl Zadek
née Klopfer
Married
December 18, 1943
4030 Vendome Ave., Montreal, Can.
formerly Fly
Finkenwalde/Stettin Munich

Pfc. Henry Landauer
Lottie Landauer
née Adler
Married December 29, 1943
30-45 33rd Street 100 W. 91st Street
Long Island City, N.Y. New York City
(Fly Cralsheim) (Fly Karlsruhe)

Sam Janowitz
Alice Janowitz
geb. Liepold
Vermählte
9. Januar 1943
65 Hillside Avenue, New York City

Mr. & Mrs. Isaac Frankenberger
announce the marriage of their
daughter
Marianne
to
S-Sgt. Wm. Kumins
December 29, 1943
New Haven, Conn. Camp Swift, Tex.
830 Orange St. Fly
Fly Schweinfurt Boston, Mass.

Pfc. Max Wertheimer
Beate Wertheimer
née Auerbacher
Married
229 West 101st St. 89-26 - 146th St.
New York City Jamaica, L. I.
U. S. Army

JOACHIM BENJAMIN LOMNITZ was naturalized a Prussian citizen on March 11, 1912, in Breslau, Silesia. His great-great-grandson, son of Marie and Franz Lomnitz, late of Breslau, was naturalized as the American citizen SGT. ALFRED EDWARD LAURENCE, on December 17, 1943, in Richmond, Va.

ROBERT and INCE BOEHMER
née Hamburger
are happy to announce the birth
of their son
Thomas Michael
formerly Vienna — formerly Posen-Berlin
Diagonal Norte 893
Buenos Aires, Dec. 30, 1943

We are happy to announce the
arrival of our son
Ronald Steven
on December 31, 1943
Max and Margot Frankel
née Lilienthal
(formerly Berlin)
554 Ocean Ave., Brooklyn, N. Y.

Hocherfreut zeigen wir die Geburt
unserer Tochter
Sylvia Juana
an.
Siegberto Ramsfelder und Frau
geb. Ruben
(früher Erfurt, Schweinfurt) (früher Essen)
Buenos Aires, den 3. Dezember 1943
Reconquista 538, U. p., dep. 22-B

We are very happy to announce
the arrival of our son
Howard Frank
on December 22nd, 1943
WALTER and ELSE WOLFF
née Schwabacher
412 Aiken Avenue Peoria, Illinois
Fly Hamburg Fly Memmingen

Die Geburt ihres Sohnes
Claudio
zeigen an
Dr. Franz Herzka u. Frau Thea
geb. Buchdahl
4. Dezember 1943
Lima, Perú Casilla 597

We are happy to announce the
arrival of our son
Ronald Josef
BRUNO and ILSE COHEN
née Ehrlich
December 28, 1943
4815 Riverside Drive Fly Horrem
New York City near Cologne

We are happy to announce the
arrival of our son
John Paul
Ernst & Madeleine W. Loewenstein
née Weil
December 26th, 1943
585 West End Ave., New York, N. Y.
(formerly Wiesbaden-Erbenheim)

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Letter 3

COMMENTER: Levin-Morris Architects, LLP

DATE: Undated

RESPONSE:

Response 3

The commenter provides a critique of the Draft EIR and the Draft EIR's cultural resources technical report (Appendix B to the Draft EIR), supporting an alternative conclusion regarding the potential eligibility of the subject property as an historic resource for the purposes of CEQA. The commenter's opinions in regards to this issue also support a change in the impact determination for historic resources (Impact CR-1) from significant and unavoidable to less than significant without the need for mitigation.

City staff, the City's Cultural Heritage Commission, and the City's Planning Commission have considered the commenter's opinions and the information submitted by the commenter in this regard and, weighing the different conclusions and their bases, agree with the commenter. The Draft EIR has been revised in Section 0.0, *Executive Summary*; Section 4.1, *Cultural Resources*; and Section 6.0, *Alternatives,* to reflect the new information and revised impact discussion. These changes are shown in the text of the Final EIR in ~~strikethrough~~ (for deleted text) and underline (for added text) format. Impacts to historic resources would be less than significant without mitigation.

From: Narghizian, Varouj [vnarghizian@bhbenz.com]
Sent: Thursday, April 25, 2013 8:09 PM
To: Ryan Gohlich
Subject: RE: Letter of Support 90210

Letter 4

Dear Mr Gohlich,

On behalf of Mercedes Benz of Beverly Hills please let this letter serve as our support for the Empire at Burton Way project located at 9265 Burton Way, Beverly Hills 90210.

We are in full support of the plans to demolish the existing two derelict apartment buildings to construct a luxurious 6-story 23 unit residential condominium building. The height and density of the proposed project seems absolutely reasonable given the uniqueness of the site location and mass and height of the adjacent L'Ermitage Hotel neighbor to its West. The project seems to very much be contextual in nature and provides a nice step down transition from its neighboring buildings.

On a personal level, I live in the area and drive past the proposed project site every day on my way to work and often wonder why a more impressive and larger building is not located there.

Once again, I along with all of us at Mercedes Benz Beverly Hills are very excited to welcome this new development into our neighborhood.

Regards,

Varouj Narghizian, New Car Sales Manager
Mercedes-Benz of Beverly Hills
9250 Beverly Blvd
Beverly Hills, CA 90210
310 860 4474 Direct
310 200 9501 Cell
vnarghizian@bhbenz.com

Letter 4

COMMENTER: Varouj Narghizian

DATE: April 25, 2013

RESPONSE:

Response 4

The commenter states support for the proposed project. This comment does not question or challenge the analysis or conclusions of the Draft EIR, but is noted.

From: James Sicignano [jsicignano@yahoo.com]
Sent: Thursday, April 25, 2013 7:18 PM
To: Ryan Gohlich
Subject: Ryan Gohlich

Letter 5

Ryan Gohlich
Community Development Department
City of Beverly Hills
455 N. Rexford Dr.
Beverly Hills, CA 90210
rgohlich@beverlyhills.org

Hello Ryan,

I have been a resident manager at 9269 Burton Way here for almost fifteen years now and this new twenty three unit project is just what is needed. It is modern and a fantastic compliment to the adjacent buildings.

The proposed height and number of stories is a great synergy with the L'Ermitage Hotel and the east side TownHouses.

The site is fairly unique therefore the current design and plan is what would work best and it is clear to me that the owner has put a great deal of thought and planning into the proposed design and development scheme.

The years of wear and tear have taken it's toll on the current building as well. The is just what is needed for this location in Beverly Hills.

I have been a part of four attempted sales of the property before the current developer acquired it. I can testify that the current owners character and motivation are honest and well balanced.

Thank you,

James Sicignano
9269 Burton Way #D
Beverly Hills, CA 90210

Letter 5

COMMENTER: James Sicignano

DATE: April 25, 2013

Response 5

The commenter states support for the proposed project. This comment does not question or challenge the analysis or conclusions of the Draft EIR, but is noted.

Appendix A

Initial Study, Notice of Preparation, and Responses to Notice of Preparation

City of Beverly Hills

9265 Burton Way Condominium Project

Initial Study

February 2013

rincon

Environmental Scientists Planners Engineers

9265 Burton Way Condominium Project

Initial Study

Prepared by:

City of Beverly Hills
Planning Division, Department of Community Development
455 North Rexford Drive
Beverly Hills, California 90210
Contact: Ryan Gohlich, Senior Planner

Prepared with the assistance of:

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

February 2013

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Appendix A Air Quality Modeling Results
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INITIAL STUDY

1. Project title: 9265 Burton Way Condominium Project

2. Lead agency name and address:
City of Beverly Hills
Community Development Department
455 North Rexford Drive, First Floor
Beverly Hills, CA 90210

3. Contact Person and Phone Number: Ryan Gohlich, Senior Planner, (310) 285-1194

4. Project location: The 14,232 square foot project site is located at 9265 through 9269 Burton Way, in the City of Beverly Hills. The site is located on the north side of Burton Way between Foothill Road and North Maple Drive. The Assessor's parcel numbers are 4342-010-008 and 4342-010-009. As shown on Figure 1, Regional Location, the project site is located in Los Angeles County between the City of Santa Monica and the City of West Hollywood. The project site is regionally accessible from Interstate 405 (the San Diego Freeway) and Interstate 10 (the Santa Monica Freeway), and locally accessible from Santa Monica Boulevard (State Route 2). Figure 2, Project Location, shows an aerial view of the project site and surrounding area.

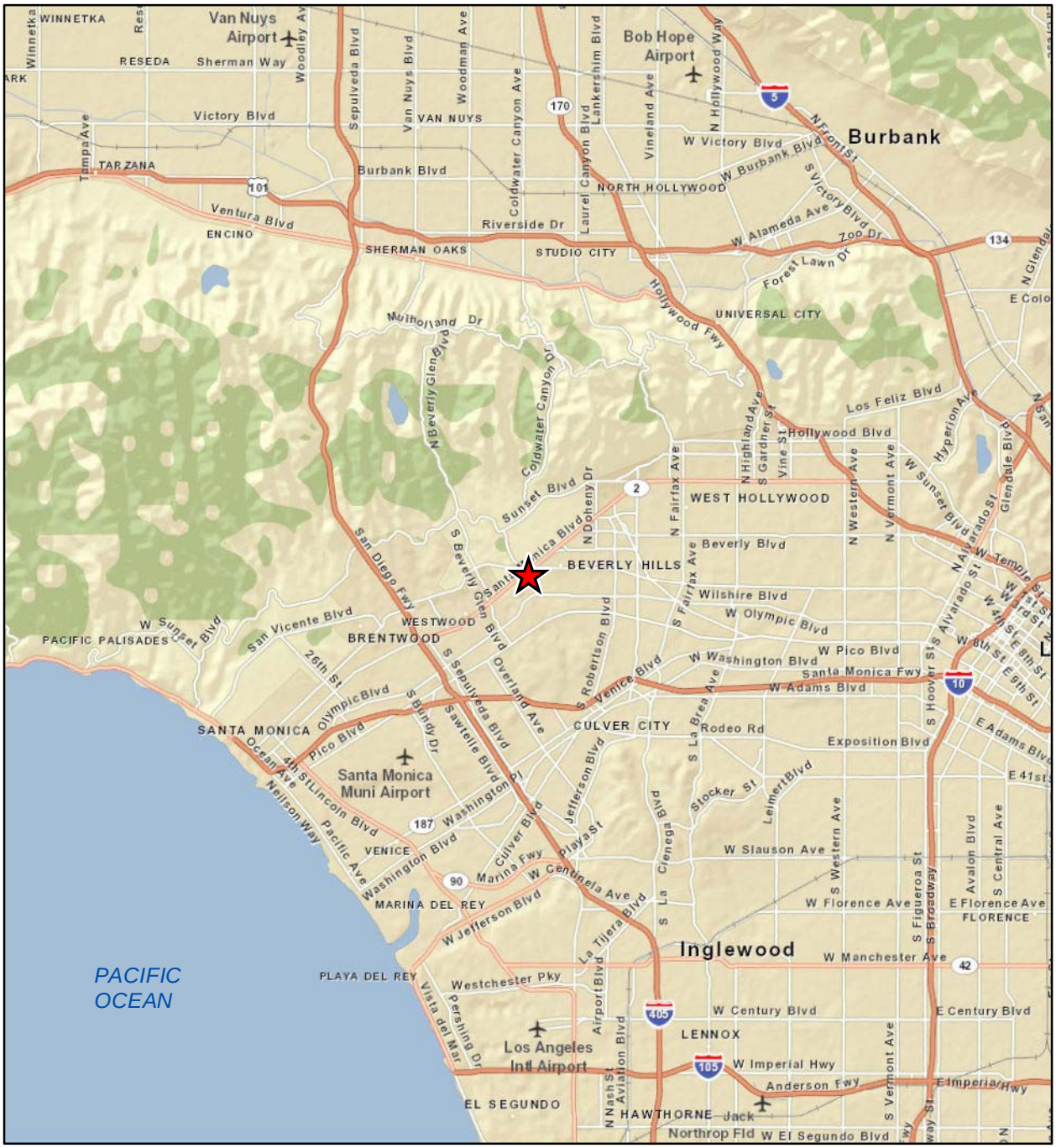
5. Project sponsor's name and addresses:
Edward Levin
Levin-Morris Architects LLP
1305 North Harper Avenue
West Hollywood, CA 90046
(323) 656-3034

6. General Plan designation: Multiple Residential

7. Zoning: R-4 (Multi-Family Residential)

8. Description of project:

The project would involve demolition of four existing one- to two-story buildings, as shown in the existing site plan (Figure 3), and construction of a new six-story condominium building with 23 residential units and 46 parking spaces. The existing buildings include 10 residential units and carports with 10 parking spaces. Figure 4 shows the proposed site plan, while Figures 5 and 6 show proposed elevations. Based on a proposed 42,755-square-foot building on a site area of 14,232 square feet, the floor area ratio (FAR) would be 3.00.



Imagery provided by ESRI and its licensors, 2012.

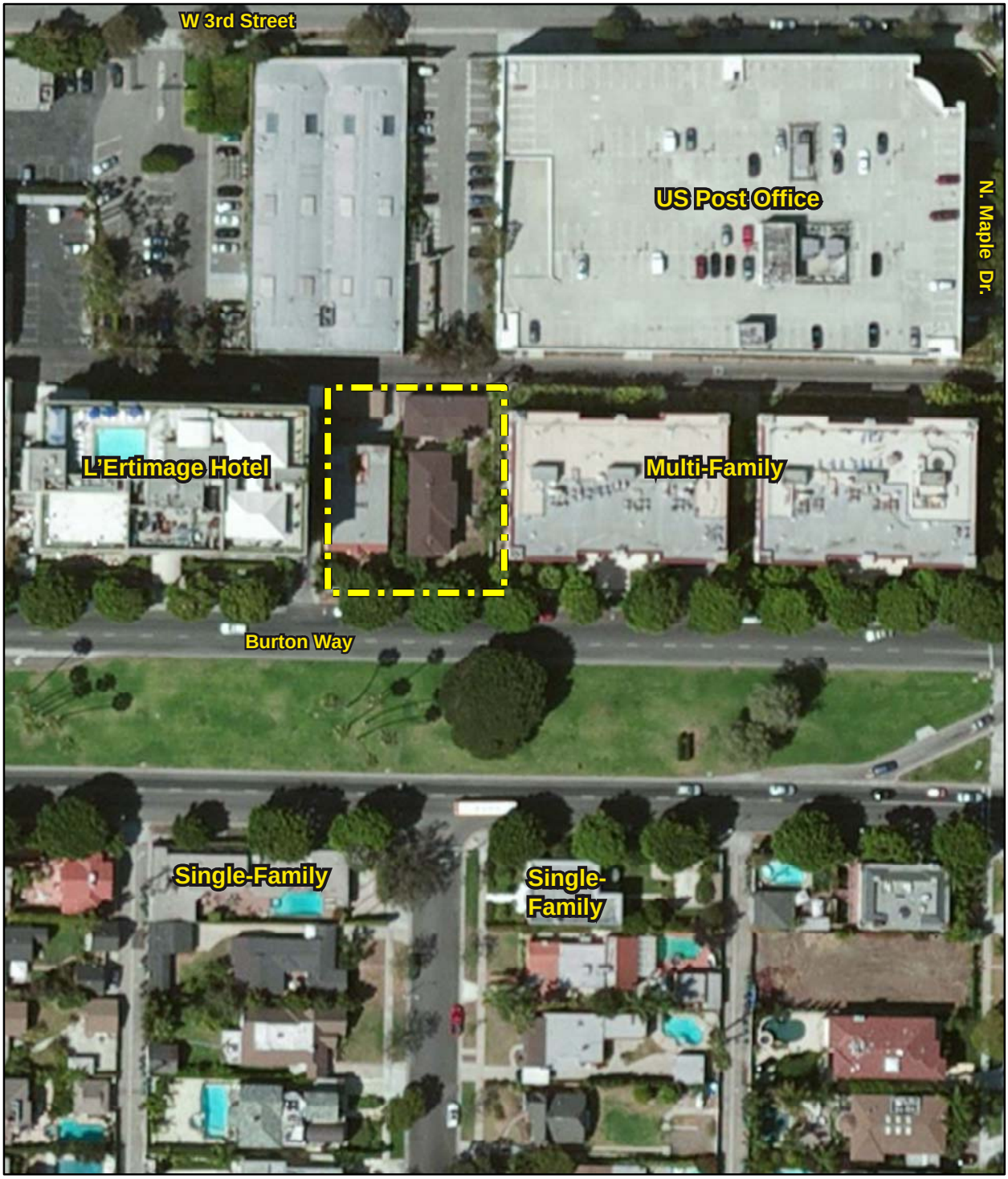
Project Location

N

0 1.5 3 Miles

Regional Location

Figure 1



Bing Maps Aerial: (c) 2010 Microsoft Corporation and its data suppliers. Additional data layer from Los Angeles County Assessor, August, 2010.

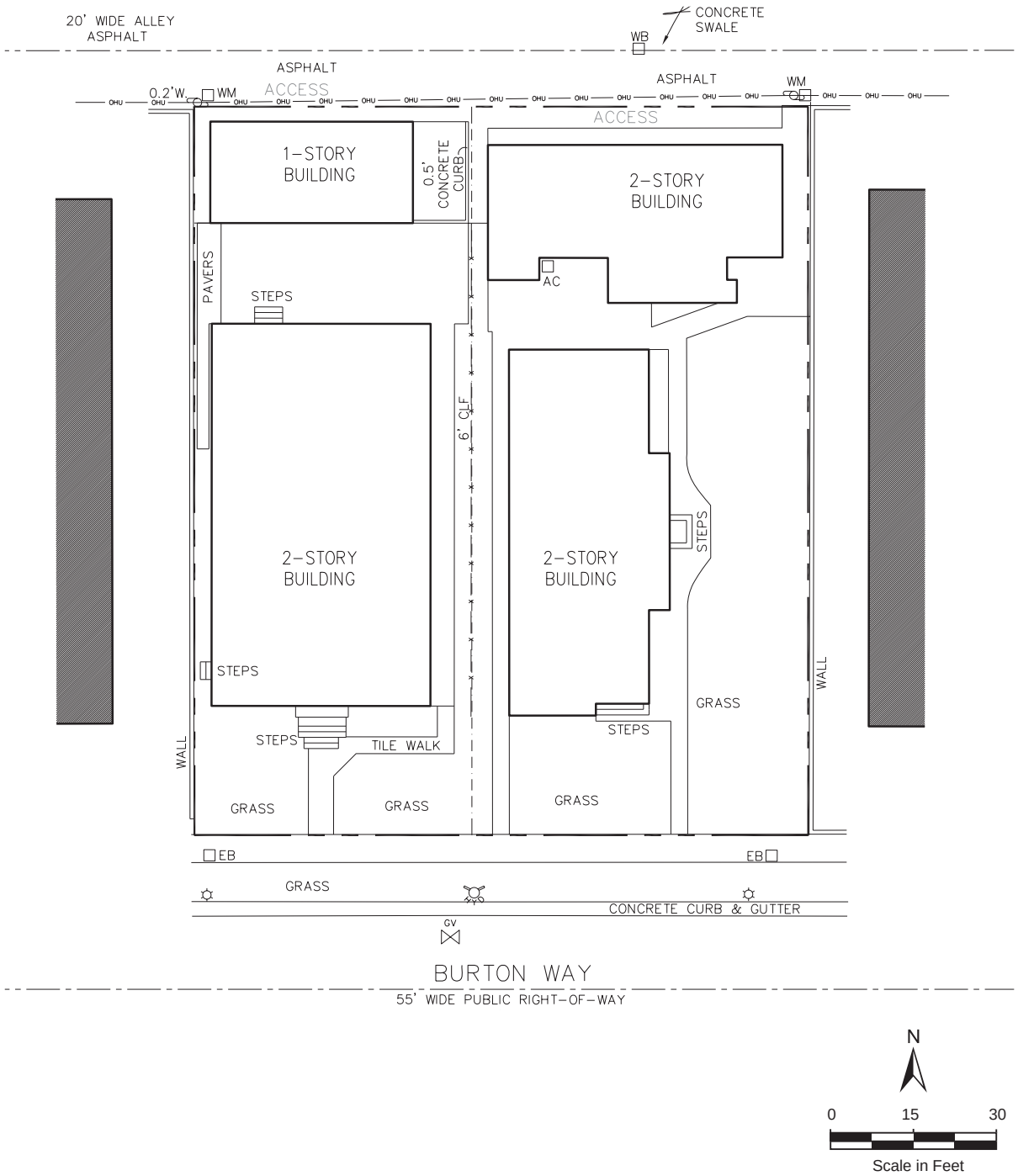
Project Site

0 50 100 Feet

N

Project Location

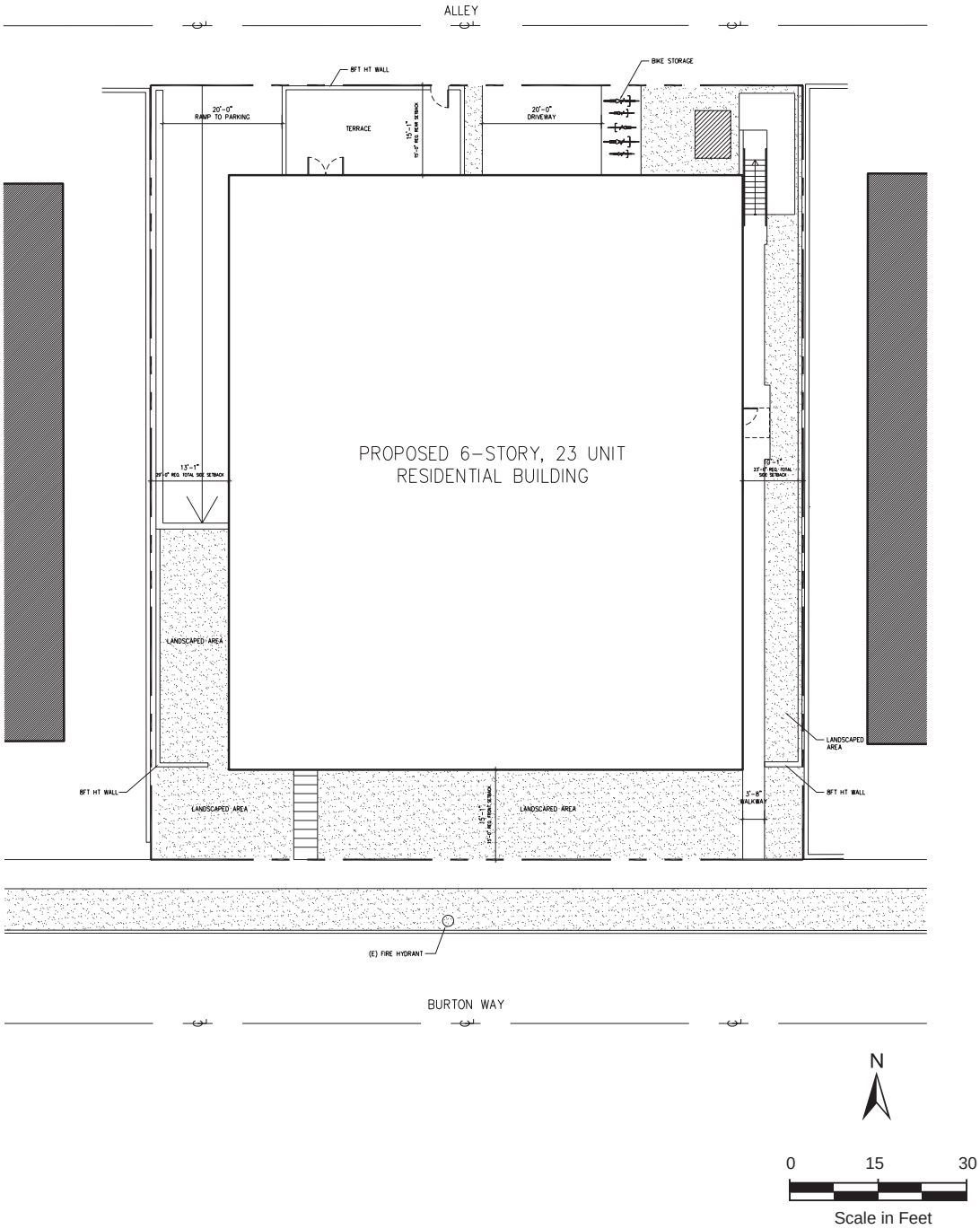
Figure 2



Existing Site Plan

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 3



Proposed Site Plans

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 4

NORTH ELEVATION

EAST ELEVATION

0 15 30
Scale in Feet

North and East Building Elevations

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 5

WEST ELEVATION

SOUTH ELEVATION

0 15 30
Scale in Feet

West and South Building Elevations

Source: Levin-Morris Architects, LSP, June 1, 2012.

Figure 6

The condominium would include one level of subterranean parking; one level of at-grade parking with a lobby and gym; five levels of residential units; and a rooftop common area. The condominium building would offer a variety of bedroom counts, as shown in Table 1, including two units designated for "very low income" housing.

Table 1
Project Summary

Type of Unit	Number of Units	Size (square feet)*
Gym	1	504
Lobby	1	554
Efficiency	1	904
1 Bedroom-affordable	2	961-970
1 Bedroom	3	1,014
2 Bedroom	13	1,394-1,486
3 Bedroom	4	1,854-2,072

Source: Levin-Morris Architects LLP (site plans).
Note: Size of housing units includes interior space but not terraces.

Project construction would take place over 15 months, including demolition, grading, building construction, paving, and finishing. For construction of the subterranean parking garage, excavation would occur at a depth of up to approximately 13 feet.

As shown in Figure 4, access to on-site parking would be provided by two driveways from the existing alley behind the site, parallel to Burton Way. One driveway would lead from the alley to the underground parking level, while another driveway to the west would lead to first-floor parking. The alley provides access between Foothill Road to the west and North Maple Drive to the east. Pedestrians would continue to have direct access to the project site from Burton Way.

9. Surrounding land uses and setting:

The approximately 0.33-acre, generally rectangular and relatively flat project site is bordered to the west by the eight-story L'Ermitage Hotel and to the east by a four-story multi-family residential building (see Figure 3). An alley borders the project site to the north, directly beyond which are commercial and institutional uses including a US Post Office. To the south is Burton Way, and on the other side of Burton Way are single-family residential uses. The building is entirely surrounded by urban uses.

10. Necessary Public Agency Approvals:

The project would require City of Beverly Hills approval of a Development Plan Review, a Density Bonus Permit, and an R-4 permit. A Development Plan Review is required for all common interest development projects, and for all projects constructed pursuant to a Density Bonus Permit. A Density Bonus Permit has been requested to exceed the standard height limit of 55 feet in Height District C, given that the proposed project would be 72 feet in height, to allow for non-enclosed ground floor parking, and to reduce the parking requirements. The project would also require approval of an R-4 Permit to allow rooftop uses, reduced building

modulation, and a second walkway along the front lot line. If these permits are approved, the project would be consistent with general plan policies and applicable zoning designation and regulations. According to standard practice in the City of Beverly Hills, if the project is approved by the Planning Commission, it would then undergo Architectural Review by the City's Architectural Commission and would require demolition and building permits from the City's Building and Safety Division.

ENVIRONMENTAL FACTORS AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant" or "Potentially Significant Unless Mitigation Incorporated" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☒ Cultural Resources	☐ Geology/Soils
☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/ Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities/Service Systems	☐ Construction Effects	☒ Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____ _____

Ryan Gohlich, Senior Planner
City of Beverly Hills

Date

ENVIRONMENTAL CHECKLIST

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS – Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

a) **Less than significant.** The project would involve redevelopment in an urbanized area of the City of Beverly Hills at 9265 Burton Way. The project would include demolition of four existing one- to two-story residential buildings and construction of a six-story condominium building with associated subterranean and ground-level parking. With a maximum height of 72 feet, the proposed building would be approximately 47 feet higher than the existing two-story buildings. The primary public viewpoints from which the project would be visible are along Burton Way, a divided road with a landscaped median. Existing buildings and trees block most views through the site, as shown in Figure 7a. Virtually all views that are available through the project site (i.e., over the existing buildings) are of adjacent and nearby structural development, including residential uses of varying heights. From the standpoint of public space along Burton Way, the Santa Monica Mountains are not currently visible over the project site to the north. While the proposed height increase would diminish visibility to the north from Burton Way, no scenic views would be obstructed. No City landmarks, hillside vistas, or notable urban views from public spaces are visible through the project site or in its vicinity. It should be noted that three blocks to the east of the project site, where Burton Way crosses into the City of Los Angeles, the roadway is designated as a scenic corridor under the Wilshire Community Plan (Los Angeles Department of City Planning, 2001); nonetheless, the project would have no visual effect on that corridor. The City of Beverly Hills has not designated Burton Way as a scenic corridor and has not adopted policies related to development along or views from this corridor. The proposed project would have a **less than significant impact** on a scenic vista and no mitigation would be required.

Photo 1 - View of project site and surrounding vegetation, looking north from Burton Way.

Photo 2 - View of southeast corner of project site looking north. Existing building to be demolished.

Site Photographs

Figure 7a

b) **Less than significant.** The proposed project includes redevelopment of property that is developed with residential buildings. The existing buildings at 9269 Burton Way are potentially historic due to their associations, as discussed in Section V, *Cultural Resources*; in terms of architecture, however, they represent relatively unremarkable examples of the period in which they were built. Thus, the existing buildings are not historic resources from a scenic standpoint. In addition, the project site is neither located on nor visible from a State Scenic Highway (California Scenic Highway Mapping System, 2012). Several trees and no rock outcroppings are present on the project site. Although the trees do not have sufficient stature or visibility to rise to the level of scenic resources, there are two mature street trees that dominate views of the project site from Burton Way, as shown in Figure 7a. The street trees would remain in place during project development, pursuant to BHMC 10-5-1001, whereby any tree located on the sidewalk directly in front of a project site must be protected from damage by construction activity. The project's impacts related to scenic resources would be **less than significant** with required adherence to the street tree protection standards in BHMC 10-5-1001.

c) **Less than significant.** The following discussion is divided into subheadings that focus on temporary construction effects, long-term visual effects, and shadow effects as they relate to visual character or quality of the site and surrounding area.

Temporary Construction Effects. Although temporary in nature, construction activities may cause a decrease in the site's visual quality. Construction of the project would require demolition of existing structures; hauling, including export of excavated materials; and construction of below-grade foundations, the building itself, street and sidewalk improvements, and landscaping. Construction activities would include the storage of equipment and materials, potentially including placement of a crane or cranes during the construction of the upper levels of the building. Due to the temporary nature of construction, these activities would not permanently degrade or modify the existing aesthetic image of the neighborhood, nor generate substantial long-term contrast with the visual character of the surrounding area. Therefore, visual quality impacts associated with construction would be temporarily adverse but **less than significant.**

Long Term Visual Effects. The project site is currently occupied by four one- and two-story buildings. One multi-family building is a modest example of the Minimal Traditional architectural style, common after World War II, while the other is a modest expression of the Spanish Revival style from the 1920s. Although the buildings and their lots are reasonably well-maintained, neither has inherently outstanding visual qualities relative to adjacent properties. As shown in Figure 7a, vegetation fronting the project area largely obstructs views from Burton Way; in addition, the existing side setback on the east side of the site, adjacent to 9249 Burton Way, is landscaped with shrubs and small trees. The proposed project would retain the site's general appearance at street level by leaving existing street trees in place, planting trees and shrubs across the front setback, and installing shrubs down the length of the side setback adjacent to the four-story residential building at 9249 Burton Way.

The areas adjacent to the project site have residential and commercial buildings ranging in height from four to eight stories. On the south side of Burton Way, across the median, existing single-family residences are one or two stories tall. The proposed project would include a six-story condominium building with a height of 72 feet. While this building would result in an

increase in the height and density of structural development on site, the resultant height and density would be consistent with adjacent buildings on the north side of Burton Way, as shown in Figure 7b. Lastly, any development on the project site would require review and approval by the City's Architectural Commission pursuant to Section 10-3-3007 of the Beverly Hills Municipal Code. The Commission would review the design, materials and colors of new development, which would help to ensure that any approved project would not degrade the visual character of the project site. For these reasons, long-term visual effects would be **less than significant.**

Shadow Effects. Shadow impacts are considered significant if a project would "create a new source of shade or shadow which would adversely affect existing shade/shadow-sensitive structures or uses." Facilities and operations sensitive to the effects of shading include: solar collectors; nurseries; primarily outdoor-oriented retail uses (e.g., certain restaurants); or routinely useable outdoor spaces associated with recreational, institutional (e.g., schools), or residential land uses. These uses are considered sensitive because sunlight is important to their function, physical comfort, and/or commerce. Sensitive uses in the project vicinity consist of outdoor recreational spaces at neighboring buildings on Burton Way: residential balconies at the L'Ermitage Hotel to the west and rooftop recreational spaces at that building as well as the four-story residential building to the east. Although the proposed height increase to six stories would result in a new source of shade and shadow, no sensitive uses would be affected. Shadows would fall mainly northward toward the alley and the rear walls of commercial buildings that face Third Street, and eastward toward the four-story residential building. West-facing windows on the four-story residential building would be shaded, but these are not considered shadow-sensitive outdoor spaces. Furthermore, balconies at the L'Ermitage Hotel do not face the project site, as shown in Figure 7b, and would not be shaded, while rooftop common areas at neighboring buildings would remain exposed to sunlight. Thus, the proposed condominium would not preclude future construction of solar facilities on adjacent rooftops. Therefore, shadow impacts would be **less than significant**.

d) **Less than significant.** The proposed project would involve the construction of a condominium building in an already developed area on the north side of Burton Way between Foothill Road and North Maple Drive. Existing sources of light and glare include street lights along Burton Way and headlights from cars entering or leaving carports on the alley. Implementation of the project would eliminate existing light and glare sources from existing buildings and would introduce new sources of light and glare. Potential new sources of lighting include windows, lighting at the entrances to the parking levels, illumination of exterior building areas, and signage. Headlights from vehicles entering and exiting the parking areas at night could cast light onto roadways and surrounding properties; however, given the location of parking driveways on the alley parallel to Burton Way, nighttime light from headlights would be visible primarily from commercial properties along West 3rd Street than to residential properties on Burton Way. In addition, the vicinity of the project site is urban in character, with an accordingly high level of existing lighting. Sensitive receptors near the project site include an adjacent multi-family building to the east, single-family residences on the south side of Burton Way, and a hotel to the west. The project would also be required to comply with adopted City regulations that limit the design, intensity and impacts of night

Photo 3 - View of 9249 Burton Way, located adjacent to project site, looking northwest from the street.

Photo 4 - View of 9291 Burton Way, an eight-story hotel adjacent to project site, looking southwest from the alley.

.

Site Photographs

Figure 7b

lighting, including City Code Section 10-4-314, Lighting of Premises, which includes the following standards:

> A. *Any perimeter or flood lighting or other external lighting, whether used for illumination or advertisement, which illuminates private land, buildings, signs, or structures, whether built upon or not, shall be permitted only when such lighting is installed on private property and hooded or shielded so that no direct beams therefrom fall upon public streets, alleys, highways, or other private property. Such lighting shall be subject to architectural review pursuant to chapter 3, article 30 of this title. The reviewing authority shall consider the color, design, and placement of the lighting fixtures and the color, design and intensity of the lighting.*
>
> B. *Except as provided in subsection C of this section, any projected light display or exposed tube lighting element, such as neon, on the exterior of any building or structure that is not subject to regulation as a sign under article 6 of this chapter shall be subject to architectural review pursuant to the criteria set forth in section 10-3-3010 of this title, the architectural commission shall be the reviewing authority for purposes of such review.*

Section 5-6-1101, Excessive Lighting Prohibited, states that "[i]t shall be unlawful for any person, except governmental agencies, to install, use, or maintain any lighting which creates an intensity of light on residential property which is greater than one foot-candle above ambient light level; and provided further, all permissive lighting shall be arranged to focus on the property from which it originates, and shall not directly reflect upon any adjacent residential property."

The City has also adopted regulations to control the potentially adverse visual impacts of building signs. Municipal Code Section 10-4-315, Intensity of Lighting, includes the following standards:

> A. *No sign shall be permitted which, by virtue of the intensity, direction, or color of its lighting or illumination, shall interfere with the proper operation of, or cause confusion to the operator of, a motor vehicle on the public streets.*
>
> B. *No sign which is lighted or illuminated to an intensity in excess of that of a public street light shall be constructed or maintained within two hundred feet (200') of and facing property in a residential zone.*

Finally, pursuant to Section 10-3-3012.G of the Municipal Code, the Architectural Commission has authority to review and approve exterior lighting plans and signage for development. Section 10-3-3012 of the Municipal Code prescribes the contents of required plans and directs that they include "[a]n indication of the exterior lighting standards and devices adequate to review the possible hazards and disturbances to the public and adjacent properties." Therefore, with required compliance with the Municipal Code, the proposed project would have a less than significant impact with respect to increased lighting.

Potential sources of glare from the project include parked cars and the sun's reflection from metallic or glass on vehicles. Glare from parked cars would be minimal due to the location of

parking below ground and within the first story of the proposed condominium. Therefore, there would be a less than significant impact related to glare from the proposed new development.

The proposed project would replace existing light and glare sources, but would not create substantial new sources of light and glare. As such, impacts from light and glare would be **less than significant** and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
II. AGRICULTURE AND FOREST RESOURCES -- Would the project:				
a) Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

a-e) **No impact.** The project would involve re-development of an existing urbanized site in Beverly Hills that is not in the vicinity of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. In addition, neither the project site nor surrounding land is zoned for agricultural development, nor is under a Williamson Act contract. The project would not directly or indirectly result in the conversion of farmland to non-agricultural use. Since the project site and vicinity are already urbanized, the project would neither conflict with existing zoning for forest land nor result in the loss of forest land. **No impact** would occur.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
III. AIR QUALITY -- Would the Project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐

A significant adverse air quality impact may occur when a project individually or cumulatively interferes with progress toward the attainment of the ozone standard by releasing emissions that equal or exceed the established long term quantitative thresholds for pollutants, or causes an exceedance of a state or federal ambient air quality standard for any criteria pollutant. The project site is located within the South Coast Air Basin and falls under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The Basin is a non-attainment area for both the federal and state standards for ozone (O_3) and fine particulate matter (PM_{10} and $PM_{2.5}$) (SCAQMD, 2012). For lead pollution, the Basin is a non-attainment area for federal standards, while Los Angeles County was a non-attainment area for the state standard in 2010 and 2011 (CARB, 2011). The basin is in attainment for federal and state standards applied to nitrogen dioxide (NO_x) and (CO). This air quality analysis conforms to the methodologies recommended in the South Coast Air Quality Management District CEQA Air Quality Handbook (1993). A project's impact to air quality is significant if its emissions exceed any of the thresholds for criteria pollutants shown in Table 2, below.

Table 2
Air Quality Thresholds

Pollutant	Construction	Operation
NO_x	100 lbs/day	55 lbs/day
VOC	75 lbs/day	55 lbs/day
PM_{10}	150 lbs/day	150 lbs/day

Table 2
Air Quality Thresholds

Pollutant	Construction	Operation
$PM_{2.5}$	55 lbs/day	55 lbs/day
CO	550 lbs/day	550 lbs/day

Source: SCAQMD, accessed online 2012.

In addition to the regional air quality thresholds shown above, SCAQMD has also developed Localized Significance Thresholds (LSTs) in response to the Governing Board's Environmental Justice Enhancement Initiative (1-4), which was prepared to update the SCAQMD's CEQA Air Quality Handbook. LSTs were devised in response to concern regarding exposure of individuals to criteria pollutants in local communities. LSTs represent the maximum emissions from a project that will not cause or contribute to an air quality exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest sensitive receptor, taking into consideration ambient concentrations in each source receptor area (SRA), project size, distance to the sensitive receptor, etc. However, LSTs only apply to emissions from on-site operations. LSTs have been developed for NO_X, CO, PM_{10} and $PM_{2.5}$. LSTs are not applicable to mobile sources such as cars on a roadway (SCAQMD, 2003). As such, LSTs for operational emissions would not apply to the proposed project as the majority of emissions would be generated by cars on the roadways.

LSTs have been developed for emissions within areas up to five acres in size, with air pollutant modeling recommended for activity within larger areas. The SCAQMD provides a lookup table for sites that measure one, two or five acres. The project site measures approximately 0.33 acres and is located in Source Receptor Area 2 (SRA-2), which is designated by the SCAQMD as Northwest Coastal LA County and includes the City of Beverly Hills. The LST construction emission thresholds shown in Table 3 are from the LST lookup tables for one-acre project sites. The thresholds in Table 3 were determined based on the distance from the project site to nearby sensitive receptors.

Sensitive receptors typically include residences, schools, hospitals and the elderly. The nearest schools to the project site are all located approximately 0.6 miles away: the Hawthorne School is located northwest of the project site at 624 North Rexford Drive, while the Beverly Vista School is southward at 200 South Elm Drive, and Temple Emanuel Early Childhood Center is eastward at 8844 Burton Way. Residences are located approximately 10 feet to the east and 180 feet to the south of the site. The closest medical center is located approximately 0.7 miles east of the site (Cedars-Sinai Medical Center). The nearest senior housing facility is located 0.3 miles southwest of the site (Sunrise of Beverly Hills).

Table 3
SCAQMD LSTs for Construction in SRA-2

Pollutant	Allowable emissions 82 feet (25 meters) from the 1-acre site boundary (lbs/day)
Gradual conversion of NO_x to NO_2	103
CO	562
PM_{10}	4
$PM_{2.5}$	3

Source: http://www.aqmd.gov/CEQA/handbook/LST/appC.pdf, accessed online 5/2012.

a) **Less than significant**. Generally, a project would conflict with or potentially obstruct implementation of an air quality plan if the project would contribute to population growth in excess of that forecasted in the air quality management plan. The proposed project involves demolition of ten existing residential units and construction of 23 new units, resulting in a net gain of 13 units. The current City population is 34,291 as of January 2012. Given that the ratio of persons per household in Beverly Hills is 2.29, the project could be expected to add approximately 30 new residents; thus, the City's population would increase to 34,321 (California Department of Finance, 2012). The projected population would remain less than SCAG's population projection of 35,000 by 2020 under the Integrated Growth Forecast model (2012). Therefore, the project is not anticipated to generate substantial population growth within the City. The potential impact with respect to conflicts with the Air Quality Management Plan would be **less than significant** and mitigation is not required.

b, c) **Less than significant.** Project implementation would generate temporary air pollutant emissions during construction and long-term emissions due to project-generated vehicle traffic and energy use. Related impacts are discussed below.

Construction Emissions. Development of the proposed project would involve demolition, site grading, excavation, new building construction, and other construction-related activities that have the potential to generate fugitive dust (PM_{10} and $PM_{2.5}$) through the exposure of soil to wind erosion and dust entrainment. In addition, exhaust emissions associated with heavy construction equipment would potentially degrade air quality. Dust and exhaust emissions associated with construction activities are considered temporary air quality impacts.

Temporary construction emissions from these activities were estimated using the California Emissions Estimator Model (CalEEMod) computer modeling program. Please see Appendix A for Air Quality Modeling Results. The CalEEMod program is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both the construction and operation of a variety of land use projects. The model quantifies direct emissions from construction and operation (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The model incorporates Pavley standards and Low Carbon Fuel standards into the mobile source emission factors. Table 4 shows the maximum daily construction emissions.

Table 4
Estimated Maximum Daily Emissions During Construction (pounds per day)

	ROG	NO_X	CO	PM_{10}	$PM_{2.5}$
Emissions Max Daily Emissions	44.84	36.60	23.31	19.25	2.43
SCAQMD Threshold (peak day)	*75*	*100*	*550*	*150*	*55*
Exceed SCAQMD Threshold?	***No***	***No***	***No***	***No***	***No***
Max Daily On-Site Emissions	44.81	17.66	10.87	1.49	1.34
Localized Significance Thresholds[1]	*N/A*	*103*	*562*	*4*	*3*
Exceed LST?	***No***	***No***	***No***	***No***	***No***

Source: CalEEMod, 2012.
[1] Allowable emissions (lbs/day) as a function of receptor distance (25 meters) from site boundary. LST for Source Receptor Area 2: Northwest Coastal LA County. Source: http://www.aqmd.gov/ceqa/handbook/lst/appC.pdf
Note: Please see Appendix A for complete modeling results. Summer construction and operational emissions were modeled and reported for a conservative estimate of project emissions, since emission estimates are typically higher in the summer months compared to the winter months. Summer emission estimates report the most conservative pounds-per-day of emissions associated with the project, which are then compared to the SCAQMD thresholds measured in pounds-per-day. The CalEEMod emissions calculator model shows the maximum day in the summer months, which results in a conservative estimate of project emissions. The annual emissions listed in the tables in Appendix A show the average annual emissions over the year. These estimates are used for analysis of greenhouse gas emissions impacts, since the greenhouse gas emission thresholds are based on metric tons per year.

As indicated in Table 4, the estimated daily construction emissions of criteria pollutants are below SCAQMD construction thresholds for this location. The estimated daily construction emissions would be below LST thresholds for all criteria pollutants. The impact of the project by itself would be **less than significant** and mitigation is not required. Nonetheless, Rule 403 of the SCAQMD Handbook requires implementation of measures to minimize emissions for all dust-generating activity, regardless of whether it exceeds thresholds. The non-attainment status of the South Coast Air Basin for PM and NOx emissions requires that Best Available Control Measures (BACMs) be used to minimize regional cumulative PM and NOx emissions from all construction activities, even if any single project does not cause the thresholds to be exceeded.

Operational Emissions. Long-term operational emissions associated with the proposed project are those that would be generated by vehicle trips (mobile emission) and the use of natural gas and landscaping maintenance equipment (area source emissions) upon occupancy of the project. Pollutant emissions were quantified using the CalEEMod air quality model based on the proposed use and the number of associated vehicle trips generated by the project as discussed above. The estimate of operational emissions includes both emissions from vehicle trips and from electricity and natural gas consumption. The vehicle trip assumptions are based on traffic data from the traffic study (see Appendix B).

Table 5 provides the estimated net increase in operational emissions that would result from implementation of the proposed project. Emissions from existing operations that would be replaced were quantified, and then subtracted from the estimated emissions that would result from the proposed new development.

Table 5
Unmitigated Operational Emissions

	Emissions (lbs/day)			
	ROG	**NO_X**	**CO**	**PM_{10}**
Emissions	**4.80**	**2.71**	**19.50**	**3.17**
SCAQMD Thresholds	*55*	*55*	*550*	*150*
Exceed Thresholds?	*No*	*No*	*No*	*No*

Source: CalEEMod, 2012.

Note: Please see Appendix A for complete modeling results. Summer construction and operational emissions were modeled and reported for a conservative estimate of project emissions, since emission estimates are typically higher in the summer months compared to the winter months. Summer emission estimates report the most conservative pounds-per-day of emissions associated with the project, which are then compared to the SCAQMD thresholds measured in pounds-per-day. The CalEEMod emissions model shows the maximum day in the summer months, which results in a conservative estimate of project emissions. The annual emissions listed in the tables in Appendix A show the average annual emissions over the year. These estimates are used for analysis of greenhouse gas emissions impacts, since the greenhouse gas emission thresholds are based on metric tons per year.

As shown, the emissions generated by the proposed project would not exceed the SCAQMD's daily operational thresholds for any pollutant and would not significantly affect regional air quality. Therefore, the impact would be **less than significant**.

Additionally, as discussed in Section XVI, *Transportation/Traffic*, this project would not result in significant traffic impacts at signalized intersections, causing the level of service (LOS) to change to E or F. Thus, the project would not require analysis for CO hotspots, based on the recommendations contained in Caltrans' Transportation Project-Level Carbon Monoxide Protocol.

d) **Less than significant.** During construction, the sensitive receptors identified above could be exposed to higher than normal concentrations of particulate matter as well as exhaust emissions from construction vehicles. However, as shown in Table 4, the PM_{10} emissions would be reduced to below SCAQMD's daily construction thresholds by compliance with the agency's mandatory dust control rules. The existing buildings at the project site were constructed in 1927 and 1945 and therefore have the potential to contain asbestos and/or lead-based paint that could be released during demolition. SCAQMD Rule 1403 would require the developer, to have the buildings evaluated for asbestos prior to obtaining a demolition permit; if the buildings are found to contain such materials, an asbestos abatement permit shall be obtained from the City of Beverly Hills Department of Building and Safety. Demolition permits may then be issued upon submittal of an asbestos abatement completion certificate by qualified contractors as required by BHMC 9-1-104 (via adopted addition to the uniform administrative code 102.9). Lead-based materials exposure is regulated by California Occupational Safety and Health Administration (CalOSHA) regulations. California Code of Regulations, §1532.1, requires testing, monitoring, containment, and disposal of lead-based materials such that exposure levels do not exceed CalOSHA standards. Therefore, effects to sensitive receptors would be **less than significant** with required adherence to existing regulations, and mitigation is not required.

e) **Less than significant.** Figure 5-5, *Land Uses Associated with Odor Complaints,* of the 1993 SCAQMD CEQA Air Quality Handbook identifies the following land uses associated with odor complaints: Agriculture, Wastewater Treatment Plants, Food Processing Plants, Chemical Plants, Composting, Refineries, Landfills, Dairies, and Fiberglass Molding Plants. Activities associated with the proposed condominium and parking are not typically associated with odor complaints. Therefore, impacts would be **less than significant** and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES -- Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

a-c, e, f) The project site is in an urbanized area, has been graded previously, and is surrounded by pavement and urban structures (multi-family residential buildings and commercial buildings). No threatened, endangered or rare species or their habitats; locally designated species; locally designated natural communities; wetland habitats; or wildlife corridors are known to exist on the site. **No impact** to these biological resources would occur.

d) **Less than significant.** The project site is located in an urbanized area and approximately 77% of its area is covered by impervious surface; however, existing vegetation on landscaped portions of the site may serve as suitable nesting habitat for migratory birds. Potentially suitable vegetation includes two mature palm trees, two ornamental trees, and hedges and small trees along existing property lines. Because of the highly urbanized nature of the site and its surroundings, and because the trees and hedges are non-native and of modest stature, migratory birds as defined by the Migratory Bird Treaty Act (MBTA) would not be expected to rely on the site. Therefore, the project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES -- Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☒	☐	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

a) **Potentially significant.** Two existing buildings on the project site, at 9269 Burton Way, were constructed as multi-family residences in 1927. In addition, the two existing buildings at 9265-67 Burton Way were constructed for the same purpose in 1945. Due to the age of these buildings and association with a former resident, Wilhelm Stadthagen, demolition would have a **potentially significant impact** on historical resources. Impacts to cultural resources and mitigation measures will be discussed in greater detail in the EIR.

b-d) **Potentially significant unless mitigation incorporated.** The surface of the project site has been previously disturbed and developed and no archaeological or paleontological resources are known to have been discovered. However, excavation required for building foundations and the subterranean parking garage has the potential to disturb previously unknown archaeological or paleontological resources and/or human remains. This impact is **potentially**

significant unless mitigated. Impacts to cultural resources and mitigation measures will be discussed in greater detail in the EIR.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VI. GEOLOGY and SOILS – Would the Project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in -B of the Uniform Building Code, creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

a. i.) **Less than significant.** Southern California is located in an active seismic region. As such, development that occurs within the geographical boundaries of southern California has the potential of exposing people and/or structures to potentially substantial adverse effects involving the rupture of a known earthquake fault. The City of Beverly Hills contains both active and potentially active faults. Two active or potentially active faults, the Hollywood Fault and the Santa Monica Fault, are located within the City limits. The Hollywood and Santa

Monica Faults are part of a major east/west trending, left lateral reverse fault system that forms the southern boundary of the Transverse Ranges physiographic province. The Newport-Inglewood Fault is located approximately two miles south of the City. None of these faults bisect the project site (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010). In addition, the proposed building would be required to conform to the Uniform Building Code (UBC) and the California Building Code (CBC), which mitigate potential adverse effects associated with seismic activity through design considerations. Therefore, impacts resulting from fault rupture would be **less than significant** and mitigation is not required.

a. ii.) **Less than significant.** Several active and/or potentially active faults within Los Angeles County could potentially affect structures built on the project site due to seismic shaking. All of southern California is in a seismically active region. Ground motion caused by an earthquake is likely to occur at the site during the lifetime of the development due to the proximity of several active and potentially active faults. Development that occurs within the geographical boundaries of southern California has the potential of exposing people and/or structures to potentially substantial adverse effects involving the strong seismic ground shaking. Design and construction of the proposed project would be required to adhere to the recommendations listed in the standard procedures of the California Building Code (CBC) and Uniform Building Code (UBC) to reduce any potential impacts from seismic related activity affecting the site. Impacts would be **less than significant** and mitigation is not required.

a. iii.) **Less than significant.** Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged ground shaking or because of a sudden shock or strain. Liquefaction typically occurs in areas where the groundwater is less than 30 feet from the surface and where the soils are composed of poorly consolidated fine to medium sand. The project site is not located within an area determined to have the potential to be subject to liquefaction on the City of Beverly Hills Seismic Hazards Map (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010). Design and construction of the proposed project would be required to adhere to the recommendations listed in the standard procedures of the California Building Code (CBC) and Uniform Building Code (UBC) to reduce any potential impacts from seismic related activity affecting the site. Thus, impacts would be **less than significant** and mitigation is not required.

a. iv.) **Less than significant.** The topography of the site and its immediate built environment is generally flat and devoid of any distinctive landforms. Given the relatively flat nature of the site and its surroundings, and the fact that the project site is not located within the landslide hazard zone on the City of Beverly Hills Seismic Hazards Map (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010), no potential for significant landslides exists. Impacts relating to landslides would be **less than significant** and mitigation is not required.

b) **Less than significant.** Construction activity associated with site development may result in the erosion of soils from wind and water. The use of standard construction Best Management Practices (BMPs) on the construction site, as required by Section 9-4-507 of the City of Beverly Hills Municipal Code, would reduce any potentially significant soil erosion impacts. Please refer to additional discussion of erosion under Section IX, *Hydrology and Water Quality*. Impacts would be **less than significant** and mitigation is not required.

c) **Less than significant.** As discussed under items a(i) through a(iv), the project site does not have any conditions that pose unusual risks relating to soils or other potential secondary seismic hazards. Subsidence can occur as a result of excessive groundwater or petroleum withdrawals which cause the ground surface to sink. Subsidence often occurs in alluvial valleys filled to great depth with alluvial fan and lake-deposited sediments. Subsidence produces cracks in pavements and buildings and may dislocate wells, pipelines, and water drains. Beverly Hills has experienced limited subsidence over the years (City of Beverly Hills Technical Background Report, 2005). However, development in the City of Beverly Hills is required to adhere to the UBC and CBC. The CBC and UBC regulate the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to mitigate the effects of adverse soil conditions. With required adherence to required building codes and regulations, impacts would be **less than significant** and mitigation is not required.

d) **Less than significant.** Expansive soils are primarily comprised of clays, which increase in volume when water is absorbed and shrink when dry. Expansive soils are of concern since building foundations may rise during the rainy season and fall during dry periods in response to the clay's action. If movement varies under different parts of the building, structural portions of the building may distort. Clay soils beneath the City of Beverly Hills have the potential to expand (City of Beverly Hills Technical Background Report, 2005). However, since development of the proposed project would be required to adhere to the UBC and CBC, which mitigate the effects of adverse soil conditions, impacts relating to expansive soils would be **less than significant** and mitigation is not required.

e) **No impact.** Development on the property would be served by the City's wastewater disposal system. The project does not include a septic system; therefore, there is no potential for adverse effects due to soil incompatibility. **No impact** would occur.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VII. <u>GREENHOUSE GAS EMISSIONS</u> - Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

a) **Less than significant.**

<u>Climate Change and Greenhouse Gases</u>. Climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans along with other substantial changes in climate (such as wind patterns, precipitation, and storms) over an extended period of time. The

term "climate change" is often used interchangeably with the term "global warming," but "climate change" is preferred to "global warming" because it helps convey that there are other changes in addition to rising temperatures. The baseline against which these changes are measured originates in historical records identifying temperature changes that have occurred in the past, such as during previous ice ages. The global climate is continuously changing, as evidenced by repeated episodes of substantial warming and cooling documented in the geologic record. The rate of change has typically been incremental, with warming or cooling trends occurring over the course of thousands of years. The past 10,000 years have been marked by a period of incremental warming, as glaciers have steadily retreated across the globe. However, scientists have observed acceleration in the rate of warming during the past 150 years. Per the United Nations Intergovernmental Panel on Climate Change (IPCC, 2007), the understanding of anthropogenic warming and cooling influences on climate has led to a high confidence (90% or greater chance) that the global average net effect of human activities since 1750 has been one of warming. The prevailing scientific opinion on climate change is that most of the observed increase in global average temperatures, since the mid-20th century, is likely due to the observed increase in anthropogenic GHG concentrations (IPCC, 2007).

Gases that absorb and re-emit infrared radiation in the atmosphere are called greenhouse gases (GHGs). GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced climate change include carbon dioxide (CO_2), methane (CH_4), nitrous oxides (N_2O), fluorinated gases such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). Water vapor is excluded from the list of GHGs because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation.

GHGs are emitted by both natural processes and human activities. Of these gases, CO_2 and CH_4 are emitted in the greatest quantities from human activities. Emissions of CO_2 are largely by-products of fossil fuel combustion, whereas CH_4 results from off-gassing associated with agricultural practices and landfills. Man-made GHGs, many of which have greater heat-absorption potential than CO_2, include fluorinated gases and sulfur hexafluoride (SF_6) (CalEPA, 2006). Different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere over a specified timescale (generally, 100 years). Because GHGs absorb different amounts of heat, a common reference gas (CO_2) is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as "carbon dioxide equivalent" (CO_2E), and is the amount of a GHG emitted multiplied by its GWP. Carbon dioxide has a GWP of one. By contrast, methane (CH_4) has a GWP of 21, meaning its global warming effect is 21 times greater than carbon dioxide on a molecule per molecule basis (IPCC, 1997).

The accumulation of GHGs in the atmosphere regulates the earth's temperature. Without the natural heat trapping effect of GHG, Earth's surface would be about 34° C cooler (CalEPA, 2006). However, it is believed that emissions from human activities, particularly the consumption of fossil fuels for electricity production and transportation, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

Based upon the California Air Resources Board (ARB) *California Greenhouse Gas Inventory for 2000-2009*, California produced 453 MMT CO_2E in 2008 (CARB, 2012). The major source of GHG in California is transportation, contributing 38% of the state's total GHG emissions. Electricity generation is the second largest source, contributing 23% of the state's GHG emissions. California emissions are due in part to its large size and large population compared to other states. Another factor that reduces California's per capita fuel use and GHG emissions, as compared to other states, is its relatively mild climate. ARB has projected statewide unregulated GHG emissions for the year 2020, which represent the emissions that would be expected to occur in the absence of any GHG reduction actions, will be 596 MMT CO_2E.

Regulatory Setting. Assembly Bill (AB) 1493 (2002), referred to as "Pavley," requires ARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, EPA granted the waiver of Clean Air Act preemption to California for its greenhouse gas emission standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to 2016 and Pavley II, which is now referred to as "LEV (Low Emission Vehicle) III GHG" will cover 2017 to 2025. Fleet average emission standards would reach 22 per cent reduction by 2012 and 30 per cent by 2016.

In 2005, former Governor Arnold Schwarzenegger issued Executive Order S-3-05, establishing statewide GHG emissions reduction targets. Executive Order (EO) S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80% of 1990 levels (CalEPA, 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report") (CalEPA, 2006). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc.

California Regulations. California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the Statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15% reduction below 2005 emission levels; the same requirement as under S-3-05), and requires ARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires ARB to adopt regulations to require reporting and verification of statewide GHG emissions.

After completing a comprehensive review and update process, the ARB approved a 1990 statewide GHG level and 2020 limit of 427 MMT CO_2E. The Scoping Plan was approved by ARB on December 11, 2008, and includes measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. The Scoping Plan includes a range of GHG reduction actions that may include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms.

Executive Order S-01-07 was enacted on January 18, 2007. The order mandates that a Low Carbon Fuel Standard ("LCFS") for transportation fuels be established for California to reduce the carbon intensity of California's transportation fuels by at least 10% by 2020.
Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in California Environmental Quality Act (CEQA) documents. In March 2010, the California Resources Agency (Resources Agency) adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

Senate Bill (SB) 375, signed in August 2008, enhances the State's ability to reach AB 32 goals by directing ARB to develop regional greenhouse gas emission reduction targets to be achieved from vehicles for 2020 and 2035. SB 375 directs each of the state's 18 major Metropolitan Planning Organizations (MPO) to prepare a "sustainable communities strategy" (SCS) that contains a growth strategy to meet these emission targets for inclusion in the Regional Transportation Plan (RTP). On September 23, 2010 ARB adopted final regional targets for reducing greenhouse gas emissions from 2005 levels by 2020 and 2035.

ARB Resolution 07-54 establishes 25,000 metric tons of GHG emissions as the threshold for identifying the largest stationary emission sources in California for purposes of requiring the annual reporting of emissions. This threshold is just over 0.005% of California's total inventory of GHG emissions for 2004.

In April 2011, Governor Brown signed SB 2X requiring California to generate 33% of its electricity from renewable energy by 2020.

<u>CEQA Requirements</u>. Pursuant to the requirements of SB 97, the Resources Agency has adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted CEQA Guidelines provide general regulatory guidance on the analysis and mitigation of GHG emissions in CEQA documents, but contain no suggested thresholds of significance for GHG emissions. Instead, they give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts. The general approach to developing a Threshold of Significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move the state towards climate stabilization. If a project would generate GHG emissions above the threshold level, its contribution to cumulative impacts would be considered significant. To date, the Bay Area Air Quality Management District (BAAQMD), the South Coast Air Quality Management District (SCAQMD), and the San Joaquin Air Pollution Control District (SJVAPCD) have adopted quantitative significance thresholds for GHGs. The SCAQMD threshold, which was adopted in December 2008, considers emissions of over 10,000 metric tons CO_2E /year to be significant. However, the SCAQMD's threshold applies only to stationary sources and is expressly intended to apply only when the SCAQMD is the CEQA lead agency. Note that no air district has the power to establish definitive thresholds that will completely relieve a lead agency of the

obligation to determine significance on a case-by-case basis for a specific project. Currently, the recommended threshold by SCAQMD for all land use types is 3,000 metric tons CO_2E per year (SCAQMD, 2010).

In an effort to guide professional planners, land use officials, and CEQA practitioners, OPR prepared *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA)*. This document offers informal guidance regarding the steps lead agencies should take to address climate change in CEQA documents. This guidance was developed in cooperation with the Resources Agency, Cal EPA, and the ARB.

Construction Emissions**.** Based on the CalEEMod model results, construction activity for the project would generate an estimated 347.13 metric tons CO_2E (as shown in Table 6) during construction. For the purpose of comparing construction emissions with annual emissions from operation of the proposed project, it is useful to amortize them over a 30-year period (the assumed life of the project). Thus, construction of the proposed project would generate an estimated 11.6 metric tons CO_2E per year.

Table 6
Estimated Construction Emissions of Greenhouse Gases

	Construction Emissions (CO_2E)
Total Emissions	347.13 metric tons
Amortized over 30 years	11.57 metric tons per year

Source: CalEEMod, 2012. See Appendix A for GHG emission worksheets and assumptions.

Operational Indirect, Stationary Direct, and Mobile Emissions.

Energy Use and Area Sources. Operation of the proposed project would consume both electricity and natural gas (see Appendix A for calculations). Project operation would consume an estimated 99,925 kilowatt-hours [kWh] of electricity per year (refer to Appendix A). The generation of electricity used by the project would occur at offsite power plants, much of which would be generated by the combustion of fossil fuels that yields CO_2, and to a smaller extent N_2O and CH_4. As discussed above, annual electricity and natural gas emissions was calculated using the CalEEMod computer program, which has developed emission factors, based on the mix of fossil-fueled generation plants, hydroelectric power generation, nuclear power generation, and alternative energy sources associated with the regional grid. Other stationary direct sources include hearths, consumer products, area architectural coatings, and landscaping equipment.

Solid Waste. For the business-as-usual scenario, it is anticipated that the project would generate approximately 4.81 tons CO_2E per year due to solid waste generation according to the CalEEMod output, which uses current waste disposal rates provided by CalRecycle.

Water Use. Based on the CalEEMod model estimate, on site development under business-as-usual conditions would generate approximately 10.11 tons CO_2E due to water use each year.

Transportation. Mobile source GHG emissions were estimated using the traffic study prepared by Fehr and Peers in 2012. Using this estimate, the CalEEMod model estimates that the proposed project would generate approximately 253.65 metric tons CO_2E emissions per year. It is worth noting that mobile emissions could be lower than projected because the proposed project would provide infill housing in an area with existing transit and pedestrian opportunities.

Combined Construction, Stationary and Mobile Source Emissions. Table 7 combines the construction, operational (energy use, solid waste, and water use emissions), and mobile GHG emissions associated with the proposed project, which would total approximately 355.40 metric tons CO_2E per year. This total represents approximately 0.0000007% of California's 2009 emissions of 453 MMT. These emission projections indicate that the majority of the project GHG emissions are associated with vehicle trips. It should be noted that some of the potential future residents of the proposed new units are already making daily trips to and from their existing residences; thus, the trips generated by those residents after they would move to the project site would already be a part of the total California GHG emissions and the project would result in a redistribution of existing trips rather than generating new trips.

Table 7
Combined Annual Emissions of Greenhouse Gases

Emission Source	Annual Emissions (CO_2E)
Construction	11.57 metric tons (amortized, as shown in Table 6 above)
Operational Energy Use and Area Sources Solid Waste Water	 75.26 metric tons 4.81 metric tons 10.11 metric tons
Mobile Transportation	 253.65 metric tons
Total	**355.40 metric tons**

Source: CalEEMod, 2012. See Appendix A for GHG emission worksheets and assumptions.

As shown in Table 7, combined annual emissions would be 355.40 metric tons CO_2E per year. As discussed above, the recommended thresholds that would be appropriate for the proposed project include the 1,400 metric tons CO_2E per year threshold for commercial projects and the 3,000 metric tons CO_2E per year threshold for all land use types recommended by SCAQMD. As emissions would not exceed either of these thresholds, the GHG impacts of the proposed project would be **less than significant**.

b) **Less than significant.** GHG emissions reduction strategies that were prepared by California Environmental Protection Agency (CalEPA) Climate Action Team (CAT) and measures suggested

by the Attorney General have been used as a benchmark for significance and qualitative consideration. The CAT strategies are recommended to reduce GHG emissions at a statewide level to meet the goals of the Executive Order S-3-05 (CalEPA, 2006).

The Attorney General's Greenhouse Gas Reduction Report was prepared in 2008 by the California Attorney General's Office. This Report specifies measures that may reduce global warming related impacts at the individual project level. As appropriate, the measures can be included as design features of a project, required as changes to the project, or imposed as mitigation (whether undertaken directly by the project proponent or funded by mitigation fees).

Consistency with CAT strategies and measures suggested in the Attorney General's Greenhouse Gas Reduction Report are discussed in Tables 8 and 9. Several of the actions identified in the tables below are already required by California regulations. Tables 8 and 9 illustrate that on-site development would be consistent with the GHG reduction strategies set forth by the 2006 CAT Report and the 2008 Attorney General's Greenhouse Gas Reduction Report.

Table 8
Project Consistency with 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Project Consistency
California Air Resources Board	
Vehicle Climate Change Standards AB 143 (Pavley) required the state to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of climate change emissions emitted by passenger vehicles and light duty trucks. Regulations were adopted by the ARB in September 2004.	**Consistent** The vehicles that travel to and from the project site on public roadways would be in compliance with ARB vehicle standards that are in effect at the time of vehicle purchase.
Diesel Anti-Idling In July 2004, the ARB adopted a measure to limit diesel-fueled commercial motor vehicle idling	**Consistent** Current state law restricts diesel truck idling to five minutes or less. Diesel trucks operating from the project site would be subject to this statewide law during both the construction and operational phases of the proposed project.
Alternative Fuels: Biodiesel Blends ARB would develop regulations to require the use of 1 to 4 percent biodiesel displacement of California diesel fuel.	**Consistent** The ARB is in the process of developing regulations that would increase the use of biodiesel for transportation uses. Currently, it is unknown when such regulations would be implemented; however, it is expected that upon implementation of such a regulation that would require increase biodiesel blends, the diesel fuel used vehicles that travel to and from the project site would be correspondingly displaced by biodiesel.
Alternative Fuels: Ethanol Increased use of E-85 fuel.	**Consistent** As data becomes available on the impacts of fuel specifications on the current and future vehicle fleets, the ARB will review and update motor vehicle fuel specifications as appropriate. In reviewing the specifications, the ARB will consider the emissions performance, fuel supply consequences, potential greenhouse gas reduction benefits, and cost issues surrounding E85. Future tenants of the project could purchase flex-fuel vehicles and utilize this fuel, once it is commercially available.
Heavy-Duty Vehicle Emission Reduction Measures Increased efficiency in the design of heavy duty vehicles and an education program for the heavy-duty vehicle sector.	**Consistent** The heavy-duty vehicles that travel to and from the project site on public roadways would be subject to all applicable ARB efficiency standards that are in effect at the time of vehicle manufacture.

Table 8
Project Consistency with 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Project Consistency
Achieving 50% Statewide Recycling Goal Achieving the State's 50% waste reduction mandate as established by the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), will reduce climate change emissions associated with energy intensive material extraction and production as well as methane emission from landfills. A diversion rate of 48% has been achieved on a statewide basis. Therefore, a 2% additional reduction is needed.	**Consistent** The City of Beverly Hills Municipal Code Section 9-1-1001 "Diversion Requirements," states "To ensure that the city meets the statutory obligations imposed by the California integrated waste management act (AB 939), the director of building and safety, in issuing permits for construction, renovation, and demolition projects of a specified magnitude, is authorized to impose and to enforce requirements related to the salvaging, recycling, and reuse of construction and demolition debris. Those requirements will be established by resolution of the city council. (Ord. 03-O-2436, eff. 1-15-2004)." The City of Beverly Hills has achieved this diversion through recycling and collection of green waste, and has diverted at least 57 percent of its solid waste since 2001 and achieved a waste diversion rate of 60 percent in 2007 (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010). It is anticipated that the project would similarly divert at least 50% of its solid waste after the recyclable content is diverted.
Zero Waste – High Recycling Efforts to exceed the 50% goal would allow for additional reductions in climate change emissions	**Consistent** The City of Beverly Hills has achieved this diversion through recycling and collection of green waste, and has diverted at least 57 percent of its solid waste since 2001 and achieved a waste diversion rate of 78 percent in 2010 (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010; Crown Disposal, 2011). It is anticipated that the project would similarly divert at least 50% of its solid waste after the recyclable content is diverted. The project would also be subject to all applicable State and City requirements for solid waste reduction as they change in the future.
Department of Forestry	
Urban Forestry A new statewide goal of planting 5 million trees in urban areas by 2020 would be achieved through the expansion of local urban forestry programs.	**Consistent** The project site is mostly developed but contains eight trees. The project's landscaping would include 21 new trees along front and side setbacks, resulting in a net increase in trees on the property.
Department of Water Resources	
Water Use Efficiency Approximately 19 percent of all electricity, 30 percent of all natural gas, and 88 million gallons of diesel are used to convey, treat, distribute and use water and wastewater. Increasing the efficiency of water transport and reducing water use would reduce greenhouse gas emissions.	**Consistent** Section 6-1-2 of the Beverly Hills Municipal Code establishes regulations for the administration of water services in the City. In compliance with Government Code Section 10631, parts (c) and (d), the City has also provided alternative water conservation measures. The City maintains as a long-term goal a Water Conservation Program, Water Conservation Ordinance, and Efficient Landscaping Ordinance to achieve and maintain a high level of efficiency in water uses in the Beverly Hills service area. The project would be required to comply with these programs and ordinances.
Energy Commission (CEC)	
Building Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the CEC to adopt and periodically update its building energy efficiency standards (that apply to newly constructed buildings and alterations to existing buildings).	**Consistent** The project would be required to comply with the standards of Title 24 that are in effect at the time of development, including those of Calgreen, the California Green Building Standards Code, Title 24, part 11, effective January 2011.

Table 8
Project Consistency with 2006 CAT Report
Greenhouse Gas Emission Reduction Strategies

Strategy	Project Consistency
Appliance Energy Efficiency Standards in Place and in Progress Public Resources Code 25402 authorizes the Energy Commission to adopt and periodically update its appliance energy efficiency standards (that apply to devices and equipment using energy that are sold or offered for sale in California).	**Consistent** Under State law, appliances that are purchased for the project – both pre- and post-development – would be required to be consistent with energy efficiency standards that are in effect at the time of manufacture.
Business, Transportation and Housing	
Measures to Improve Transportation Energy Efficiency Builds on current efforts to provide a framework for expanded and new initiatives including incentives, tools and information that advance cleaner transportation and reduce climate change emissions.	**Consistent** The project site is located within walking distance of bus stops on Metro Line 16/316 and Metro Rapid 704 and 720.
Smart Land Use and Intelligent Transportation Systems (ITS) Smart land use strategies encourage jobs/housing proximity, promote transit-oriented development, and encourage high-density residential/commercial development along transit corridors.	**Consistent** The residential project is located in close proximity to commercial areas within the City of Beverly Hills. The project site is also located along a transit corridor that connects to downtown Los Angeles via Metro Line 16/316 and Metro Rapid 704 and 720.

Table 9
Project Consistency with Applicable Attorney General Greenhouse Gas Reduction Measures

Strategy	***Project Consistency***
Transportation-Related Emissions	
Diesel Anti-Idling Set specific limits on idling time for commercial vehicles, including delivery vehicles.	**Consistent** Currently, the California Air Resources Board's (CARB) Airborne Toxic Control Measure (ATCM) to Limit Diesel-Fueled Commercial Motor Vehicle Idling restricts diesel truck idling to five minutes or less. Diesel trucks operating from and making deliveries to the project site are subject to this state-wide law. Construction vehicles are also subject to this regulation.
Transportation Emissions Reduction Provide shuttle service to public transportation.	**Consistent** Shuttle service to public transportation would be unnecessary as the project site is located within walking distance of Metro Line 16/316 and Metro Rapid 704 and 720.
Transportation Emissions Reduction Incorporate bike lanes into the project circulation system.	**Consistent** On-site development would not preclude the addition of bike lanes to surrounding streets. In addition, the proposed project would be consistent with the broader goal of promoting alternative modes of transportation by providing a bike storage facility at ground level.
Solid Waste and Energy Emissions	
Solid Waste Reduction Strategy Project construction shall require reuse and recycling of construction and demolition waste.	**Consistent** Pursuant to Section 9.1.1001 of the Beverly Hills Municipal Code, development projects are required to meet established standards regarding solid waste and recycling.
Water Use Efficiency Require measures that reduce the amount of water sent to the sewer system – see examples in CAT standard above.	**Consistent** It is the responsibility of the Public Works Commission (as outlined in the Beverly Hills Municipal Code Section 2.2.1102) to

Table 9
Project Consistency with Applicable Attorney General Greenhouse Gas Reduction Measures

Strategy	***Project Consistency***
(Reduction in water volume sent to the sewer system means less water has to be treated and pumped to the end user, thereby saving energy.	act in an advisory capacity concerning public outreach programs relating to water conservation. The project would be subject to Beverly Hills water conservation regulations and programs established by the Public Works Commission. In addition, the project is subject to the requirements of Calgreen, the California Green Building Standards Code, Title 24, Part 11, effective January 2011, which requires a 20% reduction in water use.
Land Use Measures, Smart Growth Strategies and Carbon Offsets	
Smart Land Use and Intelligent Transportation Systems Encourage mixed-use and high density development to reduce vehicle trips, promote alternatives to vehicle travel and promote efficient delivery of services and goods.	**Consistent** The project is located in a high density area along a primary travel corridor of Beverly Hills. Additionally, the project is located close to residences and commercial development in a mixed use environment.
Smart Land Use and Intelligent Transportation Systems Require pedestrian-only streets and plazas within the Project site and destinations that may be reached conveniently by public transportation, walking or bicycling.	**Consistent** The project is located in an urban environment on Burton Way, where the project's frontage is accessible by sidewalk. Additionally, the project is located in an area within Beverly Hills that provides shopping and residential destinations within convenient walking distance.

The California Office of Planning and Research (OPR) *CEQA Guidelines* also include recommended mitigation strategies to reduce GHG impacts. According to this document, mitigation measures may include:

1. *Potential measures to reduce wasteful, inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal.*
2. *The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, water conservation and solid-waste reduction.*
3. *The potential for reducing peak energy demand.*
4. *Alternate fuels (particularly renewable ones) or energy systems.*
5. *Energy conservation which could result from recycling efforts.*

Consistent with OPR mitigation strategies, on-site development would reduce wasteful, inefficient and unnecessary consumption of energy and utilize alternative fuels by complying with requirements of Part 6, Title 24 of the California Building Standards Code – California Energy Code. The proposed project would be consistent with CAT and Attorney General Strategies, as demonstrated in Tables 7 and 8, as well as OPR strategies, as discussed above.

GHG emissions generated by the proposed project would not have a significant adverse impact on the environment. The project would not conflict with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. Therefore, the contribution of on-site development to cumulative global climate change impacts would be **less than significant.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
VIII. HAZARDS and HAZARDOUS MATERIALS - Would the Project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard for people residing or working in the Project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

a) **Less than significant.** The proposed project includes the demolition of existing residential buildings and the construction of a condominium. Such residential uses would not involve the routine transport, use or disposal of hazardous substances, other than minor amounts typically

used for maintenance. Therefore, impacts would be **less than significant** and further study of this issue in an EIR is not warranted.

b) **Less than significant.** The proposed development includes demolition of existing residential buildings that cover 6,303 square feet and construction of a 42,755 square-foot condominium with subterranean parking. As discussed in Section III, *Air Quality*, the existing buildings at the project site were constructed in 1927 and 1945 and therefore have the potential to contain asbestos and/or lead-based paint that could be released during demolition. The developer would be required, before obtaining a demolition permit, to have the buildings evaluated for asbestos and/or lead paint. If the buildings are found to contain such materials, an asbestos abatement permit shall be obtained from the City of Beverly Hills Department of Building and Safety as required by Rule 1403 of the SCAQMD. Demolition permits may then be issued upon submittal of an asbestos abatement completion certificate by qualified contractors as required by Section 102.9 of the City's Uniform Administrative Code (listed in Beverly Hills Municipal Code Section 9-1-104) Lead-based materials exposure is regulated by California Occupational Safety and Health Administration (CalOSHA) regulations. California Code of Regulations, §1532.1, requires testing, monitoring, containment, and disposal of lead-based materials such that exposure levels do not exceed CalOSHA standards. Compliance with existing regulations would reduce the potential for adverse impacts from the release of hazardous materials to a **less than significant** level.

c) **No impact.** Given that the nearest schools to the project site are located more than ¼ mile away, the project would have no impact on local schools through hazardous emissions, acutely hazardous materials or substances, or waste.

d) **No impact.** The project site does not appear on any hazardous material site list compiled pursuant to Government Code Section 65962.5. The following databases were checked (December 13, 2012) for known hazardous materials contamination at the project site:

- *Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database;*
- *Geotracker search for leaking underground fuel tanks;*
- *Investigations- Cleanups (SLIC) and Landfill sites, Cortese list of Hazardous Waste and*
- *Substances Sites; and*
- *The Department of Toxic Substances Control's Site Mitigation and Brownfields Database.*

The project site does not appear on any of the above lists. It is worth noting that an adjacent property, located across the alley at 9268 West 3rd Street, was found on a Geotracker search for leaking underground fuel tanks. At this site, a gasoline leak from an underground storage tank was reported in 1990. Remediation occurred in 1992, and the case was closed in 1998. Since neither the project site nor neighboring sites are listed as current hazardous material sites, **no impacts** are anticipated with respect to this issue.

e, f) **No impact.** The project site is located approximately 4.7 miles northeast of the Santa Monica Airport. The project site is not within an area covered by an airport land use plan, nor is it located in the vicinity of a private air strip. There would be **no impact**.

g) **No impact.** The developer of the project would be required to comply with all applicable City codes and regulations pertaining to emergency response and evacuation plans maintained by the police and fire department in the City of Beverly Hills. The project does not include permanent street closures or changes in traffic flow. There would be **no impact**.

h) **No impact.** The project site and surrounding areas are entirely urbanized. Flammable brush, grass, or dense trees do not occur at substantial levels on the project site. Prior to final plan approvals, the City would require the developer to comply with all applicable codes, regulations, and standard conditions of approval for fire protection. The developer would be required to provide proof of compliance with all applicable building and fire code requirements. These requirements include, but are not limited to, types of roofing materials, building construction, fire hydrant flows, hydrant spacing, access and design, fire sprinkler systems, and other hazard reduction programs, as set forth by the BHFD and the Uniform Fire Code. Therefore, significant impacts to people or structures as the result of wildland fires would not occur. There would be **no impact**.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IX. HYDROLOGY and WATER QUALITY – Would the Project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering or the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IX. HYDROLOGY and WATER QUALITY – Would the Project:				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐

a) **Less than significant.** Discharge of pollutants from the project site during construction and operation of the building would be restricted by provisions set by the State Water Resources Control Board (SWRCB) and the Los Angeles Regional Water Quality Control Board (LARWQCB). The developer would be required to ensure that pollutants are not discharged from the site unless the discharge is in compliance with the NPDES program established by the Board. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies best management practices (BMPs) that control surface runoff, erosion, and sedimentation. The developer would be required to control pollutant discharge by utilizing Best Management Practices (BMPs) such as the Best Available Technology Economically Achievable (BAT) and the Best Conventional Pollutant Control Technology (BCT) in order to avoid discharging pollutants into waterways. BMPs would be required during general operation of the project to ensure that storm water runoff meets the established water quality standards and waste discharge requirements. Therefore, the project would not violate water quality standards or waste discharge requirements. Implementation of the requirements of an SWPPP would reduce temporary erosion-related impacts to a **less than significant** level and mitigation is not required.

b) **Less than significant.** Under current conditions, the 14,232-square-foot project site is approximately 77% impervious, with 6,303 square feet covered in building and the remaining area covered by a mix of concrete walkways, a paved patio, and vegetation. While the

proposed condominium would increase the density of housing on-site, most of this change in density would be accommodated by building vertically. The proposed front setback (15 feet) and much of the proposed side setbacks (approximately 13 feet on the west and 10 feet on the east) would remain open with landscaping and trees. Upon completion, the project would result in a slight decrease in pervious surface because of the proposed building's larger footprint. Surface landscaping would allow for some infiltration of storm water, although the subterranean structure would limit percolation to the groundwater table.

The increase of surfacing on-site would not be substantial enough to deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. Furthermore, the scale of development and impervious surface would be consistent with other development in the vicinity of this urban site. Given the slight decrease in pervious area on the project site, the amount of water used for landscaping would not substantially change; moreover, the project would not involve activities that would directly extract water from the ground. The impact on groundwater would be **less than significant** and mitigation is not required.

c, d) **Less than significant.** The proposed project involves redevelopment of an existing urban site that is graded and largely built upon. Upon project completion, the amount of impervious area on the project site would slightly increase relative to current conditions (see above discussion under item IX, b). The site would remain relatively flat, and there are no streams or rivers present on or around the project site or surrounding parcels. Temporary sedimentation impacts could occur if bare ground is exposed during winter rains. This, in conjunction with other on-site construction activities, has the potential to result in temporary water quality impacts. The developer would be required to comply with the City of Beverly Hills Urban Runoff Mitigation Ordinance (Municipal Code Section 9-4-506), which requires the implementation of Best Management Practices (BMPs). Such BMPs include use of plastic coverings on unprotected areas to eliminate erosion; removal of any sediments tracked offsite by construction vehicles; and use of temporary sediment barriers where necessary. These construction and erosion control practices would reduce the potential for adverse effects caused by excavation and general construction. Therefore, impacts relating to erosion, siltation and flooding would be **less than significant** and mitigation is not required.

e, f) **Less than significant.** The project site, in its present condition, is approximately 77% impervious and 23% pervious. As discussed above, the amount of impervious surface following project development would slightly increase, and runoff quantities would likewise be expected to increase incrementally. The environment surrounding the project site is highly urban and aerial views of the project vicinity as shown on Figure 2 illustrate that impervious surfaces cover at least 80% on average. Relative to this environment, the proposed project would have a similar effect with respect to runoff quantity.

The proposed project would place the associated parking below ground in a subterranean garage and in an at-grade level of covered parking, which would improve the quality of the site runoff; however, small quantities of pesticides or herbicides could be contributed to runoff if used as part of the landscape maintenance program, which could offset the improvements. The quality of site runoff is not anticipated to substantially decline or improve after project implementation, as parking and loading would be provided underground or covered and new

uses that could contribute to a degradation of water quality are not proposed. Pursuant to the City of Beverly Hills Municipal Code, the developer would be required to submit a Standard Urban Storm Water Mitigation Plan (SUSMP) to the Department of Public Works and Transportation's Utilities Division, which must include the Best Management Practices (BMPs) necessary to control storm water pollution during construction activities and facility operations (BHMC Section 9-4-506). Additionally, the project would be required to comply with NPDES permit requirements, including a Storm Water Pollution Prevention plan (SWPPP) during construction and operation of the project.

The proposed project is not anticipated to create or contribute runoff that would exceed the capacity of the City's storm water drainage systems, nor is it anticipated to provide an additional source of polluted runoff. Moreover, the proposed residential use with ancillary parking would not be expected to produce any additional contaminants that would substantially degrade water quality. Therefore, the impact would be **less than significant** and mitigation is not required.

According to the Geotechnical Engineering Exploration of the project site (Byer Geotechnical, 2012; available for review during normal business hours at Beverly Hills City Hall, Community Development Department offices), groundwater was not encountered in borings that were excavated up to 51.5 feet below the ground surface. The California Geological Survey has also estimated that the historically highest groundwater level at the site was between 20 and 30 feet below ground surface. The proposed subterranean garage appears to require approximately 13 feet of excavated depth. At this depth of 13 feet, it is not anticipated that dewatering would be required because groundwater is much deeper; however, if this were to occur, it should be noted that treatment and discharge of this water would be subject to the requirements of the Beverly Hills Municipal Code, Chapter 9-4-610, Dewatering. All applicable regulations regarding use of extracted groundwater would apply. Mandatory compliance with the City's dewatering and urban runoff and storm water regulations and NPDES requirements would reduce impacts associated with runoff and storm water drainage systems to a **less than significant level** and mitigation is not required.

g-j) **Less than significant.** The Federal Emergency Management Agency (FEMA) classifies the City of Beverly Hills under Flood Zone C, which does not require mandatory flood mitigation enforcement. The City of Beverly Hills lies in the inundation path of the Lower Franklin Canyon Dam which is located north of the City. In the event of a breach of the Lower Franklin Reservoir, the residential area north of Carmelita Avenue would be exposed to immediate and severe danger. Below that point, the danger diminishes rapidly (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010). The project site is not located in the residential area north of Carmelita Avenue, and therefore would not be significantly affected by dam inundation. As the project site and the surrounding area are generally flat, mudflows would not pose a hazard to development on the project site. The project site is approximately seven miles northeast of the Pacific Ocean, and no other significant bodies of water are within the vicinity of the project site. As a result, the project site would not be affected by tsunamis or seiches. Impacts relating to flooding, mudflows, tsunamis and seiches would be **less than significant** and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
X. LAND USE AND PLANNING - Would the proposal:				
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with an applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

a) **Less than significant.** The proposed project includes demolition of four existing residential buildings and construction of a new condominium building with ancillary parking. The project would not affect through streets or interrupt neighborhood continuity or connectivity, or otherwise physically divide an established community. The impact is **less than significant** and mitigation is not required.

b) **Less than significant.** The project site carries a land use designation of Multiple Residential and a zoning classification of R-4 (Multi-Family Residential). The R-4 District allows single- and multiple-family dwellings, public libraries, and accessory uses. In this district, pursuant to Beverly Hills General Plan densities[1], one housing unit may be constructed for every 871.2 square feet of site area. Thus, the General Plan would allow 16 units to be built on site. The applicant plans to construct two of the allowable 16 units, or 12.5%, for very low income households, thereby qualifying for a density bonus. Pursuant to BHMC Section 10-3-1526, the Planning Commission may grant a base density bonus of 20% if an applicant agrees to construct at least 5% of total housing units for very low income households; and for each 1% increase in the number of units above the 5% threshold, the bonus may be increased by 2.5%. The maximum density bonus is limited to 35%. As a result, the applicant is eligible for a density bonus of 35% (six additional units). For a multi-family residential building, BHMC Section 10-3-2801 also allows the construction of one additional efficiency unit that is not subject to density limits. Thus the project includes a total of 23 housing units, including six bonus units and one additional efficiency unit. If a density bonus is granted, then the project would be consistent with applicable density requirements. Further, if the density bonus is granted, the applicant

[1] General Plan densities, rather than Municipal Code densities, apply when a project is constructed pursuant to a Density Bonus Permit. Pursuant to California Government Code Section 65915 (o)(2), in the event of inconsistency between the zoning ordinance and General Plan with regard to maximum allowable residential density, the General Plan takes precedence.

would be entitled to request two incentives / concessions pursuant to Government Code Section 65915((d)(2)(B) and Beverly Hills Municipal Code Section 10-3-1526.5. Then applicant has requested incentives related to building height and parking design standards, as discussed below.

The project site also is located within Height District C, in which buildings may have a maximum height of five stories or 55 feet, whichever is less (BHMC Section 10-3-2804). Given that the proposed building height would be a maximum of six stories and 72 feet, a density bonus incentive has been requested to exceed the standard height limit. If the City grants the requested density bonus, the proposed height would be consistent with applicable policies.

California Government Code Section 65915 (p) sets maximum parking ratios for housing projects that are eligible for a density bonus, which ratios may be requested by the project applicant. These parking ratios preempt the City's standard requirements for multi-family residential buildings as listed in BHMC Section 10-3-2816, if the applicant requests use of the ratios. Pursuant to Gov. Code Section 65915 (p), no city may require a development to provide more than one on-site parking space for each unit with up to one bedroom, or two on-site parking spaces for each unit with two to three bedrooms. The proposed building would contain one efficiency unit, five one-bedroom units, 13 two-bedroom units, and four three-bedroom units. Consequently, the project is required to provide 40 on-site parking spaces. Since 46 on-site parking spaces are proposed, the project would provide a sufficient number of spaces to meet statutory requirements.

In accordance with BHMC Section 10-3-2818, all parking facilities in the R-4 zone must be provided within a structure on the same site as the proposed housing units and shield parked automobiles from horizontal view in all directions. In addition, all parking structures shall be enclosed with solid walls when the structures are adjacent to a residentially zoned property or separated from that property solely by an alley. In the proposed project, all parking is to be provided within the proposed building. As a second density bonus incentive, a waiver of BHMC 10-3-2818 based on the density bonus incentive provisions has been requested to allow the ground-floor parking area to not be fully enclosed with solid walls in order to allow for natural (rather than mechanical) ventilation. Assuming that the waiver is approved, the project would be consistent with general plan policies and applicable zoning designation and regulations.

Therefore, with approval of the requested incentives, the project would be consistent with applicable City policies and ordinances. Impacts would be **less than significant** and mitigation is not required.

c) **No impact.** The project site is located in an entirely urbanized area of Beverly Hills. There are no natural communities or habitats located on the project site, and no habitat/natural community conservation plans are applicable to the site. Therefore, the project would not conflict with any habitat/natural community conservation plans and **no impact** would occur.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XI. MINERAL RESOURCES -- Would the Project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☒	☐

a-b) **Less than significant.** The project site is designated as being within Mineral Resource Zone MRZ-1, pursuant to the Division of Mines and Geology Mineral Classification System (Figure CON4, City of Beverly Hills General Plan Conservation Element, amended January 12, 2010). The MRZ-1 zone is defined as an area where geologic information indicates that no significant mineral deposits are present (State of California Department of Conservation, Guidelines for Classification and Designation of Mineral Lands). The project site is not underlain by known oil resources (Figure CON 5, City of Beverly Hills General Plan Conservation Element, amended January 12, 2010). The project site involves redevelopment of land that was previously developed and is located in an urbanized area of downtown Beverly Hills (see Figure 2). Moreover, the City's General Plan Conservation Element (amended January 12, 2010) discourages resource extraction within the City through the following policies.

> ***CON 21.1*** ***New Extraction Activities.*** *Prohibit new drill sites in new locations within the City for production of oil, gas, or other hydrocarbon substances. (Imp. 2.1)*
>
> ***CON 21.2*** ***Existing Extraction Facilities.*** *Develop a plan to phase out existing oil drilling sites as soon as practicable. (Imp. 2.1)*

No mineral resources of value to the region or the residents of the state have been identified within the project area and the project area is not suited for resource extraction given the urban location. Hence, the impact would be **less than significant** and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XII. NOISE – Would the Project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels above levels existing without the Project?	☐	☐	☒	☐
d) A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise?	☐	☐	☐	☒

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

One of the most frequently used noise metrics that considers duration as well as sound power level is the equivalent noise level (L_{eq}). The L_{eq} is defined as the steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual time-varying levels over a period of time (essentially, L_{eq} is the average sound level).

a, c) **Less than significant**. The City of Beverly Hills' General Plan contains noise standards that are applicable to this project. Policies in the General Plan address unnecessary, excessive, and annoying noise levels and sources, such as vehicles, construction, special sources (e.g.,

radios, musical instrument, animals, etc.) and stationary sources (e.g., heating and cooling systems, mechanical rooms, etc.). For traffic-related noise, impacts would be significant if project-generated traffic results in exposure of sensitive receptors to unacceptable noise levels. Recommendations in the May 2006 Transit Noise and Vibration Impact Assessment, published by the Federal Transit Administration (FTA), were used to determine whether or not increases in roadway noise would be considered significant. The significance threshold for an increase in noise exposure depends on the level of ambient noise at a site; as shown in Table 10, when existing ambient noise levels are low, a greater increase in roadway noise is allowed.

Table 10
Significance of Changes in
Operational Roadway Noise Exposure

Ldn or Leq in dBA	
Existing Noise Exposure	**Allowable Noise Exposure Increase**
45-50	7
50-55	5
55-60	3
60-65	2
65-70	1
75+	0

Source: Federal Transit Administration (FTA), May 2006

If project-generated traffic exposes sensitive receptors to noise increases that exceed the above criteria, then impacts would be significant. In the residential zone where the project is located, the nearest sensitive receptors are hotel patrons immediately west of the project site and residences immediately to the east. The most common sources of noise in the project vicinity are transportation-related, such as automobiles, trucks, and motorcycles. Motor vehicle noise is of concern because it is characterized by a high number of individual events, which often create a sustained noise level, and because of its proximity to areas sensitive to noise exposure. The primary source of roadway noise near the project site is Burton Way.

As discussed in Section XVI. *Transportation/Traffic*, the project's impact on traffic that would produce roadway noise is expected to be less than significant. The project would generate a net increase of 86 average daily trips (ADT), including seven trips during AM peak hours and nine trips during PM peak hours. In addition, the project would not result in significant increases in daily vehicular volumes on residential streets. Given that existing ambient noise levels on-site were measured at 63.1 dBA on August 7, 2012, at 5:00 PM, during the weekday peak traffic hour, the allowable increase in roadway noise exposure from project-generated traffic is 2 dBA, as shown by Table 10. (Please see Appendix C for the on-site noise readings used to calculate ambient noise levels.) Project-generated traffic would not be substantial enough to increase noise exposure by 2 dBA. For reference, typical urban traffic levels would need to nearly double on a particular street segment to result in a perceptible increase of approximately 3 dBA. Based on local traffic flow data from November 2011, the proposed project would only increase

traffic on eastbound Burton Way by 0.54% over the current average of 16,000 daily trips and on westbound Burton Way by 0.52% over its average of 16,400 daily trips (Beverly Hills, Traffic Flow Data, 2011). Therefore, ambient noise impacts associated with operation of the proposed buildings along area roadways would be **less than significant** and do not require further discussion in the EIR.

b, d) **Less than significant**.

Construction Noise. The grading phase of project construction tends to create the highest construction noise levels because of the operation of heavy equipment. The project would result in temporary noise level increases during site preparation, demolition, paving, and building. As shown in Table 11, noise levels associated with heavy equipment typically range from about 76 to 89 dBA at 50 feet from the source.

Table 11
Typical Noise Levels at Construction Sites

Equipment On-site	Average Noise Level at 50 Feet
Air Compressor	81 dBA
Concrete Mixer	85 dBA
Saw	76 dBA
Scraper	89 dBA

Source: Transit Noise and Vibration Impact Assessment, Harris Miller Miller & Hanson Inc., May 2006.

Note: Pile drivers are not permitted on-site pursuant to the City of Beverly Hills Building and Safety Department (Ryan Gohlich, personal communication, April 2012).

Pursuant to the City's noise ordinance (Municipal Code Section 5-1-202), a significant impact would occur if construction activities occurring on the project site would result in an increase of 5 dB(A) above the ambient level outside the hours permitted by the City's noise ordinance (i.e., between the hours of 6:00 PM and 8:00 AM on weekdays, or at any time on Saturday, Sunday or a public holiday). Ambient noise levels on-site were measured on August 7, 2012 at 5:00 PM, during the weekday peak traffic hour. Noise levels were measured to be 63.1 dBA. Therefore, based on the noise levels shown in Table 4 above, noise levels would be anticipated to exceed ambient noise levels by more than 5 dBA during construction. However, these noise levels would occur during the daytime in accordance with the permitted hours stipulated in the Municipal Code, and would be temporary, occurring only during certain construction phases. As noted above, the nearest sensitive receptors to the project site are hotel patrons immediately west of the site and residences immediately east of the site. Construction noise would occur only during the daytime, and only on weekdays. Therefore, noise impacts to sensitive receptors in the area from project construction would be **less than significant**.

Construction Vibration. Vibration is a unique form of noise because its energy is carried through buildings, structures, and the ground, whereas ambient noise is simply carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise, such as the rattling of windows from truck pass-bys. This phenomenon is caused by the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Typically, groundborne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases and vibration rapidly diminishes in amplitude with distance from the source. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB) in the U.S.

The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. Most perceptible indoor vibration is caused by sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is barely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

Significant impacts occur when vibration or groundborne noise levels exceed the Federal Railroad Administration (FRA) maximum acceptable level threshold of 65 VdB for buildings where low ambient vibration is essential for interior operations (such as hospitals and recording studios), 72 VdB for residences and buildings where people normally sleep, including hotels, and 75 VdB for institutional land uses with primary daytime use (such as churches and schools).

Construction activities that would occur on the project site have the potential to generate groundborne vibration. Table 12 identifies various vibration velocity levels for the types of construction equipment that are likely to operate at the project site during construction.

Based on the information presented in Table 12, vibration levels could be approximately 87 VdB at the existing hotel and condominiums located immediately east and west of the project site. As noted above, impacts would be significant if vibration levels exceeded 72 VdB during recognized sleep hours (as established by the Federal Railway Administration for places where people normally sleep). Although the project would exceed the groundborne velocity threshold level of 72 VdB, construction would not occur during hours of recognized sleep in accordance with requirements of the City's Municipal Code. In addition, the project would not exceed vibration levels that could potentially damage nearby buildings.

Table 12
Vibration Source Levels for Construction Equipment

Equipment	Approximate VdB				
	25 Feet	50 Feet	60 Feet	75 Feet	100 Feet
Large Bulldozer	87	81	79	77	75
Loaded Trucks	86	80	78	76	74
Jackhammer	79	73	71	69	67
Small Bulldozer	58	52	50	48	46

Source: Federal Railroad Administration, 1998

Construction activity would be temporary, and the use of heavy equipment would be primarily limited to the demolition, excavation, site preparation and exterior construction phases. As construction of the outer shell of the building progresses, the building itself would contain much of the construction activity, and the likelihood of utilizing bulldozers and jackhammers decreases. Trucks would still be anticipated to bring construction materials to the site, which may periodically generate vibrations that would be felt by nearby receptors; however, the vibrations would not be likely to persist for long periods.

Construction activities and associated vibration levels would be limited to daytime hours between 8:00 AM to 6:00 PM Monday through Friday per Section 5-1-206 of Article 2 of the Municipal Code. Therefore, vibration levels would be unlikely to affect sensitive receptors at the hotel and residential uses east and west that are usually sensitive to vibration levels when sleep is disturbed. Construction noise would occur only during the daytime, and only on weekdays. Given that vibration would be a temporary impact during construction, impacts would be **less than significant**. Although impacts would be less than significant, measures to reduce vibration to the hotel patrons and nearby residential uses are suggested as part of the conditions of approval. Examples of such measures are as follows:

- *The applicant shall develop a vibration-reducing construction schedule and techniques that shall be submitted to the Building and Safety Division for review and approval. It shall include:*
  - *Two signs, legible at a distance of 50 feet, shall be posted in a prominent and visible location at the construction site, and shall be maintained throughout the construction process. All notices and the signs shall indicate the dates and duration of construction activities, as well as provide a telephone number where residents can inquire about the construction process and register complaints.*
- *Demolition, earth-moving and ground-impacting operations shall be phased so as not to occur in the same time period to the extent feasible.*
- *Heavy equipment over 40 tons (such as large bulldozers or loaded trucks) shall not operate adjacent to nearby sensitive receptor locations to the extent feasible.*
- *Vibration dampening devices shall be used to the extent feasible.*
- *Construction equipment with rubber tires shall be used to the extent feasible.*
- *Speed limits for construction equipment shall be minimized to the extent feasible.*

e-f) **No impact.** The project site is located approximately 4.7 miles northeast of the Santa Monica Municipal Airport. At a distance of 4.7 miles, the project would not have the potential to expose people to significant aircraft-generated noise. **No impact would occur.**

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XIII. POPULATION AND HOUSING — Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☒	☐

a) **Less than significant.** The proposed project would involve the construction of residences and therefore would directly contribute to population growth in the area. As discussed in Section III, *Air Quality*, the net increase of 13 residential units could result in the addition of 30 residents, based on the current ratio of persons per household in Beverly Hills. Thus, the proposed project could increase the City's population from 34,291 to 34,321 residents (California Department of Finance, 2012). The Southern California Association of Governments (SCAG) Integrated Growth Forecast model (2012) projects the City to have a population of 35,000 by 2020. Therefore, if the City were to have the maximum increase of 30 residents from the project, the City's population would be less than the projected 2020 population. Impacts relating to population growth would be **less than significant** and mitigation is not required.

b, c) **Less than significant.** Although the project would displace current renters at the site by demolishing 10 existing housing units, it would add 23 new units, resulting in a net increase of 13 units. In addition, two of the proposed new units would be designated affordable units, thereby increasing housing opportunities for low-income residents. Thus, the project would not necessitate the construction of replacement housing elsewhere, and population and housing impacts would be **less than significant**.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XIV. PUBLIC SERVICES				
a) Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☒	☐
iii) Schools?	☐	☐	☒	☐
iv) Parks?	☐	☐	☒	☐
v) Other public facilities?	☐	☐	☒	☐

a. i.) **Less than significant.** The Beverly Hills Fire Department (BHFD) provides fire prevention, fire suppression, and life safety services to the City of Beverly Hills. Beverly Hills is recognized as one of the seven most fire-safe cities in the country (City of Beverly Hills, Multihazard Functional Plan, 2005). The station closest to the project site is Fire Station No. 1 located at 445 North Rexford Drive, approximately 0.3 miles west of the project site. Two other fire stations, Fire Station No. 2 and Fire Station No. 3, are also located near the project site. Fire Station No. 2 is located approximately 1.6 miles northwest of the site and Fire Station No. 3 is located approximately 0.6 miles southeast of the project site.

Increased human presence and activity associated with site development as proposed would increase demand on the BHFD for fire protection services in the City of Beverly Hills; however, the project site is located in a well-served urban area where an incremental addition of residents would not be expected to increase service demands to the point that new or expanded facilities would be required. Further, the project would be required to comply with Fire Code and BHFD standards, including specific construction specifications, access design, location of fire hydrants, and other design requirements. Implementation of current fire protection design features may improve fire safety over those of the existing buildings; this could reduce the need for fire protection services over the long term. Implementation of the proposed project would not result in a substantial increase in response times or require new facilities, equipment or additional staff for the BHFD. Impacts would be **less than significant** and mitigation is not required.

a. ii.) **Less than significant.** The Beverly Hills Police Department (BHPD) provides police protection services to the City of Beverly Hills. The closest station to the project site is BHPD headquarters located at 464 North Rexford Drive, approximately 0.3 miles from the project site. The City of Beverly Hills currently has approximately 127 sworn officers and a ratio of 3.7 officers/1,000 residents (Beverly Hills Police Department, 2012); however, the BHPD does not utilize a standard personnel-to-population ratio to determine optimum staffing levels because of the vast disparity in the daytime population (approximately 250,000 people) vs. the nighttime population (approximately 34,291 residents) (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010). Thus, the BHPD's main indicator of effectiveness is its response time to emergency calls.

The Department's average response time is 2.8 minutes (Beverly Hills Police Department, 2012). Other indicators of effectiveness include the volume of calls for service and number of officers available at any given time. The BHPD is funded through general fund revenues generated by property and sales taxes, which are expected to increase in proportion to the City's growth (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010).

The project would not be anticipated to cause substantially delayed response times, degraded service ratios or necessitate construction of new facilities, due to the relatively small size of the development (a net increase of 13 residential units) and the location within an already developed and well-served area. Impacts would be **less than significant** and mitigation is not required.

a. iii.) **Less than significant.** Since the project would involve the construction of residences, new school children may be anticipated as a direct result of implementation. Nonetheless, in accordance with State law, the developer(s) of the project would be required to pay school impact fees. Pursuant to Section 65995(3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization." Thus, payment of the development fees is considered full mitigation for the project's impacts under CEQA and no additional mitigation is required. Impacts to public schools would be **less than significant** and mitigation is not required.

a. iv.) **Less than significant.** The Beverly Hills Recreation and Parks Department is responsible for maintaining and planning for parkland in the City of Beverly Hills. The closest public parks are the Rexford Mini Park, located approximately 0.2 miles west of the project site; the Beverly Gardens Park, located approximately 0.3 miles northwest of the project site; the Crescent Park, located approximately 0.3 miles south of the project site; and the Beverly Canon Gardens, located approximately 0.4 miles southwest. In addition, the project site faces the public, landscaped median of Burton Way. The proposed net increase of 13 residential units would not generate substantial demand for parks. Nonetheless, pursuant to Section 3-1-703 of the City of Beverly Hills Municipal Code, the developer would be required to pay the standard Parks and Recreation Facilities Tax. Payment of these fees would provide the City with additional revenue to fund public parks in the City and offset any indirect impacts to public parks. Impacts to parks would be **less than significant** and mitigation is not required.

a. v.) **Less than significant.** The proposed 42,755-square-foot building would contribute incrementally, but not substantially, toward impacts to the City's public services and facilities such as storm drain usage (discussed in Section VIII, *Hydrology and Water Quality*), public parks (discussed above in this section), solid waste disposal (discussed in Section XVII, *Utilities*), water usage and wastewater disposal (discussed in more detail in Section XVII, *Utilities*). There are no other public services for which significant impacts are anticipated. Impacts would be **less than significant** and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XV. RECREATION —				
a) Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

a) **Less than significant.** As discussed above in Section XIII, *Public Services*, the Beverly Hills Recreation and Parks Department is responsible for maintaining and planning for parkland in the City of Beverly Hills. The closest public parks are the Rexford Mini Park, located approximately 0.2 miles west of the project site; the Beverly Gardens Park, located approximately 0.3 miles northwest of the project site; the Crescent Park, located approximately 0.3 miles south; and the Beverly Canon Gardens, located approximately 0.4 miles southwest. Pursuant to Section 3-1-703 of the City of Beverly Hills Municipal Code, the developer of the project site would be required to pay the standard Park and Recreation Facilities Tax. The payment of these fees would provide the City with additional revenue to fund public parks and recreational facilities in the City, which would offset any indirect impacts to public parks. Impacts to parks would be **less than significant** and mitigation is not required.

b) **Less than significant.** The proposed project would result in a net increase of 13 housing units and approximately 30 residents, based on the City's existing ratio of persons per household (California Department of Finance, 2012). This small increase in City residents would not substantially affect the use of existing parks. In addition, the project would meet the recreational needs of residents through on-site facilities such as a gym and a rooftop common area and spa. Therefore, the project's impact on public recreational facilities would be **less than significant** and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVI. TRANSPORTATION / TRAFFIC -- Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways, and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	☐	☐	☐	☒

a, b) **Less than Significant.** This discussion summarizes selected information from and key conclusions of a Transportation Assessment memorandum prepared for the project by Fehr and Peers, dated August 2, 2012. This memorandum is included in its entirety as Appendix B to this report.

Trip Generation. The proposed project would involve the demolition of two existing apartment buildings with a total of 10 units and would construct 23 new residential units and 46 parking spaces. Trip rates used to forecast the number of project-generated trips were derived from estimates in *Trip Generation, 8th Edition* (Institute of Transportation Engineers

[ITE], 2008), which are based on a compilation of empirical trip generation surveys at locations throughout the country. Since the trip generation rate for apartments is higher than that for condominiums, the ITE rate for apartments was used to produce a conservative estimate of traffic resulting from the project, and to account for a potential future change to rental units. As shown in Table 13, the project is expected to generate 86 daily trips, including seven during the AM peak hour and nine during the PM peak hour.

Table 13
Project Generated Traffic

Land Use	Units	Daily Trip Rate	Daily Trips	AM Trip Rate	AM Peak Hour Trips	PM Trip Rate	PM Peak Hour Trips
Proposed Project							
Apartment	23	6.65	153	0.51	12	0.62	14
Less Existing Land Use							
Apartment	*(10)*	*6.65*	*(67)*	*0.51*	*(5)*	*0.62*	*(6)*
Total Trips	**13**		**86**		**7**		**8**

Source: Fehr and Peers, 2012, Table 1.

Traffic Impact Assessment. Although the City of Beverly Hills does not identify a trip generation threshold that requires a traffic study, the number of peak hour trips that the proposed project would generate is substantially below thresholds identified by the City of Los Angeles (43) and the Los Angeles Congestion Management Plan (50). For a project with as few project trips as the proposed project, it is highly unlikely that a significant traffic effect could occur.

To further confirm that traffic from the project would not result in significant impacts at nearby intersections, a localized impact assessment was conducted at the two closest intersections – Burton Way and Foothill Road and Burton Way and North Maple Drive. Because of the low trip generation, there would be no more than five net new project trips traveling through either intersection during the peak hours. The project is not anticipated to trigger a significant impact at any of the nearby intersections, as the project does not generate enough traffic at any intersection to trigger an impact.

The City of Beverly Hills also has impact criteria for residential streets. The maximum allowable increase for residential streets ranges from 6.25% for streets with daily vehicular volumes (ADT) exceeding 6,750 to 16% for vehicles with ADT below 2,000. For a roadway segment with an ADT of 2,000, the roadway could have an increase of 320 trips without triggering an impact. Given that the nearest residential street, Burton Way, has a westbound ADT of 16,400 and an eastbound ADT of 16,000, the allowable increase in ADT would be 1,025 in the westbound direction and 1,000 in the eastbound direction (Beverly Hills, Traffic Flow Data, 2011). The project would only generate approximately 86 daily trips; thus, project impacts at residential streets are not anticipated.

Parking Supply and Demand. The proposed project would include 46 parking spaces. The increased number of parking spaces is intended only to serve the new development. The peak parking demand generated by an apartment building, according to Parking Generation, 4th Edition (Institute of Transportation Engineers [ITE], 2010), ranges from 1.15 to 1.52 vehicles per dwelling unit. This is based on a compilation of empirical trip generation studies throughout the country. By applying this range of rates to the proposed residential units, the parking demand generated by the project can range from 27 to 35 spaces during the peak period, with 35 parking spaces representing the 85th percentile of parking generation.

As discussed in Section X, *Land Use and Planning*, the California Government Code Section 65915 sets maximum parking ratios for housing projects that are eligible for a density bonus. These parking ratios preempt the City's standard requirements for multi-family residential buildings as listed in BHMC Section 10-3-2816, which would require the project to supply 56 parking spaces. Pursuant to Gov. Code Section 65915, no city may require a development to provide more than one on-site parking space for each unit with up to one bedroom, or two on-site parking spaces for each unit with two to three bedrooms. The proposed building would contain one efficiency unit, five one-bedroom units, 13 two-bedroom units, and four three-bedroom units. Consequently, the project is required to provide 40 on-site parking spaces. Therefore, the proposed supply of 46 parking spaces would be sufficient and appropriate to accommodate the intended residential use.

Site Access. The existing two apartment buildings each have ground-level carport parking, which is accessed through an alley behind the buildings, parallel to Burton Way. This alley provides access to Foothill Road to the west and North Maple Drive to the east. Pedestrians can access the existing buildings from Burton Way but drivers need to enter and exit the building's parking from the alley.

Based on the proposed plans, users would access the first-floor parking area on the north side of the proposed structure via a driveway from the existing alley. A second driveway, located along the alley and west of the first-floor driveway, would enable access to the subterranean parking level.

The existing alley serves bi-directional traffic from North Maple Drive and Foothill Road. Project users would likely use both directions of the alley for ingress and egress to the project site. No changes would be made to the alley as part of this project. Due to the low volume of traffic expected to enter and exit the garage from and to the alley, new issues with regard to site access are not anticipated. In addition, pedestrians would continue to have direct access to the project site from Burton Way, minimizing pedestrian-vehicle conflicts.

Construction Traffic. Construction traffic impacts would be identified as significant on roadway facilities if the construction of a project created a prolonged impact due to lane closure, emergency vehicle access, traffic hazards to bicycles and/or pedestrians, damage to the roadbed, truck traffic on roadways not assigned as truck routes, and other similar impediments to circulation. Based on standard estimates for construction workers and equipment, construction traffic and activity is anticipated to create 22 truck trips per day.

Based on the following assumptions, it is not anticipated that project construction would cause significant traffic impacts:

- Construction vehicles and construction workers would be accessing the site from Burton Way. This roadway is a major thoroughfare in the area and is a designated truck route within the City limits. It is unlikely that the influx of construction vehicles at the levels that would be generated by the project would significantly disrupt traffic along this roadway.
- The project's construction traffic would not affect emergency vehicle access or create hazards to bicycles and pedestrians.
- The total number of construction trips would be staggered throughout the day, with most trips occurring during off-peak hours.

To reduce temporary disruptions on the adjacent roadway network due to construction activities, the project would be expected to comply with the standard City of Beverly Hills condition of approval requiring preparation and approval of a Construction Management Plan prior to the initiation of construction activities. The plan would address the following items:

- Maintain existing access for land uses in proximity of the project site during project construction.
- Schedule deliveries and hauling of construction materials to non-peak travel periods, to the maximum extent feasible.
- Coordinate deliveries and hauling to reduce the potential of trucks waiting to load or unload for extended periods of time.
- Schedule truck arrivals to avoid extended queuing prior to construction hours.
- Work with the City to identify off-site waiting areas for trucks if queuing prior to construction hours is necessary.
- Minimize obstruction of through traffic lanes on Burton Way.
- Control construction equipment traffic with flagmen and traffic control devices.
- Identify designated transport routes for heavy trucks to be used over the duration of the construction activities.
- Establish requirements for loading/unloading and storage on the project site, where parking spaces would be encumbered, length of time traffic lanes can be encumbered, sidewalk closings or pedestrian diversions to ensure safety and access to local businesses.
- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.

It is anticipated that there would be sufficient on-site parking for workers traveling to the site. A small amount of temporary overflow could be accommodated with the surrounding street parking without causing a significant traffic or parking impact. Therefore, no additional management plans for construction workers are necessary. Finally, it should be noted that construction traffic impacts are temporary by their nature, and would have no effect on traffic and circulation beyond the construction period. In summary, any conflicts with applicable plans, ordinances, and policy regarding circulation would be **less than significant**.

c) **No Impact.** Given the nature and scope of the proposed project, and that the closest airport is 4.7 miles away, the project would not change any air traffic patterns. **No impact** to air traffic would occur.

d) **Less than significant.** Construction of the proposed project may require temporary lane detours or closures. However, due to the size of the project site and the temporary nature of the lane alterations, temporary closures would not be expected to result in a change in traffic that is substantial in relation to existing traffic patterns or capacity. Operational hazards would be minimal. As discussed above, project users would access the garage via the alley behind the project area. Due to the low volume of traffic expected to enter and exit the garage from and to the alley, new issues with regard to site access are not anticipated. Further, deficiencies or safety concerns were not identified in other proposed driveway locations or configurations or access/internal circulation plans (Appendix B). Impacts would be **less than significant** and mitigation is not required.

e) **Less than significant.** As discussed in Section VII, *Hazardous Materials*, the proposed project would be required to comply with all applicable City codes and regulations pertaining to emergency response and evacuation plans maintained by the police and fire departments in the City of Beverly Hills, including access design requirements. The project itself is not expected to result in emergency access or hazardous internal design impacts. Therefore, impacts would **be less than significant** and mitigation is not required.

f) **No impact**. The proposed project involves redevelopment of an existing urban site. The proposed project would be limited to site-specific improvements and would not damage the performance or safety of any public transit, bikeway or pedestrian facilities. Conversely, the proposed project would maintain the quality of the pedestrian environment with landscaping and tree planting within the front setback along Burton Way. The project site is transit-accessible and within walking distance of Metro Line 16/316 and Metro Rapid 704 and 720. Sidewalks are provided along all key roadways in the project vicinity, and pedestrian crosswalks with walk lights are provided at signalized intersections in the project area. The project would have **no impact** on adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, and would not otherwise substantially decrease the performance or safety of such facilities.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVII. UTILITIES— Would the Project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVII. UTILITIES— Would the Project:				
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the Project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐
e) Result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

a, b, e) **Less than significant.** The proposed project would involve a net increase of 13 residential units on the project site, which would incrementally increase the demand for municipal services. The proposed project would result in the demolition of existing buildings and construction of a 42,755-square-foot condominium building. This would result in a net increase of 36,452 square feet as compared to existing conditions.

The City's Department of Public Works maintains sewer collection and distribution systems located throughout Beverly Hills. The existing sanitary sewer system consists of over 95 miles of sewer mains that connect to the City of Los Angeles' sewer facilities at the southeastern border of Beverly Hills (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010). The City sewer system currently serves a resident population of approximately 34,291 residents (California Department of Finance, 2012) and a daytime population of approximately 250,000 people (City of Beverly Hills General Plan Update Initial Study, 2010) in a service area comprised of a mixture of land uses including residential, commercial, industrial and institutional.

All of the wastewater flows generated from the City (not including storm water) are collected and treated at the Los Angeles Hyperion Wastewater Treatment Plant (HTP), located on the coast at 12000 Vista Del Mar in the City of El Segundo. The HTP is the largest of four wastewater treatment plants in the area surrounding the City of Los Angeles. Its primary

treatment is completed with retention ponds, chemical coagulants and settling tanks. The plant averages approximately 450 million gallons per day (MGD) Dry Weather Capacity for full secondary treatment and 900 MGD wet weather capacity. Current flow is 381 MGD (personal communication, Jim Woosley, Hyperion Treatment Plant, May 2012). The City's system allows pass-through for flow generated in the portion of the City of Los Angeles north of Beverly Hills. The maximum recorded daily flow generated by the City is approximately 12 million gallons per day and the average flow is approximately 6 million gallons per day (GPD) (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010).

The HTP is currently operating at approximately 69 million GPD below Dry Weather Capacity. As shown in Table 14, the existing residential structures located at the project site, when operating, are estimated to generate approximately 2,200 GPD of wastewater. The proposed project would generate an estimated 3,680 GPD of wastewater, an approximate increase of 1,480 GPD. The projected increase of 1,480 GPD of wastewater from the project site represents 0.002% of the HTP's 69 million GPD excess capacity. With implementation of the proposed project, the HTP would have a remaining Dry Weather Capacity of approximately 68,998,520 GPD. Therefore, sufficient treatment capacity at the Hyperion Plant is available to serve the proposed project.

Table 14
Estimated Wastewater Generation

Land Use	Units	Generation Factor[a]	Daily Wastewater Generation (gpd)
Proposed Residential	23	160 gpd/unit	3,680
Existing Residential	10	200 gpd/1,000 square feet	2,200
Net Increase	**3,251**	**--**	**1,480**

[a] *Factors are from the City of Los Angeles CEQA Thresholds Guide, 2006.*

The Los Angeles Regional Water Quality Control Board (RWQCB) contains standards and regulations for utility service providers such as the HTP. While a substantial increase in wastewater diverted to the HTP could conflict with pollutant standards and regulations of the RWQCB, the project would not exceed the wastewater limits of the HTP. Therefore, the plant would be able to adequately treat project-generated sewage in addition to existing sewage, and the treatment requirements of the RWQCB would not be exceeded. The project's impact with respect to wastewater would be **less than significant** and mitigation is not required.

c) **Less than significant**. As discussed under Section IX,b) *Hydrology and Water Quality,* under current conditions, the entire 14,232-square-foot project site is approximately 77% impervious. As shown on Figures 3 and 4, the amount of impervious surface would slightly increase under project conditions, as the proposed condominium building would occupy more of the site area compared to the existing buildings and hardscape. Nonetheless, Best Management Practices (BMPs) would be required during construction and operation of the project to reduce the

amount of runoff from the project site to the maximum extent practicable. In addition, the City requires that applicants prepare an urban runoff mitigation plan prior to construction of a project. This plan must comply with the most recent Standard Urban Stormwater Mitigation Plan (SUSMP) and the current municipal National Pollutant Discharge Elimination System (NPDES) permit. This process is intended to reduce storm water discharges by requiring the applicant to increase pervious surface area on the project site and to reduce the amount of runoff to the City's storm drain system. The NPDES permit issued to the Los Angeles RWQCB provides regulations for urban runoff discharges in the County of Los Angeles. Due to mandated compliance with the regulations set forth in the NPDES permit, the project would have a less than significant impact on storm water drainage facilities in the City. New storm drain facilities and/ or expansion of existing facilities would not be necessary. The overall effect of the proposed project would be to ultimately reduce pollutants from the site that enter the storm drain system since the new development would be subject to current regulatory requirements, which are more stringent than regulations to which the existing on-site development was subject. Impacts to storm water drainage facilities would be **less than significant** and mitigation is not required.

d) **Less than significant.** The City receives water from local groundwater extracted from the Hollywood Basin through the City's wells and imported surface water purchased from the Metropolitan Water District (MWD). Approximately 67% of imported water comes from the State Water Project and 33% from the Colorado River (2010 UWMP). From 2005 to 2009, the City purchased more than 11,000 acre-feet per year from the MWD, while an average of 1,195 acre-feet per year were extracted from groundwater (Tables 2.1 and 2.3, 2010 UWMP). The residential sector of the City is comprised of single and multi-family residential customers. Residential uses accounted for approximately 78% of citywide consumption from 2006 to 2009 (Table 4.3, 2010 UWMP), but decreased to 72% in 2010 due to implementation of Stage B Water Use Restrictions as part of the City's Water Conservation Ordinance. Normal year future projected supply and demand is shown in Table 15. A comparison of projected supply and demand indicates that the surplus ranges from a minimum of 1,212 AFY in 2010 to a maximum of 11,780 AFY in 2025.

Table 15
Normal Year Water Supply & Demand Projections

Water source	2015	2020	2025	2030
Supply (AF)	19,653	22,453	23,693	22,441
Demand (AF)	11,654	11,786	11,913	12,036
Surplus (AF)	7,999	10,667	11,780	10,405

Source: City of Beverly Hills Urban Water Management Plan, 2010 for years 2015 through 2030, Table 5.4

The proposed project would generate a net demand increase estimated at 2.8 acre-feet of water per year (see Table 16).

Table 16
Estimated Water Demand

Land Use	Quantity (dwelling units)	Demand Factor (gal/day/du) [1]	Daily Water Demand (gallons)	Annual Demand (gallons)	Annual Demand (AFY)
Proposed 1-Bedroom Units	6	150	900	328,500	1.0
Proposed 2-Bedroom Units	13	200	2,600	949,000	2.9
Proposed 3-Bedroom Units	4	250	1,000	365,000	1.1
Existing Residential	10	200	2,000	730,000	2.2
Net Increase Demand					**2.8**

Notes: gal/day/du = gallons/day/dwelling unit, AFY= Acre- feet/year
[1] Water Demand Factor = 125% of City of Los Angeles, Bureau of Sanitation Sewage Generation Factors: this calculation was also used in the analyses of 9898 Charleville IS-MND, 9900 Wilshire Project DEIR, and Beverly Hilton Revitalization Plan DEIR.
Source: City of Los Angeles. 10000 Santa Monica Boulevard DEIR. Table IV.L.2-2.

As indicated in Table 16, the 2.8 AFY project demand would be accommodated by surplus water that ranges from a minimum of 1,212 AF to a maximum of 11,780 AF through the 2030 planning year (see Table 15). The proposed project's impact would be **less than significant** and mitigation is not required.

f, g) **Less than significant.** State law requires a 50-percent diversion of solid waste from landfills. The City of Beverly Hills has achieved this diversion through recycling and collection of green waste, and has diverted at least 57 percent of its solid waste since 2001 and achieved a waste diversion rate of 78 percent in 2010 (City of Beverly Hills General Plan Update Negative Declaration and Environmental Initial Study, 2010; Crown Disposal, 2011).

The City of Beverly Hills Public Works Department, Solid Waste Division is responsible for solid waste collection in the City of Beverly Hills. The City contracts with Crown Disposal, Inc., a private hauling contractor, for the removal of waste from commercial businesses. The disposal of solid waste occurs at one of four designated landfills: Puente Hills Landfill, Chiquita Canyon Landfill, Sunshine Canyon Landfill and/or the Calabasas Sanitary Landfill. The Puente Hills Landfill is anticipated to close in October of 2013; therefore, solid waste that would be generated by the project during operation would be sent to one of the other three landfills, although construction waste could be sent to the Puente Hills Landfill while it is still in operation. It is estimated that Chiquita, Sunshine Canyon and Calabasas Sanitary landfills have a remaining capacity of approximately 135 million CY, taking into account reduction estimates for usage that has occurred since the date of remaining capacity was documented on the Solid Waste Information System website (Rincon Consultants, 2012). Together, these three landfills are permitted to receive 21,600 tons/day (CalRecycle, 2012). The Chiquita Canyon Landfill is anticipated to operate through 2019, while the Calabasas Sanitary Landfill is anticipated to operate through 2025 and the Sunshine Canyon Landfill is anticipated to operate through 2037.

The proposed project has two components (construction and operation) that would result in the generation of solid waste. For purposes of this analysis, the operational waste is compared to

the existing estimated waste to determine the net increase from the proposed project. Construction of the proposed project would involve site preparation activities (e.g., demolition and building) that would generate waste materials. The project would include demolition of four one- to two-story residential buildings which would generate waste materials. The handling of all debris and waste generated during construction would be subject to the City's and State's (AB 939) requirements for salvaging, recycling, and reuse of materials from demolition and construction activity on the project site.

As shown in Table 17, operation of the project would generate an estimated 26.9 tons of solid waste per year. Assuming the City's existing diversion rate of 78%, the proposed project would generate a net increase of 3.3 tons per year of solid waste to be disposed of at area landfills. Given the daily permitted throughput of 21,600 tons per day at the three area landfills, the proposed project represents less than 0.01% of all daily permitted throughput.

Table 17
Estimated Solid Waste Generation

Land Use	Residential Units	Annual Generation Rate tons/unit/year)[a]	Generation (tons/year)	Solid Waste Diverted (tons/year)[b]	Solid Waste Disposed in Landfills (tons/year)
Proposed Residential	23	1.17	26.9	21.0	5.9
Existing Residential	10	1.17	11.7	9.1	2.6
Net Increase	**13**	**--**	**15.2**	**11.9**	**3.3**

a CalRecycle. Estimated Solid Waste Generation Rates for Residential Developments. July 2010.
b Based on Diversion Rate of 78%.

Continued compliance with solid waste diversion requirements and the implementation of standard building regulations would be sufficient to address impacts related to solid waste generation. Impacts would be **less than significant** and mitigation is not required.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —				
a) Does the Project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☒	☐	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE —				
b) Does the Project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☒	☐
c) Does the Project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

a) **Potentially significant.** As discussed in Section IV, *Biological Resources*, the project does not have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. However, as discussed in Section V, *Cultural Resources*, the impact to potential historic resources is potentially significant. Buildout of the project would entail the demolition of a building with potential historical significance. Therefore, impacts to cultural resources would be **potentially significant**. The identified impact will be discussed in greater detail in the EIR, along with feasible mitigation measures.

b) **Less than significant.** Cumulative impacts are generally considered in analyses of air quality, noise, and traffic. Given the small scale of the project, cumulative impacts in these and other issue areas would be insubstantial. As discussed in Section XII, *Noise*, and Section XVI, *Transportation/Traffic*, the project would generate few additional vehicle trips and therefore would not generate considerable noise from traffic that is perceptible to sensitive receptors. Therefore, the project's contribution to cumulative impacts would be **less than significant**, and would not be cumulatively considerable.

c) **Less than significant.** As discussed in Section III, *Air Quality*, the proposed project would not conflict with the Air Quality Management Plan; temporary air pollutant emissions during construction and long-term emissions due to vehicle traffic and energy use would not violate any air quality standards or result in cumulatively considerable net increase of criteria pollutants; and sensitive receptors would not be exposed to substantial pollutant concentrations or create objectionable odors. As discussed in Section XI, *Noise*, the proposed project would not result in the exposure of persons to noise levels in exceedance of City standards; exposure of persons to excessive groundborne noise vibration; a significant increase above ambient noise levels in the project vicinity; or subject people to excessive noise from use of an airport or airstrip. As stated in Section VI, *Geology and Soils*, construction of the proposed project would

not expose people to adverse effects from fault rupture, ground shaking, ground failure, liquefaction, or landslides; result in soil erosion, or be constructed on unstable or expansive soils. Compliance with the City of Beverly Hills Municipal Code, compliance with State of California Regional Water Quality Control Board and Los Angeles Regional Water Quality Control Board requirements, compliance with the CBC and UBC requirements, and compliance with all applicable state and federal regulations would reduce these potential adverse effects to human beings to a less than significant level. Further, as discussed in Section VII, *Hazards and Hazardous Materials*, compliance with existing regulations would ensure that impacts from asbestos and lead exposure during construction are less than significant. As such, impacts to human beings would be **less than significant.**

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Appendix A

Air Quality Modeling Results

9265 Burton

Los Angeles-South Coast County, Summer

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric
Parking Structure	46	Space
Condo/Townhouse High Rise	23	Dwelling Unit

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Utility Company**	Southern California Edison
Climate Zone	9	**Precipitation Freq (Days)**	33		

1.3 User Entered Comments

Project Characteristics -

Land Use - Population estimated at 53, given 2.294 persons per household in Beverly Hills.

Construction Phase - estimated from 15 month construction schedule

Trips and VMT - 7100 CY of material exported and 20 CY/truck trip = 710 truck trips.

Demolition -

Grading - Material Export per City of Beverly Hills. Project site is 0.33 acres.

Architectural Coating - SCAQMD Rule 1113.

Vehicle Trips - Trip generation rate of 6.65 trips/dwelling unit per traffic study.

Woodstoves - Natural gas fireplaces per site plans. No woodstoves.

Area Coating - Per SCAQMD Rule 1113.

Construction Off-road Equipment Mitigation - Per SCAQMD Rule 403.

Area Mitigation - Per SCAQMD 1113.

Waste Mitigation - 78% diversion rate in City of Beverly Hills.

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment -

2.0 Emissions Summary

2.1 Overall Construction (Maximum Daily Emission)

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2012	4.52	36.60	23.31	0.04	17.53	2.13	19.66	0.52	2.13	2.65	0.00	4,583.74	0.00	0.31	0.00	4,590.31
2013	44.84	17.32	13.11	0.02	0.40	1.21	1.48	0.02	1.21	1.22	0.00	2,379.29	0.00	0.22	0.00	2,383.89
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Year	lb/day										lb/day					
2012	4.52	36.60	23.31	0.04	17.11	2.13	19.25	0.29	2.13	2.43	0.00	4,583.74	0.00	0.31	0.00	4,590.31
2013	44.84	17.32	13.11	0.02	0.40	1.21	1.48	0.02	1.21	1.22	0.00	2,379.29	0.00	0.22	0.00	2,383.89
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	3.79	0.14	9.58	0.02		0.00	1.23		0.00	1.23	162.30	417.46		0.65	0.01	596.41
Energy	0.02	0.14	0.06	0.00		0.00	0.01		0.00	0.01		182.66		0.00	0.00	183.77
Mobile	0.99	2.43	9.86	0.02	1.82	0.11	1.93	0.06	0.11	0.17		1,740.01		0.08		1,741.69
Total	**4.80**	**2.71**	**19.50**	**0.04**	**1.82**	**0.11**	**3.17**	**0.06**	**0.11**	**1.41**	**162.30**	**2,340.13**		**0.73**	**0.01**	**2,521.87**

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Area	1.38	0.02	1.97	0.00		0.00	0.04		0.00	0.04	0.00	441.81		0.01	0.01	444.56
Energy	0.02	0.14	0.06	0.00		0.00	0.01		0.00	0.01		182.66		0.00	0.00	183.77
Mobile	0.99	2.43	9.86	0.02	1.82	0.11	1.93	0.06	0.11	0.17		1,740.01		0.08		1,741.69
Total	**2.39**	**2.59**	**11.89**	**0.02**	**1.82**	**0.11**	**1.98**	**0.06**	**0.11**	**0.22**	**0.00**	**2,364.48**		**0.09**	**0.01**	**2,370.02**

3.0 Construction Detail

3.1 Mitigation Measures Construction

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

3.2 Demolition - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.62	0.00	0.62	0.00	0.00	0.00						0.00
Off-Road	2.17	14.85	9.68	0.02		1.15	1.15		1.15	1.15		1,476.12		0.19		1,480.19
Total	**2.17**	**14.85**	**9.68**	**0.02**	**0.62**	**1.15**	**1.77**	**0.00**	**1.15**	**1.15**		**1,476.12**		**0.19**		**1,480.19**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.36	3.42	2.02	0.00	1.32	0.16	1.47	0.02	0.16	0.17		469.55		0.02		469.92
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.07	0.85	0.00	0.15	0.01	0.16	0.01	0.01	0.01		131.00		0.01		131.17
Total	**0.43**	**3.49**	**2.87**	**0.00**	**1.47**	**0.17**	**1.63**	**0.03**	**0.17**	**0.18**		**600.55**		**0.03**		**601.09**

3.2 Demolition - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.28	0.00	0.28	0.00	0.00	0.00						0.00
Off-Road	2.17	14.85	9.68	0.02		1.15	1.15		1.15	1.15	0.00	1,476.12		0.19		1,480.19
Total	**2.17**	**14.85**	**9.68**	**0.02**	**0.28**	**1.15**	**1.43**	**0.00**	**1.15**	**1.15**	**0.00**	**1,476.12**		**0.19**		**1,480.19**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.36	3.42	2.02	0.00	1.32	0.16	1.47	0.02	0.16	0.17		469.55		0.02		469.92
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.07	0.85	0.00	0.15	0.01	0.16	0.01	0.01	0.01		131.00		0.01		131.17
Total	**0.43**	**3.49**	**2.87**	**0.00**	**1.47**	**0.17**	**1.63**	**0.03**	**0.17**	**0.18**		**600.55**		**0.03**		**601.09**

3.3 Site Preparation - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.53	0.00	0.53	0.00	0.00	0.00						0.00
Off-Road	1.85	13.45	8.72	0.01		0.89	0.89		0.89	0.89		1,402.65		0.17		1,406.13
Total	**1.85**	**13.45**	**8.72**	**0.01**	**0.53**	**0.89**	**1.42**	**0.00**	**0.89**	**0.89**		**1,402.65**		**0.17**		**1,406.13**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.04	0.04	0.42	0.00	0.08	0.00	0.08	0.00	0.00	0.01		65.50		0.00		65.59
Total	**0.04**	**0.04**	**0.42**	**0.00**	**0.08**	**0.00**	**0.08**	**0.00**	**0.00**	**0.01**		**65.50**		**0.00**		**65.59**

3.3 Site Preparation - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.24	0.00	0.24	0.00	0.00	0.00						0.00
Off-Road	1.85	13.45	8.72	0.01		0.89	0.89		0.89	0.89	0.00	1,402.65		0.17		1,406.13
Total	**1.85**	**13.45**	**8.72**	**0.01**	**0.24**	**0.89**	**1.13**	**0.00**	**0.89**	**0.89**	**0.00**	**1,402.65**		**0.17**		**1,406.13**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.04	0.04	0.42	0.00	0.08	0.00	0.08	0.00	0.00	0.01		65.50		0.00		65.59
Total	**0.04**	**0.04**	**0.42**	**0.00**	**0.08**	**0.00**	**0.08**	**0.00**	**0.00**	**0.01**		**65.50**		**0.00**		**65.59**

3.4 Grading - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.75	0.00	0.75	0.41	0.00	0.41						0.00
Off-Road	2.17	14.85	9.68	0.02		1.15	1.15		1.15	1.15		1,476.12		0.19		1,480.19
Total	**2.17**	**14.85**	**9.68**	**0.02**	**0.75**	**1.15**	**1.90**	**0.41**	**1.15**	**1.56**		**1,476.12**		**0.19**		**1,480.19**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	2.28	21.68	12.78	0.03	16.62	0.98	17.60	0.10	0.98	1.08		2,976.62		0.11		2,978.94
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.07	0.85	0.00	0.15	0.01	0.16	0.01	0.01	0.01		131.00		0.01		131.17
Total	**2.35**	**21.75**	**13.63**	**0.03**	**16.77**	**0.99**	**17.76**	**0.11**	**0.99**	**1.09**		**3,107.62**		**0.12**		**3,110.11**

3.4 Grading - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Fugitive Dust					0.34	0.00	0.34	0.19	0.00	0.19						0.00
Off-Road	2.17	14.85	9.68	0.02		1.15	1.15		1.15	1.15	0.00	1,476.12		0.19		1,480.19
Total	**2.17**	**14.85**	**9.68**	**0.02**	**0.34**	**1.15**	**1.49**	**0.19**	**1.15**	**1.34**	**0.00**	**1,476.12**		**0.19**		**1,480.19**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	2.28	21.68	12.78	0.03	16.62	0.98	17.60	0.10	0.98	1.08		2,976.62		0.11		2,978.94
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.07	0.07	0.85	0.00	0.15	0.01	0.16	0.01	0.01	0.01		131.00		0.01		131.17
Total	**2.35**	**21.75**	**13.63**	**0.03**	**16.77**	**0.99**	**17.76**	**0.11**	**0.99**	**1.09**		**3,107.62**		**0.12**		**3,110.11**

3.5 Building Construction - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.39	17.66	10.87	0.02		1.17	1.17		1.17	1.17		1,945.40		0.21		1,949.90
Total	**2.39**	**17.66**	**10.87**	**0.02**		**1.17**	**1.17**		**1.17**	**1.17**		**1,945.40**		**0.21**		**1,949.90**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.09	0.93	0.62	0.00	0.05	0.03	0.08	0.00	0.03	0.04		137.94		0.00		138.03
Worker	0.17	0.17	1.95	0.00	0.35	0.01	0.36	0.01	0.01	0.02		301.30		0.02		301.70
Total	**0.26**	**1.10**	**2.57**	**0.00**	**0.40**	**0.04**	**0.44**	**0.01**	**0.04**	**0.06**		**439.24**		**0.02**		**439.73**

3.5 Building Construction - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.39	17.66	10.87	0.02		1.17	1.17		1.17	1.17	0.00	1,945.40		0.21		1,949.90
Total	**2.39**	**17.66**	**10.87**	**0.02**		**1.17**	**1.17**		**1.17**	**1.17**	**0.00**	**1,945.40**		**0.21**		**1,949.90**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.09	0.93	0.62	0.00	0.05	0.03	0.08	0.00	0.03	0.04		137.94		0.00		138.03
Worker	0.17	0.17	1.95	0.00	0.35	0.01	0.36	0.01	0.01	0.02		301.30		0.02		301.70
Total	**0.26**	**1.10**	**2.57**	**0.00**	**0.40**	**0.04**	**0.44**	**0.01**	**0.04**	**0.06**		**439.24**		**0.02**		**439.73**

3.5 Building Construction - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.20	16.33	10.77	0.02		1.04	1.04		1.04	1.04		1,945.40		0.20		1,949.52
Total	**2.20**	**16.33**	**10.77**	**0.02**		**1.04**	**1.04**		**1.04**	**1.04**		**1,945.40**		**0.20**		**1,949.52**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.08	0.85	0.55	0.00	0.05	0.03	0.08	0.00	0.03	0.03		138.38		0.00		138.46
Worker	0.15	0.15	1.79	0.00	0.35	0.01	0.37	0.01	0.01	0.03		295.51		0.02		295.89
Total	**0.23**	**1.00**	**2.34**	**0.00**	**0.40**	**0.04**	**0.45**	**0.01**	**0.04**	**0.06**		**433.89**		**0.02**		**434.35**

3.5 Building Construction - 2013

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.20	16.33	10.77	0.02		1.04	1.04		1.04	1.04	0.00	1,945.40		0.20		1,949.52
Total	**2.20**	**16.33**	**10.77**	**0.02**		**1.04**	**1.04**		**1.04**	**1.04**	**0.00**	**1,945.40**		**0.20**		**1,949.52**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.08	0.85	0.55	0.00	0.05	0.03	0.08	0.00	0.03	0.03		138.38		0.00		138.46
Worker	0.15	0.15	1.79	0.00	0.35	0.01	0.37	0.01	0.01	0.03		295.51		0.02		295.89
Total	**0.23**	**1.00**	**2.34**	**0.00**	**0.40**	**0.04**	**0.45**	**0.01**	**0.04**	**0.06**		**433.89**		**0.02**		**434.35**

3.6 Paving - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.32	14.52	9.76	0.02		1.20	1.20		1.20	1.20		1,408.52		0.21		1,412.88
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	**2.32**	**14.52**	**9.76**	**0.02**		**1.20**	**1.20**		**1.20**	**1.20**		**1,408.52**		**0.21**		**1,412.88**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.10	0.10	1.17	0.00	0.23	0.01	0.24	0.01	0.01	0.02		192.73		0.01		192.97
Total	**0.10**	**0.10**	**1.17**	**0.00**	**0.23**	**0.01**	**0.24**	**0.01**	**0.01**	**0.02**		**192.73**		**0.01**		**192.97**

3.6 Paving - 2013

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Off-Road	2.32	14.52	9.76	0.02		1.20	1.20		1.20	1.20	0.00	1,408.52		0.21		1,412.88
Paving	0.00					0.00	0.00		0.00	0.00						0.00
Total	**2.32**	**14.52**	**9.76**	**0.02**		**1.20**	**1.20**		**1.20**	**1.20**	**0.00**	**1,408.52**		**0.21**		**1,412.88**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.10	0.10	1.17	0.00	0.23	0.01	0.24	0.01	0.01	0.02		192.73		0.01		192.97
Total	**0.10**	**0.10**	**1.17**	**0.00**	**0.23**	**0.01**	**0.24**	**0.01**	**0.01**	**0.02**		**192.73**		**0.01**		**192.97**

3.7 Architectural Coating - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	44.32					0.00	0.00		0.00	0.00						0.00
Off-Road	0.49	2.96	1.94	0.00		0.27	0.27		0.27	0.27		281.19		0.04		282.10
Total	**44.81**	**2.96**	**1.94**	**0.00**		**0.27**	**0.27**		**0.27**	**0.27**		**281.19**		**0.04**		**282.10**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.03	0.03	0.39	0.00	0.08	0.00	0.08	0.00	0.00	0.01		64.24		0.00		64.32
Total	**0.03**	**0.03**	**0.39**	**0.00**	**0.08**	**0.00**	**0.08**	**0.00**	**0.00**	**0.01**		**64.24**		**0.00**		**64.32**

3.7 Architectural Coating - 2013

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Archit. Coating	44.32					0.00	0.00		0.00	0.00						0.00
Off-Road	0.49	2.96	1.94	0.00		0.27	0.27		0.27	0.27	0.00	281.19		0.04		282.10
Total	**44.81**	**2.96**	**1.94**	**0.00**		**0.27**	**0.27**		**0.27**	**0.27**	**0.00**	**281.19**		**0.04**		**282.10**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00		0.00		0.00		0.00
Worker	0.03	0.03	0.39	0.00	0.08	0.00	0.08	0.00	0.00	0.01		64.24		0.00		64.32
Total	**0.03**	**0.03**	**0.39**	**0.00**	**0.08**	**0.00**	**0.08**	**0.00**	**0.00**	**0.01**		**64.24**		**0.00**		**64.32**

4.0 Mobile Detail

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	0.99	2.43	9.86	0.02	1.82	0.11	1.93	0.06	0.11	0.17		1,740.01		0.08		1,741.69
Unmitigated	0.99	2.43	9.86	0.02	1.82	0.11	1.93	0.06	0.11	0.17		1,740.01		0.08		1,741.69
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse High Rise	151.57	164.68	139.61	505,362	505,362
Parking Structure	0.00	0.00	0.00		
Total	151.57	164.68	139.61	505,362	505,362

4.3 Trip Type Information

	Miles			Trip %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW
Condo/Townhouse High Rise	12.70	7.00	9.50	40.20	19.20	40.60
Parking Structure	8.90	13.30	7.40	0.00	0.00	0.00

5.0 Energy Detail

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
NaturalGas Mitigated	0.02	0.14	0.06	0.00		0.00	0.01		0.00	0.01		182.66		0.00	0.00	183.77
NaturalGas Unmitigated	0.02	0.14	0.06	0.00		0.00	0.01		0.00	0.01		182.66		0.00	0.00	183.77
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	lb/day										lb/day					
Condo/Townhouse High Rise	1552.63	0.02	0.14	0.06	0.00		0.00	0.01		0.00	0.01		182.66		0.00	0.00	183.77
Parking Structure	0	0.00	0.00	0.00	0.00		0.00	0.00		0.00	0.00		0.00		0.00	0.00	0.00
Total		**0.02**	**0.14**	**0.06**	**0.00**		**0.00**	**0.01**		**0.00**	**0.01**		**182.66**		**0.00**	**0.00**	**183.77**

5.2 Energy by Land Use - NaturalGas

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	lb/day										lb/day					
Condo/Townhouse High Rise	1.55263	0.02	0.14	0.06	0.00		0.00	0.01		0.00	0.01		182.66		0.00	0.00	183.77
Parking Structure	0	0.00	0.00	0.00	0.00		0.00	0.00		0.00	0.00		0.00		0.00	0.00	0.00
Total		**0.02**	**0.14**	**0.06**	**0.00**		**0.00**	**0.01**		**0.00**	**0.01**		**182.66**		**0.00**	**0.00**	**183.77**

6.0 Area Detail

6.1 Mitigation Measures Area

Use Low VOC Paint - Non-Residential Interior

Use Low VOC Paint - Non-Residential Exterior

Use only Natural Gas Hearths

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	lb/day										lb/day					
Mitigated	1.38	0.02	1.97	0.00		0.00	0.04		0.00	0.04	0.00	441.81		0.01	0.01	444.56
Unmitigated	3.79	0.14	9.58	0.02		0.00	1.23		0.00	1.23	162.30	417.46		0.65	0.01	596.41
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.15					0.00	0.00		0.00	0.00						0.00
Consumer Products	1.13					0.00	0.00		0.00	0.00						0.00
Hearth	2.45	0.11	7.61	0.02		0.00	1.22		0.00	1.22	162.30	414.00		0.64	0.01	592.88
Landscaping	0.06	0.02	1.97	0.00		0.00	0.01		0.00	0.01		3.46		0.00		3.54
Total	**3.79**	**0.13**	**9.58**	**0.02**		**0.00**	**1.23**		**0.00**	**1.23**	**162.30**	**417.46**		**0.64**	**0.01**	**596.42**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
SubCategory	lb/day										lb/day					
Architectural Coating	0.15					0.00	0.00		0.00	0.00						0.00
Consumer Products	1.13					0.00	0.00		0.00	0.00						0.00
Hearth	0.04	0.00	0.00	0.00		0.00	0.03		0.00	0.03	0.00	438.35		0.01	0.01	441.02
Landscaping	0.06	0.02	1.97	0.00		0.00	0.01		0.00	0.01		3.46		0.00		3.54
Total	**1.38**	**0.02**	**1.97**	**0.00**		**0.00**	**0.04**		**0.00**	**0.04**	**0.00**	**441.81**		**0.01**	**0.01**	**444.56**

7.0 Water Detail

7.1 Mitigation Measures Water

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

9.0 Vegetation

9265 Burton

Los Angeles-South Coast County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric
Parking Structure	46	Space
Condo/Townhouse High Rise	23	Dwelling Unit

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Utility Company**	Southern California Edison
Climate Zone	9	**Precipitation Freq (Days)**	33		

1.3 User Entered Comments

Project Characteristics -

Land Use - Population estimated at 53, given 2.294 persons per household in Beverly Hills.

Construction Phase - estimated from 15 month construction schedule

Trips and VMT - 7100 CY of material exported and 20 CY/truck trip = 710 truck trips.

Demolition -

Grading - Material Export per City of Beverly Hills. Project site is 0.33 acres.

Architectural Coating - SCAQMD Rule 1113.

Vehicle Trips - Trip generation rate of 6.65 trips/dwelling unit per traffic study.

Woodstoves - Natural gas fireplaces per site plans. No woodstoves.

Area Coating - Per SCAQMD Rule 1113.

Construction Off-road Equipment Mitigation - Per SCAQMD Rule 403.

Area Mitigation - Per SCAQMD 1113.

Waste Mitigation - 78% diversion rate in City of Beverly Hills.

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment - -

Off-road Equipment -

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2012	0.11	0.79	0.54	0.00	0.17	0.05	0.22	0.01	0.05	0.06	0.00	89.11	89.11	0.01	0.00	89.27
2013	0.56	2.09	1.58	0.00	0.04	0.13	0.17	0.00	0.13	0.13	0.00	257.36	257.36	0.02	0.00	257.86
Total	**0.67**	**2.88**	**2.12**	**0.00**	**0.21**	**0.18**	**0.39**	**0.01**	**0.18**	**0.19**	**0.00**	**346.47**	**346.47**	**0.03**	**0.00**	**347.13**

Mitigated Construction

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Year	tons/yr										MT/yr					
2012	0.11	0.79	0.54	0.00	0.17	0.05	0.22	0.00	0.05	0.05	0.00	89.11	89.11	0.01	0.00	89.27
2013	0.56	2.09	1.58	0.00	0.04	0.13	0.17	0.00	0.13	0.13	0.00	257.36	257.36	0.02	0.00	257.86
Total	**0.67**	**2.88**	**2.12**	**0.00**	**0.21**	**0.18**	**0.39**	**0.00**	**0.18**	**0.18**	**0.00**	**346.47**	**346.47**	**0.03**	**0.00**	**347.13**

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.32	0.01	0.50	0.00		0.00	0.02		0.00	0.02	2.44	14.66	17.10	0.01	0.00	17.37
Energy	0.00	0.03	0.01	0.00		0.00	0.00		0.00	0.00	0.00	59.31	59.31	0.00	0.00	59.67
Mobile	0.16	0.41	1.64	0.00	0.27	0.02	0.29	0.01	0.02	0.03	0.00	253.44	253.44	0.01	0.00	253.65
Waste						0.00	0.00		0.00	0.00	2.15	0.00	2.15	0.13	0.00	4.81
Water						0.00	0.00		0.00	0.00	0.00	8.75	8.75	0.05	0.00	10.11
Total	**0.48**	**0.45**	**2.15**	**0.00**	**0.27**	**0.02**	**0.31**	**0.01**	**0.02**	**0.05**	**4.59**	**336.16**	**340.75**	**0.20**	**0.00**	**345.61**

2.2 Overall Operational

Mitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Area	0.25	0.00	0.36	0.00		0.00	0.00		0.00	0.00	0.00	15.48	15.48	0.00	0.00	15.59
Energy	0.00	0.03	0.01	0.00		0.00	0.00		0.00	0.00	0.00	59.31	59.31	0.00	0.00	59.67
Mobile	0.16	0.41	1.64	0.00	0.27	0.02	0.29	0.01	0.02	0.03	0.00	253.44	253.44	0.01	0.00	253.65
Waste						0.00	0.00		0.00	0.00	0.47	0.00	0.47	0.03	0.00	1.06
Water						0.00	0.00		0.00	0.00	0.00	8.75	8.75	0.05	0.00	10.11
Total	**0.41**	**0.44**	**2.01**	**0.00**	**0.27**	**0.02**	**0.29**	**0.01**	**0.02**	**0.03**	**0.47**	**336.98**	**337.45**	**0.09**	**0.00**	**340.08**

3.0 Construction Detail

3.1 Mitigation Measures Construction

Water Exposed Area

Reduce Vehicle Speed on Unpaved Roads

3.2 Demolition - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.01	0.07	0.05	0.00		0.01	0.01		0.01	0.01	0.00	6.69	6.69	0.00	0.00	6.71
Total	**0.01**	**0.07**	**0.05**	**0.00**	**0.00**	**0.01**	**0.01**	**0.00**	**0.01**	**0.01**	**0.00**	**6.69**	**6.69**	**0.00**	**0.00**	**6.71**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.02	0.01	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	2.13	2.13	0.00	0.00	2.13
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.56	0.56	0.00	0.00	0.56
Total	**0.00**	**0.02**	**0.01**	**0.00**	**0.01**	**0.00**	**0.01**	**0.00**	**0.00**	**0.00**	**0.00**	**2.69**	**2.69**	**0.00**	**0.00**	**2.69**

3.2 Demolition - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.01	0.07	0.05	0.00		0.01	0.01		0.01	0.01	0.00	6.69	6.69	0.00	0.00	6.71
Total	**0.01**	**0.07**	**0.05**	**0.00**	**0.00**	**0.01**	**0.01**	**0.00**	**0.01**	**0.01**	**0.00**	**6.69**	**6.69**	**0.00**	**0.00**	**6.71**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.02	0.01	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	2.13	2.13	0.00	0.00	2.13
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.56	0.56	0.00	0.00	0.56
Total	**0.00**	**0.02**	**0.01**	**0.00**	**0.01**	**0.00**	**0.01**	**0.00**	**0.00**	**0.00**	**0.00**	**2.69**	**2.69**	**0.00**	**0.00**	**2.69**

3.3 Site Preparation - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.00	0.01	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.64	0.64	0.00	0.00	0.64
Total	**0.00**	**0.01**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.64**	**0.64**	**0.00**	**0.00**	**0.64**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.03	0.00	0.00	0.03
Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.03**	**0.03**	**0.00**	**0.00**	**0.03**

3.3 Site Preparation - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.00	0.01	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.64	0.64	0.00	0.00	0.64
Total	**0.00**	**0.01**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.64**	**0.64**	**0.00**	**0.00**	**0.64**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.03	0.03	0.00	0.00	0.03
Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.03**	**0.03**	**0.00**	**0.00**	**0.03**

3.4 Grading - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.01	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.02	0.15	0.10	0.00		0.01	0.01		0.01	0.01	0.00	13.39	13.39	0.00	0.00	13.42
Total	**0.02**	**0.15**	**0.10**	**0.00**	**0.01**	**0.01**	**0.02**	**0.00**	**0.01**	**0.01**	**0.00**	**13.39**	**13.39**	**0.00**	**0.00**	**13.42**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.02	0.22	0.13	0.00	0.15	0.01	0.16	0.00	0.01	0.01	0.00	26.95	26.95	0.00	0.00	26.97
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.13	1.13	0.00	0.00	1.13
Total	**0.02**	**0.22**	**0.14**	**0.00**	**0.15**	**0.01**	**0.16**	**0.00**	**0.01**	**0.01**	**0.00**	**28.08**	**28.08**	**0.00**	**0.00**	**28.10**

3.4 Grading - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Fugitive Dust					0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.02	0.15	0.10	0.00		0.01	0.01		0.01	0.01	0.00	13.39	13.39	0.00	0.00	13.42
Total	**0.02**	**0.15**	**0.10**	**0.00**	**0.00**	**0.01**	**0.01**	**0.00**	**0.01**	**0.01**	**0.00**	**13.39**	**13.39**	**0.00**	**0.00**	**13.42**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.02	0.22	0.13	0.00	0.15	0.01	0.16	0.00	0.01	0.01	0.00	26.95	26.95	0.00	0.00	26.97
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1.13	1.13	0.00	0.00	1.13
Total	**0.02**	**0.22**	**0.14**	**0.00**	**0.15**	**0.01**	**0.16**	**0.00**	**0.01**	**0.01**	**0.00**	**28.08**	**28.08**	**0.00**	**0.00**	**28.10**

3.5 Building Construction - 2012

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.04	0.31	0.19	0.00		0.02	0.02		0.02	0.02	0.00	30.88	30.88	0.00	0.00	30.95
Total	**0.04**	**0.31**	**0.19**	**0.00**		**0.02**	**0.02**		**0.02**	**0.02**	**0.00**	**30.88**	**30.88**	**0.00**	**0.00**	**30.95**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.02	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.18	2.18	0.00	0.00	2.19
Worker	0.00	0.00	0.03	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	4.54	4.54	0.00	0.00	4.54
Total	**0.00**	**0.02**	**0.04**	**0.00**	**0.01**	**0.00**	**0.01**	**0.00**	**0.00**	**0.00**	**0.00**	**6.72**	**6.72**	**0.00**	**0.00**	**6.73**

3.5 Building Construction - 2012

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.04	0.31	0.19	0.00		0.02	0.02		0.02	0.02	0.00	30.88	30.88	0.00	0.00	30.95
Total	**0.04**	**0.31**	**0.19**	**0.00**		**0.02**	**0.02**		**0.02**	**0.02**	**0.00**	**30.88**	**30.88**	**0.00**	**0.00**	**30.95**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.02	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2.18	2.18	0.00	0.00	2.19
Worker	0.00	0.00	0.03	0.00	0.01	0.00	0.01	0.00	0.00	0.00	0.00	4.54	4.54	0.00	0.00	4.54
Total	**0.00**	**0.02**	**0.04**	**0.00**	**0.01**	**0.00**	**0.01**	**0.00**	**0.00**	**0.00**	**0.00**	**6.72**	**6.72**	**0.00**	**0.00**	**6.73**

3.5 Building Construction - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.26	1.92	1.26	0.00		0.12	0.12		0.12	0.12	0.00	207.31	207.31	0.02	0.00	207.75
Total	**0.26**	**1.92**	**1.26**	**0.00**		**0.12**	**0.12**		**0.12**	**0.12**	**0.00**	**207.31**	**207.31**	**0.02**	**0.00**	**207.75**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.01	0.10	0.07	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.00	14.71	14.71	0.00	0.00	14.72
Worker	0.02	0.02	0.20	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	29.87	29.87	0.00	0.00	29.91
Total	**0.03**	**0.12**	**0.27**	**0.00**	**0.04**	**0.00**	**0.05**	**0.00**	**0.00**	**0.00**	**0.00**	**44.58**	**44.58**	**0.00**	**0.00**	**44.63**

3.5 Building Construction - 2013

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.26	1.92	1.26	0.00		0.12	0.12		0.12	0.12	0.00	207.31	207.31	0.02	0.00	207.75
Total	**0.26**	**1.92**	**1.26**	**0.00**		**0.12**	**0.12**		**0.12**	**0.12**	**0.00**	**207.31**	**207.31**	**0.02**	**0.00**	**207.75**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.01	0.10	0.07	0.00	0.00	0.00	0.01	0.00	0.00	0.00	0.00	14.71	14.71	0.00	0.00	14.72
Worker	0.02	0.02	0.20	0.00	0.04	0.00	0.04	0.00	0.00	0.00	0.00	29.87	29.87	0.00	0.00	29.91
Total	**0.03**	**0.12**	**0.27**	**0.00**	**0.04**	**0.00**	**0.05**	**0.00**	**0.00**	**0.00**	**0.00**	**44.58**	**44.58**	**0.00**	**0.00**	**44.63**

3.6 Paving - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.01	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	3.19	3.19	0.00	0.00	3.20
Paving	0.00					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	**0.01**	**0.04**	**0.02**	**0.00**		**0.00**	**0.00**		**0.00**	**0.00**	**0.00**	**3.19**	**3.19**	**0.00**	**0.00**	**3.20**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.41	0.41	0.00	0.00	0.42
Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.41**	**0.41**	**0.00**	**0.00**	**0.42**

3.6 Paving - 2013

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Off-Road	0.01	0.04	0.02	0.00		0.00	0.00		0.00	0.00	0.00	3.19	3.19	0.00	0.00	3.20
Paving	0.00					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total	**0.01**	**0.04**	**0.02**	**0.00**		**0.00**	**0.00**		**0.00**	**0.00**	**0.00**	**3.19**	**3.19**	**0.00**	**0.00**	**3.20**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.41	0.41	0.00	0.00	0.42
Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.41**	**0.41**	**0.00**	**0.00**	**0.42**

3.7 Architectural Coating - 2013

Unmitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.27					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.00	0.02	0.01	0.00		0.00	0.00		0.00	0.00	0.00	1.53	1.53	0.00	0.00	1.54
Total	**0.27**	**0.02**	**0.01**	**0.00**		**0.00**	**0.00**		**0.00**	**0.00**	**0.00**	**1.53**	**1.53**	**0.00**	**0.00**	**1.54**

Unmitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.33	0.33	0.00	0.00	0.33
Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.33**	**0.33**	**0.00**	**0.00**	**0.33**

3.7 Architectural Coating - 2013

Mitigated Construction On-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Archit. Coating	0.27					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Off-Road	0.00	0.02	0.01	0.00		0.00	0.00		0.00	0.00	0.00	1.53	1.53	0.00	0.00	1.54
Total	**0.27**	**0.02**	**0.01**	**0.00**		**0.00**	**0.00**		**0.00**	**0.00**	**0.00**	**1.53**	**1.53**	**0.00**	**0.00**	**1.54**

Mitigated Construction Off-Site

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Hauling	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Vendor	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Worker	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.33	0.33	0.00	0.00	0.33
Total	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.00**	**0.33**	**0.33**	**0.00**	**0.00**	**0.33**

4.0 Mobile Detail

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.16	0.41	1.64	0.00	0.27	0.02	0.29	0.01	0.02	0.03	0.00	253.44	253.44	0.01	0.00	253.65
Unmitigated	0.16	0.41	1.64	0.00	0.27	0.02	0.29	0.01	0.02	0.03	0.00	253.44	253.44	0.01	0.00	253.65
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
Condo/Townhouse High Rise	151.57	164.68	139.61	505,362	505,362
Parking Structure	0.00	0.00	0.00		
Total	151.57	164.68	139.61	505,362	505,362

4.3 Trip Type Information

	Miles			Trip %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW
Condo/Townhouse High Rise	12.70	7.00	9.50	40.20	19.20	40.60
Parking Structure	8.90	13.30	7.40	0.00	0.00	0.00

5.0 Energy Detail

5.1 Mitigation Measures Energy

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Electricity Mitigated						0.00	0.00		0.00	0.00	0.00	29.07	29.07	0.00	0.00	29.25
Electricity Unmitigated						0.00	0.00		0.00	0.00	0.00	29.07	29.07	0.00	0.00	29.25
NaturalGas Mitigated	0.00	0.03	0.01	0.00		0.00	0.00		0.00	0.00	0.00	30.24	30.24	0.00	0.00	30.43
NaturalGas Unmitigated	0.00	0.03	0.01	0.00		0.00	0.00		0.00	0.00	0.00	30.24	30.24	0.00	0.00	30.43
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

5.2 Energy by Land Use - NaturalGas

Unmitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	tons/yr										MT/yr					
Condo/Townhouse High Rise	566711	0.00	0.03	0.01	0.00		0.00	0.00		0.00	0.00	0.00	30.24	30.24	0.00	0.00	30.43
Parking Structure	0	0.00	0.00	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total		**0.00**	**0.03**	**0.01**	**0.00**		**0.00**	**0.00**		**0.00**	**0.00**	**0.00**	**30.24**	**30.24**	**0.00**	**0.00**	**30.43**

Mitigated

	NaturalGas Use	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Land Use	kBTU	tons/yr										MT/yr					
Condo/Townhouse High Rise	566711	0.00	0.03	0.01	0.00		0.00	0.00		0.00	0.00	0.00	30.24	30.24	0.00	0.00	30.43
Parking Structure	0	0.00	0.00	0.00	0.00		0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total		**0.00**	**0.03**	**0.01**	**0.00**		**0.00**	**0.00**		**0.00**	**0.00**	**0.00**	**30.24**	**30.24**	**0.00**	**0.00**	**30.43**

5.3 Energy by Land Use - Electricity

Unmitigated

	Electricity Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	kWh	tons/yr				MT/yr			
Condo/Townhouse High Rise	99925.3					29.07	0.00	0.00	29.25
Parking Structure	0					0.00	0.00	0.00	0.00
Total						**29.07**	**0.00**	**0.00**	**29.25**

Mitigated

	Electricity Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	kWh	tons/yr				MT/yr			
Condo/Townhouse High Rise	99925.3					29.07	0.00	0.00	29.25
Parking Structure	0					0.00	0.00	0.00	0.00
Total						**29.07**	**0.00**	**0.00**	**29.25**

6.0 Area Detail

6.1 Mitigation Measures Area

Use Low VOC Paint - Non-Residential Interior

Use Low VOC Paint - Non-Residential Exterior

Use only Natural Gas Hearths

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mitigated	0.25	0.00	0.36	0.00		0.00	0.00		0.00	0.00	0.00	15.48	15.48	0.00	0.00	15.59
Unmitigated	0.32	0.01	0.50	0.00		0.00	0.02		0.00	0.02	2.44	14.66	17.10	0.01	0.00	17.37
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

6.2 Area by SubCategory

Unmitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.03					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Consumer Products	0.21					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hearth	0.08	0.00	0.14	0.00		0.00	0.02		0.00	0.02	2.44	14.08	16.53	0.01	0.00	16.79
Landscaping	0.01	0.00	0.36	0.00		0.00	0.00		0.00	0.00	0.00	0.57	0.57	0.00	0.00	0.58
Total	**0.33**	**0.00**	**0.50**	**0.00**		**0.00**	**0.02**		**0.00**	**0.02**	**2.44**	**14.65**	**17.10**	**0.01**	**0.00**	**17.37**

6.2 Area by SubCategory

Mitigated

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
SubCategory	tons/yr										MT/yr					
Architectural Coating	0.03					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Consumer Products	0.21					0.00	0.00		0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hearth	0.00	0.00	0.00	0.00		0.00	0.00		0.00	0.00	0.00	14.91	14.91	0.00	0.00	15.00
Landscaping	0.01	0.00	0.36	0.00		0.00	0.00		0.00	0.00	0.00	0.57	0.57	0.00	0.00	0.58
Total	**0.25**	**0.00**	**0.36**	**0.00**		**0.00**	**0.00**		**0.00**	**0.00**	**0.00**	**15.48**	**15.48**	**0.00**	**0.00**	**15.58**

7.0 Water Detail

7.1 Mitigation Measures Water

	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr				MT/yr			
Mitigated					8.75	0.05	0.00	10.11
Unmitigated					8.75	0.05	0.00	10.11
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

7.2 Water by Land Use

Unmitigated

	Indoor/Outdoor Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	tons/yr				MT/yr			
Condo/Townhouse High Rise	1.49854 / 0.944733					8.75	0.05	0.00	10.11
Parking Structure	0 / 0					0.00	0.00	0.00	0.00
Total						**8.75**	**0.05**	**0.00**	**10.11**

7.2 Water by Land Use

Mitigated

	Indoor/Outdoor Use	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	Mgal	tons/yr				MT/yr			
Condo/Townhouse High Rise	1.49854 / 0.944733					8.75	0.05	0.00	10.11
Parking Structure	0 / 0					0.00	0.00	0.00	0.00
Total						**8.75**	**0.05**	**0.00**	**10.11**

8.0 Waste Detail

8.1 Mitigation Measures Waste

Institute Recycling and Composting Services

Category/Year

	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
	tons/yr				MT/yr			
Mitigated					0.47	0.03	0.00	1.06
Unmitigated					2.15	0.13	0.00	4.81
Total	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**	**NA**

8.2 Waste by Land Use

Unmitigated

	Waste Disposed	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	tons	tons/yr				MT/yr			
Condo/Townhouse High Rise	10.58					2.15	0.13	0.00	4.81
Parking Structure	0					0.00	0.00	0.00	0.00
Total						**2.15**	**0.13**	**0.00**	**4.81**

8.2 Waste by Land Use

Mitigated

	Waste Disposed	ROG	NOx	CO	SO2	Total CO2	CH4	N2O	CO2e
Land Use	tons	tons/yr				MT/yr			
Condo/Townhouse High Rise	2.3276					0.47	0.03	0.00	1.06
Parking Structure	0					0.00	0.00	0.00	0.00
Total						**0.47**	**0.03**	**0.00**	**1.06**

9.0 Vegetation

Appendix B

Transportation Assessment

FEHR PEERS

MEMORANDUM

Date: February 19, 2013

To: Abe Leider, Rincon Consulting

From: Tamar Fuhrer, AICP & Sarah Brandenberg, PE

Subject: ***Transportation Assessment of 9265 Burton Way Project***

SM12-2547.00

This memorandum documents a high-level transportation assessment for the proposed residential complex at 9265 Burton Way in Beverly Hills. The proposed project's trip generation, on-site parking supply and demand, site access, and construction traffic plans are reviewed to assess potential impacts.

PROJECT DESCRIPTION

The proposed project is located at 9265 Burton Way in Beverly Hills. The project would replace two existing apartment buildings, with a total of 10 units. The proposed project would be a six-story structure containing the following uses:

- 23 residential units, including two affordable units
- 46 parking spaces in one level of subterranean parking and one level of at-grade parking
- At-grade lobby and gym, for use by building residents
- Rooftop common area

The project site would increase in density, from 10 units to 23 units on the parcel. The increased number of parking spaces is intended to only serve the new development. The project may function either as an owner-occupied condominium building or a rental apartment building.

TRAFFIC ASSESSMENT

Trip Generation

The proposed project consists of 23 residential units, replacing 10 existing residential units, for a net of 13 new units. Trip generation estimates were developed using Trip Generation, 8th Edition (Institute of Transportation Engineers [ITE], 2008) rates. This source provides trip generation rates based on a compilation of empirical trip generation surveys at locations throughout the country to forecast the number of trips that would be generated by the project. The project may function as either a rental apartment building or a condominium building. Since the trip generation rate for apartments is higher than that for condominiums, we developed trip generation estimates using the ITE rate for Apartments (Code 220). As shown in Table 1, the project is expected to

generate 86 net new daily trips, including 6 during the AM peak hour, and 8 during the PM peak hour.

TABLE 1
9265 BURTON WAY DRIVE TRIP GENERATION

Land Use	Units	Daily Trip Rate	Daily Trips	AM Trip Rate	AM Peak Hour Trips	PM Trip Rate	PM Peak Hour Trips
Proposed Project							
Apartment	23	6.65	153	0.51	12	0.62	14
Less Existing Land Use							
Apartment	*(10)*	*6.65*	*(67)*	*0.51*	*(5)*	*0.62*	*(6)*
Net New Trips	**13**		**86**		**7**		**8**

Source: *Trip Generation (8th Ed.)*, Institute of Transportation Engineers (ITE), 2008.

Traffic Impact Assessment

As previously noted, the proposed project would generate 7 AM peak hour trips and 8 PM peak hour trips. Although the City of Beverly Hills does not identify a trip generation threshold for requiring a traffic study, the number of peak hour trips that the project would generate is substantially below thresholds identified by the City of Los Angeles (43) and the Los Angeles Congestion Management Plan (50). The thresholds identified by these two agencies were developed to limit traffic studies to locations where there is a true potential for traffic impacts. For a project with as few project trips as 9265 Burton Way, it is highly unlikely that a significant traffic impact could occur.

To further confirm that traffic from the project would not result in significant impacts at nearby intersections, we conducted a high-level impact assessment at the two closest intersections – Burton Way & Foothill Road and Burton Way & North Maple Drive. Because of the low trip generation, there would be no more than 5 net new project trips traveling through either intersection during the peak hours. The project is not anticipated to trigger a significant impact at any of the nearby intersections, as the project does not generate enough traffic at any intersection to trigger an impact.

The City of Beverly Hills also has impact criteria for residential streets. The maximum allowable increase for residential streets ranges from 6.25% for streets with daily vehicular volumes (ADT) exceeding 6,750 to 16% for vehicles with ADT below 2,000. For a roadway segment with an ADT of 2,000, the roadway could have an increase of 320 trips without triggering an impact. The project would generate 86 daily trips; thus, we do not anticipate any project impacts at residential streets.

PARKING SUPPLY & DEMAND

The peak parking demand generated by an apartment building, according to Parking Generation, 4th Edition (Institute of Transportation Engineers [ITE], 2010), ranges from 1.15 to 1.52 vehicles per dwelling unit. This is based on a compilation of empirical trip generation studies throughout the country. By applying this range of rates to the proposed residential units, the parking demand generated by the project can range from 27-35 spaces during the peak period, with 35 parking spaces representing the 85th percentile of parking generation.

The City of Beverly Hills requires one parking space for each efficiency or one-bedroom unit, and one and one half spaces for each two bedroom unit (Municipal Code §10-3-1286). The City does not specify a requirement for three bedroom units. Thus, a conservative value of two spaces for each three bedroom unit was assumed. The proposed project has 23 units with the following unit makeup: six efficiency or one-bedroom units, 13 two-bedroom units, and four three-bedroom units. Applying the aforementioned requirements, the City's code requires 34 spaces.

It is our understanding that the proposed parking supply will be 46 spaces. Therefore, the parking supply would be sufficient and appropriate to accommodate the proposed residential units.

SITE ACCESS

The existing two apartment buildings each have ground-level carport parking, which is accessed through an alley behind the buildings, parallel to Burton Way. This alley provides access to Foothill Road to the west and North Maple Drive to the east. Pedestrians can access the existing buildings from Burton Way but drivers need to enter and exit the building's parking from the alley.

Based on the architect's plans for the proposed parking, there will be two ingress/ egress points from the alley for the proposed parking as follows:

- **First floor:** Users will enter and exit the first floor parking area on the north side of the proposed structure using the existing alley.

- **Subterranean:** The driveway leading to the underground parking level is located west of the driveway for the first floor parking. Users will enter and exit the subterranean parking level from the alley parallel to Burton Way.

Pedestrians will continue to have direct access to the project site from Burton Way.

The existing alley serves bi-directional traffic from North Maple Drive and Foothill Boulevard. Project users will likely use both directions of the alley for ingress and egress to the project site. No changes will be made to the alley as part of this project.

Due to the low volume of traffic expected to enter and exit the garage from and to the alley, we do not anticipate any issues with regard to site access.

CONSTRUCTION TRAFFIC

Construction traffic impacts are identified as significant on roadway facilities if the construction of a project creates a temporary, but prolonged impact due to lane closure, emergency vehicle access, traffic hazards to bicycles and/or pedestrians, damage to the roadbed, truck traffic on roadways not assigned as truck routes, and other similar impediments to circulation.

The maximum number of daily trips generated by project construction is fairly minimal, with a projected 22 truck trips per day. We do not anticipate that project construction would cause significant traffic impacts, due to the following:

- We anticipate that the construction vehicles and construction workers would be accessing the site from Burton Way. This roadway is a major thoroughfare in the area and is a designated truck route within the City limits. It is unlikely that the influx of construction vehicles would significantly disrupt traffic along this roadway.
- The project's construction traffic is not anticipated to affect emergency vehicle access or create hazards to bicycles and pedestrians.
- The total number of construction trips would be staggered throughout the day, with most trips occurring during off-peak hours.

To reduce temporary disruptions on the adjacent roadway network due to construction activities, the project will develop a Construction Management Plan for approval by the City of Beverly Hills prior to the initiation of construction activities. The plan will address the following items:

- Maintain existing access for land uses in proximity of the project site during project construction.
- Schedule deliveries and hauling of construction materials to non-peak travel periods, to the maximum extent feasible.
- Coordinate deliveries and hauling to reduce the potential of trucks waiting to load or unload for extended periods of time.
- Schedule truck arrivals to avoid extended queuing prior to construction hours.
- Work with the City to identify off-site waiting areas for trucks if queuing prior to construction hours is necessary.
- Minimize obstruction of through traffic lanes on Burton Way.
- Control construction equipment traffic with flagmen and traffic control devices.
- Identify designated transport routes for heavy trucks to be used over the duration of the construction activities.
- Establish requirements for loading/unloading and storage on the project site, where parking spaces would be encumbered, length of time traffic lanes can be

encumbered, sidewalk closings or pedestrian diversions to ensure safety and access to local businesses.

- Coordinate with adjacent businesses and emergency service providers to ensure adequate access exists to the project site and neighboring businesses.

For workers traveling to the site, it is our understanding that there is sufficient on-site parking for all workers. Therefore, no additional management plans for construction workers are necessary.

SUMMARY

The proposed project at 9265 Burton Way is a residential infill development. The proposed project consists of 23 residential units and would replace 10 existing residential units, for a net of 13 new units. The parking structure will be constructed to serve the residents of the new development. The proposed project would provide 46 parking spaces, which would be sufficient and appropriate to accommodate the 23 units. We conducted a general assessment of traffic impacts, parking supply & demand, site access and construction impacts and found there to be no potential impacts with regard to this project.

We hope that you find this information helpful. If you have any questions, please contact Tamar Fuhrer or Sarah Brandenberg at (310) 458-9916.

Appendix C

Ambient Noise Data

C:\LARDAV\SLMUTIL\BURTON.bin Interval Data

RMS Meas Site	Peak Excd Location	Uwpk Excd Number	Excd Date	Time	Duration	Leq	Lmax	Lmin
0		0	07Aug 12	16:41:38	1200	63.1	82.8	51.1

Meas Site	Location	Number	Date	Time	Level	SEL
Run	Key					
0		0	07Aug 12	16:41:38	66.1	76.1
0		0	07Aug 12	16:41:48	64.3	74.3
0		0	07Aug 12	16:41:58	68	78
0		0	07Aug 12	16:42:08	59.7	69.7
0		0	07Aug 12	16:42:18	58	68
0		0	07Aug 12	16:42:28	51.9	61.9
0		0	07Aug 12	16:42:38	60.2	70.2
0		0	07Aug 12	16:42:48	65.3	75.3
0		0	07Aug 12	16:42:58	62.8	72.8
0		0	07Aug 12	16:43:08	63.8	73.8
0		0	07Aug 12	16:43:18	65.1	75.1
0		0	07Aug 12	16:43:28	60.5	70.5
0		0	07Aug 12	16:43:38	61.5	71.5
0		0	07Aug 12	16:43:48	53.8	63.8
0		0	07Aug 12	16:43:58	56.1	66.1
0		0	07Aug 12	16:44:08	55.2	65.2
0		0	07Aug 12	16:44:18	64.7	74.7
0		0	07Aug 12	16:44:28	65.9	75.9
0		0	07Aug 12	16:44:38	62	72
0		0	07Aug 12	16:44:48	67	77
0		0	07Aug 12	16:44:58	64	74
0		0	07Aug 12	16:45:08	57.3	67.3
0		0	07Aug 12	16:45:18	63.5	73.5
0		0	07Aug 12	16:45:28	58.5	68.5
0		0	07Aug 12	16:45:38	59.6	69.6
0		0	07Aug 12	16:45:48	63	73
0		0	07Aug 12	16:45:58	60.8	70.8
0		0	07Aug 12	16:46:08	60.2	70.2
0		0	07Aug 12	16:46:18	59.6	69.6
0		0	07Aug 12	16:46:28	60.2	70.2
0		0	07Aug 12	16:46:38	56.5	66.5
0		0	07Aug 12	16:46:48	53.5	63.5
0		0	07Aug 12	16:46:58	58	68
0		0	07Aug 12	16:47:08	57.5	67.5
0		0	07Aug 12	16:47:18	67.5	77.5

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0	0	07Aug 12	16:49:18	64.4	74.4
0	0	07Aug 12	16:49:28	61.8	71.8
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0	0	07Aug 12	16:53:08	54.6	64.6
0	0	07Aug 12	16:53:18	53.7	63.7
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0	0	07Aug 12	16:53:38	68.4	78.4
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0	0	07Aug 12	16:54:48	65.3	75.3
0	0	07Aug 12	16:54:58	65.1	75.1
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	0	0	07Aug 12	16:57:28	54.7	64.7
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	0	0	07Aug 12	16:58:18	70.3	80.3
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	0	0	07Aug 12	16:58:38	62.6	72.6
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	0	0	07Aug 12	17:00:28	53.3	63.3
	0	0	07Aug 12	17:00:38	63	73
	0	0	07Aug 12	17:00:48	66	76
	0	0	07Aug 12	17:00:58	63.8	73.8
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	0	0	07Aug 12	17:01:18	64.1	74.1
	0	0	07Aug 12	17:01:28	62.1	72.1
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Stop	Intv					

City of Beverly Hills

Notice of Preparation of a Draft Environmental Impact Report

DATE: February 22, 2013

TO: Responsible and Trustee Agencies/Interested Organizations and Individuals

RE: Notice of Preparation of a Draft Environmental Impact Report for the 9265 Burton Way Condominium Project

The City of Beverly Hills will be the Lead Agency and will prepare an environmental impact report (EIR) for the project identified below. We need to know the views of the public and agencies as to the scope and content of the environmental information, including that which is germane to your agency's statutory responsibilities in connection with the proposed project. The project description, location, and the potential environmental effects appear below. If a copy of the Initial Study is not attached to this notice, you may request or review a copy at Community Development Department offices, Beverly Hills City Hall.

Project Title: 9265 Burton Way Condominium Project

Project Location: The 14,232 square-foot project site is located at 9265 Burton Way, in the City of Beverly Hills, County of Los Angeles. The site is located on the north side of Burton Way between Foothill Road and Maple Drive. The Assessor's parcel numbers are 4342-010-008 and -009.

Project Applicant: Levin-Morris Architects, LLP
Contact: Edward Levin
1305 North Harper Avenue
West Hollywood, CA 90046

Project Description: The project would involve demolition of four existing one- to two-story multi-family residential buildings and construction of a six-story condominium building with 23 housing units and 46 parking spaces. The project would include one level of subterranean parking; one level of at-grade parking with a lobby, gym, and parking; five levels of housing units; and a rooftop common area. Two units would be designated for "very low income" housing.

The construction phase of the project would take place over approximately 18 months, including site preparation, grading, building construction, paving, and painting. For construction of the subterranean parking garage, excavation would occur to a depth of approximately 13 feet.

Access to on-site parking would be provided by two ingress/egress points in the existing alley at the rear of the project site parallel to Burton Way. Pedestrians would continue to have direct access to the project site from Burton Way.

Potential Environmental Effects: Potentially significant environmental impacts have been identified in the following issue area: Cultural Resources.

Thirty-Day Comment Period: Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice. The Notice of Preparation/Initial Study comment period begins on February 25, 2013 and ends on March 26, 2013. Please send your comments by regular mail, email or fax, no later than March 27, 2013 to:

Ryan Gohlich, Senior Planner
City of Beverly Hills Community Development Department
455 North Rexford Drive
Beverly Hills, California 90210

Fax: (310) 858-5966
Email: rgohlich@beverlyhills.org

Signature	February 22, 2013 Date
Ryan Gohlich Printed Name	Senior Planner Title

Print Form

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: 9265 Burton Way Condominium Project

Lead Agency: City of Beverly Hills
Contact Person: Ryan Gohlich, Senior Planner
Mailing Address: 455 North Rexford Drive
Phone: (310) 285-1194
City: Beverly Hills
Zip: 90210
County: Los Angeles

Project Location: County: Los Angeles
City/Nearest Community: Beverly Hills
Cross Streets: 9265-9269 Burton Way, north side of Burton Way between Foothill Road and Maple Drive
Zip Code: 90210
Longitude/Latitude (degrees, minutes and seconds): 34 ° 04 ′ 21 ″ N / 118 ° 23 ′ 41 ″ W
Total Acres: 0.33
Assessor's Parcel No.: 4342-010-008 and -009
Section: ____ Twp.: ____ Range: ____ Base: ____
Within 2 Miles: State Hwy #: 2
Waterways: none
Airports: none
Railways: none
Schools: Multiple

Document Type:

CEQA:
- [x] NOP
- [ ] Early Cons
- [ ] Neg Dec
- [ ] Mit Neg Dec
- [ ] Draft EIR
- [ ] Supplement/Subsequent EIR (Prior SCH No.) ____
- Other: ____

NEPA:
- [ ] NOI
- [ ] EA
- [ ] Draft EIS
- [ ] FONSI

Other:
- [ ] Joint Document
- [ ] Final Document
- [ ] Other: ____

Local Action Type:

- [ ] General Plan Update
- [ ] General Plan Amendment
- [ ] General Plan Element
- [ ] Community Plan
- [ ] Specific Plan
- [ ] Master Plan
- [ ] Planned Unit Development
- [x] Site Plan
- [ ] Rezone
- [ ] Prezone
- [x] Use Permit
- [x] Land Division (Subdivision, etc.)
- [ ] Annexation
- [ ] Redevelopment
- [ ] Coastal Permit
- [ ] Other: ____

Development Type:

- [x] Residential: Units 23 Acres 0.33
- [ ] Office: Sq.ft. ____ Acres ____ Employees ____
- [ ] Commercial: Sq.ft. ____ Acres ____ Employees ____
- [ ] Industrial: Sq.ft. ____ Acres ____ Employees ____
- [ ] Educational: ____
- [ ] Recreational: ____
- [ ] Water Facilities: Type ____ MGD ____
- [ ] Transportation: Type ____
- [ ] Mining: Mineral ____
- [ ] Power: Type ____ MW ____
- [ ] Waste Treatment: Type ____ MGD ____
- [ ] Hazardous Waste: Type ____
- [ ] Other: ____

Project Issues Discussed In Document:

- [x] Aesthetic/Visual
- [x] Agricultural Land
- [x] Air Quality
- [x] Archeological/Historical
- [x] Biological Resources
- [x] Coastal Zone
- [x] Drainage/Absorption
- [x] Economic/Jobs
- [ ] Fiscal
- [x] Flood Plain/Flooding
- [x] Forest Land/Fire Hazard
- [x] Geologic/Seismic
- [x] Minerals
- [x] Noise
- [x] Population/Housing Balance
- [x] Public Services/Facilities
- [x] Recreation/Parks
- [x] Schools/Universities
- [x] Septic Systems
- [x] Sewer Capacity
- [x] Soil Erosion/Compaction/Grading
- [x] Solid Waste
- [x] Toxic/Hazardous
- [x] Traffic/Circulation
- [x] Vegetation
- [x] Water Quality
- [x] Water Supply/Groundwater
- [x] Wetland/Riparian
- [x] Growth Inducement
- [x] Land Use
- [x] Cumulative Effects
- [ ] Other: ____

Present Land Use/Zoning/General Plan Designation:

multi-family residential/R-4 (Multi-Family Residential)/Multiple Residential

Project Description: *(please use a separate page if necessary)*

The project would involve demolition of four existing one- to two-story multi-family residential buildings and construction of a six-story condominium building with 23 housing units and 46 parking spaces. The project would include one level of subterranean parking; one level of at-grade parking with a lobby, gym, and parking; five levels of housing units; and a rooftop common area. Two units would be designated for "very low income" housing. Construction would take place over approximately 18 months, including site preparation, grading, building construction, paving, and painting. For construction of the subterranean parking garage, excavation would occur to a a depth of approximately 13 feet. Vehicular access would be taken via the existing alley at the rear of the project site parallel to Burton; pedestrian access would be from Burton Way.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

_____	Air Resources Board	X	Office of Historic Preservation
_____	Boating & Waterways, Department of	_____	Office of Public School Construction
_____	California Emergency Management Agency	_____	Parks & Recreation, Department of
_____	California Highway Patrol	_____	Pesticide Regulation, Department of
_____	Caltrans District # _____	_____	Public Utilities Commission
_____	Caltrans Division of Aeronautics	_____	Regional WQCB # _____
_____	Caltrans Planning	_____	Resources Agency
_____	Central Valley Flood Protection Board	_____	Resources Recycling and Recovery, Department of
_____	Coachella Valley Mtns. Conservancy	_____	S.F. Bay Conservation & Development Comm.
_____	Coastal Commission	_____	San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
_____	Colorado River Board	_____	San Joaquin River Conservancy
_____	Conservation, Department of	_____	Santa Monica Mtns. Conservancy
_____	Corrections, Department of	_____	State Lands Commission
_____	Delta Protection Commission	_____	SWRCB: Clean Water Grants
_____	Education, Department of	_____	SWRCB: Water Quality
_____	Energy Commission	_____	SWRCB: Water Rights
_____	Fish & Game Region # _____	_____	Tahoe Regional Planning Agency
_____	Food & Agriculture, Department of	_____	Toxic Substances Control, Department of
_____	Forestry and Fire Protection, Department of	_____	Water Resources, Department of
_____	General Services, Department of		
_____	Health Services, Department of	_____	Other: _____
_____	Housing & Community Development	_____	Other: _____
_____	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date February 25, 2013 (NOP) Ending Date March 26, 2013 (NOP)

Lead Agency (Complete if applicable):

Consulting Firm: Rincon Consultants, Inc.
Address: 180 N. Ashwood Avenue
City/State/Zip: Ventura, CA 93003
Contact: Abe Leider, AICP CEP
Phone: 805-644-4455

Applicant: Levin-Morris Architects, LLP
Address: 1305 North Harper Avenue
City/State/Zip: West Hollywood, CA 90046
Phone: (323) 656-3034

Signature of Lead Agency Representative: _____ **Date:** 2/22/2013

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
ds_nahc@pacbell.net
www.nahc.ca.gov
(916) 657-5390 - Fax

Received
City of Beverly Hills
MAR 1 REC'D
Planning Division
Community Development

February 26, 2013

Mr. Ryan Gohlich, Planner
City of Beverly Hills
455 North Rexford Drive
Beverly Hills, CA 90210

RE: SCH# 20013021055 CEQA Notice of Preparation (NOP) – **9265 Burton Way Condominium Project** – draft Environmental Impact Report (DEIR); located in the City of Beverly Hills; Los Angeles County , California

Dear Mr. Gohlich:

The Native American Heritage Commission has reviewed the Notice of Preparation (NOP) regarding the above referenced project. . In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites.

The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resources, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA guidelines 15064(b)). To adequately comply with this provision and mitigate project-related impacts on archaeological resources, the Commission recommends the following actions be required:

- ✓ Contact the appropriate Information Center for a record search to determine:
  - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources, which we know that it has.
  - The NAHC recommends that known cultural resources recorded on or adjacent to the APE be listed in the draft Environmental Impact Report.
- ✓ If an additional archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey. We suggest that this be coordinated with the NAHC, if possible.
  - The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure pursuant to California Government Code Section 6254.10.
- ✓ Contact has been made to the the Native American Heritage Commission for:
  - A Sacred Lands File Check, and cultural resources have been identified to your agency.
  - A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter.
  - Lack of surface evidence of archeological resources does not preclude their subsurface existence once ground-breaking activity begins. If that occurs, the NAHC suggests that inadvertent discoveries be coordinated with the NAHC;

Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA)

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
ds_nahc@pacbell.net
www.nahc.ca.gov
(916) 657-5390 - Fax

§15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
- Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Dave Singleton
Program Analyst
(916) 653-6251

CC: State Clearinghouse

Attachment: Tribal Contacts
-

Native American Contacts
Los Angeles County
February 27, 2013

Gabrieleno Band of Mission Indians
Andrew Salas, Chairperson
P.O. Box 393 Gabrielino
Covina , CA 91723
(626) 926-4131
gabrielenoindians@yahoo.com

Gabrielino-Tongva Tribe
Conrad Acuna,
P.O. Box 180 Gabrielino
Bonsall , CA 92003
310-587-2203

760-636-0854 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013021055; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the 9265 Burton Way Condominium Project; located in the City of Beverly Hills; Los Angeles County, California.

Appendix B

Historic Resources Reports

Historic Resources Report
9565–67 and 9269 Burton Way
Beverly Hills, CA

21 September 2012

rev. 17 April 2013

Prepared by:

SAN BUENAVENTURA RESEARCH ASSOCIATES
HISTORIC · RESOURCES · CONSULTING
1328 WOODLAND DRIVE ■ SANTA PAULA CA 93060

Prepared for:

Rincon Consultants, Inc.

180 North Ashwood Avenue

Ventura CA 93003

Executive Summary

This report was prepared for the purpose of assisting the City of Beverly Hills in their compliance with the California Environmental Quality Act (CEQA) as it relates to historic resources, in connection with the proposed demolition of four, one and two-story buildings, including ten existing residential units, and the construction of a six story condominium building including subterranean parking, lobby, gym, and twenty three condominium units. [Figure 1]

This report assesses the historical and architectural significance of potentially significant historic properties in accordance with the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR) Criteria for Evaluation, and City of Beverly Hills criteria. A determination will be made as to whether adverse environmental impacts on historic resources, as defined by CEQA and the CEQA Guidelines, may occur as a consequence of the proposed project, and recommend the adoption of mitigation measures, as appropriate.

This report was prepared by San Buenaventura Research Associates of Santa Paula, California, Judy Triem, Historian; and Mitch Stone, Preservation Planner, for Rincon Consultants, Inc., and is based on a field investigation and research conducted in July and August, 2012. The conclusions contained herein represent the professional opinions of San Buenaventura Research Associates, and are based on the factual data available at the time of its preparation, the application of the appropriate local, state and federal regulations, and best professional practices.

Summary of Findings

The property at 9269 Burton Way was found to be eligible for listing on the NRHP and CRHR under criteria A/1 and B/2, and potentially eligible for designation as a City of Beverly Hills landmark. Consequently this property should be regarded as a historic resource for purposes of CEQA.

The property at 9265-67 Burton Way was found to be ineligible for listing on the NRHP, CRHR or for designation as a City of Beverly Hills landmark. This property was not found to be historic resources for purposes of CEQA. The proposed project was found to have a significant and adverse impact on historic resources after mitigation.

Report Contents

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   Previous Identification Efforts
   Properties Located Within the Project Boundaries
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   National and California Registers: Significance, Eligibility and Integrity
   Integrity Discussion
   Conclusion
   Local Significance and Eligibility
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   Mitigation Measures
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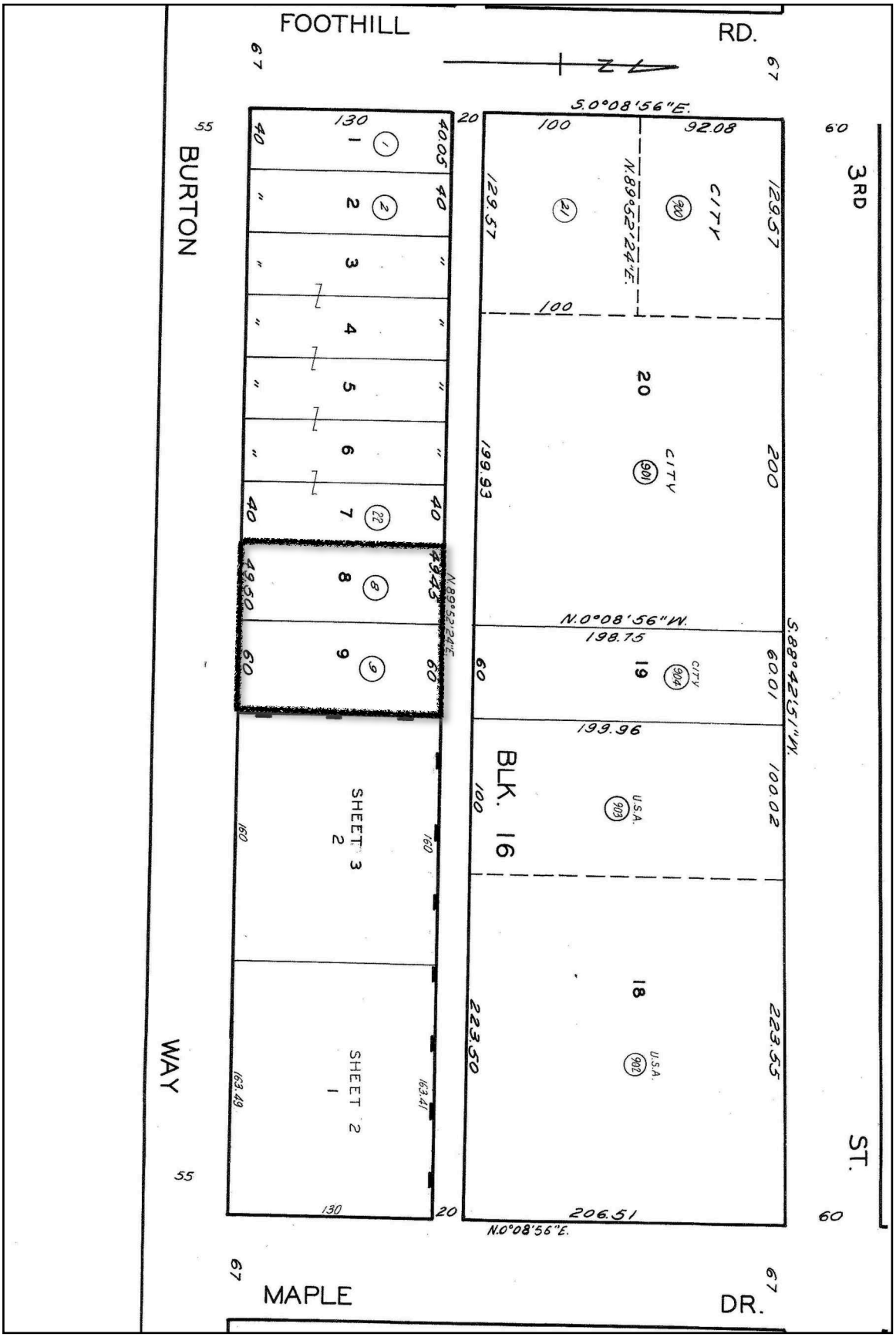

Figure 1. Project Location. [Source: Los Angeles County Assessor, Map Book 4342, page 10]

1. Administrative Setting

The California Environmental Quality Act (CEQA) requires evaluation of project impacts on historic resources, including properties "listed in, or determined eligible for listing in, the California Register of Historical Resources [or] included in a local register of historical resources." A resource is eligible for listing on the California Register of Historical Resources if it meets any of the criteria for listing, which are:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history. (PRC §5024.1(c))

By definition, the California Register of Historical Resources also includes all "properties formally determined eligible for, or listed in, the National Register of Historic Places," and certain specified State Historical Landmarks. The majority of "formal determinations" of NRHP eligibility occur when properties are evaluated by the State Office of Historic Preservation in connection with federal environmental review procedures (Section 106 of the National Historic Preservation Act of 1966). Formal determinations of eligibility also occur when properties are nominated to the NRHP, but are not listed due to a lack of owner consent.

The criteria for determining eligibility for listing on the National Register of Historic Places (NRHP) have been developed by the National Park Service. Eligible properties include districts, sites, buildings and structures,

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
B. That are associated with the lives of persons significant in our past; or
C. That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. That have yielded, or may be likely to yield, information important in prehistory or history.

According to the NRHP standards, in order for a property which is found to significant under one or more of the criteria to be considered eligible for listing, the "essential physical features" which define the property's significance must be present. The standard for determining if a property's essential physical features exist is known as *integrity*, which is defined as "the ability of a property to convey its significance." The integrity evaluation is broken down into seven "aspects."

The seven aspects of integrity are: *Location* (the place where the historic property was constructed or the place where the historic event occurred); *Design* (the combination of elements that create the form, plan, space, structure, and style of a property); *Setting* (the physical environment of a historic property); *Materials* (the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property); *Workmanship* (the physical evidence of the crafts of a particular culture or people during any given period of history or prehistory); *Feeling* (a property's expression of the aesthetic or historic sense of a particular period of time), and; *Association* (the direct link between an important historic event or person and a historic property).

The relevant aspects of integrity depend upon the NRHP criteria applied to a property. For example, a property nominated under Criterion A (events), would be likely to convey its significance primarily through integrity of location, setting and association. A property nominated solely under Criterion C (design) would usually rely primarily upon integrity of design, materials and workmanship. The California Register regulations include similar language with regard to integrity, but also state that "it is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register." Further, according to the NRHP guidelines, the integrity of a property must be evaluated at the time the evaluation of eligibility is conducted. Integrity assessments cannot be based on speculation with respect to historic fabric and architectural elements which may exist but are not visible to the evaluator, or on restorations which are theoretically possible but which have not occurred. (CCR §4852 (c))

The minimum age criterion for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) is 50 years. Properties less than 50 years old may be eligible for listing on the NRHP if they can be regarded as "exceptional," as defined by the NRHP procedures, or in terms of the CRHR, "if it can be demonstrated that sufficient time has passed to understand its historical importance" (Chapter 11, Title 14, §4842(d)(2))

Historic resources as defined by CEQA also includes properties listed in "local registers" of historic properties. A "local register of historic resources" is broadly defined in §5020.1 (k) of the Public Resources Code, as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." Local registers of historic properties come essentially in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current, and (2) landmarks designated under local ordinances or resolutions. These properties are "presumed to be historically or culturally significant... unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant." (PRC §§ 5024.1, 21804.1, 15064.5)

City of Beverly Hills Municipal Code §10-3-3212: Landmark Designation Criteria

A nominated property may be designated as a landmark if it is more than forty five (45) years of age and satisfies the requirements set forth below.

Properties that are less than forty five (45) years of age can be designated, but in addition to meeting the criteria below, they must also exhibit "exceptional significance" as defined in this article.

For the purposes of this section, any interior space or spaces open to the general public, including, but not limited to, a lobby area, may be included in the landmark designation of a property if the city council finds that the public space(s) satisfies the following criteria:

To be designated as a landmark, a property must satisfy the following criteria:

A. The property meets at least two (2) of the following criteria:
    1. Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;
    2. Is directly associated with the lives of significant persons important to national, state, city or local history;
    3. Embodies the distinctive characteristics of a style, type, period, or method of construction;

4. Represents a notable work of a person included on the city's list of master architects or possesses high artistic or aesthetic value;
5. Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;
6. Is listed or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been determined eligible by the state historical resources commission for listing on the California register of historical resources.

B. The property retains integrity from its period of significance. The proposed landmark retains integrity of location, design, setting, materials, workmanship, and association. Integrity shall be judged with reference to the particular criteria specified in subsection A of this section. A proposed landmark's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.

C. The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article. (Ord. 12-0-2617, eff. 2-24-2012)

2. Impact Thresholds and Mitigation

According to the Public Resources Code, "a project that may cause a substantial change in the significance of an historical resource is a project that may have a significant effect on the environment." The Public Resources Code broadly defines a threshold for determining if the impacts of a project on an historic property will be significant and adverse. By definition, a substantial adverse change means, "demolition, destruction, relocation, or alterations," such that the significance of an historical resource would be impaired. For purposes of NRHP eligibility, reductions in a property's integrity (the ability of the property to convey its significance) should be regarded as potentially adverse impacts. (PRC §21084.1, §5020.1(6))

Further, according to the CEQA Guidelines, "an historical resource is materially impaired when a project... [d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources [or] that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant."

The lead agency is responsible for the identification of "potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource." The specified methodology for determining if impacts are mitigated to less than significant levels are the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (1995), publications of the National Park Service. (PRC §15064.5(b)(3-4))

3. Historical Setting

General Historical Context

The present-day city of Beverly Hills is located on a portion of the 4,500 acre land grant Rancho Rodeo de las Auguas (sometimes known as San Antonio), awarded around 1820 to Vincente Valdez, a retired sergeant in the Spanish army, and his wife Maria Rita Valdez. After his death in 1828, the land became closely associated with Maria Valdez, who is often regarded as the area's first settler, although she maintained homes both on the rancho and in Los Angeles. Long-running disputes over the title to the ranch lands ultimately led to its sale in 1854 to American developers Benjamin Davis "Don Benito" Wilson, and Henry Hancock, who later sold his interests in the rancho to William Workman. The plans of the new owners to exploit the land for agriculture were thwarted by the prolonged regional droughts of the 1860s and 1870s. Subsequent efforts to develop the rancho with the townsites of Santa Maria and Morocco also came to little. (Cowan, 1956: 68-69; Robinson, 1939: 156-64)

The modern community known as Beverly Hills had its beginning in 1906, when a group of oil investors formed the Rodeo Land and Water Company and hired noted land planner Wilbur F. Cook Jr. to design the community plan. The design, which represented one of the earliest planned communities in the region, anticipated an enclave of homes for the wealthy on the hillsides and more modest homes on the flat lands. The area reserved for the affluent was originally called Beverly Hills, while the less upscale portion of the community was known simply as Beverly. Initially, sales were slow, but the opening of the Beverly Hills Hotel by the Rodeo Land and Water Company in 1912 began to attract more visitors and buyers. The city, still little more than a tiny settlement, was incorporated in 1914.

The first major period of growth in Beverly Hills was concurrent with the regional land boom of the 1920s. The city began the decade as a community in its formative stages, mixing rural, urban and miscellaneous land uses, including the Los Angeles Speedway, which dominated the quadrant of the city south of Wilshire Boulevard and west of Beverly Drive. The settling of the city by entertainment industry personalities began in earnest in 1920, with the construction of Pickfair, the lavish estate of Douglas Fairbanks and Mary Pickford. Other industry notables followed their lead, to the extent that by the end of the 1920s, Beverly Hills had firmly established its reputation as a movie star's enclave.

As the wealth of the entertainment industry was attracted to Beverly Hills during the 1920s and 1930s, so were architects of note. A competitive environment between entertainment industry leaders led to the construction of progressively more opulent homes in the period revival styles popular during these decades, often reflecting both the unprecedented affluence, and the theatrical character, of the movie industry. By the 1930s and 1940s Beverly Hills featured a posh retail district which competed with the Miracle Mile, Hollywood, and Westwood Village for fashionability. During the postwar era, the city became steadily more prominent as one of the Southern California region's major urban centers, as the office and retail district grew upwards and outwards, and pushed further west.

Site-Specific Context

The project site is located within a triangular section of Beverly Hills bounded on the north by Santa Monica Boulevard, on the south by Wilshire Boulevard, and on the east by the city limits. This area was annexed to the city in 1915 and subdivided mainly during the 1920s, but remained substantially undeveloped until after World War II. Burton Way, bisecting the area, was named for Rodeo Land and Water Company president Burton Green. The Santa Monica via Sawtelle line of the Pacific Electric Railroad Line ran down a right-of-way at the

center of Burton Way, connecting to the south side of Santa Monica Boulevard, providing ready access to support later growth. This line was established in 1897 and provided passenger service between Los Angeles and Santa Monica until 1940. The former railroad right-of-way serves as a wide landscaped median today. (Johnson Huemann, 1986: 57-64; Crump, 1983: 232)

4. Potential Historic Resources

Previous Identification Efforts

In 1985-86, consultants contracted to the City of Beverly Hills conducted a historic resources survey of the city in conjunction with the California Office of Historic Preservation. The project site is located within Survey Area 3, which includes the multifamily residential area bounded generally by Wilshire Boulevard on the south, Rexford Drive on the west, and Santa Monica Boulevard on the north. No historically or architecturally significant properties in this area were identified by the survey. Because this survey was completed more than twenty years ago, however, little effort was made to identify and evaluate properties constructed during the 1940s and later. (Johnson Huemann Research Associates, 1986)

Properties Located Within the Project Boundaries

9265-67 Burton Way. This property consists of two buildings. The larger building, located adjacent to Burton Way, is a two-story stucco-clad duplex residence. It features a mainly rectangular plan and a low-pitched hipped roof with shallow, open eaves. Ground-floor entry doors are located on the southern and eastern elevations above two-step concrete stoops covered with swept French Provincial-style projections featuring drapery-scalloped edges. Windows are primarily six-over-six multi-pane wood sash with narrow casings. The two-story building to the north and rear functions as a carport, with two apartment units above. Second story access is via a projecting staircase enclosed with a stepped stuccoed rail. This building's architectural detailing are similar to the main building. Carports on the ground floor open to the alley. The two buildings form a courtyard to the south. [Photos 1-4]

The buildings were constructed in 1945 by Joe Endemiller of Beverly Hills, who is identified in the 1985-86 survey as one of the more prolific multifamily residence builders in the city during this time period. The architect is also indicated on the building permits as Endemiller, suggesting that it was constructed according to a standard plan generated by his office. Shortly after construction the property was evidently sold to Mary F. Burt, who sold it to Louis and Sonia Schultz in 1951. Apparently neither lived on the property and it was utilized as an income property. City directories suggest that the turnover of renters was frequent. The only renter for whom any substantive information was found was Frank E. Mortenson, who served for sixteen years as the executive secretary of the Southern California Retail Druggists Association. He moved to this address at some point after 1944, where he resided until the time of his death in 1946. In his obituary, among other distinctions related to his profession, he was described as "the father of the Fair Trade Acts now effective in 45 States and drafted the California fair trade law, which has served as the model for other States." (City of Beverly Hills Building Permits; Johnson Huemann, 1986: 62; *Los Angeles Times,* 8-26-1951, 5-28-1946; Los Angeles Index to Register of Voters, multiple years)

The abstracted French Provincial and Neocolonial references in the design are characteristic of the Minimal Traditional architectural style as it was commonly employed in the postwar era. The property is a modest example of the style. The property appears to be unaltered.

9269 Burton Way. This property consists of a two-story four-unit residence building adjacent to Burton Way and a detached, single-story garage located adjacent to the alley on the north. The stucco-clad residence is

essentially rectangular in plan and features a symmetrical main (southern) elevation characterized by an entry located above a three-step, tiled stoop, the entry portion of the elevation projecting slightly from the balance of the elevation. The entry door is surrounded with faux quoining and flanked with wrought iron wall sconces. A pair of wood-frame multi-pane casement windows are located on the second floor, above. Flanking the entry are tripartite windows on both the ground and second floors. The lower windows are fixed in the center and flanked with narrow casement lights; the second floor windows are equally divided by three, three-by-two light wood casements. Plaster garland swags are located between the floors. Windows on secondary elevations are mainly single light casements. Window casings are narrow. The roof is flat, with a shallow mansard clad in Spanish tile located above the southern elevation and a single-tile cap on a low parapet on the other elevations. The detached garage building is stucco-clad and rectangular in plan and features a flat roof and a low parapet topped by a single Spanish tile cap. [Photos 5-8]

These buildings were constructed in 1927 by August P. Clos of Los Angeles, apparently as a live-in income property. Clos and his wife Marie lived at this address for about three years, along with the renters of the other units. The architect for the buildings is listed on building permits as the Seaboard Engineering Company of Los Angeles, a firm that evidently provided architectural design in addition to engineering services. No substantial information was found about Clos or Seaboard Engineering. Around 1930 the property was sold to Simeon Le Gasse, a real estate developer or agent, who also utilized it as a live-in income property. No further information was located on Le Gasse. Around 1938-39 this property was purchased by Wilhelm Ernst Stadthagen. (City of Beverly Hills Building Permits)

Wilhelm Ernst Stadthagen

Wilhelm Stadthagen was born in Berlin in 1892 to an affluent and mainly secular Jewish family. After serving in the Army on both the Eastern and Western fronts during the first World War, Stadthagen retuned to Berlin to become a successful real estate developer and broker. By the early 1930s, with the rise of Nazism, he found his business in Berlin increasingly difficult to operate. In 1934 he sold the company for half of what he thought it was worth, and emigrated to London with his second wife, Alice, who had worked as a photographer in Germany. Their first son, Frank, was born in London. Unable to obtain work permits in his profession in Britain, and aware of the increasing likelihood of another war in Europe, he began to explore opportunities in the United States. In April 1936 he travelled to New York City. Although he received employment offers there, the city and the climate were not to his taste, so he undertook a cross-nation trip to examine business conditions elsewhere in the country. The journey was planned to end with stops in Los Angeles and San Francisco, and a return to London. (Stagen, 1972: 16-23)

Stadthagen's reception in Los Angeles was more welcoming than any he'd experienced elsewhere, and he was also impressed by the region's climate and relaxed way of life. An offer was extended to join a small real estate office in downtown Los Angeles, which he accepted. The final leg of his trip to San Francisco was cancelled and he wrote to his wife in London advising that the family should relocate to Los Angeles. Although not mentioned in his personal narrative of his move to the U.S., official immigration records indicate that Wilhelm and Alice Stadthagen reentered the country from Mexico in August 1936, crossing the border on foot from Mexicali. Entering the U.S. from a third country was a common tactic among European refugee immigrants, skirting the nation-based immigration quota system. Mexico and Cuba were frequently used for this purpose during the 1930s.

Stadthagen's wife and son moved into a rented home later that year. A second son, Thomas, was born shortly thereafter. In moving to the area, Stadthagen and his family became part of a growing German-Jewish immi-

grant community on the west side of Los Angeles and Beverly Hills second only in numbers to New York City, composed largely of German Jews who had fled Europe during the 1930s. Departing amicably from his first employer, Stadthagen struck out on his own, opening a real estate firm and investing in property in the area. The first of these was a four-unit apartment building at 9269 Burton Way in Beverly Hills, which also became the family's home. The precise date of the purchase is uncertain, but this event probably occurred in 1938 or 1939. Stadthagen assisted other recent immigrants with resettlement by renting them the remaining apartments in the building. Alice Stadthagen resumed her career as a photographer. (Stagen, 1972: 29-30)

One of the primary support organizations for the immigrant community in Los Angeles was the Jewish Club of 1933, a group formally organized in 1936 out of a more casual network of clubs and organizations providing relief and social support to European Jewish refugees. As his business circumstances stabilized, Stadthagen became gradually more active in this organization, but not prominently at first. The entry of the U.S. into the war in 1941 caused a rapid shift in his thinking about the group's mission and purpose, however, and his level of political and social activism in general. Immediately after the Pearl Harbor attack in December, all ongoing naturalization petitions for German, Italian and Japanese immigrants were immediately placed on hold by the government, and nationals from these countries classified as enemy aliens. Stadthagen experienced this policy change first-hand, as the processing of his petition was halted only days before he was due for swearing in as a U.S. citizen. (Stagen, 1972: 33, 35)

In January 1942, Stadthagen called a meeting at his home to discuss the situation facing German-Jewish immigrants. By his own later account,

> In January, I think it was on my fiftieth birthday[1] if I recall correct, a meeting took place in my apartment, to which I had invited about, between 20 and 25 immigrants, Jewish immigrants of our group, selecting them from their various occupations. I had a doctor, I had a lawyer, I had businessmen in this line, I had businessmen in another line, I had an accountant, from all various lines. And I presented them with the alternative either to be removed and losing the little business or profession they had already built up, and finding themselves in a camp, or doing something about it. And we did something about it. We decided to fight it. We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim who had just arrived around 1940 or so, and had not settled in business yet. ... We, or he, got together with similar groups in Seattle and in San Francisco. But I believe, here in Los Angeles we were the most active of all, and the leading group. And we mobilized all the people that we could find to speak in our favor with the government, and the general[2] in San Francisco. (Stagen, 1972: 35-36)

It is unclear if this ad hoc group ever adopted a formal name, but it was referred to in at least one press report as the Committee for Refugee Immigrants of Southern California. The group, chaired by Dr. Felix Guggenheim, Heinz Pinner and Stadthagen recruited important individuals to speak on their behalf. Most prominent among them was the German novelist Thomas Mann, a political refugee himself, who lived in the Los Angeles area during the war. He and the others testified before the Tolan Committee in early 1942, a committee of Congress charged with determining the fate of these immigrant groups. Others known to have testified before the Tolan Committee were novelist and screenwriter Bruno Frank and Beverly Hills attorney Hans Schwarzer. They brought to the committee the message that German Jews who fled Nazism should be treated as natural allies in the war against Hitler, not as enemy aliens. Through their efforts some German nationals living in the

[1] January 22, 1942.

[2] U.S. Army General John L. DeWitt, in charge of military security on the West Coast.

United States were able to avoid deportation, or forced relocation and encampment as befell the Japanese, but they remained under a strict military curfew, among other restrictions, for most of the war. (Hall, 1942; Stagen, 1972: 36; Select Committee, 1942)

Also during 1942 Stadthagen arrived at the conclusion that the cause of German Jews living in the U.S. would be best served by visibly demonstrating an unstinting loyalty to their new country even in the face of official discrimination. He contacted the Treasury Department and formed a War Savings Committee, which in this case was even more pointedly named the Anti-Nazi Savings Committee, with Stadthagen as its chair. The committee held numerous rallies in Pershing Square to sell war bonds, with a variety of Hollywood celebrities in attendance. These events continued throughout the war. (Stagen, 1972: 38-9)

It was felt by Stadthagen and members of the committee that the work of promoting their cause was larger than the group they had convened in his home in early 1942. The natural method for expanding their base of support in the community was through the Jewish Club of 1933, but they found the leadership of that organization unreceptive to taking on the more activist stance that Stadthagen and others argued that the circumstances demanded. Over the next few years Stadthagen and the others in his committee joined the board of the Club, and by 1945 had changed its direction and depth of social and political involvement. Also spinning off from the original meetings at Stadthagen's home in 1942 was a more informal group of ten who met privately once a month and became a kind of brain trust to address issues of anti-semitism and other social and political issues within the Southern California Jewish community. This group was still meeting monthly, as of the early 1970s.

In the postwar years, the reinvigorated Jewish Club of 1933 addressed refugee social issues, such as unemployment, and held cultural events, including lectures, readings and educational programs. As the membership aged, the Club's mission evolved to address the issues of the elderly. Stadthagen served as the Club's president and during his tenure in the 1950s was responsible for obtaining a reparations settlement from the government of West Germany. These funds were used to support the Jewish Home for the Aging and the Westside Community Center. The group was reorganized in 1980 as the Benefactors of The Jewish Club of 1933, Inc. and remains in operation today. (Stagen, 1972: 41-2; *Los Angeles Times,* 9-27-1959; Rothholz, 2008)

Stadthagen and his family lived on Burton Way until 1943, when he combined the family home and office in a building on Wilshire Boulevard. In 1950 the home and office were again separated. By 1949 the Burton Way property had been sold to Clara Oreskes-Speigel, possibly another refugee. She divided one of the units into two in that year and continued to live on the property until at least 1960, along with a variety of tenants. (*Los Angeles Times,* 5-23-1937; United States Census, 1940)

At some point between 1940 and 1943 Wilhelm Stadthagen changed his name to William Stagen. His company, Stagen Realty and Property Management, remains in operation in Beverly Hills today. At his death in 1980 Stagen Reality was said to own or operate numerous large-scale properties, including the Wilshire Theater, Sierra Towers, and Crocker Bank Building in Beverly Hills, as well as other residential and commercial properties. Over the course of his career it was reported that he had "spent much of the profit from his holdings on the Jewish Club of 1933." (*Los Angeles Times,* 9-15-1980)

The property is a modest expression of the Spanish Revival style as it was constructed widely during the Southern California real estate boom of the 1920s. Alterations include the evident enclosure of windows or doors on the eastern and northern elevations, possibly related to the interior reorganization of 1949.

5. Eligibility of Historic Resources

National and California Registers: Significance, Eligibility and Integrity

9265-67 Burton Way. This property does not appear to be eligible for listing under NRHP Criterion A or CRHR Criterion 1 (associations with historic events). While it is associated with the historical theme of the pre-and postwar residential development of Beverly Hills, it appears to be only generally associated with these themes, and represents no known, notable role in these theme. The property does not appear to be eligible for listing under NRHP Criterion B or CRHR Criterion 2 (associations with historically significant individuals). Of the known owners or occupants of the properties for whom any substantive biographical information was found, two may have made a significant contribution towards the historical development of the state, nation or community. The property was constructed by Joe Endemiller, a prolific Beverly Hills real estate developer. While his contributions to the historical development of the community appear to be significant, this property is one of large number he constructed during his lifetime, and is not known to be related to his career in any significant manner. Also living at this address was Frank E. Mortenson, an individual who appears to have made a significant contribution to the pharmacist profession and in trade legislation. However, the available evidence suggests that he lived at this address for no more than two years at the end of his life. Consequently, his productive career is likely to be more closely associated with his earlier places of residence or business. This property does not appear to be eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical examples of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

9269 Burton Way. This property appears to be eligible for listing under NRHP Criterion A and CRHR Criterion 1. The property's association with a broad pattern of historical events derives from the home front response to the declaration of war against Germany and Japan in December of 1941, an event supporting a large number of military, economic, social, and political historical themes. The particular facet of this larger theme represented by this property is the classification of German, Japanese and Italian foreign nationals as enemy aliens by the government with the nation's entry into World War II. A detailed historical context for this theme has been developed by the National Park Service for Japanese-Americans, but a similar context does not appear to currently exist for the other affected ethnic groups. (National Park Service, 2005)

The home of William Stagen was the location of a meeting held in January 1942 where the response of the Southern California German-Jewish immigrant community to the threat of deportation and other official sanctions at the beginning of the U.S. involvement in World War II was formulated. Twenty or more members of this community representing a variety of professions were in attendance at the committee meeting, which was chaired by prominent members of the German-Jewish business community: Dr. Felix Guggenheim, Heinz Pinner and William Stadthagen. The result of this joining of forces was the coordination of testimony before the Tolan Committee of the U.S. Congress in 1942.

While this context is not presently fully documented, as it has been for Japanese-Americans, it appears that the organized opposition to sanctions started on this property resulted in the Tolan Committee deciding to allow German Jews who were not yet citizens to remain in the United States. Committee cochair Heinz Pinner later recalled, "[c]redit [for stopping the deportation threat] can be claimed by the committee, and by various personalities of high standing, like Thomas Mann." A significant individual in his own right, Pinner became known for his work in seeking restitution for victims of Nazism, for which he was later awarded the Grand Cross of the Order of Merit by the West German government. (Pinner, 1972: 23; *Los Angeles Times,* 9-24-1986)

Similar defense movements occurred at the same time on behalf of Italian nationals, which succeeded in permitting resident aliens to remain in the country and pursue citizenship. This was clearly not the automatic result of the Committee's deliberations; by contrast, Japanese nationals and Japanese-Americans were subjected to forced relocation. Also growing directly out of this committee's meetings were war bond drives organized by and centered on the German-Jewish expatriate community.

The property also appears to be eligible for listing under NRHP Criterion B and CRHR Criterion 2. It was the first property owned (circa 1938 to 1943) by William E. Stadthagen (Stagen), an immigrant businessman from Germany, one of a substantial number of individuals who fled Europe during the rise of Nazism during the 1930s and resettled in Southern California. Stadthagen (Stagen) appears to be one of the most active and distinguished members of this community. During the time he owned and lived on this property he became heavily involved with promoting immigrants rights within the German-Jewish community in Los Angeles. These early efforts evolved into a leadership role in the reinvigoration of the Jewish Club of 1933 as a force in the promotion of Jewish culture and civil rights in Southern California, as well as a life-long commitment to philanthropic efforts in providing social services to this community. While these activities continued throughout his lifetime, the meetings of early 1942 which initiated this realm of significant activities took place at his home, on this property.

This property does not appear to be eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical example of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

NRHP Criterion D and CRHR Criterion 4 pertain to archeological resources and consequently have not been evaluated in this report.

Integrity Discussion

9265-67 Burton Way. This property appears not to be significant under any of the eligibility criteria. Consequently, an evaluation of its integrity is not required.

9269 Burton Way. This property appears to be significant under NRHP Criterion A and CRHR Criterion 1, and NRHP Criterion B and CRHR Criterion 2. Consequently, a determination of the ability of the property to convey its significance is required to establish its potential eligibility. The integrity of **location** for this property is intact; it remains on its original location. The property's integrity of **design** is substantially intact. Alterations, including the closure of window and door openings on the apartment building, are limited to minor elevations.

The property's integrity of **setting** is considerably compromised. Once a part of a neighborhood of low-rise apartment buildings, it is now surrounded by mid- and high-rise buildings constructed during the 1970s and later. The only remaining element of the property's historic setting is Burton Way and the wide median, previously a Pacific Electric streetcar right-of-way. The property is not substantially altered, and to that extent, its integrity of **materials** and **workmanship** are also intact. The property's integrity of **feeling** and **association** are largely intact, as the buildings on the property are used for their historic residential purposes.

Conclusion

The property at 9269 Burton Way appears to retain sufficient integrity to convey its significance and therefore should be regarded as a historic resource for the purposes of CEQA. The historic period for the property based

on the documented associations is circa 1938 to 1943. The appropriate boundary of the eligible property is the legal parcel.

Local Significance and Eligibility

The Beverly Hills Municipal Code (§10-3-3212) establishes criteria for listing properties within the city as landmarks. The City of Beverley Hills listing criteria appear to be functionally similar to the NRHP and CRHR criteria for eligibility, with the significant departure that a landmark must meet at least two of the criteria to be considered eligible. The property at 9269 Burton Way appears to meet Criterion 1 (identified with important events); and Criterion 2 (associated with the lives of significant persons), as described the NRHP and CRHR evaluation, above. The property at 9265-67 Burton Way does not appear to be eligible under any of the criteria in the Beverly Hills Municipal Code.

The City Code also provides for evaluating the integrity of a potential landmark, utilizing the integrity criteria of the NRHP and CRHR. However, it is unclear from the ordinance language whether the methodology for evaluating a potentially eligible property's integrity is the same as the NRHP and CRHR. The Municipal Code states that a nominated property must retain its "integrity of location, design, setting, materials, workmanship, and association" from the period of significance. The Municipal Code language may be suggesting that, unlike the NRHP and CRHR, all aspects of integrity must be present for a property to be eligible. However, the code section also states that integrity "shall be judged with reference to the particular [significance] criteria." The possible meaning of this language is that integrity should be assessed based upon the means by which the property derives its significance, a method similar to the NRHP and CRHR.

Depending on the interpretation of the integrity language in Municipal Code, the property at 9269 Burton Way may or may not retain sufficient integrity to be eligible for landmark listing. If it is the intention of the Municipal Code to set a higher standard for integrity than the NRHP and CRHR (all aspects must be present), then it would not be eligible due to the loss of setting integrity, as described in the NRHP and CRHR evaluation, above. However, if is the intention of the code to establish a method of evaluating integrity similar to the NRHP and CRHR, then it retains sufficient integrity for listing.

Adjacent and Nearby Properties

No properties in the immediate vicinity are currently designated, listed, determined to be eligible, or appear to be eligible for listing on the NRHP, CRHR, or as a City of Beverly Hills Landmark.

6. Impact Analysis

The proposed project will result in the demolition of the property located at 9269 Burton Way. This property appears to be eligible for listing on the NRHP and CRHR, and may be eligible for designation as a City of Beverly Landmark. Consequently, it should be regarded as a historic resource for purposes of CEQA. The impact of the demolition is significant and adverse.

7. Mitigation and Residual Impacts

A principle of environmental impact mitigation is that some measure or combination of measures may, if incorporated into a project, serve to avoid or reduce significant and adverse impacts to a historic resource. In reference to mitigating impacts on historic resources, the CEQA Guidelines state:

> Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the *Secretary of the*

> *Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant. (PRC §15126.4 (b)(1))

These standards, developed by the National Park Service, represent design guidelines for carrying out historic preservation, restoration and rehabilitation projects. The Secretary's Standards and the supporting literature describe historic preservation principles and techniques, and offers recommended means for carrying them out. Adhering to the Standards is the only method described within CEQA for reducing project impacts on historic resources to less than significant and adverse levels.

The demolition of an historic property cannot be seen as conforming with the *Secretary of the Interior's Standards*. Therefore, the absolute loss of an historic property should generally be regarded as an adverse environmental impact which cannot be mitigated to a less than significant and adverse level. Further, the usefulness of documentation of an historic resource, through photographs and measured drawings, as mitigation for its demolition, is limited by the CEQA Guidelines, which state:

> In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. (CEQA Guidelines §15126.4 (b)(2))

Implied by this language is the existence of circumstances whereby documentation may mitigate the impact of demolition to a less than significant level. However, the conditions under which this might be said to have occurred are not described in the Guidelines. It is also noteworthy that the existing CEQA case law does not appear to support the concept that the loss of an historic resource can be mitigated to less than adverse impact levels by means of documentation or commemoration. (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* [1997] 52 Cal. App. 4th 896; *Architectural Heritage Association v. County of Monterey* [2004] 19 Cal. Rptr. 3d 469)

Taken in their totality, the CEQA Guidelines require a project that will have potentially adverse impacts on historic resources to conform to the *Secretary of the Interior's Standard*s, in order for the impacts to be presumptively mitigated to below significant and adverse levels. However, CEQA also mandates the adoption of feasible mitigation measures which will reduce adverse impacts, even if the residual impacts after mitigation remain significant. Means other than the application of the Standards would necessarily be required to achieve this level of mitigation. In determining what type of additional mitigation measures would reduce impacts to the greatest extent feasible, best professional practice dictates considering the level of eligibility of the property, as well as by what means it derives its significance.

Mitigation programs for impacts on historic resources tend to fall into three broad categories: documentation, design and interpretation. Documentation techniques involve the recordation of the site according to accepted professional standards, such that the data will be available to future researchers, or for future restoration efforts. Design measures could potentially include direct or indirect architectural references to a lost historic property, e.g., the incorporation of historic artifacts, into the new development, or the relocation of the historic property to another suitable site. Interpretative measures could include commemorating a significant historic event or the property's connection to historically significant themes.

Mitigation Measures

1. Documentation Report. A historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the City of Beverly Hills to complete a Documentation Report on the property located at 9269 Burton Way. The property shall be photographed according to accepted archival methods, and a written historic report prepared by a qualified historic preservation professional. This documentation, along with historical background of the properties prepared for this property, shall be submitted to an appropriate repository approved by the City of Beverly Hills, and shall be completed and approved by the city prior to the issuance of demolition permits.

2. Interpretative Plan. In consultation with the City of Beverly Hills, a historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the city to prepare an on-site interpretive plan, focusing on the significant historic themes associated with the property at 9269 Burton Way. The plan may consist of a public display or other suitable interpretive approach, as approved by the city, and be installed in an appropriate public or semi-public location within the proposed new construction. The interpretive plan shall be completed and approved prior to the issuance of building permits for the proposed project, and shall be installed within one year of occupancy of the proposed building. If the proposed building is not occupied within two years after the issuance of demolition permits, another suitable temporary or permanent location for the interpretive display shall be determined, subject to the approval of the city. The interpretive display shall remain in public view for a minimum of five years, and if removed, appropriately archived.

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Photo 1. 9265-67 Burton Way, western and southern elevations. [8-2-2012]

Photo 2. 9265-67 Burton Way, southern elevation of main building and western elevation of garage apartment building. [8-2-2012]

Photo 3. 9267-67 Burton Way, southern and eastern elevation of main building and stairway of garage apartment building [8-2-2012]

Photo 4. 9265-67 Burton Way, eastern and northern elevation of garage and apartment building, facing alley. [8-2-2012]

Photo 5. 9269 Burton Way, western elevation. [8-2-2012]

Photo 6. 9269 Burton Way, eastern elevation. [8-2-2012]

Photo 7. 9269 Burton Way, western elevation of garage building. [8-2-2012]

Photo 8. 9269 Burton Way, eastern elevation of garage building from alley. [8-2-2012]

Photo 9. Oblique aerial of 9265-67 Burton Way (right) and 9269 Burton Way (left). [Source: Google Maps]

Levin-Morris Architects llp

Levin~Morris

9265 Burton Way Condominium Project EIR

COMMENTS ON DRAFT EIR
SECTION 4.1 CULTURAL RESOURCES

1305 N. Harper Avenue, West Hollywood, CA 90046 323 656-3034 tel 323 656-2420 fax

4.1 CULTURAL RESOURCES

This section analyzes potential impacts to cultural resources. The discussion of historic resources summarizes information from a historic resources report prepared for the Project by San Buenaventura Research Associates (SBRA) in September of 2012. This report is included in its entirety in Appendix B.

As stated in their September 2012 Report [see Appendix B], the conclusions expressed by San Buenaventura Research Associates ("SBRA") are based on "the factual data available at the time of its preparation."

But SBRA's claim of significance for the property at 9269 Burton Way is *not* based on the "factual data available" at the time their report was prepared. Rather it is based only on the incomplete "factual data" SBRA uncovered in the course of very limited online research. As it affects the claimed significance, that "factual data" consists almost exclusively of three interviews conducted in 1972, fully thirty years after the events in question, with no corroboration through contemporary documents or secondary materials.

These comments (as well as a report prepared by Historic Resources Group) are based on a substantial compilation of contemporary documents located in the Felix Guggenheim papers in the Doheny Library at the University of Southern California. These documents were provided to SBRA, who declined to review their content. Our comments outline in detail where those contemporary documents that SBRA refused to examine either clarify or refute the "factual data" on which SBRA's conclusions are based, and where those documents demand entirely different conclusions regarding significance.

The consequence of SBRA's inadequate research and lack of documentary corroboration is their overreliance on the transcripts of the 1972 interviews. Wilhelm Stadthagen (hereafter "William Stagen") was 80 years old in 1972, and he acknowledged the vagaries of memory, as he told the interviewer:

> **"*When you get to my age I wish your memory will still be good. I think mine is lousy right now. I don't remember anything. ... details, I think, you will have to ask other people. They want to say something too and they may know more about certain details than I could in this interview right now.*" [Stagen 1972: 34–35, 52]**

To highlight the extent to which documentary corroboration is essential to properly understand the 1972 interviews, at one point in Stagen's interview is the following exchange regarding a U.S. House of Representatives select committee hearing that took place in March 1942:

Interviewer:	***Do you remember incidentally which congressional committee that might have been?***
Stagen:	***It was called the Toland Committee. T-o-l-a-n-d. I believe there also was on the committee a senator from Texas, Mr. Clark, who later became a ...***
Interviewer:	***Tom Clark.***
Stagen:	***Tom Clark. Became a justice of the Supreme Court. But I still see Mr. Clark sitting there with his legs outstretched, his hands in his pockets, and listening. At the same time, or shortly thereafter, to help the status of the group...***
Interviewer:	***That was 1942, early 1942.***

Stagen: ***That was early 1942. I decided to form a War Savings Committee. In those days the federal government was very anxious to sell war bonds. ...*** **[Stagen 1972: 38]**

SBRA concludes from the above passage that Stagen decided to form a War Savings Committee in early 1942. This is clearly a misreading of the transcript. Documentary evidence—not examined by SBRA—reveal that Stagen's war bond efforts did not begin until an entire year later. That evidence, in the form of minutes of the January 1943 and February 1943 Board of Directors meetings of the Jewish Club of 1933, indicates that Stagen did not begin to form a War Savings Committee until February 1943. [6 January 1943 Jewish Club of 1933 Board minutes; 16 February 1943 Jewish Club of 1933 Board minutes]

In other words, Stagen had simply begun a new thought about war bonds:

Stagen: ***At the same time, or shortly thereafter, to help the status of the group, ~ I decided to form a War Savings Committee. ...***

Just as he had with "*Tom Clark*," the interviewer interrupted Stagen mid-sentence for clarification. Stagen confirmed the Tolan Committee was "*early 1942*", and resumed where he had left off. By relying solely on the interview transcript, without corroboration, SBRA badly misinterprets Stagen's words.

As further evidence of the danger of overreliance on the interviews alone, Tom Clark, whom Stagen recalled as a Senator from Texas and a member of the Tolan Committee, was actually the Chief of Civilian Staff for General John L. DeWitt of U.S. Army Western Defense Command. [Stagen 1972: 38]

This example is not an isolated instance of SBRA demonstrably misreading the "factual data" on which their conclusions rely; it is part of a consistent pattern of SBRA misinterpreting the historical evidence, based on their general ignorance of the historical context. Such analytical errors, which will be discussed point by point in these comments, have led SBRA to conclusions that are unsupported by evidence, greatly exaggerated, or completely refuted by contemporary documentary evidence.

SBRA's research failure has also led them to misunderstand the historical context and to improperly analogize the legal and political situation of German immigrants to that of the Japanese. SBRA simply presumes that the historical context of the Germans paralleled that of the Japanese, and they therefore incorrectly presume that they may rely on a 2005 National Park Service Theme Study of Japanese-Americans in WWII. This misunderstanding of the historical context further undermines SBRA's claims of significance.

Compounding their misreading and misunderstanding of the evidence and historical context, SBRA bases conclusions on speculation, misapplies National Register criteria, and misstates Beverly Hills Landmark criteria.

[Note: EIR Draft Section 4.1 "Cultural Resources" is included in its entirety, in black, with comments indented and in red. SBRA's list of Selected Sources [from Appendix B] follows. along with a list of the additional publications and manuscript documents that form the basis for these comments. Appended are complete copies of the referenced unpublished manuscript documents, and selected excerpts from published Congressional select committee reports.]

4.5.1 Setting

a. City of Beverly Hills. The present-day city of Beverly Hills is located on a portion of the 4,500-acre land grant Rancho Rodeo de las Aguas (sometimes known as San Antonio), awarded around 1820 to Vincente Valdez, a retired sergeant in the Spanish army, and his wife Maria Rita Valdez. After his death in 1828, the land became closely associated with Maria Valdez, who is often regarded as the area's first settler, although she maintained homes both on the rancho and in Los Angeles. Long-running disputes over the title to the ranch lands ultimately led to its sale in 1854 to American developers Benjamin Davis "Don Benito" Wilson, and Henry Hancock, who later sold his interests in the rancho to William Workman. The plans of the new owners to use the land for agriculture were thwarted by the prolonged regional droughts of the 1860s and 1870s. Subsequent efforts to develop the rancho with the townsites of Santa Maria and Morocco were unsuccessful (Cowan, 1956: 68-69; Robinson, 1939: 156-64).

The modern community known as Beverly Hills had its beginning in 1906, when a group of oil investors formed the Rodeo Land and Water Company and hired noted land planner Wilbur F. Cook, Jr. to design a community plan. The design, which represented one of the earliest planned communities in the region, anticipated an enclave of homes for the wealthy on the hillsides and more modest homes on the flat lands. The area reserved for the affluent was originally called Beverly Hills, while the less upscale portion of the community was known simply as Beverly. Initially, sales were slow, but the opening of the Beverly Hills Hotel by the Rodeo Land and Water Company in 1912 began to attract more visitors and buyers. The City, still little more than a tiny settlement, was incorporated in 1914.

The first major period of growth in Beverly Hills was concurrent with the regional land boom of the 1920s. The City began the decade as a community in its formative stages, mixing rural, urban and miscellaneous land uses, including the Los Angeles Speedway, which dominated the quadrant of the city south of Wilshire Boulevard and west of Beverly Drive. The settling of the City by entertainment industry personalities began in earnest in 1920, with the construction of Pickfair, the lavish estate of Douglas Fairbanks and Mary Pickford. Other industry notables followed their lead, to the extent that by the end of the 1920s, Beverly Hills had firmly established its reputation as an enclave of movie stars.

As the wealth of the entertainment industry was attracted to Beverly Hills during the 1920s and 1930s, so were architects of note. A competitive environment between entertainment industry leaders led to the construction of progressively more opulent homes in the period revival styles popular during these decades, often reflecting both the unprecedented affluence, and the theatrical character of the movie industry. By the 1930s and 1940s, Beverly Hills featured a posh retail district that competed with the Miracle Mile, Hollywood, and Westwood Village for fashionability. During the postwar era, the City became steadily more prominent as one of the Southern California region's major urban centers, as the office and retail district grew upwards and outwards, and pushed further west.

b. Site History and Context. The project site is located within a triangular section of Beverly Hills bounded on the north by Santa Monica Boulevard, on the south by Wilshire Boulevard, and on the east by the city limits. This area was annexed to the city in 1915 and subdivided mainly during the 1920s, but remained substantially undeveloped until after World War II. Burton Way, bisecting the area, was named for Rodeo Land and Water Company president Burton Green. The Santa Monica via Sawtelle line of the Pacific Electric Railroad Line ran down a right-of-way at the center of Burton Way, connecting to the south side of Santa Monica Boulevard, providing ready access to support later growth. This line was established in 1897 and provided passenger service between Los Angeles and Santa Monica until 1940. The former railroad right-of-way serves as a wide landscaped median today.

c. Historic Survey – 1985-1986. In 1985-86, consultants contracted to the City of Beverly Hills conducted a historic resources survey of the city in conjunction with the California Office of Historic Preservation. The project site is located within Survey Area 3, which includes the multi-family residential area bounded generally by Wilshire Boulevard on the south, Rexford Drive on the west, and Santa Monica Boulevard on the north. No historically or architecturally significant properties in this area were identified by the survey. Because this survey was completed more than twenty years ago, however, little effort was made to identify and evaluate properties constructed during the 1940s and later.

d. Prehistory and Ethnohistory. During the terminal Pleistocene/ Early Holocene period, the earliest inhabitants of Southern California are believed to have been nomadic large-game hunters. The middle Holocene period is characterized by technological advancement, including use of marine resources and seed grinding for flour. Aside from sites in Topanga Canyon, the only evidence of prehistoric occupation in the Los Angeles basin during this period is an occasional discoidal or cogged stone recovered from sites dating to more recent periods of pre-history. During the middle to late Holocene period, the coastal sites flourished, reflecting an increase in sociopolitical complexity and efficiency in subsistence strategies. It was during this period that the bow and arrow appeared. There are few sites within the Los Angeles Basin that date to this period; however, sites have been discovered in Topanga Canyon, Ballona Lagoon and on the Del Rey bluffs. The late Holocene period shows evidence of a reliance on the bow and arrow for hunting, with use of bedrock mortars and milling slicks. Late Prehistoric coastal sites are numerous. This period shows extensive trade networks, elaborate mortuary customs, and use of asphaltum. This period corresponds to increases in population size, economic and social complexity and the appearance of social ranking (All from Applied Earthworks, October 2005).

During the prehistoric period the Los Angeles basin was inhabited by the Gabrieleno people.The Gabrieleno are characterized as one of the most complex societies in native Southern California, second only perhaps to the Chumash, their coastal neighbors to the northwest. The Gabrieleno Tongva, a Uto-Aztecan (or Shoshonean) group, may have entered the Los Angeles basin as recently as 1500 B.P. In early protohistoric times the Gabrieleno Tongva occupied a large territory reportedly including the entire Los Angeles Basin. This region encompasses the coast from Malibu to Aliso Creek, parts of the Santa Monica Mountains, the San Fernando Valley, the San Gabriel Valley, the San Bernardino Valley, the northern parts of the Santa Ana Mountains, and much of the middle to lower Santa Ana River. They also occupied the islands of Santa Catalina, San Clemente, and San Nicolas. Within this large territory were more than 50 residential communities, with populations ranging from 50 to 150 individuals. The Gabrieleno Tongva had access to a broad resource base, which when combined with efficient subsistence technology, well developed trade networks, and a ritual system resulted in a society that was one of the most materially wealthy and culturally sophisticated groups in California at the time of Spanish contact (All from Applied Earthworks, October 2005).

e. Property Description.

<u>9265-67 Burton Way.</u> This property consists of two buildings. The larger building, located adjacent to Burton Way, is a two-story stucco-clad duplex residence. It features a mainly rectangular plan and a low-pitched hipped roof with shallow, open eaves. Ground-floor entry doors are located on the southern and eastern elevations above two-step concrete stoops covered with swept French Provincial-style projections featuring drapery-scalloped edges. Windows are primarily six-over-six multi-pane wood sash with narrow casings. The two-story building to the north and rear functions as a carport, with two

apartment units above. Second-story access is via a projecting staircase enclosed with a stepped stuccoed rail. This building's architectural detailing is similar to the main building's. Carports on the ground floor open to the alley. The two buildings form a courtyard to the south. (For photographs of the structures discussed in this section, please see the full historic resources report in Appendix B.)

The buildings were constructed in 1945 by Joe Endemiller of Beverly Hills, who is identified in the 1985-86 survey as one of the more prolific multi-family residence builders in the city during this time period. The architect is also indicated on the building permits as Endemiller, suggesting that it was constructed according to a standard plan generated by his office. Shortly after construction the property was evidently sold to Mary F. Burt, who sold it to Louis and Sonia Schultz in 1951. Apparently neither lived on the property and it was utilized as an income property. City directories suggest that the turnover of renters was frequent. The only renter for whom any substantive information was found was Frank E. Mortenson, who served for sixteen years as the executive secretary of the Southern California Retail Druggists Association. He moved to this address at some point after 1944, where he resided until the time of his death in 1946. In his obituary, among other distinctions related to his profession, he was described as "the father of the Fair Trade Acts now effective in 45 States and drafted the California fair trade law, which has served as the model for other States."

The abstracted French Provincial and Neocolonial references in the design are characteristic of the Minimal Traditional architectural style as it was commonly employed in the postwar era. The property is a modest example of the style. The property appears to be unaltered.

9269 Burton Way. This property consists of a two-story four-unit residence building adjacent to Burton Way and a detached, single-story garage located adjacent to the alley on the north. The stucco-clad residence is essentially rectangular in plan and features a symmetrical main (southern) elevation characterized by an entry located above a three-step, tiled stoop, the entry portion of the elevation projecting slightly from the balance of the elevation. The entry door is surrounded with faux quoins and flanked with wrought iron wall sconces. A pair of wood-frame multi-pane casement windows is located on the second floor, above. Flanking the entry are tripartite windows on both the ground and second floors. The lower windows are fixed in the center and flanked with narrow casement lights; the second-floor windows are equally divided by three, three-by-two light wood casements. Plaster garland swags are located between the floors. Windows on secondary elevations are mainly single light casements. Window casings are narrow. The roof is flat, with a shallow mansard clad in Spanish tile located above the southern elevation and a single-tile cap on a low parapet on the other elevations. The detached garage building is stucco-clad and rectangular in plan and features a flat roof and a low parapet topped by a single Spanish tile cap

These buildings were constructed in 1927 by August P. Clos of Los Angeles, apparently as a live-in income property. Clos and his wife Marie lived at this address for about three years, along with the renters of the other units. The architect for the buildings is listed on building permits as the Seaboard Engineering Company of Los Angeles, a firm that evidently provided architectural design in addition to engineering services. No substantial information was found about Clos or Seaboard Engineering. Around 1930 the property was sold to Simeon Le Gasse, a real estate developer or agent, who also utilized it as a live-in income property. No further information was located on Le Gasse. Around 1938-39 this property was purchased by Wilhelm Ernst Stadthagen.

Wilhelm Ernst Stadthagen was born in Berlin in 1892 to an affluent and mainly secular Jewish family. After serving in the Army on both the Eastern and Western fronts during the first World War, Stadthagen returned to Berlin to become a successful real estate developer and broker. By the early 1930s, with the rise of Nazism, he found his business

in Berlin increasingly difficult to operate. In 1934 he sold the company for half of what he thought it was worth, and emigrated to London with his second wife, Alice, who had worked as a photographer in Germany. Their first son, Frank, was born in London. Unable to obtain work permits in his profession in Britain, and aware of the increasing likelihood of another war in Europe, he began to explore opportunities in the United States. In April 1936 he travelled to New York City. Although he received employment offers there, the city and the climate were not to his taste, so he undertook a cross-nation trip to examine business conditions elsewhere in the country. The journey was planned to end with stops in Los Angeles and San Francisco, and a return to London.

Stadthagen's reception in Los Angeles was more welcoming than any he'd experienced elsewhere, and he was also impressed by the region's climate and relaxed way of life. An offer was extended to join a small real estate office in downtown Los Angeles, which he accepted. The final leg of his trip to San Francisco was cancelled and he wrote to his wife in London advising that the family should relocate to Los Angeles. Although not mentioned in his personal narrative of his move to the U.S., official immigration records indicate that Wilhelm and Alice Stadthagen reentered the country from Mexico in August 1936, crossing the border on foot from Mexicali. Entering the U.S. from a third country was a common tactic among European refugee immigrants, skirting the nation-based immigration quota system. Mexico and Cuba were frequently used for this purpose during the 1930s.

Stadthagen's wife and son moved into a rented home later that year. A second son, Thomas, was born shortly thereafter. In moving to the area, Stadthagen and his family became part of a growing German-Jewish immigrant community on the west side of Los Angeles and Beverly Hills second only in numbers to New York City, composed largely of German Jews who had fled Europe during the 1930s. Departing amicably from his first employer, Stadthagen struck out on his own, opening a real estate firm and investing in property in the area. The first of these was a four-unit apartment building at 9269 Burton Way in Beverly Hills, which also became the family's home. The precise date of the purchase is uncertain, but this event probably occurred in 1938 or 1939. Stadthagen assisted other recent immigrants with resettlement by renting them the remaining apartments in the building. Alice Stadthagen resumed her career as a photographer.

One of the primary support organizations for the immigrant community in Los Angeles was the Jewish Club of 1933, a group formally organized in 1936 out of a more casual network of clubs and organizations providing relief and social support to European Jewish refugees. As his business circumstances stabilized, Stadthagen became gradually more active in this organization, but not prominently at first. The entry of the U.S. into the war in 1941 caused a rapid shift in his thinking about the group's mission and purpose, however, and his level of political and social activism in general. Immediately after the Pearl Harbor attack in December, all ongoing naturalization petitions for German, Italian and Japanese immigrants were immediately placed on hold by the government, and nationals from these countries classified as enemy aliens. Stadthagen experienced this policy change first-hand, as the processing of his petition was halted only days before he was due for swearing in as a U.S. citizen.

> **In the above paragraph, SBRA demonstrates their serious misunderstanding of the historical context. The attack on Pearl Harbor did immediately halt all naturalization of German and Italian immigrants. But there could have been no "ongoing naturalization petitions" for Japanese immigrants; Japanese were legally ineligible for naturalization. The Naturalization Act of 1790 had restricted naturalization to "white persons," and that racial restriction was reinforced by the Immigration Act of 1924. Therefore, as a matter of Federal law, in December 1941 there could have been no "ongoing naturalization**

petitions" for Japanese immigrants. This legal distinction was very explicitly understood by Federal, State and local authorities at the time.

However, because SBRA misunderstands this obvious legal distinction, they falsely equate the historical context for German immigrants with that of the Japanese, and therefore misapply the historical context of the Japanese to the present analysis. This very serious analytical error has tainted SBRA's entire analysis, and it has led to them to grossly inflate of the significance of issues in connection with the property at 9269 Burton Way and with Wilhelm Stadthagen himself (again, hereafter "William Stagen").

In January 1942, Stadthagen called a meeting at his home to discuss the situation facing German-Jewish immigrants. By his own later account,

> *"In January, I think it was on my fiftieth birthday[1] if I recall correct, a meeting took place in my apartment, to which I had invited about, between 20 and 25 immigrants, Jewish immigrants of our group, selecting them from their various occupations. I had a doctor, I had a lawyer, I had businessmen in this line, I had businessmen in another line, I had an accountant, from all various lines. And I presented them with the alternative either to be removed and losing the little business or profession they had already built up, and finding themselves in a camp, or doing something about it. And we did something about it. We decided to fight it. We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim who had just arrived around 1940 or so, and had not settled in business yet. … We, or he, got together with similar groups in Seattle and in San Francisco. But I believe, here in Los Angeles we were the most active of all, and the leading group. And we mobilized all the people that we could find to speak in our favor with the government, and the general[2] in San Francisco."*
>
> [1] January 22, 1942.
> [2] U.S. Army General John L. DeWitte, in charge of military security on the West Coast.

Because SBRA did not adequately corroborate Stagen's 1972 interview, they have misinterpreted his words, failed to identify errors of fact, misstated Stagen's involvement, and grossly overstated the significance of a single 22 January 1942 meeting in his apartment.

SBRA suggests that the 22 January 1942 meeting was the first time that the German-Jewish immigrant community had come together to discuss and respond to the threat of forced relocation. This is not historically correct; it is wrong on both counts. Contemporary documents, not examined by SBRA, clarify both the event timeline and the nature and scope of the 22 January 1942 meeting. Review of that contemporary documentary evidence leads to an entirely different conclusion about the significance of the events in question and William Stagen's role in them.

A careful reading of Stagen's 1972 interview reveals that the 22 January 1942 meeting was <u>not</u> the seminal event that SBRA claims. Stagen makes it clear that it was <u>not</u> the first time the German refugees had met to discuss "enemy alien" restrictions. In his interview, Stagen stated he and a younger friend, Felix Guggenheim, responded to "enemy alien" restrictions by trying to enlist Heinz Pinner, an attorney, to represent the community:

> ***"This lawyer was willing to represent us, but he wanted a fee of $1000. He didn't want to do it as a kindness to his fellow Jews. … We couldn't raise the $1000 in those days, or maybe we didn't want to either."* [Stagen 1972: 36–37].**

Even faced with Pinner's refusal to represent the community *pro bono*, Stagen, Guggenheim and their friends still did not want to take the step of addressing the "enemy alien" restrictions themselves, as individuals. So they next

attempted to enlist the involvement of the Jewish Club of 1933. But they met resistance from the Club's president, Leopold Jessner. As Stagen described the sequence of events—why he waited until 22 January:

> **"*Now, coming back to the Jewish Club of 1933, and Jessner was still president. Before we did take this step we wanted that the Jewish Club does it or is behind it. We 20, 25 men didn't want to do it ourselves, as individuals. We felt it's a community problem. Jessner was very reluctant. He didn't want to do anything, hadn't done anything. And that's* [why] *I waited till the 22nd of January.*" [Stagen 1972: 39–40]**

And as noted in the interview, of that 22 January meeting, Stagen added:

> ***"We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim."* [Stagen 1972: 36]**

The importance of the above passages cannot be overemphasized. Based on Stagen's own words, an *ad hoc* group of "*20, 25 men*," including Stagen and Guggenheim, had discussed curfew and travel restrictions among themselves and with the Jewish Club of 1933 well before 22 January 1942.

Only <u>after</u> they failed to enlist Heinz Pinner, and only <u>after</u> they failed to persuade the Jewish Club of 1933 to act, did a group meet to endorse having Guggenheim taking on the issue himself. In other words, the 22 January meeting was neither the first such discussion nor the occasion of a major political awakening. Rather, it was simply one meeting among several.

The substance of the 22 January 1942 meeting was far less significant than SBRA claims. Although there had been rumors, 22 January predates any announcement of "enemy alien" relocation. Military authorities had excluded "enemy aliens" from coastal areas, defense installations, and defense industries, and there was some reason to imagine that matters would not end there. But forced relocations were neither announced nor legally authorized by 22 January. General John L. DeWitt of U.S. Army Western Defense Command did not announce his intention to relocate "enemy aliens" on the West Coast until 11 February—three weeks after the 22 January meeting. And Franklin Roosevelt did not issue Executive Order 9066, authorizing "enemy alien" relocation, until 19 February—a further week beyond that.

However, there is no need to speculate about the discussion at the 22 January meeting—we have direct evidence in contemporary documents. Felix Guggenheim discussed the meeting in an 11 February 1942 letter to Julia Seider, his immigration attorney. In that letter, Guggenheim wrote:

> ***"We – a few friends of mine and I – came together to look for a way to inform the local and State authorities (Washington most probably is informed) that they hurt us together with the Japanese, if they don't discriminate, that nothing would please Hitler more than seeing us persecuted as Nazis, that the Gestapo is clever enough to choose their agents among the naturalized Americans, etc. On the other side, we want the real enemy aliens treated as harshly as possible and don't want any consideration, because there are refugees among them. So the only way is, to take the group of refugees, who can prove that they are expatriated and have no allegiance to Germany, out of the class "enemy aliens". But that's a long way. I was very busy all these days, seeing many people and discussing the problems . I personally am not hurt till now (of course it is still possible, that all enemy aliens have to leave California) but all people who are in real business suffer heavily. For instance a Jewish influenced firm like Warner Bros.***

> ***cant employ Jewish refugees as actors, etc. (what they did till now) because the Warner lot is in a part of the city, which is prohibited for enemy aliens. Nobody knows what the outcome will be, as local, State, Federal, military and other authorities are involved in the matter."*** **[11 February 1942 Guggenheim letter to Julia Seider]**

From this letter it is clear that the focus of the 22 January meeting had not been forced relocation; even a full three weeks later, Guggenheim regarded it only as a possibility. Rather, the concern was with local, State, and U.S. Army curfew and travel restrictions, such as access to the Warner Brothers studio, located not far from aircraft factories at the Burbank airport. This focus on State and local authorities is also reflected in a set of typewritten notes that Guggenheim wrote some time around mid-January:

> **"*Washington—knowing that the potential reservoir of 5th columnists is to be found among Bundists, naturalized and even native Americans (the Gestapo being clever enough to choose agents not from the most exposed, but from the most protected group)—is reluctant in its measures.***
>
> ***"State and local authorities—less exactly informed and more endangered, besides that more exposed to emotion and trend of public opinion—are pushing ahead, not only to get an emotional outlet but also to avoid reproach (Pearl Harbour!) if really acts of sabotage start to happen."*** **[*circa* 15 January 1942 Guggenheim notes]**

As those notes reflect, prior to mid-February, Guggenheim did not believe the Federal government presented a genuine problem. Rather, he felt that State and local authorities were more likely the ones to act irrationally, out of fear of being accused of inaction. A subsequent 31 March letter to Julia Seider further refutes the suggestion that the 22 January meeting focused on relocation. Guggenheim apologized for not writing sooner, explaining:

> ***"In the meantime I had stopped since weeks writing private letters, as during the last 6 weeks I devoted my time from early in the morning till late in the evening to the "refugee" problem.***
>
> ***I became a kind of spokesman here and got much more involved than I foresaw at the beginning. The preparation of the hearings before the Congressional Committee (my own testimony was the smallest part of the necessary work), contact with the American-Jewish organizations, with Washington, ... "*** **[31 March / 1 April 1942 Guggenheim letter to Julia Seider]**

In fact, "*the last 6 weeks*" that Guggenheim mentions would have dated only as far back as mid-February—not all the way back to 22 January. Thus it is clear that Guggenheim's concerns had expanded to include the issue of relocation only <u>after</u> General DeWitt's 11 February announcement, and that this was "*much more*" than he and the group had foreseen on 22 January.

It is unclear if this ad hoc group ever adopted a formal name, but it was referred to in at least one press report as the Committee for Refugee Immigrants of Southern California.

As the documentary evidence indicates, Felix Guggenheim adopted a number of different names for his committee over time. As late as July 1942 it was rather awkwardly called the "Committee for Reclassification of Refugees Classified as Enemy Aliens." However, by October 1942, Guggenheim corresponded with the L.A. Civilian Defense Council as the "Committee for Refugee Immigrants of Southern California." [15 July 1942 Jewish Club of 1933 memo; 28 October 1942 Guggenheim letter to LA Defense Council]

... The group, chaired by Dr. Felix Guggenheim, Heinz Pinner and Stadthagen, ...

> **The idea that Heinz Pinner and William Stagen "chaired" the "Committee for Refugee Immigrants of Southern California" is factually incorrect; it is not supported by any contemporary evidence. Minutes of the Jewish Club of 1933 Board of Directors' meetings contain no evidence that Pinner or Stagen were even participants in Felix Guggenheim's "enemy alien reclassification" efforts—let alone "chairs". Guggenheim's extensive wartime papers identify no "reclassification committee" member other than Guggenheim himself.**
>
> **Neither Pinner nor Stagen made any such claim in their interviews. Read properly, Stagen himself was clear about this:**
>
> > ***"We appointed, at that time younger men, who had not started in business yet, to do the detail work and represent the group per se, and that was Felix Guggenheim."* [Stagen 1972: 36]**
>
> **It is obvious that Stagen meant not "*younger men*," plural, but rather "*a* younger man," singular, as he added "*and that was Felix Guggenheim*," indicating Guggenheim, alone. And when Stagen stated, "*We, or he, got together with similar groups...*," he quickly corrected "*we*" to *"he"*, again using the singular to refer to Guggenheim. Thus, the claim that Stagen "co-chaired" the reclassification effort is contradicted even by an accurate reading of Stagen's own interview.**
>
> **SBRA also misinterprets a related passage in that interview. Shortly after discussing the 22 January meeting, Stagen said:**
>
> > **"*So, Mr. Pinner, Mr. Guggenheim, Mr. Stagen, I believe we three, I am not quite sure, went to the board meeting, and just more or less took over. This had to be done, and we took over. So the whole thing was then done as it should have been, and was done under the aegis of the Club.*"[Stagen 1972: 40]**
>
> **But Stagen was not suggesting that he, Pinner and Guggenheim acted as co-chairs for the "enemy alien reclassification" efforts, as SBRA misinterprets the passage. Rather, Stagen was saying that they "*more or less took over*" the February 1942 Board of Directors meeting of the Jewish Club of 1933, to insist that the Club formally endorse Felix Guggenheim's "reclassification" efforts, so that Guggenheim would have the imprimatur of the Club in his dealings with authorities. The tactic evidently worked, as by 4 March 1942 Felix Guggenheim had been named to the Board of Directors of the Jewish Club of 1933, and was able to so identify himself in his correspondence with authorities. [4 March 1942 Guggenheim letter to John Abbott; 25 April 1942 memorandum from Jewish Club of 1933]**

... recruited important individuals to speak on their behalf. Most prominent among them was the German novelist Thomas Mann, a political refugee himself, who lived in the Los Angeles area during the war. He and the others testified before the Tolan Committee in early 1942, a committee of Congress charged with determining the fate of these immigrant groups. Others known to have testified before the Tolan Committee were novelist and screenwriter Bruno Frank and Beverly Hills attorney Hans Schwarzer. They brought to the committee the message that German Jews who fled Nazism should be treated as natural allies in the war against Hitler, not as enemy aliens. Through their efforts some German nationals living in the United States were able to avoid deportation, or forced relocation and encampment as befell the Japanese, but they remained under a strict military curfew, among other restrictions, for most of the war.

This analysis is historically incorrect. As noted, SBRA misunderstands the difference in legal status between the German immigrants and the Japanese. Because of their legal status, both Japanese immigrants and first-generation citizens were in genuine jeopardy of forced relocation, while the German-Jewish refugees had received assurances that they were not in similar danger. Underscoring SBRA's misunderstanding of the historical legal context, they speak of "avoid[ing] deportation"; deportation—removal from the United States—was never considered for any group.

SBRA also misunderstands the timeline, which leads them to assert causal connections that are logically impossible. The 22 January meeting at Stagen's apartment cannot have been a response to forced relocation, as that meeting took place three weeks *before* any formal announcement of relocations. Even more so, the 22 January meeting cannot have involved a discussion of the "Tolan Committee"; the documented event sequence makes that impossible.

The differences in treatment between the Japanese and the German-Jewish immigrants went far beyond the difference in their legal status; the two groups were perceived entirely differently. Japan had attacked the United States, and the presence of non-citizen Japanese immigrants was seen as a potential espionage threat to the West Coast of the U.S. mainland. By contrast, the Germans were understood to be refugees from Nazi oppression, and they had received assurances to that effect from Federal authorities.

Felix Guggenheim understood that everything turned on the question of "enemy alien" classification. Despite his confidence that the German refugees would not be treated like the Japanese, Guggenheim realized that there was an inherent danger in being classified as "enemy aliens"—even as a technicality. Thus his efforts would be directed toward "reclassification" of the German émigrés as "refugees from Nazi oppression." That was the designation used in Britain since 1939, as Guggenheim knew from his own experience there; his own British papers bore the designation "Refugee from Nazi oppression." [House Select Committee, Part 31: 11733–11734]

Guggenheim had reason to believe that his "reclassification" efforts would ultimately be successful. Francis Biddle, who became Attorney General of the U.S. in 1941, had previously served as the Director of the Immigration and Naturalization Service, and therefore fully understood the legal and political issues that surrounded the German refugees—and separated them from the Japanese. Biddle had made clear that the Department of Justice appreciated the situation of the German refugees, and communicated that understanding to the German-Jewish refugee community, as reflected in Guggenheim's papers:

> **"*Refugee-Problem: Some weeks ago all the authorities made it clear, that being classified as an "enemy alien" is only a "technicality", as long as the alien belongs to the "loyal aliens"*." [circa 15 January 1942 Felix Guggenheim notes]**

It therefore came as a shock when Guggenheim and the German refugee community learned of General DeWitt's 11 February initial proclamation that all "enemy aliens" on the West Coast would be relocated. In response, the Jewish Club of 1933 sent the following telegram—drafted or edited by Guggenheim—to the Council of Aliens of Enemy Nationality in New York:

> **"*According proclamation general de witt all enemy aliens will be removed from the westcoast and according statement coordinator clark in charge of removal german and***

> ***italian removal will begin not later than 60 days from now* <stop> *thousands of anti-nazi and stateless refugees here are in panic and distress as no word about exemptions for victims of nazi oppression and persecution forthcoming* <stop> *doubly distressed because trusting in francis biddles assurances about protecting loyal innocent refugees they expect at least opportunity to appear before boards or tribunals similar to british example before removed from homes jobs etc again* <stop> *spiritual strenght* [sic] *and power of endurance will be broken in most of them if they will have to suffer terribly afte rthey learned to rely on the democratic refuge of the united states* <stop> *much damage is done and being caused continuously by uncertainty* <stop> *please help us to avoid the worst* <stop> *our members urge you to intervene in washington without delay and to get clear unmistakable statement whether it is really contemplated to remove thousands of refugees from their homes exactly like nazis or whether we can expect exemption* <stop> *every day counts as every day brings new harm* <stop> *thanks.*"
> [*circa* 15 February 1942 telegram to Council of Aliens of Enemy Nationality]

The extent of the confusion in the first months following the attack on Pearl Harbor should not be understated. The military, particularly on the West Coast, was granted emergency powers, while Federal authorities scrambled to clarify what responsibilities would fall under military control and what would be retained by civilian authorities. In that context it seems fair to suggest that General DeWitt's 11 February announcement did not reflect Federal policy and had not been cleared with civilian authorities in Washington.

Regardless, DeWitt's announcement created substantial consternation, as reflected in the Jewish Club of 1933's telegram. This must have contributed to the community's heightened response to the subsequent announcement that a Congressional committee chaired by Representative John H. Tolan would soon hold hearings on the issue of "enemy alien" relocation.

However, as noted above, the "Tolan Committee" cannot have been a subject of discussion at the 22 January meeting in Stagen's apartment because the Committee had not expanded its scope to deal with the question of "enemy alien" relocation until after 22 January.

The Tolan Committee had been created in 1940 as the *House of Representatives Select Committee to Investigate the Interstate Migration of Destitute Citizens*, in response to State and local efforts to stop poor migrants from crossing State lines. In January 1941, with defense production underway, it was reauthorized by H. Res. 113 [77th Congress], renaming it the *House of Representatives Select Committee Investigating National Defense Migration*, and expanding its purview to defense workforce migration. The Committee had worked for nearly two years, publishing 10 volumes of reports relating to Depression migration and a further 18 volumes regarding defense workforce migration, before having its mandate expanded yet again to include gathering information on relocation of "enemy aliens."

But it was only some time after the 22 January 1942 meeting in Stagen's apartment—either in late January or early February—that the Tolan Committee's inquiry was formally expanded to deal with "enemy aliens." And not until some time in early February did the Committee schedule hearings to be held in San Francisco (21 & 23 February, and 12 March), in Portland and Seattle (26 & 28 February, and 2 March), and in Los Angeles (6 & 7 March), to receive testimony regarding relocation of "enemy aliens."

Not until 1 March 1942 did Felix Guggenheim contact Representative John Tolan about testifying at the Los Angeles hearings. Receiving a positive

response, Guggenheim coordinated oral and written testimony of Thomas Mann, Bruno Frank, Hans Schwarzer, and himself. [1 March 1942 Guggenheim letter to John Tolan; 4 March 1942 Guggenheim letter to John Abbott].

And contrary to SBRA's dramatic claim, the Tolan Committee was not "*charged with determining the fate of these immigrant groups*." The Committee was charged only with fact-finding; it had no decision-making role.

Similarly, California's position on relocation was determined only after 22 January. On 21 February 1942, Earl Warren, the State's Attorney General, testified before the Tolan Committee that:

> ***"Early in February 1942, I requested the district attorneys of those counties of the State having a Japanese population to have prepared maps of their counties showing all lands owned, occupied, or controlled by Japanese, including American-born Japanese as well as Japanese aliens."*** **[House Select Committee, Part 29: 10973]**

Warren asked for maps dealing with both immigrant Japanese and their U.S.-born children. Warren followed the map request with a 17 February teletype to "All District Attorneys, Sheriffs, and Chiefs of Police" requesting statements to be forwarded to the Tolan Committee. As one of three questions he posed, Warren specifically asked these officials if they believed that:

> ***"the danger can be adequately controlled by treating all enemy aliens alike, regardless of nationality, or do you believe that we should differentiate among them as to nationality?"*** **[House Select Committee, Part 29: 10988–11000]**

Not surprisingly, nearly all the respondents felt that Germans and Italians represented a far lesser threat than the Japanese, and therefore should be treated differently.

As events transpired, the uncertainty brought on by General DeWitt's 11 February proclamation was short-lived. On 26 March 1942, six weeks after DeWitt's announcement but less than three weeks after the Tolan Committee's Los Angeles hearings, the Jewish Club of 1933 received a telegram from John J. McCloy, Assistant Secretary of War. In his message McCloy reassured the German-Jewish refugee community that they were in no danger of relocation. As McCloy put it:

> ***"Matters being worked out on the West Coast in my judgment in a very fair and considerate manner. Army officers there are in touch with representatives of the heimatlos refugees. And I am sure their interests will be protected just as far as is consistent with military necessity."***
>
> **[26 March 1942 Western Union telegram to Jewish Club of 1933 from John J. McCloy, Assistant Secretary of War] McCloy used the term "*heimatlos*," the German word for "stateless," to refer specifically to the German refugees. Having been stripped of their German citizenship by the Nazis, and not yet having attained American citizenship through naturalization, most were legally stateless—citizens of no country.**

SBRA is also factually incorrect in its assertion that the German-Jewish immigrants "*remained under a strict military curfew, among other restrictions, for most of the war*." Most curfew and travel restrictions did remain in place during 1942, being gradually eased for specific exceptions, such as special permits allowing doctors to make house calls during curfew hours, and expanding the five-mile travel limit to allow salesmen to move more freely within their local sales areas. [13 April 1942 Guggenheim travel permit; 29 May 1942 memorandum from

Grau; 31 May 1942 Guggenheim letter from Grau; 9 July 1942 Guggenheim telegram from Grau; 15 July 1942 memorandum from Jewish Club of 1933 re salesmen's travel]

But restrictions did not remain in place "*for most of the war*," as SBRA maintains—far from it. Restrictions barely survived beyond the end of 1942. Felix Guggenheim's 5 January 1943 letter to the Los Angeles Defense Council notes that Army Western Command had lifted all travel and curfew restrictions. By the end of February 1943, Guggenheim received word from authorities, confirmed on 24 March, that German immigrants would be able to serve in civilian defense. San Francisco officials had made the same determination a month earlier. [5 January 1943 Guggenheim letter to LA Defense Council; 25 February 1943 Guggenheim letter from LA Defense Council; 26 February 1943 memorandum re SF Civilian Defense; 24 March 1943 Guggenheim memorandum re LA Defense]

Accordingly, SBRA's suggestion that the German immigrants narrowly escaped relocation is both historically incorrect and overblown. SBRA's suggestion that any "enemy alien" group was in danger of"deportation" has no basis in fact. The statement that William Stagen was personally involved in stopping the forced relocation of German immigrants is wildly incorrect. And SBRA's claim regarding the duration of restrictions is greatly exaggerated.

Also during 1942 Stadthagen arrived at the conclusion that the cause of German Jews living in the U.S. would be best served by visibly demonstrating an unstinting loyalty to their new country even in the face of official discrimination. He contacted the Treasury Department and formed a War Savings Committee, which in this case was even more pointedly named the Anti-Nazi Savings Committee, with Stadthagen as its chair. The committee held numerous rallies in Pershing Square to sell war bonds, with a variety of Hollywood celebrities in attendance. These events continued throughout the war.

As previously discussed, SBRA badly misrepresents the timing of William Stagen's war bond efforts. As demonstrated by contemporary documents they did not review, SBRA misunderstands Stagen's interview in suggesting that this war bond organizing occurred "*during 1942*." In fact Stagen did not begin this work until 1943.

During 1942, Stagen's personal involvement appears to have centered on the internal politics of the Jewish Club of 1933. He also chaired the Club's "Youth Committee" (later renamed the "War Effort Committee"), involving young members of the German-Jewish community in collection efforts to gather scrap materials for war production. [30 August 1942 Jewish Club of 1933 Board minutes; 6 January 1943 Jewish Club of 1933 Board minutes]

In fact, Stagen was not the first to broach the idea of war bond sales. At the 6 January 1943 Board meeting of the Jewish Club of 1933, another Board member, Erich Löwen, unsuccessfully proposed that the Club should organize war bonds sales efforts, as the minutes of that meeting record:

> **"*Lowen's suggestion to make the Club an agency for war bonds was withdrawn by Lowen after discussion.*" [6 January 1943 Jewish Club of 1933 Board minutes]**

There appear to be no detailed notes about the nature of the war bond sales discussion at the January Board meeting. However, it does seem apparent that it was only *after* the January Board meeting, some time between mid-January and early February 1943, that Stagen made initial contact with the Treasury Department. He proposed setting up a war bond sales committee focused on German-speaking immigrants, but not under the direct auspices of the Jewish

Club of 1933. The minutes of the 16 February 1943 meeting of the Club's Board of Directors reflect this timeline:

> ***"Stagen reports on the contact he made with the foreign section of the Treasury Department regarding a bond drive among our group. It was the general opinion that no public meeting shall take place."*** **[16 February 1943 Jewish Club of 1933 Board minutes; Stagen 1972: 38–39]**

Thus it was not until the 14 April 1943 meeting of the Jewish Club of 1933 Board of Directors that Stagen could report that:

> ***"the Anti-Nazi Immigrants War Savings Committee has finally been organized and has started its work. There will be a rally on May 16, 1943, for all the foreign-born groups."*** **[14 April 1943 Jewish Club of 1933 Board minutes]**

On 16 May 1943, the "Anti-Nazi Immigrants War Savings Committee" held its first public event, "I Am an American" Day, in Pershing Square. But as Stagen himself noted, his war bond committee was not unique; his was but one of a multitude of such committees at the time. And while the war bond events may well have "*continued throughout the war*," as SBRA suggests, Stagen's residence at 9269 Burton Way did not—he relocated his residence sometime in 1943. [Stagen 1972: 38]

It was felt by Stadthagen and members of the committee that the work of promoting their cause was larger than the group they had convened in his home in early 1942. The natural method for expanding their base of support in the community was through the Jewish Club of 1933, but they found the leadership of that organization unreceptive to taking on the more activist stance that Stadthagen and others argued that the circumstances demanded. Over the next few years Stadthagen and the others in his committee joined the board of the Club, and by 1945 had changed its direction and depth of social and political involvement. Also spinning off from the original meetings at Stadthagen's home in 1942 was a more informal group of 10 who met privately once a month and became a kind of brain trust to address issues of anti-Semitism and other social and political issues within the Southern California Jewish community. This group was still meeting monthly, as of the early 1970s.

SBRA's use of phrases like *"Stadthagen and members of the committee"* and *"Stadthagen and the others in his committee"* is entirely misleading. SBRA is conflating the "enemy alien reclassification committee," which Felix Guggenheim organized and ran by himself, with a broader "political committee" consisting of Stagen, Guggenheim, Heinz Pinner, Harry Salinger, and others who were determined to reshape the Jewish Club of 1933. [Stagen 1972: 41–42]

During 1942, Stagen became active in the internal politics of the Jewish Club of 1933, and was involved in the leadership changes during 1943. However, in the summer of 1943, when Leopold Jessner stepped down, Felix Guggenheim—not William Stagen—was named the Club's new President.

But the internal politics of the Jewish Club of 1933 are of no consequence in the context of this analysis. Nor do Stagen's subsequent political or social activities maintain any association with the property at 9269 Burton Way, given that he relocated his household in 1943.

In the postwar years, the reinvigorated Jewish Club of 1933 addressed refugee social issues, such as unemployment, and held cultural events, including lectures, readings and educational programs. As the membership aged, the Club's mission evolved to address the issues of the elderly. Stadthagen served as the Club's president and during his tenure in the

1950s was responsible for obtaining a reparations settlement from the government of West Germany. These funds were used to support the Jewish Home for the Aging and the Westside Community Center. The group was reorganized in 1980 as the Benefactors of The Jewish Club of 1933, Inc. and remains in operation today.

> **Stagen's postwar activities have no association with the property at 9269 Burton Way, given that he moved his residence in 1943.**

Stadthagen and his family lived on Burton Way until 1943, when he combined the family home and office in a building on Wilshire Boulevard. In 1950 the home and office were again separated. By 1949 the Burton Way property had been sold to Clara Oreskes-Speigel, possibly another refugee. She divided one of the units into two in that year and continued to live on the property until at least 1960, along with a variety of tenants.

At some point between 1940 and 1943, Wilhelm Stadthagen changed his name to William Stagen. His company, Stagen Realty and Property Management, remains in operation in Beverly Hills today. At his death in 1980 Stagen Reality was said to own or operate numerous large-scale properties, including the Wilshire Theater, Sierra Towers, and Crocker Bank Building in Beverly Hills, as well as other residential and commercial properties. Over the course of his career it was reported that he had "spent much of the profit from his holdings on the Jewish Club of 1933."

> **It is tangential to this resource analysis, but based on contemporary documents, Wilhelm Stadthagen changed his name to William Stagen some time around early- to mid-1942, although the transition was less than abrupt.**
>
> **On 1 June 1942 Stagen wrote to Leopold Jessner on *"Wm. E Stagen, Realtor"* letterhead. signing "*Stagen*". A 15 June letter to Jessner, also on "*Wm. E Stagen, Realtor*" letterhead, was signed "*Stadthagen*". Jessner's 19 June reply addressed "*My dear Mr. Stagen.*" However, the 30 August 1942 minutes of the Executive Committee of the Jewish Club of 1933 still refer to "*Stadthagen.*" And when Guggenheim wrote him on 16 November 1942 regarding a real estate matter, he addressed his friend formally, as "*Mr. Stadthagen.*" [1 June 1942 Stagen letter to Jessner; 15 June 1942 Stagen letter to Jessner; 19 June 1942 Jessner letter to Stagen; 30 August 1942 Jewish Club of 1933 minutes; 16 November 1942 Guggenheim letter to Stagen]**

The property where Stadthagen lived is a modest expression of the Spanish Revival style as it was constructed widely during the Southern California real estate boom of the 1920s. Alterations include the evident enclosure of windows or doors on the eastern and northern elevations, possibly related to the interior reorganization of 1949.

f. Regulatory Setting. A property may be designated as historic by National, State, or local authorities. In order for a building to qualify for listing in the National Register of Historic Places, the California Register of Historical Resources, or as a locally significant property in the City of Beverly Hills, it must meet one or more identified criteria of significance. The property must also retain sufficient architectural integrity to continue to evoke the sense of place and time with which it is historically associated. An explanation of these designations follows.

National Register of Historic Places. The National Register of Historic Places (NRHP), which is administered by the National Park Service, is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archeological resources (National Park Service Official Website, 2008). The National Register assists in

the preservation of historic properties through the following actions: recognition that a property is of significance to the nation, the state, or the community; consideration in planning for Federal or federally assisted projects; eligibility for Federal tax benefits; consideration in the decision to issue a federal permit; and qualification for Federal assistance for historic preservation grants when funds are available.

Properties may qualify for NRHP listing if they:

A. *Are associated with events that have made a significant contribution to the broad patterns of our history;*
B. *Are associated with the lives of persons significant in our past;*
C. *Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
D. *Have yielded, or may be likely to yield, information important in prehistory or history.* (National Park Service, 2002)

According to the NRHP guidelines, the essential physical features of a property must be present for it to convey its significance. Further, in order to qualify for the NRHP, a resource must retain its integrity, or the "ability to convey its significance." The seven aspects of integrity are:

1. ***Location*** *(the place where the historic property was constructed or the place where the historic event occurred);*
2. ***Design*** *(the combination of elements that create the form, plan, space, structure, and style of a property);*
3. ***Setting*** *(the physical environment of a historic property);*
4. ***Materials*** *(the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property);*
5. ***Workmanship*** *(the physical evidence of the crafts of a particular culture or people during any given period of history or prehistory);*
6. ***Feeling*** *(a property's expression of the aesthetic or historic sense of a particular period of time); and,*
7. ***Association*** *(the direct link between an important historic event or person and a historic property).* (National Park Service, 2002)

The relevant aspects of integrity depend upon the NRHP criteria applied to the property. For example, a property nominated under Criterion A (events) would be likely to convey its significance primarily through integrity of location, setting, and association. A property nominated solely under Criterion C (design) would usually rely primarily on integrity of design, materials, and workmanship. The California Register procedures include similar language with regard to integrity.

California Register of Historic Resources. The California Environmental Quality Act (CEQA) requires evaluation of Project impacts on historic resources, including properties "listed in, or determined eligible for listing in, the California Register of Historic Resources [or] included in a local register of historical resources." The California Register is an authoritative guide in California used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change. A resource is eligible for listing on the California Register if it meets any of the following criteria for listing:

1. *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
2. *Is associated with the lives of persons important in our past;*
3. *Embodies the distinctive work of an important creative individual, or possesses high artistic values; or*
4. *Has yielded, or may be likely to yield, information important in prehistory or history.*

The California Register may also include properties listed in "local registers" of historic properties. A "local register of historic resources" is broadly defined in Section 5020.1(k) as "a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution." Local registers of historic properties come in two forms: (1) surveys of historic resources conducted by a local agency in accordance with Office of Historic Preservation procedures and standards, adopted by the local agency and maintained as current; and, (2) landmarks designated under local ordinances or resolutions (PRC Sections 5024.1, 21804.1, 15064.5).

By definition, the California Register of Historic Resources also includes all "properties formally determined eligible for, or listed in, the National Register of Historic Places," and certain specified State Historical Landmarks. The majority of formal determinations of NRHP eligibility occur when properties are evaluated by the State Office of Historic Preservation in connection with federal environmental review procedures (Historic Preservation Act of 1966, Section 106). Formal determinations of eligibility also occur when properties are nominated to the NRHP, but are not listed due to owner objection. The minimum age criterion for the NRHP and the California Register is 50 years. Properties less than 50 years old may be eligible for listing on the NRHP if they can be regarded as "exceptional," as defined by the NRHP procedures, or in terms of the California Register, if "it can be demonstrated that sufficient time has passed to understand its historical importance." [Chapter 11, Title 14, §4842(d)(2)]

City of Beverly Hills Landmarks and Historic Districts. In February of 2012, the City of Beverly Hills Landmark Designation Criteria was adopted into the Municipal Code (Section 10-3-3212). A nominated property may be designated as a landmark if it is more than 45 years of age and satisfies the requirements set forth below.

- *Properties that are less than 45 years of age can be designated, but in addition to meeting the criteria below, they must also exhibit "exceptional significance" as defined in the article.*
- *For the purposes of this section, any interior space or spaces open to the general public, including, but not limited to, a lobby area, may be included in the landmark designation of a property if the city council finds that the public space(s) satisfies the following criteria:*
- *To be designated as a landmark, a property must satisfy the following criteria:*

  A. The property meets at least two (2) of the following criteria:
    1. *Is identified with important events in the main currents of national, state, or local history, or directly exemplifies or manifests significant contributions to the broad social, political, cultural, economic, recreational, or architectural history of the nation, state, city, or community;*
    2. *Is directly associated with the lives of significant persons important to national, state, city or local history;*
    3. *Embodies the distinctive characteristics of a style, type, period, or method of construction;*
    4. *Represents a notable work of a person included on the city's list of master architects or possesses high artistic or aesthetic value;*
    5. *Has yielded or has the potential to yield, information important in the prehistory or history of the nation, state, city, or community;*
    6. *Is listed or has been formally determined eligible by the national park service for listing on the national register of historic places, or is listed or has been determined eligible by the state historical resources commission for listing on the California register of historical resources.*

  B. The property retains integrity from its period of significance. The proposed landmark retains integrity of location, design, setting, materials, workmanship, and association. Integrity shall be judged with reference to the particular criteria specified in subsection A of this section. A proposed landmark's deferred maintenance, dilapidated condition, or illegal alterations shall not, on their own, be construed to equate to a loss of integrity.

C. The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article.

g. Eligibility of Historic Resources.

National and California Registers: Significance, Eligibility and Integrity.

9265-67 Burton Way. This property does not appear to be eligible for listing under NRHP Criterion A or CRHR Criterion 1 (associations with historic events). While it is associated with the historical theme of the pre-and postwar residential development of Beverly Hills, it appears to be only generally associated with these themes, and represents no known, notable role in these theme. The property does not appear to be eligible for listing under NRHP Criterion B or CRHR Criterion 2 (associations with historically significant individuals). Of the known owners or occupants of the properties for whom any substantive biographical information was found, two may have made a significant contribution towards the historical development of the state, nation, or community. The property was constructed by Joe Endemiller, a prolific Beverly Hills real estate developer. While his contributions to the historical development of the community appear to be significant, this property is one of a large number that he constructed during his lifetime, and is not known to be related to his career in any significant manner. Also living at this address was Frank E. Mortenson, an individual who appears to have made a significant contribution to the pharmacist profession and in trade legislation. However, the available evidence suggests that he lived at this address for no more than two years at the end of his life. Consequently, his productive career is likely to be more closely associated with his earlier places of residence or business. This property does not appear to be eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical example of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

9269 Burton Way. This property appears to be eligible for listing under NRHP Criterion A and CRHR Criterion 1. The property's association with a broad pattern of historical events derives from the home front response to the declaration of war against Germany and Japan in December of 1941, an event supporting a large number of military, economic, social, and political historical themes. The particular facet of this larger theme represented by this property is the classification of German, Japanese, and Italian foreign nationals as enemy aliens by the government with the nation's entry into World War II. A detailed historical context for this theme has been developed by the National Park Service for Japanese-Americans, but a similar context does not appear to currently exist for the other affected ethnic groups.

The home of William Stagen was the location of a meeting held in January 1942 where the response of the Southern California German-Jewish immigrant community to the threat of deportation and other official sanctions at the beginning of the U.S. involvement in World War II was formulated. Twenty or more members of this community representing a variety of professions were in attendance at the committee meeting, which was chaired by prominent members of the German-Jewish business community: Dr. Felix Guggenheim, Heinz Pinner and William Stadthagen. The result of this joining of forces was the coordination of testimony before the Tolan Committee of the U.S. Congress in 1942.

While this context is not presently fully documented, as it has been for Japanese-Americans, it appears that the organized opposition to sanctions which started on this property resulted in the Tolan Committee deciding to allow German Jews who were not yet citizens to remain in the United States. Committee co-chair Heinz Pinner later recalled,

"[c]redit [for stopping the deportation threat] can be claimed by the committee, and by various personalities of high standing, like Thomas Mann." A significant individual in his own right, Pinner became known for his work in seeking restitution for victims of Nazism, for which he was later awarded the Grand Cross of the Order of Merit by the West German government. Similar defense movements occurred at the same time on behalf of Italian nationals, which succeeded in permitting resident aliens to remain in the country and pursue citizenship. This was clearly not the automatic result of the Committee's deliberations; by contrast, Japanese nationals and Japanese-Americans were subjected to forced relocation. Also growing directly out of this committee's meetings were war bond drives organized by and centered on the German-Jewish expatriate community.

Again, this is deeply flawed historical analysis, and does not meet National Register standards. SBRA asserts that "*it appears that the organized opposition to sanctions started on this property resulted in the Tolan Committee deciding to allow German Jews who were not yet citizens to remain in the United States*" [emphasis added]. This assertion is demonstrably incorrect in every aspect; every aspect of the claim is refuted by the documentary record. As discussed above, organized opposition to curfew and travel restrictions began before the 22 January 1942 meeting; that meeting was not related to the Tolan Committee; the Tolan Committee had no authority to decide relocation policy; and there was never any question of deportation, *i.e.*, being literally unable "*to remain in the United States*."

SBRA is factually incorrect in claiming that William Stagen was a "co-chair" of an enemy alien reclassification committee, and factually incorrect in linking Stagen to "*the coordination of testimony before the Tolan Committee of the U.S. Congress in 1942*." Stagen had no direct involvement in the reclassification effort, and Tolan Committee testimony was coordinated by Felix Guggenheim, alone.

The applicable historical context "*is not presently fully documented, as it has been for Japanese-Americans*." But it is an analytical fallacy for SBRA to borrow the historical context of the Japanese for this analysis. It is beyond dispute that the legal and cultural contexts were substantially different. An undeveloped context cannot be replaced by an inapplicable and incorrect context, merely because the latter is better documented.

By wrongly assuming that the German immigrants shared the same legal and political context as the Japanese, SBRA wrongly credits the intervention of the German-Jewish community for the fact that German immigrants were not forcibly relocated while, on the other hand, the Japanese were interned. There was never a genuine possibility of the forced relocation of Germans. As previously noted, Federal authorities in the Department of Justice had assured the German refugees that being classified as an "enemy alien" was only a "technicality" and that they ought to be considered "loyal aliens."

Because the 22 January 1942 meeting was not a response to forced relocation, and could not have been a response to the Tolan Committee. the meeting does not rise to the level of significance that SBRA claims.

In addition to misunderstanding and misrepresenting the relevant history, SBRA misapplies NRHP criteria. In discussing NRHP Criterion A, National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation," states "*A property is not eligible if its associations are speculative.*"[National Register Bulletin 15: 12] SBRA's assertion, "*it appears that the organized opposition …*" is just suchimproper speculation—and it is entirely incorrect speculation, as

the documentary evidence demonstrates. Even under a generous interpretation, the association is indirect and insufficient, given that Stagen moved in 1943.

SBRA further misrepresents the historical record in their claim of Stagen's war bond sales efforts "*growing directly out of this committee's meetings*." As the historical evidence demonstates, Stagen's war bond efforts did not begin until 1943, and there is no demonstrable connection between Stagen's war bond committee and Guggenheim's reclassification committee. In fact, there is no evidence to indicate whether Stagen ran his war bond efforts from the apartment at 9269 Burton Way or from his professional real estate office, which at the time was located at 6822 Sunset Boulevard. Therefore any association of Stagen's war bond efforts with the property at 9269 Burton Way is entirely speculative.

Accordingly, both on the documented historical facts and the proper application of NHRP guidelines, the property at 9269 Burton Way cannot be deemed eligible under NHRP Criterion A or CRHR Criterion 1.

The property also appears to be eligible for listing under NRHP Criterion B and CRHR Criterion 2. It was the first property owned (circa 1938 to 1943) by William E. Stadthagen (Stagen), an immigrant businessman from Germany, one of a substantial number of individuals who fled Europe during the rise of Nazism during the 1930s and resettled in Southern California. Stadthagen (Stagen) appears to be one of the most active and distinguished members of this community. During the time in which he owned and lived on this property, he became heavily involved with promoting immigrants rights within the German-Jewish community in Los Angeles. These early efforts evolved into a leadership role in the reinvigoration of the Jewish Club of 1933 as a force in the promotion of Jewish culture and civil rights in Southern California, as well as a life-long commitment to philanthropic efforts in providing social services to this community. While these activities continued throughout his lifetime, the meetings of early 1942 which initiated this realm of significant activities took place at his home, on this property.

SBRA's assertion that William Stagen "*appears to be one of the most active and distinguished members of this community*" reflects a serious lack of understanding of the German émigré community in Southern California in the prewar period. In the decade before the War, there was a prominent German community in Southern California. Many were Jews, but the Nazis had also targeted intellectuals and artists. So while that community included many individuals in business trades, like Stagen, it famously encompassed world-renowned writers, musicians, film makers, actors, and thinkers.

Those internationally-known figures included novelists Thomas Mann (1929 Nobel Prize winner for literature) and Heinrich Mann, playwrights Bertolt Brecht and Lion Feuchtwanger, film director Fritz Lang, composer Arnold Shoenberg, philosopher and essayist Theodore Adorno, and architects Richard Neutra and Rudolf Schindler, among many others. Such was the international stature of the Southern California German émigré community that it was referred to as "Weimar on the Pacific."

In that context, it is extraordinarily incorrect to suggest that William Stagen was "*one of the most active and distinguished members*" of the Southern California German immigrant community, as SBRA claims.

Neither is there any factual basis for SBRA's claim of eligibility under NHRP Criterion B and CRHR Criterion 2 that:

> **"*During the time he owned and lived on this property he became heavily involved with promoting immigrants rights within the German-Jewish community in Los Angeles.*"**

This assertion is factually incorrect. As discussed above, Stagen was not directly involved in "enemy alien reclassification" at all. Nor was he "*heavily involved*" in any activity that could be reasonably characterized as "*promoting immigrants' rights*" during his period of residence at 9269 Burton Way.

Beyond his general lack of significance as an individual, because Stagen relocated during 1943, his period of residence at 9269 Burton Way does not sufficiently coincide with his productive life, as required for eligibility. National Register Bulletin 32 "Guidelines for Evaluating and Documenting Properties Associated with Significant Persons," II (B)(7) explains that:

> **"*Eligible properties generally are those associated with the productive life of the individual in the field in which (s) he achieved significance. Associations with an individual should have occurred during the period of time when the person was engaged in the activities for which (s) he is considered significant.*" [National Register Bulletin 32, p. 16]**

SBRA attempts to explain away the wholly indirect nature of this association:

> **"*These early efforts evolved into a leadership role in the reinvigoration of the Jewish Club of 1933 as a force in the promotion of Jewish culture and civil rights in Southern California, as well as a life-long commitment to philanthropic efforts in providing social services to this community. While these activities continued throughout his lifetime, the meetings of early 1942 which initiated this realm of significant activities took place at his home, on this property.*" [emphasis added]**

But this "*early efforts evolved*" claim is just the type of indirect association that National Register guidelines explicitly discourage. Again, they stress that a property should be evaluated based on activities that occurred *while the individual actually lived there—not* based on activities that "*evolved*" after that individual moved to a different residence, as is the case here.

To further inflate this dubious claim, SBRA refers to "*the meetings of early 1942*," plural, as though there was a pattern of activities at Stagen's residence rather than merely a single meeting on 22 January 1942. There is no factual evidence for a claim of multiple meetings at 9269 Burton Way.

In short, William Stagen is not an individual of significance for NHRP Criterion B or CRHR Criterion 2 eligibility. But even under the most generous interpretation, his association with 9269 Burton Way does not conform to National Register guidelines, as his period of residence does not sufficiently coincide with the period in which activities may have occurred.

Accordingly, on both the documented historical facts and the proper application of NHRP guidelines, the property at 9269 Burton Way cannot be deemed eligible under NHRP Criterion B or CRHR Criterion 2.

This property does not appear to be eligible for listing under NRHP Criterion C or CRHR Criterion 3 (an example of a type, period, or method of construction or association with a master designer). It is a typical example of a common architectural style, of which numerous and more fully-realized examples can be found in Beverly Hills.

Integrity Discussion.

9265-67 Burton Way. This property appears not to be significant under any of the

eligibility criteria. Consequently, an evaluation of its integrity is not required.

9269 Burton Way. This property appears to be significant under NRHP Criterion A and CRHR Criterion 1, and NRHP Criterion B and CRHR Criterion 2. Consequently, a determination of the ability of the property to convey its significance is required to establish its potential eligibility. The integrity of location for this property is intact; it remains on its original location. The property's integrity of design is substantially intact. Alterations, including the closure of window and door openings on the apartment building, are generally minor in scope and location.

The property's integrity of setting is considerably compromised. Once a part of a neighborhood of low-rise apartment buildings, it is now surrounded by mid- and high-rise buildings constructed during the 1970s and later. The only remaining element of the property's historic setting is Burton Way and the wide median, previously a Pacific Electric streetcar right-of-way. The property is not substantially altered, and to that extent, its integrity of materials and workmanship are also intact. The property's integrity of feeling and association are largely intact, as the buildings on the property are used for their historic residential purposes.

Based on the discussion above, the property at 9269 Burton Way appears to retain sufficient integrity to convey its significance and therefore should be regarded as a historic resource for the purposes of CEQA. The historic period for the property based on the documented associations is circa 1938 to 1943. The appropriate boundary of the eligible property is the legal parcel.

> **Under proper application of National Register guidelines the property at 9269 Burton Way is not eligible for either NRHP Criterion A and CRHR Criterion 1 or NRHP Criterion B and CRHR Criterion 2. Therefore an integrity evaluation under NRHP or CRHR is moot.**
>
> **In any event, the property's *setting* integrity is entirely compromised; the other buildings on the entire north side of Burton Way are all much larger scale and several decades newer than the presumed oeriod of significance. The property's *design* integrity is impossible to evaluate. Some doors and windows have been altered, and at least one unit has been subdivided since Stagen resided there. And we do not know which unit was Stagen's residence, so we do not know the extent to which the later alterations affect his actual place of residence.**
>
> **Far more importantly, the property at 9269 Burton Way does not maintain integrity of *association*. Even under the most speculative reading, 9269 Burton Way does not retain sufficient association with William Stagen, as required for eligibility. Again, under National Register Bulletin 32 "Guidelines for Evaluating and Documenting Properties Associated with Significant Persons," II (B)(7):**
>
> > **"*Eligible properties generally are those associated with the productive life of the individual in the field in which (s)he achieved significance. Associations with an individual should have occurred during the period of time when the person was engaged in the activities for which (s)he is considered significant.*" [National Register Bulletin 32, p. 16]**
>
> **Therefore, even under the most generous interpretation of SBRA's analysis, and even allowing for their unsupported claims and improper speculation, there is simply insufficient overlap between William Stagen's period of residence and SBRA's proposed period of significance. This means that the**

property at 9269 Burton Way does not maintain sufficient integrity of *association*. There is *no* *"direct link between an important historic event or person and a historic property*," as required for the property to maintain and historic integrity. Accordingly it *cannot* be considered eligible for NRHP or CRHR listing. Therefore it *cannot* be regarded as a historic resource for the purposes of CEQA.

Local Significance and Eligibility. The Beverly Hills Municipal Code (§10-3-3212) establishes criteria for listing properties within the city as landmarks. The City of Beverley Hills listing criteria appear to be functionally similar to the NRHP and CRHR criteria for eligibility, with the significant departure that a landmark must meet at least two of the criteria to be considered eligible. The property at 9269 Burton Way appears to meet Criterion 1 (identified with important events); and Criterion 2 (associated with the lives of significant persons), as described the NRHP and CRHR evaluation, above. The property at 9265-67 Burton Way does not appear to be eligible under any of the criteria in the Beverly Hills Municipal Code.

Although SBRA correctly transcribes the City of Beverly Hills Landmark ordinance (Section f. Regulatory Setting, above), they misunderstand and misstate its structure. Contrary to their analysis, Beverly Hills does not require "*at least two of the criteria to be considered eligible*," with a parallel integrity analysis. Rather, the City requires that a property meet all three criteria for listing: Criterion A (significance, which itself requires satisfying at least two of six significance subcriteria), *and* Criterion B (integrity), *and* Criterion C (value to the community; furthers the goals of preservation).

Therefore, when SBRA claims that the property meets two criteria: "Criterion 1" and "Criterion 2", they are actually saying that it meets Subcriteria A.1 and A.2, which together comprise only one criterion. As a practical matter, however, 9269 Burton Way meets neither subcriteria.

Regarding Subcriterion A.1: The meeting of 22 January 1942 at 9269 Burton Way does *not* rise to the level of an "important event[s] in the main currents of national, state, or local history." Contemporary documentation refutes SBRA's claim that this meeting was a seminal event. Therefore, the property at 9269 Burton Way does not meet National Register guidelines for NRHP Criterion A or CRHR Criterion 1, and therefore it does not meet Beverly Hills Landmark Subcriterion A.1.

Regarding Subcriterion A.2: In describing the Beverly Hills criteria as "functionally similar" to NRHP and CRHR, SBRA misses a difference in the language of Beverly Hills Subcriterion A.2. Unlike NRHP Criterion B or CRHR Criterion 2, which require that a property "[i]s associated with the lives of persons important in our past," Beverly Hills Subcriterion A.2 requires that it "[i]s *directly* associated with the lives of significant persons ..." [emphasis added]. Rather than repeat NRHP and CRHR criteria verbatim, Beverly Hills emphasizes that the association must be *direct*, reflecting the greater than usual propensity of properties in Beverly Hills to have had some temporary or limited association with the lives of significant persons.

However, as discussed above, William Stagen's association with the property at 9269 Burton Way does not even meet the general "association" standards under National Register guidelines for NRHP Criterion B or CRHR Criterion 2. Further, for reasons discussed, William Stagen cannot be considered an individual of significance under National Register guidelines.

Contrary to SBRA's misinterpretation of events, Felix Guggenheim—not William Stagen—was the moving force behind the Southern California German refugee community's "enemy alien reclassification" efforts. Therefore, for both reasons of significance *and* association, the property at 9269 Burton Way does not meet Beverly Hills Landmark Subcriterion A.2.

A minimum of two subcriteria are required to satisfy Criterion A. In this case, properly evaluating the evidence under National Register guidelines, *neither of the proposed subcriteria is met*. Accordingly, the property at 9269 Burton Way *cannot be considered eligible* for local listing, as it does not meet the requirements of Criterion A, and it must meet all three criteria.

The City Code also provides for evaluating the integrity of a potential landmark, utilizing the integrity criteria of the NRHP and CRHR, but apparently suggesting an unconventional methodology for determining if the integrity level is sufficient. The Municipal Code states that a nominated property must retain its "integrity of location, design, setting, materials, workmanship, and association" from the period of significance. The implication of the plain language in the Municipal Code is that, unlike the NRHP and CRHR, all aspects of integrity must be present for a property to be eligible. However, the code section also states that integrity "shall be judged with reference to the particular [significance] criteria." The possible meaning of this language is that integrity should be judged based upon the means by which the property derives its significance. This method is more similar to evaluating integrity for the NRHP and CRHR.

The implications of this integrity evaluation language taken as a whole are uncertain. Depending on the interpretation of the Municipal Code, the property at 9269 Burton Way may or may not retain sufficient integrity to be eligible for landmark listing. If it is the intention of the Municipal Code to set a higher standard for integrity than the NRHP and CRHR, then it would not be eligible due to the loss of setting integrity, as described in the NRHP and CRHR evaluation, above. However, if it is the intention of the code to set a similar standard of evaluation, then the property would retain sufficient integrity for listing.

Given that the property does not meet Beverly Hills Criterion A, and therefore cannot satisfy all three criteria, as required, an integrity evaluation under Criterion B is moot. In any case, the property does not maintain integrity of *association*, which is the essential integrity criterion for designation under BH Subcriterion A.2, "*directly associated with the lives of significant persons*." William Stagen moved his residence from this property in 1943. It Therefore the property at 9269 Burton Way *cannot be considered eligible* for local listing, as it does not meet the requirements of Criterion B, and it must meet all three criteria.

Finally, SBRA's analysis simply ignores the third prong required for local eligibility—namely, Criterion C, which reads:

> **"*The property has historic value. The proposed landmark is of significant architectural value to the community, beyond its simple market value, and its designation as a landmark is reasonable, appropriate, and necessary to promote, protect, and further the goals and purposes of this article.*"**

The property at 9269 Burton Way is not "*of significant architectural value to the community.*" Its designation is *not* necessary to further the goals of historic preservation in the City of Beverly Hills; the opposite is true. The purposes of preservation are better served by avoiding questionable and unsubtantiated

designations; that is why BHMC § 10-3-3212 requires two significance criteria. Therefore, 9269 Burton Way cannot satisfy Criterion C, as required for listing as a City of Beverly Hills Landmark.

As clearly stated in the BHMC, a property must meet all three criteria for listing. Failure to meet any one of the three is absolutely disqualifying. The property at 9269 Burton Way meets none.

Adjacent and Nearby Properties. No properties in the immediate vicinity are currently designated, listed, determined to be eligible, or appear to be eligible for listing on the NRHP, CRHR, or as a City of Beverly Hills Landmark.

4.5.2 Impact Analysis

a. Methodology and Significance Thresholds. According to the Public Resources Code, "a project that may cause a substantial change in the significance of an historical resource is a project that may have a significant effect on the environment." The Public Resources Code broadly defines a threshold for determining if the impacts of a project on an historic property will be significant and adverse. By definition, a substantial adverse change means, "demolition, destruction, relocation, or alterations," such that the significance of an historical resource would be impaired. For purposes of NRHP eligibility, reductions in a property's integrity (the ability of the property to convey its significance) should be regarded as potentially adverse impacts.

Further, according to the CEQA Guidelines, "an historical resource is materially impaired when a project...[d]emolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources [or] that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant."

The lead agency is responsible for the identification of "potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource." The specified methodology for determining if impacts are mitigated to less than significant levels are the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), publications of the National Park Service.

With respect to archaeological and paleontological resources, the proposed project would have a significant effect if it would:

- *Cause a substantial adverse change in the significance of an archaeological resource as defined in § 15064.5 (discussed under Impact CR-1)*
- *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (discussed under Impact CR-2)*
- *Disturb any human remains, including those interred outside of formal cemeteries (discussed under Impact CR-2)*

b. Project Impacts and Mitigation Measures.

Impact CR-1 The proposed Project would involve demolition of the existing buildings at 9265 – 9269 Burton Way. The 9269 Burton Way

property is considered a historic resource pursuant to CEQA. Mitigation is required to reduce this impact, but would not reduce it to a less than significant level. The impact would be Class I, *significant and unavoidable.*

Based on a clear preponderance of the historical evidence, including a substantial compilation of documents not reviewed by SBRA and therefore not considered in their analysis, the property located at 9269 Burton Way is *not historically or culturally significant*, and *cannot be deemed eligible* for listing on the NRHP or CRHR or as a City of Beverly Hills Landmark.

Therefore, the property at 9269 Burton Way *cannot be considered an historic resource* for purposes of CEQA. [PRC 21084.1] Accordingly, *demolition will not result in a Class I significant impact as defined by CEQA*. Therefore Impact CR-1 is not applicable to the proposed Project.

The proposed project would result in the demolition of the property located at 9269 Burton Way. As discussed above under section 4.1.1.g, the property at 9269 Burton Way is eligible for listing on the National Register of Historic Places and the California Register of Historical Resources, and may be eligible for designation as a City of Beverly Hills Landmark, due to its association with the life and accomplishments of William Stagen, and the property's association with a broad pattern of historical events that derives from the home front response to the declaration of war against Germany and Japan in December of 1941, an event supporting a large number of military, economic, social, and political historical themes.

Mitigation Measures. The following measures would reduce the significant impacts of the proposed project on historic resources, but not to less than significant levels.

The property at 9269 Burton Way is *not an historic resource under CEQA*. Therefore, demolition will *not* result in any significant impact as defined by CEQA, and Impact CR-1 is not applicable to the proposed Project. Because there are no significant impacts, no mitigation measures are required.

CR-1(a) **Documentation Report.** A historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the City of Beverly Hills to complete a Documentation Report on the property located at 9269 Burton Way. The property shall be photographed according to accepted archival methods, and a written historic report prepared by a qualified historic preservation professional. This documentation, along with historical background of the properties, shall be submitted to an appropriate repository approved by the City of Beverly Hills, and shall be completed and approved by the City prior to the issuance of demolition permits.

CR-1(b) **Interpretive Plan.** In consultation with the City of Beverly Hills, a historic preservation professional qualified in accordance with the *Secretary of the Interior's Standards* shall be selected by the city to prepare an on-site interpretive plan, focusing on the significant historic themes associated with the property at 9269 Burton Way. The plan shall consist of a public display or other suitable interpretive approach, as approved by the city, and shall be installed in an appropriate public or semi-public location on the project site. The interpretive plan shall be completed and approved prior to the issuance of building permits for the proposed project, and

shall be implemented within one year of occupancy of the proposed building. If the proposed building is not occupied within two years after the issuance of demolition permits, another suitable temporary or permanent location for the interpretive display shall be determined, subject to the approval of the city. The interpretive display shall remain in public view for a minimum of five years, and if removed, appropriately archived.

Significance After Mitigation. A principle of environmental impact mitigation is that some measure or combination of measures may, if incorporated into a project, serve to avoid or reduce significant and adverse impacts to a historic resource. In reference to mitigating impacts on historic resources, the CEQA Guidelines state:

> *Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the* Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings *(1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant. (CEQA* Guidelines *Section 15126.4 (b)(1))*

These standards, developed by the National Park Service, represent design guidelines for carrying out historic preservation, restoration and rehabilitation projects. The Secretary's Standards and the supporting literature describe historic preservation principles and techniques, and offers recommended means for carrying them out.

The demolition of an historic property cannot be seen as conforming with the *Secretary of the Interior's Standards*. Therefore, the absolute loss of an historic property is generally be regarded as an adverse environmental impact which cannot be mitigated to a less than significant and adverse level. Further, the usefulness of documentation of an historic resource, through photographs and measured drawings, as mitigation for its demolition, is limited by the CEQA Guidelines, which state:

> *In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. (CEQA* Guidelines *Section 15126.4 (b)(2))*

Therefore, impacts would remain significant after mitigation.

There are no significant historic resource impacts under CEQA; therefore Impact CR-1 is not applicable to the proposed Project. Because there are no significant historic resource impacts, no mitigation can be required and there can be no residual historic resource impacts.

Impact CR-2 There are no known archaeological or paleontological resources or human remains on the project site. However, there is potential to unearth previously unknown archaeological or paleontological resources. This is a Class II, *significant but mitigable*, impact.

There is little reason to believe that such resources or remains exist on the Project site. However, if any are discovered during excavation, Impact CR-2 will be applicable, and the proposed mitigation measures would be appropriate.

The surface of the Project site has been previously disturbed, graded, and developed, and no archeological or paleontological resources are known to be present on-site. The project site is not in an area of identified archaeological sensitivity. Nonetheless, excavation for building foundations and parking would occur at a greater depth (approximately 13 feet

below ground level) than in previous construction on-site. Consequently, excavation has the potential to disturb as yet undiscovered archaeological or paleontological resources and/ or human remains. In the event that such resources and/ or human remains are discovered on-site, mitigation would be required. This is a potentially significant impact.

Mitigation Measures. Implementation of Mitigation Measures CR-2(a) and CR-2(b) would reduce impacts to unknown archeological and paleontological resources and/ or human remains to a less than significant level.

CR-2(a) **Archeological/ Paleontological Monitoring.** In the event that a previously unknown artifact or fossil is uncovered during project construction, all work shall cease until a certified archaeologist and/ or paleontologist can investigate the finds and make appropriate recommendations. The applicant shall coordinate with the Native American Heritage Commission on the treatment of such artifacts. Any artifacts uncovered shall be recorded and removed for storage at a location to be determined by the monitor.

CR-2(b) **Coroner Notification.** If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who will then help determine what course of action should be taken in dealing with the remains.

Significance After Mitigation. Impacts would be less than significant with implementation of the mitigation measures above.

c. Cumulative Impacts. Planned, pending, and future development in the City of Beverly Hills and surrounding area would add about 1.1 million square feet of non-residential development and 562 dwelling units. The addition of this development could alter the historic character of the City and result in cumulatively considerable, and therefore significant, impacts to historic resources. Where historic properties have been demolished or degraded, mitigation measures are not always sufficient to reduce Project-specific impacts to less than significant levels. In addition, approval of projects with significant and unavoidable impacts to historic resources could be seen as establishing a pattern of development/ redevelopment that includes the continued loss of historic resources. Each development proposal is reviewed by the City and undergoes environmental review when it is determined that potential for significant impacts exist. In the event that significant resources are discovered during the evaluation of future projects, impacts to such resources would be mitigated as feasible on a case-by-case basis in accordance with the requirements of CEQA. Therefore, the Project would not substantially contribute to cumulative impacts to historic resources.

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Manuscript Documents [all from University of Southern California, Doheny Library, Special Collections; Felix Guggenheim papers, boxes 165/ 166]

15 January 1942:	(*circa*) Felix Guggenheim notes regarding response to "enemy alien" classification.
31 January 1942:	Felix Guggenheim's copy of a letter to Francis Biddle, Attorney General of the United States, authored by Prof. Richard B. Goldschmidt of the San Francisco émigré community.
11 February 1942:	Felix Guggenheim letter to Julia Seider, immigration attorney.
14 February 1942:	(*circa*) Felix Guggenheim draft of telegram from Jewish Club of 1933 to the *Council for Aliens of Enemy Nationality* in New York.
15 February 1942:	(*circa*) Western Union night letter from Jewish Club of 1933 to the *Council for Aliens of Enemy Nationality* in New York.
17 February 1942:	Felix Guggenheim's copy of a transcript of a letter to the Editor of the *Seattle Post Intelligencer*, authored by Ludwig Pick on behalf of the Seattle émigré community.
1 March 1942:	Felix Guggenheim letter to Congressman John Tolan, chair of the House Select Committee Investigating National Defense Migration ("Tolan Committee").
2 March 1942:	Felix Guggenheim's copy of a letter to Leopold Jessner, President of the Jewish Club of 1933, from Elsa Schwerin of the Seattle émigré community.
4 March 1942:	Felix Guggenheim letter to John W. Abbott, Chief Field Investigator for the House Select Committee Investigating National Defense Migration ("Tolan Committee").
26 March 1942:	Western Union telegram to Jewish Club of 1933 from John J. McCloy, Assistant Secretary of War.

31 March / 1 April 1942: Felix Guggenheim letter to Julia Seider, immigration attorney.

6 April 1942: letter from Manfred George, Editor of *Aufbau (Reconstruction)*, naming Felix Guggenheim to the national editorial staff.

13 April 1942: "Alien Enemy Permit to Travel" to allow Felix Guggenheim to travel to San Francisco to discuss German-Jewish refugee issues with US Army Western Defense Command, signed by Wm. Fleet Palmer, United States Attorney for the Southern District of California.

17 April 1942: letter to Felix Guggenheim from Congressman John Tolan, Chairman of the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee").

18 April 1942: Felix Guggenheim letter to Julia Seider, immigration attorney.

25 April 1942: Memorandum from the Jewish Club of 1933 officially naming Felix Guggenheim as their representative for "reclassification" efforts, signed by Leopold Jessner, President of the Club.

28 April 1942: Felix Guggenheim letter to Congressman John Tolan, Chairman of the House Select Committee Investigating National Defense Migration ("Tolan Committee").

30 April 1942: memorandum from the Jewish Club of 1933 to their membership.

23 May 1942: Felix Guggenheim letter to Julia Seider, immigration attorney.

31 May 1942: letter to Felix Guggenheim from Richard Grau of the San Francisco émigré community.

1 June 1942: Felix Guggenheim's copy of letter from William Stagen to Leopold Jessner, President of the Jewish Club of 1933.

15 June 1942: Felix Guggenheim's copy of letter from William Stagen to Leopold Jessner, President of the Jewish Club of 1933.

19 June 1942: Felix Guggenheim's copy of letter from Leopold Jessner, President of the Jewish Club of 1933 to William Stagen.

26 June 1942: letter to Jewish Club of 1933 from George Hjelte, Director of the Los Angeles Defense Council, in response to a 5 June 1942 letter from Felix Guggenheim,

9 July 1942: Western Union telegram to Felix Guggenheim from Richard Grau of the San Francisco émigré community.

15 July 1942: memorandum from the Jewish Club of 1933, authored by Felix Guggenheim.

30 August 1942: minutes of the Jewish Club of 1933 Board of Directors' meeting of 30 August 1942.

28 October 1942: Felix Guggenheim letter to George Hjelte, Director of the Los Angeles Defense Council.

16 November 1942:	**Felix Guggenheim letter to William Stagen.**
5 January 1943:	**Felix Guggenheim letter to George Hjelte, Director of the Los Angeles Defense Council.**
16 February 1943:	**minutes of the Jewish Club of 1933 Board of Directors' meeting of 16 February 1943.**
25 February 1943:	**letter to Felix Guggenheim from George Hjelte, Director of the Los Angeles Defense Council.**
26 February 1943:	**Felix Guggenheim's copy of memorandum from Council of Jewish Émigrés of San Francisco and the Bay Area, chaired by Richard Grau.**
24 March 1943:	**Felix Guggenheim draft memorandum regarding the Los Angeles Defense Council lifting defense service restrictions.**

CONTEMPORARY MANUSCRIPT DOCUMENTS

Manuscript Documents from the Felix Guggenheim papers
at the Doheny Library, University of Southern California

Felix Guggenheim's papers relating to immigrant issues and his founding of the Pazifische Presse are accessible to the public. This is a selection of relevant documents, most found in Boxes 155 and 156 of the Guggenheim papers. These consist of memoranda and letters written by or sent to Guggenheim, together with his copies of others documents. relating to his work in the wartime period.

Felix Guggenheim memorandum
circa 15 January 1942?

This memo is unsigned and undated, but it relates to the earliest discussions about the threat of "enemy alien" restrictions, and therefore must have been written some time prior to the 22 January 1942 meeting in William Stagen's apartment. What is not clear is whether it was written specifically in preparation for the 22 January meeting or, as seems more likely, in preparation for an earlier January meeting with the Board of Directors of the Jewish Club of 1933, at which William Stagen and Felix Guggenheim tried to convince the Jewish Club of 1933 to take up the issue of "enemy alien reclassification." It was only after the Club declined to take up the "reclassification" issue that the 22 January meeting was held.

Although it is unsigned, there can be no real doubt that Guggenheim is the author of this document. The memo references the evaluation system used in Britain for classifying German-Jewish refugees as "refugee from Nazi oppression." Felix Guggenheim spent two years in London before coming to the US. He learned English there, and his Tolan Committee testimony discussed the British system for individual evaluation and classification as "refugee from Nazi oppression"; Guggenheim's own British papers bore that designation.

This memo clearly suggests that Felix Guggenheim—not William Stagen—was the intellectual force behind creating a "reclassification committee" to fight the designation of German refugees as "enemy aliens."

USC Felix Guggenheim papers

Situation : Action against enemy aliens increasing- especially as long as war situation not satisfactory and as real danger of sabotage acts (like 1917) imminent. Japanese aliens especially dangerous.

Washington-knowing, that the potential reservoir of 5th columnists is to be found among Bundists, naturalized and even native Americans (the Gestapo being clever enough to choose agents not from the most exposed , but from the most protected group) - is reluctant in its measures.

State and local authorities- less exactly informed and more endangered, besides that more exposed to emotion and trend of public opinion - are pushing ahead, not only to get an emotional outlet but also to avoid any reproach (Pearl Harbour!) if really acts of sabotage will start to happen.

Refugee-Problem: Some weeks ago all the authorities made it clear , that being classified as an " enemy alien " is only a"technicality", as long as the alien belongs to the " loyal aliens ".
But exactly as in England it proved to be impossible , to clear the question of loyalty in an individual manner , and as measures against enemy aliens are necessary in wartime, it is better, to have innocent aliens suffer , than to go not far enough in the protection of the nation.
So it would be the most unwise and most dangerous attitude for the Jewish refugees , to find any measure against enemy aliens too harsh or uncalled for.
But what can he do finding himself in the most unfortunate position imaginable at all? Namely: being classified as a Nazi, after having suffered the most terrible persecution by the Nazis, and being treated as an enemy alien in spite of having -with good reasons- the most friendly and grateful feelings for this country and this people.

By the way : It involves even a general danger to all Jews in this country, if the term " Jewish refugee" becomes mixed up and identified with the term " enemy alien".

Remedy : There seems to be no other way to avoid unnecessary hardship and irreparable material and ideal damage, than to impress with all arguments in our command to everybody concerned, that our group doesnt belong to the " enemy aliens" - not because our individuals , if allowed to, can prove their individual loyalty , but because the essential characteristics of our group prove, that the group is the most antagonistic to the enemy Nazis and by reasons of blood and race even uncapable to join them by act of will , whereas for instance a Frenchman can decide, to be a Free French or a Vichy French in this country according to his wish and without being treated as an enemy in both cases.

Arguments : For the legal mind : By law of the German Government all members of our group (not as individuals , but as Jews) are expatriated not only as citizens , but also as "nationals" and expropriated as well. So they are even less "Germans" than the citizens of Danzig who for formal and legal reasons arent considered as " enemy aliens ".
For the political mind: Not to give the Nazis the comfort to see part of the energy directed against them wasted in an effort to treat their most irreconcilable enemies, the Jewish refugees, as their allies.

For the humanitarian mind: Not to make a group of loyal and useful people miserable unnecessarily and without military reasons, but just out of an easily corrigible mistake in classification.

Technical way of correction : Either to declare, that people who registered in their First Papers as of "Hebrew Race" arent considered as "enemy aliens" .(There is no genuine Jewish refugee, who didnt take out his first papers first thing after his immigration!)

Or to follow the British example and to mark the identification card with " refugee from Nazi oppression " so enabling the authorities to issue restrictions with the special provision, that they dont apply to " refugees from Nazi oppression".

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letter to Francis Biddle, Attorney General of the United States
from the San Francisco German immigrant community
31 January 1942

Felix Guggenheim's copy of a letter dated 31 January 1942, authored by Prof. Richard B. Goldschmidt, on behalf of the San Francisco German-Jewish refugee community. The Los Angeles German refugee community was far from alone in its efforts for "reclassification." And it seems cleat that by the end of January Guggenheim had begun communicating and sharing thoughts on strategy with the German immigrant communities in San Francisco, Portland, and Seattle.

In this letter to Francis Biddle, the Attorney General, the San Francisco group expresses their natural allegiance to the anti-Nazi war effort, and argues that they should not be classified as "enemy aliens," but rather as "refugees from Nazi oppression" (as Britain had granted to similarly-situated refugees as early as 1939, and as Guggenheim had been advocating as a strategy).

USC Felix Guggenheim papers

The following is a copy of a letter sent by Mr. Richard B. Goldschmidt, professor at the University of California, Mr. Oscar Meyer, former leader of the democratic party in the German Reichstag, and a group of over thirty other German refugees who are now living in the S.F. Bay Area.

San Francisco and Berkeley, Calif.
January 31, 1942

To the Attorney General of the United States
Mr. Francis Biddle
Washington, D. C.

Sir:

Deprived of our country by Hitler we came to the United States to become loyal citizens and to educate our children in loyalty to America.

We are grateful that the American nation has generously received us, and that under its powerful protection we enjoy freedom and take part again in the heritage ofmankind. Since the outbreak of the war, however, the refugees from Nazi oppression have been classified as "enemy aliens". We believe that this term when applied to refugees from Nazi oppression results in moral disqualification. Being outlawed by Hitler as enemies whom he wants to exterminate, we are now again designated as "enemies" in the country of our refuge. Thus we face the danger to appear to the public as theenemies of everyone. To bring us into such position is Hitler's aim, and certainly contradictory to the intention of the American government.

Although the American government intends that the term "enemy alien" should be understood in a technical sense, the people will be inclined to take the term as expressing a reality instead of a mere legal concept. The words "friend" and "foe", "ally" and "enemy" mean so much to the nation in wartime that it cannot be otherwise. Moreover it may become necessary,and in fact necessity has already arisen to take action against persons on American soil who are considered inimical to the American nation. If the term "enemy alien" is indiscriminately applied to classes of persons who completely differ in their attitude to this country the danger will always be present that such emergency measures will be extended to all those who are called "enemy aliens." In fact the regulations excluding "enemy aliens" from certain areas in California and other defense districts which will soon be followed by more comprehensive orders, all of which will be of vital importance for many persons comprise axis aliens and refugees as well. That may involve a necessary sacrifice regarding such persons who are citizens of axis countries andwho can be suspected or even presumed to be loyal towards their old countries. Nothing of that kind applies to us.

Being still aliens we look forward impatiently to the day when we shall be allowed to become American citizens. While waiting we are in the meantime neither German aliens nor enemy aliens. This is true not only in substance because we have nothing in common with Nazi Germany and categorically reject every connection with Nazi Germany; but also in form because the German government by various actions has severed all legal ties between Germany and ourselves. This has been effectuated by decrees denationalizing many of us individually, and by the recent German law of November 25, 1941, terminating the involuntary German citizenship of the rest of us. We are therefore neither citizens nor subjects of a country at war with the United States.

Our classification as "enemy aliens" is now almost exclusively based upon the place of birth. The mere hazard of the place of birth cannot carry weight in this war between two irreconcilable idealogies where the borderlines between the European countries have lost their significance. It would be contradictory to the democratic ideals and therefore to the very basis of the American war effort if discriminations based on outlived standards would tend to induce public opinion in America to regard the refugees as enemies instead of accepting them as living proof of the crimes of Hitlerism and as co-fighters against Hitler.

We refugees are fighting Hitler since 1933. We all bear scars of this fight. Many of us went through tortures. Almost everyone of us has lost members of his family or dear friends in this struggle. The goal of the United States in this war - the defense of the rights of mankind - is necessarily cherished by us. We share the American love of freedom and the American ideals for the future of the world. Our reliance on America's victory is of necessity identical with our confidence in the future of ourselves and our children. Because this is so, we are second to none in the desire and the conviction that America must win this war and take a decisive part in the inevitable reconstruction of the world.

We recognize that in the interest of the safety of this country investigation of the past record and conduct of each refugee may be required. We welcome any opportunity to submit such proof. Even more shall we welcome every opportunity given to us to take part in the active defense of America.

This petition we feel is expressive of our loyalty to this country as well as of our self-respect and our vital interests:

to be named and treated as "refugees from Nazi Oppression" instead of "enemy aliens".

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Felix Guggenheim letter to Julia Seider, immigration attorney
11 February 1942

Felix Guggenheim writes to his immigration attorney in New York, who is working to bring in at least one of his relatives. In this letter Guggenheim makes reference to the 22 January meeting at William Stagen's apartment, and clearly indicates that the meeting was concerned with restrictions imposed by "local and State" authorities—not Federal authorities, and not the Tolan Committee:

> *We – a few friends of mine and I – came together to look for a way to inform the local and State authorities (Washington most probably is informed) that they hurt us together with the Japanese...*

USC Felix Guggenheim papers

Felix Guggenheim
238 Tower Drive
Beverly Hills, Cal.

February 11, 1942

Mrs. Julia L. Seider
91 East Main Street
Bay Shore, N.Y.

Dear Julia :

This time I hesitated longer, than I intended, to answer your nice letter of January 19. For in the meantime it isnt any more only the problem , what will happen with Heinz and the Adelheims, but it is very much the problem what will happen to us. As in England the inevitable reverses of war make people conscious of the danger of sabotage, and in California this danger is more real than anywhere in the States. So you cant blame the people getting afraid, if they see the Japanese gardeners etc. pass the aircraft factories. And it is quite natural that something has to be done against "enemy aliens" . Unfortunately for unknown reasons the Jewish refugees - expatriated and expropriated - are classified as enemy aliens. We - a few friends of mine and I - came together to look for a way to inform the local and State authorities (Washington most probably is informed) that they hurt us together with the Japanese , if they dont discriminate, that nothing would please Hitler more than seeing us persecuted as Nazis, that the Gestapo is clever enough to choose their agents among the naturalized Americans, etc. On the other side , we want the real enemy aliens treated as harshly as possible and dont want any consideration , because there are refugees among them. So the only way is, to take the group of refugees, who can prove that they are expatriated and have no allegiance to Germany , out of the class " enemy aliens". But that s a long way. I was very busy all these days, seeing many people and discussing the problems. I personally am not hurt till now (of course it is still possible, that all enemy aliens have to leave California) but all people who are in real business suffer heavily . For instance a Jewish influenced firm like Warner Bros. cant employ Jewish refugees as actors, etc. (what they did till now) because the Warner lot is in a part of the city, which is prohibited for enemy aliens. Nobody knows what the outcome will be, as local , State, Federal , military and other authorities are involved in the matter. Another point is, that at a time when American

parents send their sons to the Army to risk their lives, nobody cares, whether a few refugees loose their job or business. And as sacrifices in wartime - especially in a war against Hitler- are a matter of course for all the refugees, the psychological viewpoint (treated in Germany as Jews and in America as Nazis) is more important than the economical.

I take it much easier than most of my friends because I went through the same thing already once in England and because my whole attitude during 1941 was one of expecting things like that.

The Heinz case and the Adelheim case of course are still very much on my mind. Therefore I am glad, that your letter is a little more engouraging. Heinz writes the same thing as the Adelheims do: Namely that the consul advised them, that a special appellation board would reconsider cases of genuine refugees in Washington . I dont know whether that will take place automatically or whether Mr. Beyer for Adelheims and I for Heinz have to make new applications ,(I really dont dare to bother you with more work). Did you hear anything about the new procedure or did you get an answer to your wonderful letter to Mr. Dorsz of January 19?

I am glad, that you have good family-news, especially that your mother is out of hospital again. Please remember me to her. - Your brothers nice remark about the "louisiana purchase" shows , that he knows how to take it and I wish him all the best for his further military career.

I hope this letter will find you somewhere in Florida vacationing . May you have a well-deserved holiday with your husband and the children. Of course we understand, why you had to go to Florida, but we never will be consoled, that you couldnt choose California (it really is beautiful here in spite of the war, if you dont happen to be an enemy alien) I hope all of you will have a good time in Miami . It would be nice, if you could extend your visit to get over to Cuba.

All you write about Lene and Richard is only too true . Nothing can be added to your words.

Of course I am very much flattered about your confidence, as far as I am concerned. Unfortunately I had no opportunity till now to live up to your expectations . But it really makes me feel proud and happy, that you with all your experience and knowing so many people and not being exactly the incautious type write so nice and trusting words about me and my future business ventures. Judging how the war goes and will go for quite a time, I am afraid it will take quite a while till I can try to prove that I deserve your kind words.

Evelyn joins all my good wishes for you and your dear ones .(She is especially grateful for your inquiring about her cinematic prospects, which are pretty dark - for reasons explained above) She would so much like to meet you. So would I . But the only chance I can see just now would be our being evacuated from California. You see : I am still of good mood and even frivolous!

All our love ! Heartily yours

Felix

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draft of telegram [night letter] to *Council for Aliens of Enemy Nationality*
from Jewish Club of 1933
undated but *circa* 14 February 1942

The Jewish Club of 1933 sent a telegram to the *Council for Aliens of Enemy Nationality* in New York in response to the 11 February 1942 announcement from General John L. DeWitt of the US Army Western Command to relocate all "enemy aliens" on the West Coast.

This is Felix Guggenheim's draft copy with his manuscript edits, suggesting that he had drafted the message, but certainly indicating that he had final editorial responsibility for its contents, as his edits are reflected in the final message. Guggenheim's manuscript edits read:

> *and according statement, coordinator Clark in charge of removal Germans and Italians. removal will begin not later than 60 days from now. hope of definite refuge.*
>
> ["coordinator Clark" refers to Tom Clark, assistant to General DeWitt.]

USC Felix Guggenheim papers

COUNCIL for ALIENS of ENEMY NATIONALITY

According proclamation general dewitt all enemy aliens will be removed from the westcoast period thousands of antinazi stateless refugees here in panic and distress as no word about exemptions for victims of nazi oppression forthcoming. period. doubly chocked because trusting in Francis Biddles assurances about protecting loyal innocent refugees they expect at least opportunity to appear before boards or tribunals according to British example before losing homes, jobs etc. for the second and sometimes third and fourth time period spiritual strength and power of endurance will be broken in most of them if they will have to suffer from the one thing they learned to rely on the democratic ~~institutions~~ refuge of the united states period much damage is done already please help us to avoid the worst period our members urge you to intervene in washington without delay and to get a clear and unmistakable statement whether it is really contemplated to remove thousands of stateless refugees from their homes exactly like nazis or whether we can expect exemptions for victims of nazi oppression period every day counts as every day brings new harm thanks

Jewish Club of 1933 Inc. Los Angeles

and according statement
coordinator Clark
in charge of removal Gromm
and Halsing removal were begun not later
than 60 days from now
hope of definite
refuge

telegram [night letter] to *Council for Aliens of Enemy Nationality*
from Jewish Club of 1933
undated but *circa* 15 February 1942

The Jewish Club of 1933 sent a telegram to the *Council for Aliens of Enemy Nationality* in New York in response to the 11 February 1942 announcement from General John L. DeWitt of the US Army Western Command to relocate all "enemy aliens" on the West Coast. In the message, the Club calls on the New York Council to "intervene in Washington."

This is a copy of the final telegram (night letter) with Felix Guggenheim's edits.

USC Felix Guggenheim papers

Charge to the account of _____ $_____

CLASS OF SERVICE DESIRED			
DOMESTIC		CABLE	
TELEGRAM		ORDINARY	
DAY LETTER		URGENT RATE	
SERIAL		DEFERRED	
OVERNIGHT TELEGRAM		NIGHT LETTER	X
SPECIAL SERVICE		SHIP RADIOGRAM	

Patrons should check class of service desired; otherwise the message will be transmitted as a telegram or ordinary cablegram.

WESTERN UNION

1206-B

R. B. WHITE, PRESIDENT — NEWCOMB CARLTON, CHAIRMAN OF THE BOARD — J. C. WILLEVER, FIRST VICE-PRESIDENT

CHECK

ACCOUNTING INFORMATION

TIME FILED

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

COUNCIL FOR ALIENS OF ENEMY NATIONALITY
c/o SELFHELP OF IMMIGREES FROM ENTRALEUROPE
165 West 46th Street
New York, N. Y.

According proclamation general dewitt all enemy aliens will be removed from the westcoast and according statement coordinator clark in charge of removal german and italian removal will begin not later than 60 days from now stop thousands of antinazi and stateless refugees here are in panic and distress as no word about exemptions for victims of nazi oppression and persecution forthcoming stop doubly distressed because trusting in francis biddles assurances about protecting loyal innocent refugees they expect at least opportunity to appear before boards or tribunals similar to british example before removed from homes jobs etc again stop spiritual strenght and power of endurance will be broken in most of them if they will have to suffer terribly after they learned

Charge to the account of _____ $_____

CLASS OF SERVICE DESIRED			
DOMESTIC		CABLE	
TELEGRAM		ORDINARY	
DAY LETTER		URGENT RATE	
SERIAL		DEFERRED	
OVERNIGHT TELEGRAM		NIGHT LETTER	
SPECIAL SERVICE		SHIP RADIOGRAM	

Patrons should check class of service desired; otherwise the message will be transmitted as a telegram or ordinary cablegram.

WESTERN UNION

1206-B

R. B. WHITE, PRESIDENT — NEWCOMB CARLTON, CHAIRMAN OF THE BOARD — J. C. WILLEVER, FIRST VICE-PRESIDENT

CHECK

ACCOUNTING INFORMATION

TIME FILED

Send the following telegram, subject to the terms on back hereof, which are hereby agreed to

to rely on the democratic refuge of the united states stop much damage is done and being caused continuously by uncertainty stop please help us to avoid the worst stop our members urge you to intervene in washington without delay and to get clear unmistakable statement whether it is really contemplated to remove thousands of refugees from their homes exactly like nazis or whether we can expect exemption stop every day counts as every day brings new harm stop thanks

Jewish Club of 1933 Inc.
228 West 4th Street
Los Angeles

letter to the Editor of the *Seattle Post Intelligencer* from Ludwig Pick
17 February 1942

Felix Guggenheim's copy of a letter to the Editor of the *Seattle Post Intelligencer*, dated 17 February 1942, authored by Ludwig Pick, on behalf of the Seattle German refugee community. Echoing the efforts of the Los Angeles, San Francisco and Portland immigrant communities, Pick argues that German-Jewish refugees should not be classified as "enemy aliens," because of their natural antipathy to the Nazis, and the fact that they had been stripped of their German citizenship.

This copy in Guggenheim's files reflects the extent of coordination among the Los Angeles, San Francisco, Seattle and Portland communities in the days following General DeWitt's "enemy alien relocation" announcement.

USC Felix Guggenheim papers

February 17,1942

Seattle Post Intelligencer
Seattle,Washington

Att.:Mr.Fussell

Gentlemen:

Much exitement and alarm has been caused by the latest news concerning evacuation of enemy aliens from the Puget Sound area.

Does it not seem unjust to classify the German Jewish refugees as enemy aliens as evidently the authorities are doing? Who are greater foes of Hitler? Have they not been deprived of homes,business,separated from their children and languished in concentration camps?

You will find that all of them applied for citizenship almost on the day of their arrival here. The fact that war was declared before the five year waiting period passed prevented their naturalization.

Actually the German Jewish refugees are not German nationals having been deprived of their German citizenship by a Nazi law of November 26,1941. Therefore,describing them friendly aliens would not mean an exemption of a general ruling. It would only serve to make clear the law and deal justly with those who are only eager to align themselves with the American people in the common purpose to crash Hitlerism.

Very truly yours,

signed Ludwig Pick

published on February 19,1942 in the Post Intelligencer.

Felix Guggenheim letter to John Tolan, US Congressman
1 March 1942

Felix Guggenheim writes to Congressman John Tolan, chair of the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"). Guggenheim tries to make the case against classifying the German refugees—"Hitler exiles" as he terms them—as "enemy aliens" whose loyalty might be questioned.

In this letter Guggenheim suggests individual investigations and hearings at various locations around the country for the purpose of establishing the status of individual refugees (similar to the method employed in Britain during Guggenheim's two years there).

Although the letter was written only one week before the Tolan Committee would appear in Los Angeles to receive testimony, there is no mention in this letter about that testimony, which apparently was arranged at very short notice in response to this letter.

USC Felix Guggenheim papers

March 1, 1942

Mr. John H. Tolan, Chairman
Congressional Committee
204 Henry Building
Seattle, Washington

Dear Sir:

As Hitler exiles who are now American citizens we feel qualified to express the sentiment of those on our group who, because of their shorter residence in this country, have not yet been admitted to citizenship.

These people have one pathetic experience in common. They have been victims of the most cruel persecution that recent history knows of. They have been humiliated and dispossessed; they have been deprived of what they built up and loved. Hundreds of them, too old or too weak to emigrate, committed suicide. Others, determined to start a new life, came to the United States, as it seemed to them the safest place to escape from the Nazi regime.

They all have taken out their first papers. Many among the younger men have enlisted in the Army. Every one is willing to cooperate in defense work whenever and wherever called, no matter at what sacrifice for himself. He feels his own future inseparably tied up with the American cause. He is doomed if the Nazis win.

As far as these people are Jewish by "race", they have ceased to be German nationals and lost all property they were forced to leave behind in Germany under a decree of the Hitler government of November 20, 1941. Many of the non-Jews were treated in the same way by individual orders. They all, Jews and non-Jews alike, feel only one allegiance, legally and emotionally, the allegiance to the United States.

Are such people likely to help establish the Nazi regime in this country? Have they done anything to justify so paradoxical a suspicion?

There may be some Fascists among such natural born Americans as do not really know what it means to live under a dictator. There may be some Nazis among those citizens of German extraction, or their parents, who left Germany in earlier times, some of them because they disliked political or economic conditions in democratic Germany after the first World War.

The Hitler exiles, however, cannot, in justice and fairness, be grouped together with such persons whom they believe deadly foes of American democracy as well as themselves. They wish to be considered as what they are, and that means as the most reliable associates in

this war against Hitler. They wish to be relieved from the ignominious and untrue stigma which labels them as "enemy aliens." The Austrian refugees have been exempted. The German refugees are by no means less loyal than they.

It is respectfully submitted that individual investigations be arranged and hearings be held in different States and among different classes of Hitler exiles. Such hearings will, as we are certain, fully confirm the foregoing statements. If, as it is possible in any group of people, some sporadic outsider should be found, the Federal Bureau of Investigation would easily take care of him. We ourselves will be most anxious to help the FBI, with our knowledge of background and personality of such a person.

May we take the opportunity to express our fullest confidence in the work of your committee.

Respectfully yours,

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Jewish Club of 1933 letter from Elsa Schwerin, Seattle, WA
2 March 1942

Leopold Jessner, President of the Jewish Club of 1933, received this letter from Elsa Schwerin, who was coordinating the Seattle German refugee community's efforts against forced relocation. Jessner passed the letter along to Felix Guggenheim.

Schwerin discusses the Seattle community's letter-writing campaign and their testimony before the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"), and notes that the Joint Committee of Émigré Groups, in New York, had sent a representative to attempt to dissuade the West Coast communities from testifying before the Tolan Committee.

It is a little-discussed aspect of the fight against forced relocation efforts that it was not a national fight. Rather illogically, all "enemy aliens" were to be relocated only on the West Coast, and therefore only German-Jewish refugees living there would potentially be affected. Not only did the leadership Jewish émigré community in New York fail to support the efforts of their West Coast brethren in Los Angeles, San Francisco, Seattle, and Portland, but actually made some attempts to squelch those efforts, presumably out of a desire for Jews not to be seen as troublemakers.

USC Felix Guggenheim papers

Seattle, March 2,1942

Professor Leopold Jessner
Jewish Club of 1933,Inc.
228 West 4th Street
Los Angeles,California.

Dear Professor Jessner:

The Tolan Committee holding hearings on the question of evacuation of enemy aliens from the West Coast has left Seattle to-day for Los Angeles. In the hearings of this morning a refugee of Seattle had been given the opportunity to be heard by that committee.

We feel that the Los Angeles refugee group might be interested to hear about the work that has been done here in this question and therefore we are given you the following report.

The first step taken was a wire writing campaign by American citizens and refugees to Francis Biddle,Attorney general,in Washington D.C. and to different senators and congressmen of this district protesting against classifying refugees as enemy aliens and stating that they are Hitler victims and Hitler foes.

Next letters and articles were written to newspapers describing individual cases but all keyed up to the general tune that the status of enemy alien is wrong,unfair,unjust.

Finally as preparations for the hearings of the Tolan Committee Christian Churches were contacted, statements prepared by individuals and by the group of refugees who have become American citizens.

In each case the personal hardships resulting from an evacuation were not mentioned at all or only very briefly. Emphasis was always placed on the change of the status of refugees from enemy aliens to friendly aliens. That most of them had been expatriated by Hitler,that all of them had taken out first papers but that they had not had the time for completion of their citizenship was plainly stated. In the hearings this morning a senator of the Stae of Washington took up our case and one of the refugees, a physician who has resided here for 4 years and 3 months gave our view point. A catholic priest as a representative of the Social Workers Association,a minister representing the protestant Council of Churches, two students as representatives of the student body of the University, they all while they were mainly concerned with the Japanese problem took time to repeat again and again our plea for being taken out of the enemy classification.

In general,we had a wonderful public response. We are sorry that we have to mention,though, that we did not get help from the Jewish community ,or organizations,nor from the refugee committee. In fact, a man was sent from the Joint Committee in New York to try to keep us away from being publicly heard. As far as we know he is now on his way to Los Angeles. He had frightened refugee groups in San Fransisco and Portland not to go in front of the Tolan Committee.

21

Our Seattle man was thus the first refugee to appear. The Tolan Committee acted extremely sympathetic toward us and was very glad to have one of us to testify.

The action we took was based on the principle that the problem is not one concerning only the 650 refugee families in Seattle or the refugees of the West Coast, but one of all the refugees in the United States,Jewish as well as non Jews. The Los Angeles group is the next one to have the opportunity to continue the fight.

We are enclosing copies and clippings of our statements.

We would be very much interested to hear what you will do and what will take place in Los Angeles. If you want anymore information,please contact us. If you have any additional ideas that did not occur to us let us know so that we can give you our support.All communications please address to Dr.Hanna Kosterlitz, 1155 10th Avenue N. Seattle,Washington who is one of the citizens in our group.

Very sincerely yours,

Elsa Winners Schwerin

5038 20th N.E.
Seattle, Wash.

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Felix Guggenheim letter to John W. Abbott,
Chief Field Investigator for the Tolan Committee
4 March 1942

Felix Guggenheim writes to John W. Abbott, Chief Field Investigator for the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"). Guggenheim is apparently following up on a telephone conversation earlier that day with Abbott, discussing testimony before the Committee only a few days later, on 7 March 1942.

In fact, the letter only names Bruno Frank as the individual who would testify—Thomas Mann, who would also testify, is nowhere mentioned here. This suggests that the Tolan Committee testimony was arranged at very short notice, directly between Guggenheim and Abbott.

USC Felix Guggenheim papers

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 6847

Felix Guggenheim, Dr.oec.publ. Dr.jur.
Member of the Board of Directors

March 4, 1942

Mr. John W. Abbott
Chief Field Investigator
House Committee on Defense Migration

254 Federal Building
Los Angeles, Cal.

Dear Mr. Abbott:

First of all I want to thank you for the kindness you showed me during our to-day's conversation.

According to your request I should like to repeat the following: The Jewish Club of 1933, Inc. represents the Jewish part of the Antinazi Refugees from Central-Europe, as far as they live in Metropolitan Los Angeles and intends to educate them to fit into American life.

In our estimate half of the number of as German classified aliens in California, and the majority of these aliens in Los Angeles are in fact expelled and expropriated Antinazi Refugees, who were stateless when the war broke out and who don't owe any allegiance to any country at war with the United States.

These refugees whether Gentile or Jewish feel that they are wrongly classified and begin to realize the terrible consequences of that wrong classification. In the world-struggle between Democracy and Nazism they were the first martyrs and the first victims. They bear still the scars on their bodies or on their minds or on their lives or family. It would be the worst tragedy for them to suffer again at the hands of their natural allies with whom they hoped to have found a final refuge after they have suffered so much from the Nazis at a time when the world didn't realize that it only was the first chapter. The day - may it never come - when 10 000 refugees from Nazi oppression will have to leave their homes and jobs and small businesses and in a sad procession will look for relief and assistance with the stigma of enemy aliens as additional burden,- this day would be counted by history as a first-class victory of Hitlerism against Democracy.

The real enemy aliens know why and for whom they are bearing hardship. The refugees don't have the spiritual strength and the power of endurance anymore to suffer without understanding at the hands of their friends and allies.

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 6947

Therefore we feel obliged to offer our testimony at the hearings of the House Committee on Defense Migratory and would be deeply grateful if we would get an opportunity to present some facts regarding the following matter:

We should like to present the experiences in France, when France made the terrible mistake of having detracted her attention from the fight against fifth- columnists by fighting senselessly the loyal democratic Antinazi-Refugees in their midst. We would like to add how the President's of the United States Advisory Committee intervened and saved some outstanding personalities from being treated as enemy aliens in France, refugees who - oddly enough - now are classified as enemy aliens again in this country and are in danger of being expelled from California.

We should like to present how England acted in setting up tribunals for the refugees, who exempted the genuine refugees from restrictions and stamped in their registration certificates "refugee from Nazi oppression". When the enemy came within 20 miles of England's shore the authorities tightened the restrictions suddenly but the public opinion and the House of Commons didn't give way till the position of the refugees had been restored - and today the refugee scientists, doctors, industrialists and workers contribute gladly and successfully to the English war effort.

We should like to give the facts about the stateless refugees, about the laws expatriating them before the war, about the registration which put the details about every refugee into the files of the local F.B.I. and about the registration questionaire, which indicated the intention of treating separately the group og refugees from political, racial and religious persecution.

We should like to mention in all modesty, how valuable it would be, if democracy gives special consideration, where special consideration is due, and how confidence in democracy as protector of Nazi victims would grow.

We should like to draw attention to the many outstanding personalities among the refugees who in many fields want to attribute to the war effort.

We should like to present the plan, consistent with the proclamation of General De Witt, to license in the military areal (ofcourse not in the "spot" zones) the genuine refugees, till they will be taken out of the enemy alien group by the Administration. A plan in which trustworthy refugees of long standing and beyond suspicion could give valuable assistance.

Jewish Club of 1933, Inc.

228 West 4th Street
Los Angeles, California
Michigan 8847

This all we should like you to hear from a leading personality among the refugees, the outstanding writer Dr. BRUNO FRANK, 513 No. Camden Drive, Beverly Hills, phone: CR 1-9243, who is prepared to appear at the hearings at any time convenient to you.

Respectfully Yours,

(Felix Guggenheim)

John J. McCloy, Assistant Secretary of War
telegram to Jewish Club of 1933
26 March 1942

The Los Angeles hearings of the Tolan Committee had taken place on 7 March 1942. Less than three weeks later the Jewish Club of 1933 received this telegram from John J. McCloy, Assistant Secretary of War, assuring the German refugee community that they had nothing to fear regarding relocation. There would be curfews and travel restrictions for another year, but the decision had already been made that there would be no relocation of German "heimatlos refugees."

Most of the German refugees were considered "heimatlos", or "stateless." Germany had revoked their passports, and not yet having been naturalized as Americans they were technically citizens of no state. However, this was not true of all the German refugees. Thomas Mann enjoyed such international stature that when the Nazis stripped him of his German citizenship, Edvard Beneš, President of Czechoslovakia, had awarded him citizenship there. So although he testified before the Tolan Committee in support of his fellow refugees, with his Czech passport he was not himself considered an "enemy alien."

USC Felix Guggenheim papers

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JEWISH CLUB OF 1933 INC

228 WEST 4TH ST LOSA

MATTERS BEING WORKED OUT ON THE WEST COAST IN MY JUDGMENT IN A VERY FAIR AND CONSIDERATE MANNER ARMY OFFICERS THERE ARE IN TOUCH WITH REPRESENTATIVES OF THE HEIMATLOS REFUGEES AND I AM SURE THEIR INTERESTS WILL BE PROTECTED JUST AS FAR AS IS CONSISTENT WITH MILITARY NECESSITY

JOHN J MCCLOY ASST SECY OF WAR WASHN DC.

658P

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

Felix Guggenheim letter to Julia Seider, immigration attorney
31 March / 1 April 1942

Felix Guggenheim writes to his immigration attorney in New York, outlining his full-time efforts in dealing with the refugee issues, including testifying before the Tolan Committee. He notes that his involvement was far greater than he had originally foreseen:

> *In the meantime I had stopped since weeks writing private letters, as during the last 6 weeks I devoted my time from early in the morning till late in the evening to the "refugee" problem.*
>
> *I became a kind of spokesman here and got much more involved than I foresaw at the beginning. The preparation of the hearings before the Congressional Committee (my own testimony was the smallest part of the necessary work), contact with the American-Jewish organizations, with Washington, ...*

The "6 weeks" that Guggenheim mentions in connection with "*the "refugee" problem*" would have dated back only as far as mid-February—not to 22 January. This again suggests that the original 22 January meeting at William Stagen's apartment had been focused only on State and local issues, and that it was only some weeks after the 22 January meeting that Guggenheim's scope of the work had expanded to include a response at the national level under his direction.

USC Felix Guggenheim papers

Felix Guggenheim
238 Tower Drive
Beverly Hills, Cal.

March 31
April 1 1942

Dear Julia:

You answered my letter of February 11 so promptly and so encouragingly and so full of real friendship and sympathy that I felt so touched and happy as I always do when I get one of your written masterpieces.

In the meantime I had stopped since weeks writing private letters, as during the last 6 weeks I devoted my time from early in the morning till late in the evening to the "refugee" problem.

I became a kind of spokesman here and got much more involved than I foresaw at the beginning. The preparation of the hearings before the Congressional Committee (my own testimony was the smallest part of the necessary work) , contact with the American-Jewish organizations, with Washington , with the different offices here couldnt be done in spartime. Besides that the attempt to keep the refugees from unwise and dangerous reactions had also to be made in countless conversations and in a speech before the refugee organization.

The situation will interest you not only from the Jewish, but also from the American and from the legal point of view:

For reasons nobody can understand Francis Biddle kept the expatriated refugees in the "enemy alien" group since war broke out. In all other questions he decided so liberally and so democratically, that opposition - see the Japanese problem- was inevitable. He declared the Hungarians to be friendly aliens (Hungary declared war against USA), also the Austrians , the Danzigers and other groups with a notorious high percentage of Nazi-sympathizers. Even those Germans , who obtained (with or without the Gestapos help) another passport before entering this country arent enemy aliens according to Biddles proclamations . But the refugees are. Even those who have been saved from being treated as enemy aliens in France by the President are now enemy aliens in this country. I would like you to read in the "Aufbau" (Lene can give it to you) what Thomas Mann and Bruno Frank said about it before the Tolan Committee.

The practical consequenzes werent too hard. You remember the Camera and Radio restrictions . Of course they were useless as long as any

real spy could buy a new camera in every camerashop and even keep it if he happened to be a naturalized citizen. So you can rely on the Gestapo that they choose their agents among citizens.
What we objected against was the moral discrimination, to call Hitlers first enemies and first victims "enemy aliens" . First the Jews were called the Warmongers and now a large Jewish group is labelled as enemy aliens. I will never understand, why Biddle did that and I will never understand, why the American Jews didnt sense the danger for them, if a big Jewish group is more and more identified with the enemy of the American people.
As in other countries the action against the innocents detracted the attention from the action against the dangerous. And so it came to a terrible outburst of anger here, that nothing happened against the Japanese. Again legal questions were involved: Many Japs are citizens. So the whole problem without correction the mistake of wrongly classifying the refugees, has been handed to the military authorities here. The general - and I even cant blame him- thinks that it is not of his business to correct the mistakes of the Department of Justice and he treats as enemies whoever is labelled as such by the government. Therefore he wants to evacuate all of them and in the meantime imposed a curfew at 8 oclock in the evening and restricted the"enemies" within 5 miles of their residence , if they are not on the place of their employment.
Consequence: For the first time in American history a Jewish group couldnt go to the Friday evening services and to the Passover evening services. No exceptions!
There are about 6000 families on the Westcoast of German origin, half of them Jewish refugees.
As the Jews are salesmen, doctors , nurses and similar occupations, they loose their jobs quite naturally, if they cant go out after 8 and cant visit customers in daytime.
A pregnant women asked for exemption if the child should come during night hours, so she could go to the hospital. The answer was: No.
A refugee professor working on important research had to stop, because the library is more than 5 miles from his residence.
Our participation in the State Guard, Red Cross, Air Raid Warden, and so on is over, because it takes place after 8 or more than 5 miles from where we live.
The bitterness and loss of faith among the refugees is growing to terribble proportions. The Nazis quite naturally must enjoy themselves that the refugees from Nazi oppression are on the spot again in USA and we will see very shortly the Nazi Propaganda in Southamerica and occupied Europe what to expect from America.
It is not a nice picture and even for my optimistic attitude it is difficult to console my friends and to explain why no answer from Washington is forthcoming. The moral damage is much higher than the economic, and it will be difficult to restore faith in democracy. I see one of my important tasks in opposing bitterness and dispair among the refugees and in encouraging them that Washington will do something, but the power of endurance among them is broken and the same people who could stand persecution by the Nazis couragously cant bear to be treated as Nazis and enemies at the hands of their friends and natural allies.
If there were one reason benefitial to the American war effort, they would sacrifice everything gladly to defeat Hitler. But the military authorities make no secret, that there is no reason of military importance to treat as like that and they would be glad to leave us alone, if only Washington would take the label"enemy aliens" from us, which as everybody admits, doesnt fit us.
I wrote such a long letter, because I feel that on the Eastcoast people have little idea what is going on here and what issues of democratic importance and of Nazi propagande and of comfort to the real enemy are involved.

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Aufbau open letter
(weekly newspaper of the national German-Jewish emigré community)
6 April 1942

Naming Felix Guggenheim to the editorial staff, a month after the Los Angeles community testimony before the Tolan Committee.

AUFBAU

American Jewish Weekly in German and English

Serving the Interests and the Americanization of the Immigrants.

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April 6, 1942

To whom it may concern.

This is to certify that

Mr. Felix Guggenheim, 238 South Tower Drive, Beverly Hills, California

is permanently assigned to the editorial staff of Aufbau, (Reconstruction).

Aufbau has a nationwide circulation of 35.000 copies and is written in English and German. It serves the Americanization and the interests of all immigrants and the combat of racial intolerance.

Aufbau is one of the few foreign language papers that are members of the Audit Bureau of Circulations.

AUFBAU
67 WEST 44th STREET
NEW YORK CITY

Manfred George

Office: 67-73 West 44th Street, New York City . . Telephone: VAnderbilt 6-3168
Published by the New World Club, Inc.

Felix Guggenheim travel permit
13 April 1942

Travel permit to allow Felix Guggenheim to travel to San Francisco to discuss German refugee issues with US Army Western Command. Military authorities had been given considerable control over “enemy alien” issues, and this permit is further evidence that Guggenheim was representing the Los Angeles refugee community in connection with relocation issues and curfew and travel restrictions.

USC Felix Guggenheim papers

ADDRESS REPLY TO
"UNITED STATES ATTORNEY"
AND REFER TO
INITIALS AND NUMBER

DIG:CA

DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY

SOUTHERN DISTRICT OF CALIFORNIA

LOS ANGELES

April 13, 1942.

ALIEN ENEMY PERMIT TO TRAVEL

FELIX GUGGENHEIM whose residence is at

238 Tower Drive
Beverly Hills, California

and who is of German nationality, Alien Registration No. 7516041 is hereby granted a permit to travel from Beverly Hills, California to San Francisco, California

Date of departure: April 13, 1942, in the evening.

Date of return: April 16, 1942.

Route to be followed: Inland.

Carrier to be used: Train.

Purpose of travel: Interview at the Western Command, San Francisco, California

This permit is good until: Revoked.

Right thumb print: Waived.

Wm. Fleet Palmer

WM. FLEET PALMER
United States Attorney

Felix Guggenheim letter from John H. Tolan, US Congressman
17 April 1942

Felix Guggenheim received this letter from Congressman John Tolan, Chair of the House Select Committee Investigating National Defense Migration (commonly known as the "Tolan Committee"), acknowledging and thanking him for his testimony before the Committee.

USC Felix Guggenheim papers

SEVENTY-SEVENTH CONGRESS
John H. Tolan, Calif., *Chairman*
John J. Sparkman, Ala.
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Frank C. Osmers, Jr., N. J.
Robert K. Lamb, *Staff Director*

Congress of the United States

HOUSE COMMITTEE INVESTIGATING NATIONAL DEFENSE MIGRATION

Washington, D. C.

April 17, 1942

Dr. Felix Guggenheim
Member of Board of Directors
Jewish Club of 1933, Inc.
228 West Fourth Street
Los Angeles, California

Dear Dr. Guggenheim:

On behalf of the members of this Committee I wish to express my thanks for your contribution to our recent inquiry into problems connected with the evacuation of enemy aliens on the West Coast.

Please be assured your contribution will receive careful consideration in the forthcoming report based on this inquiry.

With kindest personal regards, I am

Sincerely yours,

John H. Tolan

JOHN H. TOLAN
Chairman

Felix Guggenheim letter to Julia Seider, immigration attorney
18 April 1942

Felix Guggenheim writes to his immigration attorney in New York, discussing his recent trip to US Army Western Command in San Francisco, and expressing his frustration that, between Western Command, the Department of War in DC, and the Department of Justice in DC, no one wants to take responsibility for formally resolving the question of the forced relocation of refugees; each, he notes, blames the others for the impasse:

> "*I have a letter from the Western Command saying, that our reasons are "persuasive", but that they have no authority to help us, because the Department which classified us as "enemies" would have to reclassify us and than the military authorities would be only to glad, to get rid of us and to concentrate on the real enemies. They therefore suggest, that we pursue our remedy with the Department of Justice and that we neednt worry any more about the military, if the Department which labelled us enemies would label us friends. No military reasons to treat us as enemies. I have a letter from the Department of Justice, that unfortunately they agreed, that the whole thing is handled by the Department of War and to their regret they had to transfer our complain there. (They purposely don't mention, that we only have to do with the military, because the Department of Justice included us in the bunch of people which have been delivered to the military for treatment as enemies, and that they can reclassify us whenever it pleases them.)*
>
> *I have a very nice letter from the Department of War, that they are very sympathetic but that the Westcoast Situation is under the authority of the Western Command. Therefore they suggest, we should explain our case to the Western Command. - What the Werstern Command thinks, is contained in the first of the 3 letters, I mentioned before.*
>
> *So our main task is, to find somebody, who doesnt prefer to shift responsibility to somebody else. I repeat: We never found somebody, who said: I have a good reason, to treat you like Nazis and that is the reason. See whether you can refute my reason. If not you remain enemy aliens, if yes we change it. That would be a clear and easy situation. But everybody says: You are absolutely right, but there is a war, which brings injustice to the innocents, and I am not competent, to deal with that question, but try there and there, perhaps they are competent. But it turns out they arent either of they at least pretend not to be.*"

USC Felix Guggenheim papers

Felix Guggenheim
238 Tower Drive
Beverly Hills, Cal.

April 18, 1942

Dear Julia:

Your encouraging letter of April 6 was really a great pleasure and consolation to me. I can assure you , that I am full of fight and that I do my best . The day before yesterday I came back from San Francisco , where I had some talks at the Western Command and I hope , that in the end our case is a too strong one , that anybody wants to take the responsibility for an evacuation procession of 10 000 antinazi refugees, which wouldnt remain as unnoticed as most of the events till now. I enclose some information which is not only for you but which you are entitled to show to everybody in authority you think should know about it. For instance a person like Sol Bloom.

The most deplorable position is that of the Department of Justice, because they are responsible for the whole mess - and already attacked for being too liberal in many instances - just want to prove that they arent-in the only case , where being liberal would help more to win the war , than giving freedom of speech and action to those who use it to destroy America . It is a funny thing, that in all countries the fascists were allowed to take advantage of the rules of the game in spite of their making clear, that they will use that advantage to destroy the game. Please understand me correctly: I nowhere found bad faith, bad intention, antisemitism or things like that, but I found plenty of red tape, unwillingness to take responsibility or to correct a mistake even if its consequences grow to ever bigger proportions - and real fear, that justice for the refugees would lead to antisemitic counteraction, because most of the refugees are Jews. Blindness for the clear fact, that food for antisemites grows somewhere else and that treating a Jewish group as enemies of the American people must lead to more antisemitic feelings among the ordinary people than anything else. I have a letter from the Western Command saying, that our reasons are "persuasive", but that they have no authority to help us, because the Department which classified us "enemies" would have to reclassify us and than the military authorities would be only to glad, to get rid of us and to concentrate on the real enemies. They therefore suggest, that we

pursue our remedy with the Department of Justice and add that we neednt worry any more about the military, if the Departement which labelled us enemies would label us friends. No military reasons to treat us as enemies. I have a letter from the Department of Justice , that unfortunately they agreed , that the whole thing is handled by the Department of War and to their regret they had to transfer our complaint there. (They purposely dont mention , that we only have to do with the military, because the Departement of Justice included us in the bunch of people which have been delivered to the military for treatment as enemies, and that they can reclassify us whenever it pleases them.)

I have a very nice letter from the Department of War, that they are very sympathetic but that the Westcoast Situation is under the authority of the Western Command. Therefore they suggest, we should explain our case to the Western Command. - What the Western Command thinks , is contained in the first of the 3 letters , I mentioned before.

So our main task is, to find somebody , who doesnt prefer to shift responsibility to somebody else. I repeat : We never found somebody , who said: I have a good reason, to treat you like Nazis and that is the reason. See whether you can refute my reason. If not you remain enemy aliens,if yes we change it. That would be a clear and easy situation. But everybody says: You are absolutely right, but there is a war , which brings injustice to the innocents , and I am not competent , to deal with that question , but try there and there , perhaps t h e y are competent . But it turns out they arent either or they at least pretend not to be.

But my good hope is the following: Till now it was easier and less troublesome, to evade our case and to do nothing. Through our efforts it perhaps will soon be less disagreable to do something about it than to let things go on like that and more and more persons know about it and start critizising. So in fact I am in good mood and full of hope , because in the end somebody must be strong enough to say : stop that thing and take your allies without asking them where they are born as long as they like what you like and hate what you hate!

Heinz and Adelheim: I am so glad , you take care of it ; I appreciate especially your last letter, which I could show to Mr. Beyer.

I enclose a few remarks about both cases, which may be helpful. (Also a letter of the Council of Jewish Women , which gives some hints.- Mr. Beyer answered already, that you will represent him and that he therefore doesnt need their help)

I hope , my long letters dont bore you. - I am so glad you assist Lene in her house-trouble. Our heartiest regards to the Seider - family and all the best to all of them. Our special love and our special wishes to you -

ever sincerely yours

Thanks for the Latin proverb! Another latin motto had to guide me during the last weeks - as I met many who dont like frank and plain talk - : suaviter in modo, fortiter in re. And being"suaviter" is very difficult in a newly acquired language.

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Jewish Club of 1933 memorandum
25 April 1942

Memorandum from the Jewish Club of 1933 formally naming Felix Guggenheim as their representative for all discussions regarding the forced relocation of German-Jewish refugees, and the reclassification of those refugees as “refugees from Nazi oppression” rather than “enemy aliens.”

USC Felix Guggenheim papers

Jewish Club of 1933, Inc.
228 West 4th Street
Los Angeles, California
Michigan 6847

April 25, 1942

To whom it may concern:

We have charged Dr. Felix Guggenheim, 238 So. Tower Drive, Beverly Hills, member of our Board, to take care as our assistant of all negotiations and of all work connected with the evacuation problem and the reclassification of the refugees. Dr. Guggenheim serves as our honorary representative.

JEWISH CLUB OF 1933, INC.

Leopold Jessner

Leopold Jessner, Chairman

Felix Guggenheim letter to John Tolan, US Congressman
28 April 1942

Felix Guggenheim writes again to Congressman John Tolan, chair of the House Select Committee Investigating National Defense Migration (commonly known as the “Tolan Committee”). Guggenheim again makes the case for reclassifying the German-Jewish refugees as something other “enemy aliens”. He notes that the “military authority” (by which he means both the War Department and Army Western Command) has indicated that there is no military reason for classifying—and treating—German-Jewish refugees as“enemy aliens”.

Guggenheim also discusses the impact of curfew and travel restrictions, but he does not mention relocation, as this is no longer a question.

USC Felix Guggenheim papers

Jewish Club of 1933, Inc.
228 West 4th Street
Los Angeles, California
Michigan 6847

Dr. Felix Guggenheim
Member of the Board

April 28, 1942

The Honorable John H. Tolan
Chairman, House Committee investigating
National Defense Migration
Washington, D.C.

Dear Mr. Tolan:

I highly appreciate your kind letter of April 17. Not only for me , but for all refugees on the West-Coast the "TOLAN - COMMITTEE" was a sensational and touching experience: We saw democracy living and working even in war-time and we realize, that there is no other country in the world to-day , where the proceedings we witnessed would have been possible. The governor and the mayor, prominent people and simple folks , rich and poor , white and oriental, everybody could testify , plead and speak his mind without being afraid or intimidated - and the congressmen representing the American people listened carefully , patiently and with profound sympathy , eager to get the correct picture and to attribute to a fair and just solution.

This we will never forget and we all are deeply grateful to you and your associates.

Your hearings gave us the first real hope, that the stateless antinazi refugees, unfortunately born in Germany and therefore subjected to restrictions which were devised against real enemies,would be reclassified and no longer mixed up with their own enemies , the Nazis.

In the meantime we learned from military authority, that there is no military reason to keep us among the enemy aliens and that there are no objections to our being taken out.

This was of great importance for us, because we would have been ashamed to pursue our remedy any further , if there had been one single reason - benefitial to the American war effort- which would have required a continuation of our unfortunate classi-

Jewish Club of 1933, Inc.
228 West 4th Street
Los Angeles, California
Michigan 6847

fication.
Of course it was a terrible shock for the refugees, when instead of reclassification an 8 o'clock curfew and 5 miles restrictions were applied against them exactly like against Nazis and Fascists.
The consequences were severe: Night-workers and people working overtime lost their jobs. As especially in Los Angeles the distances between residential districts and business districts are more than 5 miles these persons couldnt even look for new jobs. The travelling salesmen, drivers, nurses and similar occupations are prevented by the 5 miles restriction to continue. No physician can visit his patients or a hospital after 8 o'clock.
Jewish religious services on Friday evenings and Passover could not be attended by Jewish refugees.
All patriotic activities - so important for the Americanization of immigrants (auxiliary state guard, air raid warden, red cross training, citizenship school) and practised after working hours in the sparetime-have been stopped. The splendid relationship between American neighbours and refugees has been interrupted in many instances as our American friends learning that the government keeps us indoors after working hours like dangerous Nazis must cease to regard us as refugees, friends and natural allies.
We still are full of confidence , that in the end a reclassification will be forthcoming , and that a method will be established to distinguish between friend and foe , between victim and oppressor. But in the meantime mental and material hardship , much damage , much loss of faith and hope, despair among our children, who feel repulsed and segregated again, has occured . Therefore every day counts and it is only too natural , that we are praying , help may come in time.
Your and your associates generous, humane and understanding attitude gives me hope that you will forgive my imposing on you with this long and detailed letter.

Respectfully and sincerely yours

Felix Guggenheim

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Jewish Club of 1933 memorandum
30 April 1942

Memorandum from the Jewish Club of 1933 to their membership indicating that they have received formal word from Washington, confirming that relocation will not occur. The memorandum also indicates that curfew and travel restrictions will remain in place, and cautions that violations may jeopardize the community's position.

USC Felix Guggenheim papers

J E W I S H C L U B O F 1933 I N C . ,

228 West 4 Street 4 - 30 - 1942 MI 6847

We have received word from Washington repeating the previous information that we can expect a satisfactory solution of the evacuation and curfew problem on the West Coast eventually. Therefore we are doubly anxious that in the meantime no incident regarding violation of regulations may occur in which any refugee may be involved.

We mention this because we had a conversation with Mr. Attilio di Girolamo, Assistant United States Attorney, during which he informed us that the United States Attorney's office has learned of many violations of curfew and five miles regulations. He added that he has received instructions to absolutely prosecute anyone violating any regulations issued either by the Western Defense Command or by the United States Attorney General.

In case anybody wants to avoid certain hardships by changing residence within the Metropolitan of Los Angeles, we are gladly prepared to give information about the formalities involved.

JEWISH CLUB OF 1933 Inc.,

Leopold Jessner, Chairman

Memorandum from Council of Jewish Emigrés, San Francisco, CA
29 May 1942

Richard Grau, Chairman of Council of Jewish Emigrés of San Francisco and the Bay Area, forwarded this memorandum to Felix Guggenheim. The memorandum informs doctors in the San Francisco of special permits they can obtain for making house calls during curfew hours. Such special permits were part of the process of modification and gradual lifting of curfew and travel restrictions that would result in all restrictions being lifted within a year.

USC Felix Guggenheim papers

Council of Jewish Emigrés

of San Francisco and the Bay Area

Richard Grau, Chairman
1914 Vine Street, Berkeley
Telephone: AShberry 8399

Albert Steiner, Secretary
172 Palm Avenue, San Francisco
Telephone: BAyview 6919

Frederick Lambert, Treasurer
41 Palm Avenue, San Francisco
Telephone: EVergreen 2642

Address all communications to:
172 Palm Avenue, Apt. 2
San Francisco, California

May 29, 1942.

Dear Doctor:

RE: Emergency calls of doctors.

We want to inform you about the following:

Doctors will upon application obtain permission in case of necessity to call on a patient during the curfew hours.

(1) The permit should be secured in time if the necessity of the call can be foreseen.

(2) If an emergency call reaches the doctor at night he shall notify the officer on duty at the Whitcomb Hotel enabling him to make a record. Such notification shall be made before following the call.

These special permits shall be confined to severe cases where immediate medical help is of great importance.

In the event that the obtaining of permits should meet with difficulties please inform Mr. Richard Grau.

Very truly yours,

Albert Steiner.

Albert Steiner.

Felix Guggenheim letter from Richard Grau, Berkeley, CA
31 May 1942

Richard Grau, who was coordinating the San Francisco German refugee community's reclassification efforts writes to Felix Guggenheim to discuss curfew and travel restrictions. Again, the Los Angeles community's efforts were paralleled by similar efforts in San Francisco, Seattle, and Portland.

USC Felix Guggenheim papers

Richard O. Grau.

1914 Vine Str.
Berkeley, Cal.

May 31, 1942.

Dear Mr. Guggenheim:

I refer to our telephone conversation and to the communication of the Council of Jewish Refugees of San Francisco and the Bay Area which you will have received in the meantime. For your further information I enclose a confidential information sheet.

I was informed by a doctor that he was called for a delivery last night, and that he informed the officer on duty at the Western Defense Command, Whitcomb Hotel, who made a record on the case. However, it appeared that the officer was not informed on the new policy. The officer had no objection that the doctor performed his duty in view of the fact that the doctor had received official information from his organisation. As a matter of course, I shall communicate with the Command and ask for instructions to be given to the offices and officers in charge.

Very sincerely yours,

Richard Grau

William Stagen letter to Leopold Jessner
1 June 1942

Felix Guggenheim's carbon copy of William Stagen's letter to Leopold Jessner, President of the Jewish Club of 1933, discussing a slate of nominations for the Board of Directors of the Club (the copy bears Stagen's manuscript annotation "for Guggenheim," dated 2 June 1942).

In this period, Stagen appears to be primarily concerned with internal Club politics. Guggenheim's archives contain little correspondence involving Stagen in this period, and none of it contains even incidental references to "reclassification" or "immigrants' rights" issues.

It's also worth noting that Stagen wrote using "Wm. E. Stagen Realtor" letterhead, reflecting the name change from Stadthagen, and using his realty firm's address of 6822 Sunset Boulevard, rather than his home address of 9269 Burton Way.

USC Felix Guggenheim papers

Copie

Wm. E. Stagen
Realtor
6822 Sunset Blvd.
Los Angeles
HE 3175

Dr Guggenheim
and my bros
J. 2/6/42

June 1, 1942

Professor Leopold Jessner,
President, Jewish Club of 1933, Inc.,
228 West Fourth Street,
Los Angeles, California.

My dear Professor:

I received your special delivery letter of May 29th and the list prepared by the Nominating Committee.

Mr. Guggenheim and Mr. Salinger will talk about it at your tomorrow's meeting.

May I reciprocate the hope expressed by you that in case our mutual cooperation should materialize it will be a pleasant one and accrue to the benefit of the organization.

Very truly yours,

Wm. E. Stagen

William Stagen letter to Leopold Jessner
15 June 1942

Felix Guggenheim's copy of William Stagen's letter to Leopold Jessner, President of the Jewish Club of 1933, further discussing internal Club politics in response to Board meetings held on 7 June and 12 June.

In outlining his complaints, Stagen expresses his concern that "*in our opinion there should be no place in the affairs of the Club for the discussion of certain political ideologies*." and states his decision not to run for a seat on the Board of Directors (Guggenheim was already on the Board by this point). Again, all of the Stagen correspondence from this period in Guggenheim's files concerns the politics of the Jewish Club of 1933, and not the "reclassification" issues which Guggenheim was handling.

And again Stagen wrote using "Wm. E. Stagen Realtor" letterhead, using his realty firm's address of 6822 Sunset Boulevard, rather than his home address of 9269 Burton Way. However, in this instance he signs the document as "Wm. E. Stadthagen."

USC Felix Guggenheim papers

COPY

Wm. E. Stagen
Realtor
6822 Sunset Blvd.
Los Angeles
HE 3175

June 15, 1942

Prof. Leopold Jessner
President, Jewish Club of 1933, Inc.
228 West Fourth Street
Los Angeles, California

My dear Professor:

When we met in the lounge of Mr. Bernstein's hotel on May 16th, I stressed the point that in our opinion there should be no place in the affairs of the Club for the discussion of certain political ideologies, and that any creation of antagonism to that effect must be forestalled. You agreed on this emphatically.

Last week we were sorry to learn about -

1. the content of your statement at a Board meeting on June 7th.

2. Mr. Pinkus' special delivery letter of June 7th to Mr. Guggenheim.

3. the remarks made by Mr. Royce at the Board meeting of June 12th.

These various utterances do not reflect that spirit of good will and cooperation indispensable to the mutual confidence which we had hoped for as the basis of a "Einheitsliste" as suggested by some Board members for us to run on for elections.

For this reason my friends and myself have decided not to be candidates on such "Einheitsliste".

In closing I wish to say that we cannot but approve of the part of Mr. Salinger's statement of June 12th dealing with questions of general interest (the other part being a personal matter of his), and of Mr. Guggenheim's letter answering Mr. Pinkus.

I would appreciate your submitting this letter to the other Directors at the next Board meeting.

Very sincerely yours,

Wm. E. Stadthagen

Leopold Jessner letter to William Stagen
19 June 1942

Felix Guggenheim's copy of Leopold Jessner's response to William Stagen's letter of 15 June 1942 to Leopold Jessner, President of the Jewish Club of 1933. Jessner addresses Stagen as "My dear Mr. Stagen", and writes to him at his business address of 6822 Sunset Boulevard, not his home address on Burton Way.

Felix Guggenheim's membership on the Club's Board of Directors had been the result of pressure exerted by Guggenheim, Stagen and others who wanted to alter the ideological direction of the Jewish Club of 1933. However, this collaboration was limited to issues affecting the Club and its leadership, and should not be mistaken for collaboration on matters relating to Guggenheim's "reclassification" efforts.

USC Felix Guggenheim papers

COPY

June 19, 1942

Mr. Wm. E. Stagen
6323 Sunset Blvd.
Los Angeles, California

My dear Mr. Stagen:

I have received your letter of June 15th, and I am sorry to learn that you have decided not to be candidates on a "Einheitaliste". In my opinion that decision of yours must be based upon a misjudgement of some occurences to which you refer in your letter:

1. My statement cannot be regarded as a cause but as a consequence. The fact of the matter is that my statement was consequential to a speech made by Dr. Salinger, in which he refused to debate a proposed "Einheitaliste" on the ground that it represent a solid block of Board-members who are ideologically opposed to the "group".

2. Mr. Pinkus addressed a letter to Dr. Guggenheim as a purely private affair. I am not of the opinion that Mr. Pinkus' letter although it dealt with Club-discussions should be regarded as an official statement. It was written on Mr. Pinkus' private stationary and not on the stationary of the Jewish Club of which Mr. Pinkus has some for his official correspondence.- Furthermore Mr. Pinkus' letter dealt virtually exclusively with the relationship between spiritual faith, and the activities based upon that faith. I am at a loss to understand in which way Mr. Pinkus' letter might have prejudiced any antagonism which was not prejudiced previous to his letter.

3. Concerning the remarks of Mr. Royce, I believe that all the participants in the negotiations about the "Einheitsliste" were under the impression that they were a very clear, subjectively justfied repudiation of the methods of negotiation which were forced upon the Committee by nobody but Dr. Guggenheim and Dr. Salinger and which were entirely new to the Jewish Club of 1933.

As I fully appreciate the seriousness of the now existing situation I wonder whether you, dear Mr. Stagen, for yourself have ever stopped to answer the question whether your representatives really were best qualified to work out a true understanding which was and is essential in any negotiation.

In closing I wish to say that it cannot lead anywhere to ignore differences which are obviously in existence; it is better to talk them out. If it proved to be impossible to iron out those existing difficulties it is better to say so. I never meant to say that I wish to ban discussions which prove to be necessary in order to attain an understanding. It is the regrettable fact that the "Einheitsliste" did not materialize because - for which reasons ever, I do not know - Dr. Guggenheim fiercely refused to talk out the differences which were at the very base of the understanding I desired not less than anybody.

I have caused your letter and my answer to come to the attention of the members of the Board of Directors of the Jewish Club of 1933.

Very sincerely yours,

Leopold Jessner

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Jewish Club of 1933 letter from City of Los Angeles Defense Council
26 June 1942

The Jewish Club of 1933 received this letter from George Hjelte, Director of the Los Angeles Defense Council, in response to a 5 June 1942 letter from Felix Guggenheim, concerning the possibility of German immigrants serving in the Citizen's Defense Corps. A number of non-citizen German immigrants had served in the California State Guard before the war, but were summarily discharged following the attack on Pearl Harbor.

The German refugees wanted to demonstrate their loyalty and their commitment to their new country by returning to some form of civil defense service. Hjelte expresses his concern regarding the ability of the immigrants to provide proof of expatriation, or forced expulsion, from Germany, and notes that he has referred this question to his superiors.

USC Felix Guggenheim papers

MAYOR FLETCHER BOWRON
CHAIRMAN
NORRIS J. NELSON
VICE-CHAIRMAN
DAVID T. BABCOCK
FRANK P. DOHERTY
D. D. DURR
C. J. HAGGERTY
DR. W. BALLENTINE HENLEY
MRS. IRENE T. HEINEMAN
GEORGE HJELTE
DEE HOLDER
CECIL R. KING
SOL LESSER
JOHN R. RICHARDS
GEORGE B. ROBERTS
CARLETON B. TIBBETTS

DEFENSE COUNCIL
CITY OF LOS ANGELES
City Hall

GEORGE HJELTE
SECRETARY-DIRECTOR
TED B. GEISSLER
ASST. SECRETARY-DIRECTOR

June 26, 1942

The Jewish Club of 1933, Inc.
228 West Fourth St.
Los Angeles, Calif.

Gentlemen:

Your communication of June 5 with reference to enrollment of expatriated citizens of Germany in the Citizens' Defense Corps has been brought to the attention of the Defense Council. I was instructed to refer the matter to the Director of the Southern California Sector of the Office of Civilian Defense, Mr. Willard Keith, for his advice concerning the matter. It is desired that Mr. Keith confirm the opinion expressed in the New York Region by Mr. Harold W. Newman, Jr., Acting Chief of the Legal Division of the Office of Civilian Defense, according to a copy of a communication to Mrs. Oswald B. Lord which was enclosed with your letter to me.

One question that we have requested Mr. Keith to answer is whether evidence of "expatriation" is necessary in order to admit one to membership in the U. S. Citizens' Defense Corps, and if so what the nature of such evidence should be. In other words should a local Defense Council enroll a former citizen of Germany upon his mere statement that he fled the country under duress?

We appreciate your interest in this matter and your desire to have a part in the civilian defense activities in the local community, and as soon as we have received a reply from Mr. Keith you will be further advised.

Sincerely yours,

George Hjelte

George Hjelte, Director
Los Angeles Defense Council

GH:ch

Felix Guggenheim telegram from Richard Grau, Berkeley, CA
9 July 1942

Richard Grau, who was coordinating the San Francisco German émigré community's reclassification efforts, writes to Felix Guggenheim to report that US Army Western Command is still deferring the question of "enemy alien" reclassification to the Department of Justice, in Washington.

USC Felix Guggenheim papers

CLASS OF SERVICE

This is a full-rate Telegram or Cablegram unless its deferred character is indicated by a suitable symbol above or preceding the address.

WESTERN UNION

1220

(43)

A. N. WILLIAMS, PRESIDENT
NEWCOMB CARLTON, CHAIRMAN OF THE BOARD
J. C. WILLEVER, FIRST VICE-PRESIDENT

SYMBOLS
DL = Day Letter
NT = Overnight Telegram
LC = Deferred Cable
NLT = Cable Night Letter
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The filing time shown in the date line on telegrams and day letters is STANDARD TIME at point of origin. Time of receipt is STANDARD TIME at point of destination

SR6 114 NT COLLECT=DA BERKELEY CALIF JUL 9

1942 JUL 10 AM 7 48

FELIX GUGGENHEIM= 72+7
238 TOWER DR BV=

HAD TODAY FIRST CHANCE TO SEE COLONEL NO LIFTING OF RESTRICTIONS IN VIEW AND EXEMPTION OF THE GROUP IS ONLY POSSIBLE IF JUSTICE DEPARTMENT MAKES THE FIRST MOVE MR ROWE AND MR ENNIS WILL COME TO SANFRANCISCO IN 2 WEEKS FROM NOW I AM PREPARING TO GET IN TOUCH WITH THEM BY WASHINGTON MONDAY I SHALL TELEPHONE THE COLONEL TO GET HIS ANSWER ON THE DOCTOR PROBLEM AND LOSANGELES AS A UNIT

AS THINGS STAND UNFORTUNATELY I SEE NO WAY FOR SECOND ORAL INTERVIEW IN VIEW OF THE SCHEDULE OF THE COLONEL MY APPOINTMENT WAS CANCELLED SEVERAL TIMES AND TODAY THERE WAS ONLY MOST LIMITED TIME FOR THE WHOLE DISCUSSION FURTHER INFORMATION MONDAY=

RICHARD GRAU.

2 GRAU.

nt

THE COMPANY WILL APPRECIATE SUGGESTIONS FROM ITS PATRONS CONCERNING ITS SERVICE

Jewish Club of 1933 memorandum by Felix Guggenheim
15 July 1942

Memorandum from the Jewish Club of 1933, authored by Felix Guggenheim informing the membership of some relaxation of travel restrictions for salesmen while pursuing their business. Thus, by 15 July 1942, salesmen were no longer required a special permit to travel more than five miles from their place of business.

At this point Guggenheim's work comes under the moniker of "Committee for reclassification of refugees classified as enemy aliens," as there is no longer any question of forced relocation.

USC Felix Guggenheim papers

J E W I S H C L U B O F 1933 I N C . ,

228 West 4th Street MI 6847 Los Angeles, Calif.

The Committee for reclassification wants to make known the following information, given by the Western Defense Command Office of Assistant Chief of Staff, Civil Affairs Division, W C C A, Chief of regulatory section:

" In the case of salesmen there is some
" modification of the travel regulations.
" They may travel - while actively pur -
" suing their calling - within their
" immediate Metropolitan area during
" non-curfew hours.
" No special permit is necessary for such
" modification. "

The Committee advises everybody among our members whom it may concern to carry this information with him whenever he has to pursue his calling within the Metropolitan area of Los Angeles but outside of his 5 miles district.

Committee for reclassification of
refugees classified as enemy aliens.

JEWISH CLUB OF 1933 INC.,
by; Felix Guggenheim

L.A.July 15th,1942

Jewish Club of 1933 minutes of the Board of Directors
meeting of 30 August 1942

Minutes of the Board of Directors' meeting of 30 August 1942 reflect William Stagen's (still using his original name, Stadthagen) role within the Jewish Club of 1933.

Felix Guggenheim reported on the issue of reclassification (Item 8), recording a meeting with other Board members (notably *not* including William Stagen), regarding efforts to engage the Los Angeles civil defense and police authorities. Such engagement was opposed by the Federation of émigré groups in New York, who feared the consequences of overt political action. This opposition was supported by some of the Board members, who felt they should defer to the position of the Federation, but Leopold Jessner, the President of the Club, strongly supports Guggenheim.

As reflected in the minutes, Stagen was concerned with Board and Club operations only. His entire recorded involvement at this meeting takes the form of moving that all minutes be kept in English (Item 3), and moving that semi-annual dues be increased to $2.40 (Item 6).

USC Felix Guggenheim papers

HARRY D. SALINGER
809 SOUTH MANSFIELD AVENUE
LOS ANGELES, CALIFORNIA
WHITNEY 9120

Minutes of the meeting of the Executive Committee of the Jewish Club of 1933, Inc., on August 30, 1942, at ten o'clock A.M. at the Fairfax Temple.

Present all member except Mr. Nunberg, who was ill, and Mrs. Mendel, who was excused.

1. The amendment to the By-Laws accepted at the membership meeting of August 2, 1942, shall have the following wording:

> "Persons who have rendered outstanding services to the Club or the cause of the Refugees from Nazi and Fascist opporession can be made Honorary Members by a majority vote of the Executive Board." (Article Second, Section 1 a.)

2. Jessner reports that Mr. Nunberg is ill, and that he will probably have to stay away from our meetings for some time. Jessner extends best wishes for speedy recovery in the name of the Executive Committee.

3. On seconded motion of Stadthagen resolved that the minutes shall be kept in the English language.

4. Pinner reports about the financial situation.
   a. As the fiscal year started on June 1, he had to examine the books for the conduct of the financial matters from that date on, and made the following objections:
      (1) In the report of Mr. Holt, a deficit of about $100 could not be clarified. Mr. Holt entered this amount as "Miscellaneous Expenses".
      (2) The Vanguard Players received a contribution of $38.20.
      (3) Mr. Pinkus received $3 twice, once in May and once in June.
      (4) For telegrams sent to Washington by Mr. Nunberg, $32.42 had been expended.
      (5) In the matter of the retracted articles in the "Aufbau", altogether $52.42 had been paid. This amount was not marked in the books as a loan, but is de facto a loan to the persons responsible for this expenditure.

   b. Mr. Lowen gives the following explanations:
      (1) This is an old error which can be clarified only if the books are examined for many years back. In order to save this expense, the deficit had been charged off as "Miscellaneous Expenses."
      (2) and (3) These payments were made in accordance with a resolution of the Executive Committee.

(4) These payments were made in the interest of the reclassification matter. Nunberg promised to contribute $25 which had been received by him as contribution for the reclassification work.

(5) After the discussion of this matter, Royce moved that all members of the Executive Committee should pay $3 to cover this amount. Salinger pointed out that such contribution could only be voluntary. It was resolved accordingly. Mr. Pinnter asked that the old Executive Committee should cover any deficit, ~~after payments had been received~~. remaining

5. Upon seconded motion it was resolved that Wildberg should try to have a public telephone installed in our office. If this is not possible, there shall be a charge of $.05 for each private telephone call made from our office.

6. As to the financial situation in the future, Pinner pointed out that we have about $300 cash on hand. Up to now, the monthly expenses of the Club were about $150. But the expenditures in the reclassification matter which so far had been paid by the Group, now have to be paid by the Club. Pinner estimates the total monthly expenses at about $300, including the contribution to the Jewish Federation in New York. This, together with a safety margin, amounts to about $4000 annually. As we have 600 members, the total income from membership dues therefore would be $1440. The income from social events and entertainments will sharply diminish due to the curfew. Therefore the membership dues must be increased. Pinner suggests $5 annually retroactively for this year. Pinkus suggests that we should not demand a retroactive payment and asks for semi-annual minimum payments of $2.40. Jessner is opposed to a minimum payment, but wants to make it an ordinary payment for everyone.

Although technically we need an amendment to the By-Laws for such an increase in membership dues, we must take the responsibility to enact this matter without calling a new membership meeting.

Upon motion of Bucky properly seconded, it was resolved to make a drive for new members and voluntary contributions. On motion of Stadthagen it was further resolved that from 1943 on the membership dues shall be $2.40 semi-annually, and an additional membership fee for the current six months shall be asked, unless the drive proposed by Mr. Bucky should bring sufficient contributions until October 1 to cover this year's deficit. Three votes were cast against this resolution. Mr. Pinner delcared that he would present the books of the Group to the President.

7. Election of the Second Vice President. Frank pointed out that in the last election the vote of Lowen for Dr. Leeser should not have been counted according to custom. Jessner contradicted that we are interested not in technicalities but should act according to the real intent of the Committee. Bernstein nominates Dr. Leeser; Lowen and Bucky refuse to be nominated, Frank nominates Breuer who later refuses to be nominated. Dr. Leeser is elected with 8 against 5 votes 3 non voting

8. Guggenheim reports about the situation in the reclassification question, particularly about new regulations issued by the Western Command, the meeting between Mr. Lindenbaum, Jessner, Salinger and himself, the stand of the Federation regarding intended negotiations with the Office of Civilian Defense and Deputy Chief of Police MacDonald who is in charge of the matter. The Federation opposes our intended interview with Mr. MacDonald together with Lindenbaum.

Bernstein criticizes thechange of the name for the Club Committee regarding reclassification, and the attitude of Mr. Guggenheim and the Group in connection with the Federation. He reports a conversation between himself and Mr. Lewis of the Federation. Jessner points out that our attitude in this matter must be firm and that our criticisms of the Federation are justified. However, the opinion was unanimous that in this matter

(a) we can only try to persuade the Federation to cooperate with us and
(b) we must avoid to antagonize them.

Dr. Leeser suggests that a complete memorandum shall be presented at each meeting with American authorities and Jewish and non-Jewish organizations. Guggenheim suggests that in order to save time the secretary at the Club Office should be permitted to open the incoming mail every morning. On seconded motion of Mr. Breuer it is unanimously resolved to establish a committee for Austrian matters; the four Austrian members Breuer, Dr. Leeser, Lurie and Royce are appointed as members.

A. J. Salinger

Felix Guggenheim letter to Los Angeles Defense Council
28 October 1942

Felix Guggenheim wrote to George Hjelte, Director of the Los Angeles Defense Council, to follow up an earlier letter of 5 June 1942, regarding the possibility of German-Jewish émigrés serving in the Citizen's Defense Corps. Guggenheim reminds Hjelte that the German émigrés had not yet received an answer to their question of service.

Having resolved the matter of forced relocation, and having made some headway in the matter of "enemy alien" reclassification, the name of Guggenheim's committee has morphed to the neutral-sounding "Committee for Refugee Immigrants of Southern California."

USC Felix Guggenheim papers

COPY

October 28, 1942

Mr. George Hjelte
Director, Civilian Defense Council
City Hall
Los Angeles, California

Dear Sir:

May we respectfully remind you that some time ago you were kind enough to investigate whether expatriated refugees from Germany could be admitted to the Civilian Defense. At that time we submitted a letter showing that the Office of Civilian Defense, Washington, doesn't consider expatriated refugees as enemy aliens for the purposes of the Civilian Defense.

We expatriated refugees as the first victims and the first enemies of Nazism are very eager to join the common war effort against the common enemy and not to be mixed up with the Nazis as enemy aliens.

It would be very unfortunate for us if in this gigantic struggle we wouldn't have an opportunity to do our part as natural allies of the American people to whom we owe so much gratitude and loyalty and to whom, in fact, we owe our life.

Not to be found among the volunteers for Civilian Defense is a terrible stigma for everybody loyal to this country and we would highly appreciate your answer whether we would be permitted to join the Civilian Defense.

Respectfully and sincerely yours,

Committee for Refugee Immigrants
of Southern California

_____

Felix Guggenheim, Chairman

Felix Guggenheim letter to William Stagen
16 November 1942

Felix Guggenheim writes to William Stagen regarding maintenance of the apartment building he purchased from Stagen, one unit of which served as Guggenheim's own residence.

This apartment building, at 238 S. Tower Drive in Beverly Hills, had been constructed in 1929, and according to tax assessor's records consists of 14 apartments in 11,398 square feet. The units were thus relatively modest, which may explain why the meeting of 22 January 1942 had been held at Stagen's apartment rather than Guggenheim's.

USC Felix Guggenheim papers

November 16, 1942

Mr. W. E. Stadthagen, Realtor,
6822 Sunset Blvd.
Los Angeles, Cal.

Dear Mr. Stadthagen:

When I bought the apartment - house 238 Tower Drive from you, you assumed the obligation to regularly supervise the maintenance of the building etc. You were very helpful till now and I only write you this letter, because I would like to know, whether the coming gas rationing will affect your business. I would appreciate if you would be able to keep up the service which is part of our agreement and if you would inform me accordingly.

Very truly yours

(Felix Guggenheim)

Felix Guggenheim letter to Los Angeles Defense Council
5 January 1943

Felix Guggenheim writes again to George Hjelte, Director of the Los Angeles Defense Council, to follow up his earlier letter of 28 October 1943, regarding German refugee immigrants serving in the Citizen's Defense Corps. Guggenheim notes that, in the interim, the US Army Western Command has removed all curfew and travel restrictions on the German refugees.

USC Felix Guggenheim papers

January 5, 1943

Mr. George Hjelte
Director, Civilian Defense Council
City Hall
Los Angeles, California

Dear Sir:

We respectfully refer to our letter of October 28, 1942, copy of which is enclosed.

In the meantime the Western Defense Command has lifted all curfew- and travel restrictions imposed upon German aliens and stateless refugees. As long as these restrictions were in force it would have been technically difficult for us to serve effectfully as Civilian Defense Volunteer, due to the necessity of being at home at 8 6'clock in the evening and of being restricted within 5 miles of our residents.

After these obstacles have been removed by General DeWitt we would like to renew our application contained in our letter of October 28, 1942.

We would highly appreciate your favorable reply as we are eager to volunteer for and to participate in any activities which may help the war effort.

Respectfully and sincerely yours,

Committee for Refugee Immigrants
of Southern California

Felix Guggenheim, Chairman

Jewish Club of 1933 additional minutes of the Board of Directors meeting of 6 January 1943

This clarification of the minutes of the Board of Directors' meeting of 6 January 1943 note that the "Political Committee" would issue a memorandum (whose contents are not indicated) in both English and German, not only in German as had been previously suggested by another Board member.

William Stagen's "Youth Committee," involving younger members of the immigrant community in scrap materials drives, has been renamed the "War Effort Committee," presumably more accurately reflecting its mission.

The minutes also record that Erich Löwen's "*suggestion to make the Club an agency for war bonds was withdrawn by Lowen after discussion*." It was apparently after this meeting that William Stagen made his initial contacts with the Treasury Department regarding forming a separate war bonds sales committee focused on the German-speaking immigrant community.

USC Felix Guggenheim papers

To the Board members.

Re.: Minutes of the seventh Board meeting, January 6, 1943, at Goghi's.

The minutes mailed to you still need some amplification, to wit:

The motion Pinner to mail copies in English and German of the circular prepared by Guggenheim on behalf of the Political Committee was made and adopted after a discussion suggested by Pinkus who had proposed to mail a German text.

It was also decided at the meeting, to add a German text from now on in all cases where the English text should prevail, if and when the length or importance of the communication should warrant it.

With respect to Bernstein's motion "public lecture" should read: "verbal information to members interested in the problem."

Lowen's suggestion to make the Club an agency for war bonds was withdrawn by Lowen after discussion.

The Committee of Physicians to be formed by Lesser, and Bernstein with the inclusion of Weinberg, on motion Stagen, is supposed to become a medium for the physicians to take care of their professional interest s especially in matters raised by the attitude of various other groups towards refugee doctors.

The newly appointed War Effort Committee shall replace the former Youth Committee which thereby is dissolved.

The special Board meeting to be held on motion Pinkus shall mainly discuss and if possible determine the general line to be followed by the Club in its policy, since Mr. Pinkus did miss such definition which, as he said, makes it difficult for him to give his paper a clear tendency.

Also, it was decided to appoint Frank, Pinkus and Bernstein to prepare such Board meeting as the various views to be discussed should be lined out and properly prepared.

(signed) Harry D. Salinger

Jewish Club of 1933 minutes of the Board of Directors
meeting of 16 February 1943

Minutes of the Board of Directors' meeting of 16 February 1943 reflect William Stagen's involvement in the "War Effort Committee", which had been renamed the previous month from the "Youth Committee" and which was involved in material drives, in which children collected metals, rubber, and other material useful for the war effort. Stagen also reports his early contacts with the Treasury Department regarding setting up an war bond sales committee.

The minutes also reflect Felix Guggenheim's ongoing work on the issue of reclassification.

USC Felix Guggenheim papers

MINUTES OF THE EIGHTH MEETING OF THE BOARD OF DIRECTORS OF THE

JEWISH CLUB OF 1933, INC., ON TUESDAY, FEBRUARY 16, 1943, AT 7 PM,

AT GOGI'S.

Present all members except Lesser and Bucky, who arrive late; Fritz Simmel as invited guest. Pinkus is also absent. Jessner reports that Pinkus joined the Army this day. On motion of Stagen, the best wishes of the Board will be extended to him.

Upon motion of Stagen resolved that motions shall be submitted in writing, and that the text as amended after discussion shall be read to the members of the meeting before the vote is taken.

Upon motion of Stagen resolved that the minutes of the Board Meetings shall be entered in an appropriate book, signed by the one who keeps the minutes, and counter-signed by the chairman of the respective meeting. The minutes shall contain number of meeting, date, place, and time of beginning and end.

Stagen reports for the War Effort committee. There was a meeting with the representatives of the Victory Volunteers who had decided to merge entirely with the Club. 7 subcommittees have been organized to promote the different drives. The general business shall be handled by a committee with Salinger as chairman, Simmel as secretary and Eckmann as treasurer.

Simmel reports on the plans of the committee and suggests that a badge be created for members who are very active in war work. After a lenghthy discussion and upon motion of Guggenheim properly made and seconded, resolved that the War Effort Committee shall prepare regulations for a V-badge with the following directions: There shall be strict provisions before a member can receive the badge. There shall be a schedule, for instance, how many blood donations, how many hours of work in the sewing circle, how many War Bonds must be purchased, how many other activities must be proved. In addition, there might be different classes of the badge. The regulations shall then be submitted to the officers and the Board.

Upon suggestion of Mrs. Wendel, the treasurer makes a provisional allotment of $ 30.- for Mrs. Wendel's charity work, at her free disposal.

Stagen reports on a letter received from the Immigrants Fight for America, a new organization in New York. Guggenheim suggests that we contact the Federation in New York in order to learn their reaction. Letters shall also written to other prominent individuals. A discussion on our attitude toward the Council For Democracy then arises. Pinner is authorized to pay $ 25.- as a contribution. A letter shall be written to Raymond Gram Swing.

Guggenheim reports on the situation in the reclassification matter. Salinger then submits a resolution which has been drawn up by Frank and himself in accordance with an unanimous resolution of the political committee, as follows:

Der Vorstand des Jewish Club of 1933, Inc., Los Angeles, haelt die Zeit fuer gekommen, die Schaffung einer einheitlichen Front aller Refugees aus Mitteleuropa in den Vereinigten Staaten anzuregen. Es soll damit erreicht werden, dass auch die Stimmen dieser fruehen Opfer Hitlers bei solchen Verhandlungen der Zukunft zu Gehoer kommen, in den ueber Suehne und Wiedergutmachung begangenen Unrechts entschieden wird.

Der Vorstand des Jewish Club of 1933, Inc., haelt es aber fuer irrefuehrend und schaedlich, wenn in der amerikanischen Oeffentlichkeit der Eindruck erweckt wird, dass die Refugees an der kuenftigen politischen Gestaltung Deutschlands mitwirken wollen. Er steht auf dem Standpunkt, dass die Verbrechen der letzten zehn Jahre die Verbindung Deutschland und uns zerschnitten haben, und dass unsere Gegenwart und Zukunft dem Lande gehoeren, das uns in der Stunde der Bedraengnis Zuflucht geboten hat, und das uns zu seinen Buergern machen will.

After a lengthy discussion upon motion of Salinger resolved that the resolution as above set forth shall be made a resolution of the Board and that Frank and Salinger shall give it the proper form in German as well as in English.

Stagen reports on the contact he made with the foreign section of the Treasury Department regarding a bond drive among our group. It was the general opinion that no public meeting shall take place.

Bernstein is confirmed as Club page editor.

Bucky reports on the forthcoming Austrian affair.

(signed) Harry D. Salinger

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Felix Guggenheim letter from George Hjelte, Los Angeles Defense Council
25 February 1943

George Hjelte, Director of the Los Angeles Defense Council, responds to Felix Guggenheim regarding German non-citizen immigrants serving in the Citizen's Defense Corps. Hjelte expresses the feeling that "a satisfactory conclusion can be arrived at," and asks Guggenheim to telephone him to discuss the matter further.

USC Felix Guggenheim papers

MAYOR FLETCHER BOWRON
CHAIRMAN
DAVID T. BABCOCK
GUS BROWN
D. D. DURR
C. J. HAGGERTY
DR. W. BALLENTINE HENLEY
MRS. IRENE T. HEINEMAN
GEORGE HJELTE
DEE HOLDER
CECIL R. KING
SOL LESSER
IRA J. McDONALD
JOHN R. RICHARDS
CARLETON B. TIBBETTS

DEFENSE COUNCIL
CITY OF LOS ANGELES
City Hall

GEORGE HJELTE
SECRETARY-DIRECTOR
TED. S. GEISSLER
ASST. SECRETARY-DIRECTOR

February 25, 1943

Mr. Felix Guggenheim, Chairman
Jewish Club of 1933, Inc.
228 West 4th St.
Los Angeles, Calif.

Dear Sir:

Reference is made to previous correspondence with you concerning the subject of eligibility of expatriated German citizens to participate in the civilian defense program in the City of Los Angeles. I regret that so much delay has taken place in clearing this matter. This delay was due in part to the effect of the curfew regulations, which have recently been relaxed, and also to other matters. I feel that a satisfactory conclusion can be arrived at which will be pleasing to the many aliens of enemy nationality who desire to assist in civilian defense programs here. Would it be possible for you to call at this office at some convenient date to discuss the matter with us? If you will call me by telephone at Michigan 5211, Station 2351, I shall be glad to make an appointment.

Sincerely yours,

George Hjelte

George Hjelte, Director
Los Angeles Defense Council

GH:ch

2 Friendly

memorandum from *Council of JewishEmigrés of San Francisco and the Bay Area*
26 February 1943

Memorandum from Council of JewishÉmigrés of San Francisco and the Bay Area, chaired by Richard Grau, reporting to his membership the decision of the San Francisco Civilian Defense Council that German non-citizen immigrants could serve in most civil defense roles. Grau's efforts paralleled those of Felix Guggenheim on behalf of the Los Angeles community.

USC Felix Guggenheim papers

Council of Jewish Emigrés

of San Francisco and the Bay Area

Richard Grau, Chairman
1914 Vine Street, Berkeley
Telephone: AShberry 8399

Albert Steiner, Secretary
172 Palm Avenue, San Francisco
Telephone: BAyview 6919

Frederick Lambert, Treasurer
41 Palm Avenue, San Francisco
Telephone: EVergreen 2642

Address all communications to:
172 Palm Avenue, Apt. 2
San Francisco, California

February 26, 1943

Dear Friends:

Re : Civilian Defense

After the lifting of the Curfew, the undersigned member of your Board got in touch with the CIVILIAN DEFENSE WAR COUNCIL and repeated the willingness of our group to participate in Civilian Defense activities.

Thereupon a directive has just been issued by Jack Helms, Director of the San Francisco Civilian Defense Council, that "Enemy Aliens" may be given assignments with the approval of the service. However, assignments as Air Raid Wardens and Auxiliary Policemen can be given to citizens only.

In cooperation with the Civilian Defense Council, we now urge all our members and their families and friends to call at the

Volunteer Office
532 Market Street (corner Sansome)
EXbrook 8515
9 to 9, Saturdays 9 to 1

for an assignment in any of the many activities of Civilian Defense. There is a constant need of men and women in the Ration Boards, Scrap Drive, etc.

As soon as you get an assignment, please, notify your Secretary or the undersigned by Postal Card.

Whether you have registered before or not, act immediately and do your part in helping win this war.

Cordially yours,
Council of Jewish Emigres
of S. F. & the Bay Area

By:
MARTIN E. GOLDSCHMIDT

Felix Guggenheim memorandum regarding Defense Corps service
24 March 1943

A month after receiving an encouraging letter from George Hjelte, Director of the Los Angeles Defense Council, Felix Guggenheim reports that the Defense Council Board had decided on 23 March 1943 to permit German non-citizen immigrants to serve in civilian defense.

By this point, with all travel and curfew restrictions having been lifted some months earlier, and "reclassification" having been achieved, Guggenheim reports the lifting of this last restriction as a member of the "Political Committee."

USC Felix Guggenheim papers

Refugees and Civilian Defense
in Los Angeles.

The political committee reports:

As the result of many months of negotiations we had ~~hhm~~ with the Civilian Defense authorities, the City Defense Council (chairman: Mayor Fletcher Bowron; director: George Hjelte) finally recognized the difference between an expatriated refugee from Germany and an alien enemy of this country: The Council in its meeting of March 23rd decided, to admit German-Jewish expatriated refugees to the U. S. Citizens Service Corps.

We quote from the Los Angeles Examiner, March 24,1943:

"

"

The technical details of the procedure have not yet been decided upon; further information and a circular letter to ~~mmmmmmmmmmm~~ the members.

Qr 7 968

Jewish Club of 1933 minutes of the Board of Directors
meeting of 14 April 1943

Minutes of the Board of Directors' meeting of 14 April 1943 reflect William Stagen's report that "*the Anti-Nazi Immigrants War Savings Committee has finally been organized and has started its work. There will be a rally on May* 16, 1943, *for all the foreign-born groups*."

Felix Guggenheim reported that the Los Angeles Defense Council had removed virtually all restrictions regarding German non-citizen immigrants serving in civilian defense, and that this news would be circulated to the membership to recruit participants to that end. Guggenheim would continue to deal with these matters under the aegis of the "Political Committee," as there was no longer any need for a "reclassification committee."

USC Felix Guggenheim papers

MINUTES OF THE ELEVENTH MEETING OF THE BOARD OF DIRECTORS OF THE JEWISH CLUB OF 1933, INC., ON WEDNESDAY, APRIL 14, 1945, AT GOGI'S.

Present: Bernstein, Breuer, Guggenheim, Jessner, Lowen, Mendel, Salinger, Stagen.

Jessner reports that Mrs. Lourié resigned as a member of the Board.

Stagen reports for the committee which had been elected at the last Board meeting for the preparations of the next membership meeting. It was generally held that no final decision should be made because some members of the Board were not able to attend the Board meeting. However, a preparatory discussion of names took place in order to prepare a final discussion for the next Board meeting.

Bernstein declares that he cannot accept again an office for the next year on advice of his physician. Mendel suggests that he should take a leave for two months in order to restore his health. The matter was then continued to be taken up at the next Board meeting.

Mendel reports on the Hadassah Drive. More than $ 3,000.- have been collected within our group due to our efforts.

Jessner thanks Mrs. Mendel in the name of the Board.

On motion of Stagen properly made, seconded and resolved that the President of the Club be instructed to acknowledge with Mrs. Lourie's receipt of her resignation from the Board of Directors and to express her the thanks of the Club for her work in this drive. The same thanks should be expressed in writing to Mrs. Vicki Baum and to the other ladies who helped Mrs. Mendel to accomplish the very satisfactory result of the drive. An appropriate letter should be sent to the Hadassah and to the Fairfax Temple.

Guggenheim reports on the Civilian Defense (Citizens Service Corps) situation. A circular-letter will be mailed within a week to all our members in order to start a drive of participation. It was generally held that this matter should remain in the hands of the Political Committee.

The State Guard matter was continued to be taken up at the next Board meeting.

Aufbau. Salinger reads the Aufbau-letter of February 5, 1945. It was held that in our answer we should point out that we need a circular-letter in order to organize the war effort of our members. If we cannot reach all our members by means of the WESTKUESTE, we shall have to send circular-letters for which we probably have to use a larger amount of paper than that used for 250 copies of the WESTKUESTE.

Stagen reports on the Club home situation. Negotiations for a lease on a place close to Western Avenue and Wilshire are in an advanced stage. It was generally held that Stagen shall continue such negotiations.

Stagen reports that the Anti-Nazi Immigrants War Savings Committee had finally been organized and has started with its work. There will be a rally on May 16, 1943, for all the foreign-born groups. It was held that we should make efforts to secure a sufficient and effective participation of our group. A letter shall be written to Mr. Royce asking him to cooperate in the preparations of this rally.

(signed)

Harry D. Salinger

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Anti-Nazi Immigrants War Savings Committee “I Am an American Day”
text of message by Thomas Mann
16 May 1943

The first major public event held by William Stagen’s Anti-Nazi Immigrants War Savings Committee was held in Pershing Square on 16 May 1943. Earl Warren, then the Governor of California, appeared, and the event was covered by local radio station KFWB.

This is the text of an address written by Thomas Mann, but delivered by Ernst Deutsch, an Austrian actor who had immigrated some time around 1930, and had resumed his career in Hollywood by the mid-Thirties.

USC Felix Guggenheim papers

ANTI-NAZI IMMIGRANTS WAR SAVINGS COMMITTEE
Wm. E. Stagen, Chairman
Lothar Frank - Leopold Jessner - Henry Koster - Nathan Meyer - Rabbi M. Nussbaum
Arthur Pathe - Fritz Sabersky - Hugo Weinberg, M.D.

***

TEXT OF THOMAS MANN'S MESSAGE
Delivered by Ernst Deutsch over KFWB, Los Angeles, California
on
"I AM AN AMERICAN" day, May 16, 1943.

Ladies and Gentlemen:

It is an honor and a pleasure for me to add a few words, in the name of the immigrants from Germany, to the expressions of loyalty and homage pronounced on this day. For us European intellectuals, the transplantation to these shores was a great experience, a great relief for which we cannot be grateful enough. From deranged, poisoned narrowness we came into the largeness, into the expansive atmosphere of a country of happy origins, happy premises, happy history, where, contrary to the over-experienced, tired and somber Europe, life is determined by confidence, hope and a hearty faith in humanity and the human progress toward the better. Despite all antagonisms and differences of conviction which naturally divide even this country into competing camps, the clean, benevolent and spiritually sound principles and the moral code of conduct upon which the Union was originally established by the founding fathers, are still alive and decisive here; they form the myth of this two hundred year old community, the national tradition. There is a straight line running from Thomas Jefferson, the author of the immortal document called the Declaration of Independence, to Henry A. Wallace and his famous speech about the Century of the Common Man. If we ask ourselves, however, what is the conserving and all-pervading characteristic element of America's political philosophy, the answer is: it is the principle that "men are endowed by their Creator with certain inalienable rights" and that among those inalienable rights is "the pursuit of happiness."

Happiness as a natural right of man - that is a strangely daring thought which could never have found its way into a state document in the old Europe; it belongs to the optimistic pioneer spirit of America, to a fundamental trait of this country's character which is so comforting to us newcomers, - the American kindness. This kindness which recognizes the natural right of man to the pursuit of happiness is destined, in my opinion, to play an important part in the shaping of a new, more happily organized society of peoples, for which we all hope, and one may regard it as good fortune that the mightiest nation on earth combines goodness with its power.

Pacific Palisades, California, May 12, 1943.

"With a Million Hearts"
Song of Immigrant Children
in Alfred Neumann's Ballad "Now we are in America"
Staged in Los Angeles, California on May 16, 1943.

With a million hearts
  Ever so grateful
We'll be true to you, America
  And we stand here now
With a solemn vow
  To protect you and all that you are

With a welcome hand
  You have shared this land
With your children from afar
  And we'd give our all
Answering when you call
  And forever may you be right
  And forever may you be right.

Lyric: Sam Lerner

Music: Hans J. Salter.

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“TOLAN COMMITTEE” REPORT EXCERPTS

Hearings Before the Select Committee Investigating National Defense Migration,
House of Representatives, Seventy-seventh Congress, First Session,
Pursuant to H. Res. 113,

Part 31: Los Angeles and San Francisco Hearings, March 6, 7, and 12, 1942,
Problems of Evacuation of Enemy Aliens and Others from Prohibited Military Zones
United States Government Printing Office Washington, 1942.

Excerpts from the “Tolan Committee” hearings in Los Angeles and San Francisco, including testimony and prepared statements from Thomas Mann, Hans Schwarzer and Felix Guggenheim in Los Angeles, and Richard Grau in San Francisco. Also included is testimony from Tom Clark, civilian coordinator for General John L. DeWitt of the US Army Western Command.

NATIONAL DEFENSE MIGRATION

HEARINGS

BEFORE THE

SELECT COMMITTEE INVESTIGATING NATIONAL DEFENSE MIGRATION HOUSE OF REPRESENTATIVES

SEVENTY-SEVENTH CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 113

A RESOLUTION TO INQUIRE FURTHER INTO THE INTERSTATE MIGRATION OF CITIZENS, EMPHASIZING THE PRESENT AND POTENTIAL CONSEQUENCES OF THE MIGRATION CAUSED BY THE NATIONAL DEFENSE PROGRAM

PART 31

LOS ANGELES AND SAN FRANCISCO HEARINGS

MARCH 6, 7, AND 12, 1942

PROBLEMS OF EVACUATION OF ENEMY ALIENS AND OTHERS FROM PROHIBITED MILITARY ZONES

Printed for the use of the Select Committee Investigating National Defense Migration

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1942

60396

U. S. SUPERINTENDENT OF DOCUMENTS

JUL 13 1942

SELECT COMMITTEE INVESTIGATING NATIONAL DEFENSE MIGRATION

JOHN H. TOLAN, California, *Chairman*

JOHN J. SPARKMAN, Alabama
LAURENCE F. ARNOLD, Illinois
CARL T. CURTIS, Nebraska
GEORGE H. BENDER, Ohio

ROBERT K. LAMB, *Staff Director*

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NATIONAL DEFENSE MIGRATION

SATURDAY, MARCH 7, 1942

MORNING SESSION

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE INVESTIGATING
NATIONAL DEFENSE MIGRATION,
Washington, D. C.

The committee met at 10 a. m., in the State Building, assembly room, Los Angeles, Calif., pursuant to notice, Hon. John H. Tolan (chairman).

Present: Representatives Laurence F. Arnold (acting chairman), of Illinois; George H. Bender, of Ohio; and Carl T. Curtis, of Nebraska.

Also present: Dr. Robert K. Lamb, staff director; John W. Abbott, chief field investigator; Francis X. Riley, field investigator; Jack B. Burke, field investigator; and Ruth B. Abrams, field secretary.

Mr. ARNOLD. The committee will come to order.

TESTIMONY OF RICHARD B. HOOD, SPECIAL AGENT IN CHARGE, LOS ANGELES DISTRICT, FEDERAL BUREAU OF INVESTIGATION

Mr. ARNOLD. Will you give to the reporter your name and occupation?

Mr. HOOD. Richard B. Hood, special agent in charge of the Federal Bureau of Investigation at Los Angeles.

Mr. ARNOLD. The committee understands, Mr. Hood, that you have a statement to make to the committee. We will be glad to have it.

Mr. HOOD. Thank you.

Mr. Chairman and gentlemen of the committee, I appreciate the opportunity of appearing before the committee as the local representative of the Federal Bureau of Investigation inasmuch as we do not feel that yesterday's statement by Mayor Fletcher Bowron relative to the relationship between this Bureau and the Army and the Navy Intelligence Service is a true statement of the facts. With reference to the statement that there has not been sufficient cooperation in a practical way between the F. B. I. and the Army and Navy Intelligence Services, it should be stated that the present relationship between the organizations is practical, workable, and effective. Since September 1939, and not only since the declaration of war following the attack on December 7, but since September 1939, have the respective agencies been in constant collaboration on national defense matters. This relationship has been developed by the mutual ex-

Information regarding rise in retail prices of vegetables, first figures showing price week preceding Dec. 7, 1941, and second figure representing prices to which commodities rose following declaration of war and the ensuing closing of many wholesale houses in the produce markets—Information received by local 1510, Feb. 21, 1942, from managers named—Continued

McDANIELS MARKET (SAVE-RITE PRODUCE), 208 EAST VALLEY BLVD., ALHAMBRA CALIF., CHARLES TAMBARA, MANAGER

	Price, week preceding Dec. 7	Price rise following Dec. 7
Lettuce	5 and 7 cents per head	10 cents per head.
Carrots	2 bushels, 8 cents	7 cents per bunch.
Celery	15 cents per stalk	18 cents per stalk.
Potatoes	7 pounds for 25 cents	6 pounds for 25 cents.
Spinach	3 bunches for 10 cents	5 cents per bunch.
Beets	do	Do.
Cabbage		No change.
Cauliflower	10 cents per head	18 cents per head.
Brussels sprouts	10 cents per pound	Not obtainable.

RADIO CENTER MARKET, 1334 NORTH VINE ST., HOLLYWOOD, CALIF., WM. FUNATSU MANAGER

Lettuce	7 cents per head	10 cents per head.
Carrots	3 bunches for 10 cents	5 cents per bunch.
Celery	12 cents per stalk	15 cents per stalk.
Potatoes	7 pounds for 25 cents	4 pounds for 19 cents.
Spinach	3 bunches for 10 cents	2 bunches for 9 cents.
Cabbage	3 cents per pound	4 cents per pound.

Several persons in the stores listed stated that some vegetables could not be had for a short time after December 7, 1941. Top prices continued for several days, until wholesale markets were reopened.

We believe that the markets listed and the prices represent the average percentage of rise in prices in vegetable stands throughout the city of Los Angeles and vicinity.

We were informed that the price of fruit did not change to any noticeable degree during same period.

Retail fruit and vegetable stores, Los Angeles County

Total number of retail fruit and vegetable stores operated by Japanese	1,000
Average number of employees in one store	5
Total number of Japanese engaged in retail fruit and vegetable stores	5,000
Approximate yearly gross sales from Japanese operated stores	$25,000,000

Remarks: It is estimated that approximately 75 percent of all retail fruit and vegetable stores in Los Angeles County are operated by Japanese.

Due to the special skills of the Japanese in cleansing and displaying green vegetables and fruits there is a great saving of waste products.

Gardening, Los Angeles County

Approximate number of Japanese gardeners in Los Angeles County	2,000
Average monthly income per gardener	$125
Total average monthly income	$250,000
Total yearly income	$3,000,000
Average number of homes serviced by 1 gardener	12
Total number of home serviced by Japanese gardeners in Los Angeles County	24,000

Remarks: The maintenance and care of yards and gardens of approximately 25,000 homes will be affected with the removal of Japanese gardeners.

A special skill acquired by these gardeners makes them quite irreplaceable.

It is an acknowledged fact that the Japanese are well suited for this type of work and are considered the best available.

Restaurants and cafes.—Approximate number of Japanese-operated restaurants and cafes, 350. Approximately 80 percent of these Japanese-operated restaurants and cafes cater to the American public. The majority of these cafes and res-

taurants are located near concentrated employment centers and cater exclusively to American trade.

Hotels and apartments.—Number of Japanese-operated hotels and apartments, 395 in Los Angeles County. Approximately 75 percent of these Japanese-operated hotels and apartments cater to the American public. The majority of the hotels are of the transient type. Ninety percent of these Japanese-operated hotels and apartments are located in metropolitan Los Angeles.

TESTIMONY OF DR. THOMAS MANN, 1550 SAN REMO DRIVE, PACIFIC PALISADES, CALIF., AND DR. BRUNO FRANK, 513 NORTH CAMDEN DRIVE, BEVERLY HILLS, CALIF.

Mr. ARNOLD. Dr. Mann, you and Dr. Frank need, of course, no introduction, but for the record the committee would like to have you give your name, address, and occupation so that the record might be complete.

Dr. MANN. My name is Thomas Mann. I am living now in Pacific Palisades, No. 1550 San Remo Drive.

Mr. ARNOLD. Doctor, will you give us for the record your occupation and a little background?

Dr. MANN. I am a writer, sir; author, novelist, essayist, and lecturer.

Mr. ARNOLD. Are you a native American?

Dr. MANN. No, sir. I was born in Germany. I lived a long time in Munich where I studied and married. I left Germany in the year 1933 just before Hitler came to power. Then I lived 5 years in Switzerland before I came over to America.

I came over to America first in the year 1934 for a short visit and I visited America each year after that. I came over to settle definitely in this country in the year 1938.

I followed my vocation of lecturing at the University of Princeton. I did that for two winters. It was only for 1 year first, but it was prolonged for the second year.

Then I made the acquaintanceship of California and came out here to settle. We have our home in Pacific Palisades.

Mr. BENDER. Dr. Mann, I would like to ask you about the Munich conference, but I won't.

One of the questions which has come to our attention during our hearings in San Francisco, Portland, and Seattle, has been the effect of the evacuation order on refugees from Axis countries. We are interested in hearing from yourself and Dr. Frank your views and observations.

The committee would like to have you proceed in your own way, Dr. Mann, and then we will hear from Dr. Frank. We understand that you happen to be a Czech.

Dr. MANN. Yes.

Mr. BENDER. And are not yourself affected by the recent alien-control regulation.

Dr. MANN. Correct.

Mr. BENDER. Would you proceed in your own way.

Dr. MANN. Thank you very much.

I really feel highly honored to have the opportunity to take part in this meeting, the subject of which has been close to my heart since the problem arose. It is close to my heart not only because it is of so vital, moral, and material importance for the people it concerns,

but also because only a fair solution would be worthy of this great Nation which is fighting for freedom and human dignity.

I would like to add that, certainly, the behavior of a war-waging nation against her emigrees has something to do with the good fighting spirit of that nation. It is the frightening example of France I had in mind. A nation which seeks and enjoys victory over the most intimate and most natural enemies does not seem to be in the happiest psychological condition to meet these enemies.

I realize, of course, that in times of crisis no natural inclination to generosity and kindness can be allowed to imperil the safety of the country, and certainly it is not easy to find a general solution which does justice to both sides, the refugees and the interests of the country at war. As a matter of fact, we have to face an absolutely paradoxical situation, such as perhaps never existed before. We have to deal with people who by their birth and descent, if their case is treated mechanically, fall under the category of "enemy aliens," but who are in fact the most passionate adversaries of the European governments this country is at war with, and who left their native lands in protest against the political systems ruling there, or were forced to leave it. Most of them lost the citizenship of their original countries, and even formally cannot be regarded as nationals of a country with which they do not have the slightest connection. So in this war, the idea and characteristic of "enemy alien" has lost its logical justification in the case of the German and Italian emigrees.

Perhaps it is not superfluous to add that I, personally, am not affected for the reason that when I was deprived of my German citizenship, President Benes of Czechoslovakia was generous enough to make me a Czech citizen; so I am a friendly alien, even technically, but only by chance. And I have imagination enough to understand the feelings of these victims of national socialism and fascism who were seeking refuge and freedom to breathe in this great democracy, and would be only too happy to do their share in the work of defense, but now find themselves under suspicion and subjected to special regulations which, for many of them, would mean a deadly catastrophe, the collapse of their newly and painfully rebuilt existence. For that reason, just some weeks ago I decided to join a few prominent emigrants from Italy and Germany in sending a telegram to the President of the United States, in which we expressed the same feelings and ideas I am trying to develop today. I give you the names of the signers of this telegram; they were the Italians, Arturo Toscanini, Count Carlo Sforza, and Professor Borgese, and the Germans, Bruno Walter, Albert Einstein, my friend Dr. Frank, and myself. With the exception of Toscanini, all these men are either already American citizens or friendly aliens, but all of them felt obligated to act for their countrymen, and to ask the President to bring about, in some way, a clear and practical distinction between potential fifth columnists and people who are the victims and proven opponents of the powers with which America is at war today.

I really do not feel that the difficulties for establishing such a distinction are insurmountable. Other groups of aliens like the Austrians Czechs, and so on, have already been excepted. It is certainly not my intention to say anything against the loyalty of these groups, but so much may be said that in no other group so many reasons

speak for a passionate desire for Hitler's defeat, as in the case of German and Italian refugees. So I think that where it can be incontestably proven that a person is a refugee, a victim of Nazi oppression, an exception should be made, and the questionnaire of the registration form has already given, by its point 15, the authorities the necessary material for clarification. Moreover, there can be no doubt that the Federal Bureau of Investigation has carefully observed all aliens for quite some time, and has proven to be very well informed about their behavior and intentions. Whoever is individually suspicious will doubtless be taken care of, and it should not be difficult to find out all cases needing clarification. In my opinion it would be worth while to investigate a number of cases, which certainly would not be very considerable, instead of taking radical measures against the entirety of the refugees. All of us know that the burning problem on the west coast is the question of the Japanese. It would be a great misfortune if the regulations, perhaps necessary in their case—it is not my business to talk about the Japanese problem—would be applied to the German and Italian refugees, even with the intention of revising single cases later. For, as I have already mentioned, in many cases irreparable harm would be done to perfectly harmless and loyal persons. I think this should and could be avoided, and I am certain that other members of this meeting will make more concrete and practical propositions. In speaking for the refugees it is not only their interests I am visualizing. Every day it becomes more urgent that all available forces be put into the service of the country, and there are certainly many of the refugees who instead of becoming a burden to themselves and the country could be of valuable help in the struggle until victory.

Mr. BENDER. Doctor, I am appreciating that your position is rather delicate by virtue of your Czech citizenship. I would like to ask you a number of questions and if you desire to answer all right, and if not it will be perfectly all right.

Are you acquainted personally with a Dr. Fritz Baum?

Dr. MANN. No; I don't know him.

Mr. BENDER. Who is the husband of the daughter of Albert J. Berridge?

Dr. MANN. Sorry; I don't know.

Mr. BENDER. Are you acquainted personally at all with Dr. Frank Zigmund, who is a scientist and inventor? He is a Czech citizen.

Dr. MANN. It seems to me that I remember the name but surely I never met him.

Mr. BENDER. Do you know the Czech language, Doctor?

Dr. MANN. No; I don't.

Mr. BENDER. In regard to this question of alien enemies, your impression is that everybody who is labeled that way is not necessarily an enemy?

Dr. MANN. No; surely not.

Mr. BENDER. And you believe, from your observation, that possibly we might have additional facilities for handling that problem?

Dr. MANN. I think so.

Mr. BENDER. In expediting the just treatment of these cases?

Dr. MANN. Yes; I think so. I am sure that some way will be found.

Mr. BENDER. You believe that there are many alleged enemy aliens incarcerated in detention places that might be of service in this war effort in the event that this could be expedited?

Dr. MANN. That is very probable; yes.

Mr. BENDER. What percentage of the Jewish refugees are classified as enemy aliens? For example, from Germany, Czechoslovakia, Rumania, and other places.

Dr. MANN. What percentage?

Mr. BENDER. What percentage of them?

Dr. MANN. Of Jewish descent?

Mr. BENDER. Yes; that are now being held by the United States Government who might be extremely useful in this war effort in the event of such expediting?

Dr. Frank, would you care to answer that question?

Dr. FRANK. Well, perhaps I can.

Mr. BENDER. Doctor, before you speak, I wish you would identify yourself. It is the committee's understanding that you are an officer of a refugee organization and are deeply concerned with alien-control rulings and that you have given the problem some thought.

Dr. FRANK. Yes, I have.

Mr. BENDER. First, for the record, will you identify yourself?

Dr. FRANK. My name is Bruno Frank. I am by profession a writer. I live at 513 North Camden Drive in Beverly Hills.

Mr. BENDER. Under what circumstances did you come to this country?

Dr. FRANK. I left Germany in February 1933 the very first day after the legal government was overthrown, because very probably I wouldn't have survived the second day.

Mr. BENDER. We would like to have you discuss the problem that we are particularly interested in at the moment, as it affects anti-Axis refugees who happen to be citizens of enemy countries.

Dr. FRANK. Yes.

Mr. BENDER. Will you proceed in your own way?

Dr. FRANK. I am appearing before your committee, most thankful for the honor bestowed upon me, and let me add this at once, with a deep feeling of confidence:

Ever since the question of the evacuation of enemy aliens arose, there has been much consternation and fear among the German and Italian refugees out here. Many of them remember how, in a moment of frantic confusion, the Government of France treated the exiles, and they are afraid the same things might happen again. They already see their last and only hope gone.

May I frankly say that I personally could never share these dreads for a single moment. No, the victims of that hateful oppression won't be confounded with the oppressors. The bitterest and most consistent foes of nazi-ism and fascism won't be treated the same way as Nazis and Fascists themselves. Not in this country. Not under the great President of this Republic; not under its Congress, which is the strongest remaining fortress of constitutional freedom in the world; not under its Department of Justice, whose humane and enlightened utterances we have heard; and not, certainly not, under its military men. For these are not Prussian generals shaped after the pattern of some unspeakable "Fuehrer." They are American citizens proudly wearing

their uniforms in defense of the same liberties, the loss of which has driven the refugees out of their homeland.

Thus my confidence was greatly strengthened when I saw the registration questionnaire, which so clearly indicated the intentions of the American Government. For here the fullest opportunity was offered to each German or Italian refugee for stating whether he left his country because of racial, religious, or political persecution and for naming such trustworthy persons who could vouch for his loyalty. This, I feel sure, was not done without good reason and purpose.

And there is still stronger evidence. Before the war, about a year and a half ago, a number of refugees, then trapped in defeated France, were saved by a magnanimous action of your Government. Among them were eminent statesmen, scientists, artists, writers. Under the auspices of the Presidential Advisory Committee, emergency visas were granted to them, and so they were, in the nick of time, snatched from immediate peril. How then could anyone imagine that these same people, who by the American Government were recognized as stanch democratic fighters against the Nazis, should now be branded as enemy aliens by the same Government?

But, sir, I am not so much concerned about those outstanding men, when, for instance, I read that Arturo Toscanini, before going from New York to Philadelphia in order to conduct a concert for the War Relief Fund or the Red Cross, has to ask for a permit because he is technically an enemy alien—then I think this an odd story. But I am not afraid for Signor Toscanini. Not much will happen to him. A great name, or even a well-known name, shields a man from hardship.

I am concerned about the so-called average man or woman, the little fellow who, after long and terrible sufferings, having lost situation, property, and, more often than not, those dearest to him, has finally found here a haven of rest and ultimate hope.

As it is always more instructive to give a concrete and living example than to speak in generalities, let me present to you, sir, an average case among many, nothing particularly striking, but typical for those refugees who now live in deadly fear to be branded as enemies.

In a family I happen to know they have a housemaid, a Jewish girl, kind, honest, hardworking. She alone of her kin has escaped from Germany, and it is her only longing to save and to bring to these shores her old parents she was forced to leave behind.

She comes from a small town in northern Germany, where 80 Jewish families have been living for more than 600 years. It was one of the oldest communities. Now the Nazis have uprooted these people, they have burnt their synagogue to the ground, trampled under foot and swinishly soiled their sacred books, and desecrated their graveyard. Of the 80 families 3 are left. The rest have been exterminated, dispersed, or have been "removed to Poland." What this expression means, sir, you most certainly know. It was perfectly illustrated by those horrid pictures in last week's Life magazine, showing heaps of naked, emaciated corpses, piled upon one another like so much rubbish, ready to be flung into the common pit.

The two old people over there live under the constant threat of being carried away to that hell. Get the money for leaving the country—or else—they are told. Their daughter saves every penny

she makes for their passage and for the bribes—for every single one of those Nazi gangs has to be bribed separately. But each time she offers her savings, she is told it is not enough. Transportation costs have gone up, and so have the bribes.

The girl knows what a life her parents have over there. They live in one windowless room. They are not allowed to go out in the daytime. They are not allowed to burn light at night. They are not allowed to use a phone or a radio, or to ride on the train, or to sit on a bench in the park.

Don't lose patience, writes the girl (or, rather, she wrote, because now of course she cannot write any more). Don't despair. One day my money will be enough. Then you will come here. This is heaven. One lives among friends here. I shall work for you, and you will live peaceful years.

Well, sir, what should she write now, if write she could? I am no longer among friends? I am branded as an enemy now, just as the beasts who are torturing you. Forget all about it. It was but a dream. Go to Poland, and die.

No, sir, she won't have to write thus. Not here.

Your Government, sir, is acutely aware of the gulf that separates the victims from the oppressors. They have already exempted different groups from being classified as enemy aliens, for instance, the Czechs and the Austrians. Nothing could be more justified, more appropriate. And though, when exempting these groups, the Attorney General most certainly realized that among the holders of Czech passports are those so-called Sudetens, who plotted with the Nazi aggressors; and that among the holders of Austrian passports are those Austrian Nazis who opened the gates of Vienna to Hitler. These facts, most fairly, were not considered a reason for impairing the rights of the enormous majority of loyal Austrians and Czechs. If any of the suspect elements were to be found in this country, the F. B. I., I am sure, would make short shrift of them.

But, sir, the only group where even such loathsome exceptions are most unlikely to be found, are the refugees from Germany, the very victims and proven opponents of Hitler.

Nearly all of them have been deprived of their nationality, either by individual decree or by groups. This means they have been outlawed and officially robbed of all they possessed. All of them, or next to all, have, under their oath, declared that they will sever allegiance to the debased land of their origin as soon as the American law will allow them to do so. There is absolutely no relationship left between them and the Nazis, none but bitter, implacable hatred.

Never, as far as my knowledge goes, has there been one single case of a refugee conspiring with or working for the enemy. In France there have been at least 20 times more refugees than in the United States. Not a single case has occurred. And the same goes for England.

In England, as I take it from the excellent information furnished by our expert in this matter, Dr. Felix Guggenheim, examination boards were set up, which exempted all genuine refugees from restrictions. However, when the Nazis came within 20 miles of England's shores, restrictions were suddenly tightened. But, under the very bombs of the aggressors, public opinion and the House of Commons protested

violently and they did not give way until the position of the refugees had been restored. Today all these exiled scientists, physicians, workers, and industrialists enthusiastically contribute to the British war effort against the common foe. And in their registration certificates, in order to identify them as allies, these words are stamped, "Victim of Nazi oppression."

Now, as I pointed out, the number of refugees in this country is very much smaller. In the Los Angeles area, for instance, where accumulation is relatively dense, there are about 4,000—that is one-fifth of 1 percent of the population. The number of 4,000 individuals is equivalent to 1,000 or 1,200 family units. The task of investigating this number, and so to avoid the tragic consequences of wrong classification, would not be a heavy one.

For, since the registration, which in my opinion came as a godsend, the exact data about any single one of these cases are in the hands of the F. B. I. The vast majority of them will be clarified at once. There might be a few border cases, especially among gentile refugees who left Nazi Germany out of sheer horror and disgust, and who, being gentiles, were not honored by the Hitler regime with expatriation.

An examination board, sir, should be set up at once. I cannot presume to suggest how such a board should be composed. The only thing I feel allowed to propose is that, in an advisory capacity, one or several aliens with a sound knowledge of the matter, and enjoying the confidence of both the authorities and their fellow refugees, should be associated to it.

Pending final regulation, a licensing system could be established in the military zone No. 1, not in any contradiction but in fullest accordance with General DeWitt's proclamation. The spot zones, naturally, designated as such, would be excluded.

But now, sir, here comes my plea, and most ardent it is. Please don't delay. Take the anguish off the minds of those harassed people as soon as ever possible.

The idea has been proffered, I am told, that at first the refugees should be evacuated as enemy aliens, and that later on, by and by, individual readmission might be granted. Sir, that would never do. Such a procedure would spell disaster. Once removed, these people would be lost. The frail roots they have taken in this soil would be cut off. They would lose their jobs, their small businesses, and, most important of all, the friendly contact they have established with their American neighbors. Should they ever come back, perhaps after many months, they would be unwelcome strangers again, looked at with suspicion as people who once have been stigmatized and taken away as potential enemies.

Not all of them, sir, would have the strength for starting afresh, not many of them. They have been through too much. I don't want to dramatize, but I know that, if such steps were taken, there would be suicides before long.

May I add one final word, sir? I could imagine some people saying: All this may be true, but this is a world war. Our country faces the gravest crisis in her history. We are sending our husbands and sons to distant shores to fight and, maybe, to die. Why should we care for a handful of foreigners?

I don't know whether anybody in this country speaks like that. I'd rather think not. But, if so, this would be the answer:

These foreigners have fought against the same hideous foe as your boys. They still bear the scars on their bodies and souls. There is hardly anyone among them who has not lost relatives and friends by the same brutish hands. No group, by its hatred of evil and its love of freedom, could be closer united in spirit to the American soldier than these very people.

Mr. BENDER. Doctor, is the United States Government making sufficient use of your services, and Dr. Mann, of yours, and your associates who were in similar positions or are in similar positions to yours? Is there anything that you could assist with further that we might suggest to the United States Government that they might call on you for additional services other than those which you have already been called upon to render?

Dr. MANN. Well, I am only awaiting a call from the Government. I would be absolutely at the service of the Government. At present my defense work is more or less personal because I am going over the country and lecturing in many cities about the problems of the war and of the coming peace. That is my moderate contribution to the public service.

Mr. ARNOLD. Dr. Mann, I might say that in my district in Illinois, about one-third of my constituents are of German descent, mostly American citizens, but several of whom, prior to Pearl Harbor, were sympathetic, apparently, with Mr. Hitler. I might utilize your services this fall in the campaign.

Mr. BENDER. Recognizing the condition that you speak of, Dr. Frank and Dr. Mann, do you not think that for one of these alleged enemy aliens or any of that group to be incarcerated in these immigration detention centers, or in any other place, even in their plight, is like Heaven, compared to the alleged freedom of their existence over in Europe under Axis domination?

Dr. FRANK. Yes; I certainly would prefer the life in an American prison to free life in Germany or even in France today. This, I admit. But I don't wish it for them. They wouldn't survive.

Mr. ARNOLD. Thank you very much, gentlemen. We appreciate having you come here before the committee. We will take a 2-minute recess.

(Short recess.)

Mr. ARNOLD. The committee will come to order. We will hear one more witness, if he is here. Dr. Felix Guggenheim. The committee will recess for approximately 45 minutes after we hear Dr. Guggenheim.

Mr. CURTIS. Mr. Reporter, before we hear Dr. Guggenheim, is Courtney Lacey in the room?

He is not here; if you will insert his statement in the record, then we will proceed.

(The statement referred to above is as follows:)

LOS ANGELES, *March 7, 1942.*

Hon. JOHN H. TOLAN,
Chairman, Congressional Committee on Evacuation of Alien Enemies.

SIR: During the past few days I have had conversations with several Japanese nationals residing in southern California. Today one of them, an influential businessman in Los Angeles, stated to me that he and some of his friends had been discussing the evacuation problem, and, according to them, it would seem:

That the Japanese Government is willing to accept a return to Japan of those Japanese nationals now residing in the United States who wish to return to Japan; that the Japanese Government will provide transportation for them; that in the return of such Japanese nationals to their own country, the Japanese Government will return the interned Americans held in Japan; the exchange, so to speak, to be effected on some isolated island in the mid-Pacific Ocean, or any other suitable location and under supervision of a neutral nation; both United States and Japan to guarantee safe conduct during the exchange.

Thousands of Japanese nationals now residing in the United States wish to and are willing to return to Japan. The estimated number given to me by the Japanese is approximately 40,000, which includes, of course, the wives and minor children.

I have been asked to submit to your honorable committee the above-proposed plan.

And, in so doing, I would respectfully call your attention to the fact that thereby the financial burden which will rest upon our country, if we are compelled to indefinitely care for these Japanese nationals in concentration camps, or otherwise, will be greatly lessened. It will also serve to eliminate from our country those Japanese about whom there is or may be some question concerning their danger and enmity to our country. It will also serve to effect a return to their country and families of our own courageous soldiers, sailors, and fighting civilians who so valiantly sought to defend Guam, Wake, and Midway.

Respectfully submitted.

COURTNEY LACEY,
Attorney at Law.

TESTIMONY OF DR. FELIX GUGGENHEIM, 238 TOWER DRIVE, BEVERLY HILLS, CALIF.

Mr. CURTIS. Where is your residence at the present time, Mr. Guggenheim?

Dr. GUGGENHEIM. At 238 Tower Drive, Beverly Hills.

Mr. CURTIS. What is your business or occupation?

Dr. GUGGENHEIM. At the present time I am operating an apartment house there.

Mr. CURTIS. What does the "Doctor" indicate?

Dr. GUGGENHEIM. I graduated in Switzerland in economics and social science, and I graduated in Germany in law.

Mr. CURTIS. Ph. D., is it?

Dr. GUGGENHEIM. Similar to that.

Mr. CURTIS. Doctor, where were you born?

Dr. GUGGENHEIM. I was born in Constance. That is on the Swiss-German border.

Mr. CURTIS. And your nationality?

Dr. GUGGENHEIM. I am of German nationality, expatriated.

Mr. CURTIS. And when did you come to this country?

Dr. GUGGENHEIM. I came to this country in 1940 and I happened to be in England when the same question of enemy aliens arose there so I have had the opportunity to go through the whole problem already. That is the reason I should like to say a few words as to what a simple refugee, living in England, experienced when the question of distinguishing between enemy aliens and refugees came up there.

Mr. CURTIS. Now, Doctor, we want you to proceed in your own way, giving us the benefit of your observations in this enemy alien control situation, touching the high points. I don't want to limit you in any of the important points you wish to make, but I do want to say this: If you happen to have something to add to your testimony today, you can submit it and we will see that it is incorporated in the record, together with your oral testimony.

ENGLISH TREATMENT OF ALIENS

Dr. GUGGENHEIM. I was in England when the war broke out in September 1939. The English were badly prepared in many respects, but Scotland Yard was on the alert and in the first days of the war, a great number of German spies were arrested. Many spies had been known to Scotland Yard for a long time but they hadn't been arrested before because Scotland Yard didn't want them replaced by unknown spies.

A second group was arrested also: German aliens, who, before the war, were members of Nazi organizations in England. There and in all other countries as well, many Nazi and semi-Nazi societies were flourishing, organized openly and operating publicly.

The English authorities, in close contact with the refugee organizations immediately realized that the majority of so-called German aliens consisted of refugees persecuted by the very enemy of England. They realized also that it was a group distinguished from other groups. Therefore, they established a procedure to sift these aliens. They had to appear before special tribunals. Eminent judges and outstanding lawyers were appointed, personalities who, by long experience, were especially suited to distinguish between harmless and dangerous, between genuine and fake.

Three groups were formed:

(*a*) People dangerous for political, sabotage, or spy reasons. Immediate internment followed.

(*b*) People who, by one reason or the other, couldn't convince the tribunal that they were genuine refugees. They were subjected to special restrictions and in some parts of the country even to internment.

(*c*) People who proved their status as refugees. They got stamped in their certificate of registration a certain paragraph, and I would like to quote from my own certificate:

> The holder of this certificate is to be exempted until further order from internment and from the special restrictions applicable to enemy aliens under the Aliens Order, 1920, as amended.

The judge of the tribunal, in many cases, Sir Maxwell, added in his own handwriting:

> Refugee from Nazi oppression—

and signed it. I would like to leave a photostatic copy here in evidence.

Mr. CURTIS. I will be glad to receive it.[1]

RESTRICTIONS ON MOVEMENT OF ALIENS

Dr. GUGGENHEIM. The restrictions those in group (*c*) had to comply with consisted chiefly in an obligation to report change of residence and to report any absence from the permanent residence for more than 14 days. Group (*c*) was treated as friendly aliens and practically as natural allies. Only a few hundred belonged to group (*a*). Only a few thousand eventually were classified as (*b*). The rest, about 60,000, including women and children, could establish their genuine

[1] Photostat held in committee files.

refugee status, and I don't know of a single case where reclassification in group (*c*) became necessary.

Within a few months all refugees had passed their tribunal, the decision, for instance in my certificate being dated November 2, 1939.

The procedure itself was as follows: Field investigators visited each family, asked certain questions, and got an impression of how and where the family lives. Their reports, checked with the files of Scotland Yard, were on the judge's table when he examined the alien. The job seemed to be tremendous at the beginning but the fact was that the percentage of harmless, uprooted people was so high that an experienced judge, checking the field reports and getting a personal impression normally had no difficulties in deciding quickly, especially as the aliens were asked to bring letters along from English relatives or friends or from other refugees of high standing and well known reputation. Even witnesses could appear if either the alien or the judge thought it advisable. The system worked without difficulties, especially as close cooperation existed with the refugee organizations, which always were able to check back, not only a few years back, but also the whole life history of a doubtful case.

REFUGEES WERE NOT FIFTH COLUMNISTS

I have to relate that after the sudden collapse of Holland, Belgium, and France, when England had to fight alone and for her very life, the Nazi armies and airplanes being within 20 miles of England's shores, some English authorities started an indiscriminate internment campaign and a tightening of restrictions. The term "fifth columnist" wasn't so well known as it is today. The stories coming from France and Holland were very confusing and it took the English a few months to get the facts and to understand that the fifth columnists and saboteurs in Holland, Belgium, and France (and a few weeks before in Norway) hadn't been the refugees, but naturalized and native citizens and such aliens who already before the war made no secret of their Nazi sympathies. Public opinion in England, newspapers and members of the House of Commons, therefore, didn't give in until the refugee's position was restored. Today I get letters from refugee friends over there telling how gladly and successfully they contribute to the English war effort according to their abilities in many fields. Some of those refugees live on the south coast of England and face the Nazi threat and the Nazi bombs, together with their English friends. That is all I have to say.

Mr. CURTIS. Doctor, I want to compliment you on the concise and orderly way you have described the English system. We are very glad to have it for our records. Now, can you tell me about how many people were involved in all three classifications in England?

Dr. GUGGENHEIM. Between sixty and seventy thousand.

Mr. CURTIS. And you do not know how that compares with the total number of people, both citizen and alien, that we will have to deal with in this problem on the Pacific coast here, do you?

Dr. GUGGENHEIM. I don't quite get the question because you say "citizens." If you want me to talk about German aliens and the percentage of refugees, then I can give an answer. I can't give an answer about the Japanese or Italians.

Mr. CURTIS. It is well that we have this information for what guidance we can get from it. We do have some problems here involving legal rights of our own native-born citizens, and we also have a problem of a cosmopolitan people made up of many, many races that form the American people, but we are glad to have the English experience.

Dr. GUGGENHEIM. Would you allow me one further remark?

Mr. CURTIS. Yes.

Dr. GUGGENHEIM. I think the refugee is a distinct problem for one reason: It is the only group I know of which can be distinguished easily, whereas, all other groups don't know each other so well and don't have the same life story as this group. That is all I want to say.

Mr. ARNOLD. Thank you very much, Doctor, your prepared statement will be inserted in the record at this point.

(The statement referred to is as follows:)

STATEMENT BY DR. FELIX GUGGENHEIM, MEMBER OF THE BOARD OF DIRECTORS, JEWISH CLUB OF 1933, INC., LOS ANGELES, CALIF.

MARCH 4, 1942.

The Jewish Club of 1933, Inc., represents the majority of the Jewish part of the anti-Nazi refugees from central Europe, as far as they live in metropolitan Los Angeles and intends to educate them to fit into American life.

In our estimate half of the number of as German classified aliens in California, and the majority of these aliens in Los Angeles are in fact expelled and expropriated anti-Nazi refugees, who were stateless when the war broke out and who don't owe any allegiance to any country at war with the United States.

These refugees whether Gentile or Jewish feel that they are wrongly classified and begin to realize the terrible consequences of that wrong classification. In the world struggle between democracy and nazi-ism they were the first martyrs and the first victims. They bear still the scars on their bodies or on their minds or on their lives or family. It would be the worst tragedy for them to suffer again at the hands of their natural allies with whom they hoped to have found a final refuge after they have suffered so much from the Nazi at a time when the world didn't realize that it only was the first chapter. The day—may it never come—when 10,000 refugees from Nazi oppression will have to leave their homes and jobs and small businesses on the west coast of the U. S. A. and in a sad procession will look for relief and assistance with the stigma of enemy aliens as additional burden, this day would be counted by history as a first-class victory of Hitlerism against democracy.

The real enemy aliens know why and for whom they are bearing hardship. The refugees don't have the spiritual strength and the power of endurance any more to suffer without understanding at the hands of their friends and allies.

Therefore we feel obliged to offer our testimony at the hearings of the House committee on defense migration and would be deeply grateful if we would get an opportunity to present some facts regarding the following matter:

We should like to present the experiences in France, when France made the terrible mistake of having detracted her attention from the fight against fifth columnists by fighting senselessly the loyal democratic anti-Nazi refugees in their midst. We would like to add how the President's Advisory Committee intervened and saved some outstanding personalities from being treated as enemy aliens in France, refugees who—oddly enough—now are classified as enemy aliens again in this country and are in danger of being expelled from California.

We should like to present how England acted in setting up tribunals for the refugees, who exempted the genuine refugees from restrictions and stamped in their registration certificates "refugee from Nazi oppression." When the enemy came within 20 miles of England's shore the authorities tightened the restrictions suddenly but the public opinion and the House of Commons didn't give way till the position of the refugees had been restored—and today the refugee scientists, doctors, industrialists, and workers contribute gladly and successfully to the English war effort.

We should like to give the facts about the stateless refugees, about the laws expatriating them before the war, about the registration which put the details

about every refugee into the files of the local Federal Bureau of Investigation and about the registration questionnaire, which indicated the intention of treating separately the group of refugees from political, racial, and religious persecution.

We should like to mention in all modesty, how valuable it would be if democracy gives special consideration where special consideration is due, and how confidence in democracy as protector of Nazi victims would grow.

We should like to draw attention to the many outstanding personalities among the refugees, who in many fields want to contribute to the war effort.

We should like to present the plan, consistent with the proclamation of General DeWitt, to license in the military area I (of course not in the "spot" zones) the genuine refugees, till they will be taken out of the enemy alien group by the administration, a plan in which trustworthy refugees of long standing and beyond suspicion could give valuable assistance.

Mr. ARNOLD. We will now recess until 1:45.

(Whereupon, at 1 p. m. an adjournment was taken until 1:45 p. m. of the same day.)

NATIONAL DEFENSE MIGRATION

SATURDAY, MARCH 7, 1942

House of Representatives,
Select Committee Investigating
National Defense Migration,
Washington, D. C.

The committee met at 1:45 p. m.

Mr. Arnold. The committee will come to order. Capt. W. N. Cunningham will be our first witness this afternoon.

TESTIMONY OF CAPT. W. N. CUNNINGHAM, INDUSTRIAL DEPARTMENT, UNITED STATES EMPLOYMENT SERVICE, LOS ANGELES, CALIF.

Mr. Arnold. Be seated, Captain.

Witnesses before this committee, Captain, have testified that the Japanese play an important part in the production of the vegetables in this area. Could you give us a picture of the labor situation in relation to demand which will arise when this group is evacuated?

Mr. Cunningham. Well, I will try to, gentlemen. In the first place, we want to state that from our observation the Japanese is not, as he is presumed to be, a farmer, especially in this community and in this territory. He is a gardener on a mass scale. They have never patronized the Employment Service for any appreciable number of people.

Our available files contain the applications of 34,000 persons. Of that number there is a total Japanese registration of 446.

That represents 1.3 of our total available file of male Japanese workers of whom only four are listed as agricultural laborers.

In the women's industrial department we have registered 179 Japanese women, all of whom have insurance claims, and most of whom have been engaged until recently in the fish industry. There are a few other types.

In reference to the agricultural situation, I have the acreages for 1940–41, which I can submit to the committee. Here are the crops in which the Japanese largely figure in Los Angeles County: Cabbage, 3,600 acres; carrots, cauliflower, celery, corn and vegetables of all types, 41,750 acres; beans, which I didn't consider as a vegetable, due to the fact that it is a mass crop, about 21,000 acres.

Largely, these small acreages, which vary in size from 2 to 25 acres, are very intensively gardened the year around. The crops are rotated and almost constantly there is a crop coming on—radishes and small vegetables.

That is the crop that will be affected and the crop that will be difficult to replace because it is largely stoop labor. In the mass

picture. We could use our knowledge and our physical make-up for America, for America and not for Japan. Of course, whatever wise thing the Government decides, we will do, but since you want to know some of the situations and facts, we would like to express that.

And so, in your plan of evacuation, we would recommend that you would allow a good portion of the Japanese, and maybe a larger portion of the Japanese-Americans, to remain here and be of greater service and of greater usefulness for America's defense and offense.

Mr. BENDER. Reverend, when you took the stand, we informed you that Mr. Clark had another engagement, and he has now arrived. Will you leave the stand and resume after he is through.

Reverend SUZUKI. I was just about through.

Mr. BENDER. Well, we will call you back. We have some questions to ask you.

TESTIMONY OF TOM CLARK, CHIEF OF THE CIVILIAN STAFF OF GEN. JOHN L. DEWITT, UNITED STATES ARMY, FEDERAL BUILDING, LOS ANGELES, CALIF.

Mr. CLARK. I am chief of the civilian staff of Gen. John L. DeWitt of the United States Army, headquarters, Presidio, San Francisco, Calif.

Mr. ARNOLD. The committee appreciates very much your testifying again, Mr. Clark. As you remember, when in San Francisco, we expressed the hope that you might appear in Los Angeles in about 10 days to testify on later developments arising from the Executive order of the President.

Mr. CLARK. Yes, sir.

Mr. ARNOLD. Since your last appearance we know that you have been appointed by General DeWitt to serve as his coordinator concerned with the evacuation problems. For the purpose of the record will you list at this time the Federal agencies represented in your organization.

FEDERAL AGENCIES REPRESENTED

Mr. CLARK. Well, right now, we have about 12. I couldn't give you the names of all of them but I will give you the chief ones. For the last 2 days, we have been getting our organization together and assigning the work to each individual agency.

The Federal Security Agency, of course, has several agencies under it, like the United States Employment Service, and other services of a like character. Each one of those are separate agencies under the governmental set-up. They are headed up by the Federal Security Agency.

Then we have the United States Department of Agriculture, which, of course, has quite a few agencies itself, as you well know, like the triple A, the Farm Security Administration, the Surplus Commodities Corporation and organizations like that.

Our most important department right now, I think, is the United States Treasury Department. It is going to handle the property set-up. That is one of the main things we have been working on in the last couple of days.

CONSULTATION WITH JAPANESE LEADERS

Mr. CLARK. Oh, yes. They might not have to go through them at all. We are going to establish an office right here in Los Angeles to meet with these Japanese leaders. I have been urging them to get their leaders together and have a committee that could meet with us and I am sure they are doing that. They should be. Next week we will have an office right here where we can work out problems of community transplanting.

Mr. ARNOLD. In some cases the Caucasian ministers will probably speak for their group. They seem to be the leaders.

Mr. CLARK. Yes, sir. We will be happy to—in fact, we urge their cooperation because it is most helpful.

Mr. ARNOLD. In other words, you want all the help you can get.

Mr. CLARK. Well, sir, I will say that no one understands the enormity of the task. It is like the Mexican jumping bean. The minute you think you have got her, why she jumps over here. I have had some pretty tough jobs myself, from top sergeant on up, but I haven't had any like this.

AFTER-WAR USE

Mr. ARNOLD. Here is another quotation in the case of the Japanese. You are quoted as saying:

> At the end of the war, the evacuees will be returned to their homes and farms and the once-forbidden zones and the resettlement communities will be transformed into recreation and rehabilitation centers for war veterans.

Is that a correct statement?

Mr. CLARK. Of course, if they wish, they can go anywhere they want after the war. They are American citizens. I did say that it was Government property that was being used there, that we planned on using it—or, rather, the Army did—I won't be in the picture then, I hope—for vocational centers and recreational centers for our soldiers who have been in the war. As you remember, in the last war we had to build a great number of vocational centers. These buildings are portable and would be very much adaptable to that use.

CATEGORIES EXEMPTED FROM EVACUATION

Mr. CURTIS. In reference to the question of Italians and Germans, you will recall the committee's proposal to the President that the Coordinator's office start immediately planning for the creation of hearing boards. We notice that General DeWitt, in his order, has exempted certain categories. Will you give the committee the description of these categories and tell us whether it is contemplated that additional categories be created? Is it your opinion that appeal boards would make it possible to return a great majority of these people to civil life?

Mr. CLARK. Well, sir, as I said before, General DeWitt is the boss man. He makes these rules. All I do is follow the rules. I couldn't say whether he is going to add any more or not. I could just guess. Your guess would possibly be as good as mine. I am just guessing. When the general makes up his mind, he doesn't change it. I would say that there won't be any more. However,

there may be. The rules now in a broad way are that all people over 70 among the Italians and the Germans are exempted.

Mr. CURTIS. And certain parents of soldiers?

Mr. CLARK. And the parents of soldiers, or sisters, brothers, wives, children of soldiers of German and Italian descent are exempted.

Mr. CURTIS. Has any statement yet been made as to the conditions under which Italian and German aliens will be allowed to reside outside of zone 1-A?

Mr. CLARK. It will be.

Mr. CURTIS. Will they be free to establish individual residences at will away from designated military prohibited zones?

Mr. CLARK. If it is outside of 1-A, yes, sir. Of course, there are exceptions to all these answers. It would depend on the circumstances. If they were of a subversive character, why, of course, it would be better if they were incarcerated or restrained. That would not apply to my answer. My answer is, where a person is loyal and he just happens to be of Italian or German lineage, outside of 1-A under the present regulations, he would be able to live in a community of his own choosing.

Mr. CURTIS. And of course all of these things are subject to the effect of great and unexpected happenings that none of us can foretell?

Mr. CLARK. Oh, yes, all depending on the action of these folks. If they behave themselves and live right and do right and stand up right by the United States, they are not going to be harmed.

Mr. CURTIS. Now, referring to these people you just mentioned. Will they be free of curfew restrictions and other limitations outside of designated restricted areas?

Mr. CLARK. No, sir. There is not a curfew regulation now by the Army. It hasn't been promulgated. The one by the Attorney General only applies to aliens.

Mr. BENDER. Don't you think it would be desirable if you, yourself, and members of this committee, were subject to curfew regulations?

Mr. CLARK. I think it would be swell, Congressman. I would be the one to shout for that first. I got to bed last night about 3 o'clock and 10 minutes after 4 the night before.

WORK PROJECTS

Mr. CURTIS. What types of work, other than agricultural operations, are being planned or considered, and what agencies are being charged with the planning of these projects?

Mr. CLARK. Well, sir, there are several that have been suggested and to which I think the Japanese would be adaptable. It has been suggested that they be engaged in making a number of these articles that we used to buy over in the 5 and 10. That is the store where I trade. You could always go in there and buy something and on the back of it used to be "Made in Japan." So we could make it "Made in America," with Japan on the back. Or we could put them to making American flags—that would be nice, and I think a very laudable undertaking, also. Then Mr. Nicholson has several suggestions which I thought were good, of a reclamation character, particularly those who are adaptable to labor. They could be engaged in various reclamation, irrigation projects.

Mr. CURTIS. I don't know whether you are familiar with it or not, but many of the buildings that were erected for Civilian Conservation Corps camps are located in areas where they need work done.

Mr. CLARK. Yes, sir.

OTHER PROJECTS

Mr. CURTIS. In soil conservation, irrigation, flood control, and that sort of thing. And should it develop that Japanese boys are discharged from the Army, it is entirely possible that they could recruit C. C. C. camp members from these boys and carry on that work that was stopped because of the shortage of boys.

Mr. CLARK. That is a very fine suggestion, sir, and I think the location of the C. C. C. camps would make them adaptable to that very type of work.

Mr. CURTIS. I think you will find a welcome for that in the Great Plains States, the drought areas, where they were carrying on those projects and had to stop, or some of them didn't get started.

Mr. CLARK. Yes, sir.

Mr. CURTIS. Can you tell the committee what sums are available to date to do the necessary work in connection with evacuation and resettlement?

Mr. CLARK. The Army has unlimited funds available at this time from their unallocated funds. Those are the funds we are using. And the Social Security Board has some funds. I don't know the exact amount.

Mr. CURTIS. I think that is a rather limited amount but the plan is, under the delegation of authority, for all of those to channel through the Army.

Mr. CLARK. Yes, sir. Until they get into the definite, completed resettlement where they have reached their final destination, until the war is over; then, of course, the Army wouldn't want to pay that and I think it is up to Congress to take care of that. Of course, the Army is going to have to ask the Congress for an appropriation to supplement what they have now. This is no game of marbles.

Mr. CURTIS. We are fully aware of that, Mr. Clark, and we are aware that this is just one of the burdens that is placed upon the shoulders of General De Witt. This committee wants to be just as helpful as we can. In that connection I mentioned some of the testimony that has been taken here. On many phases of it we have had some concrete suggestions that seemed very, very frank. After our hearings are over, if some member of our staff could get what is wanted when it is wanted in a hurry, without having somebody wade all through these hearings, I think they should render a service.

Mr. CLARK. I wonder if you could let one of your staff stay here for the next 2 weeks.

Mr. CURTIS. I think that could be arranged. I am not the chairman.

Dr. LAMB. Would you want them here, or in San Francisco?

Mr. CLARK. San Francisco.

Dr. LAMB. That would be easy to arrange.

Mr. CLARK. That would be fine. The problem is going to crystallize in the next few days and if we could have someone who has heard

the testimony or is familiar with the record, I think your committee could be of great help to us. I know that the General feels that you have been of great assistance to him in pointing out some of the pitfalls. You have saved us lots and lots of headaches. We have got enough already so on behalf of General De Witt and for myself I want to thank you very much for the work you have done.

Mr. ARNOLD. We won't keep you much longer, Mr. Clark. We have just about finished here. The committee has been concerned with the problems of the Italians and Germans because we are reluctant to see policies created here which may stand as precedents for subsequent action in other parts of the country where the size and scope of the problem are of such enormous magnitude as to jeopardize the very war effort. I have reference to the fact that where there are 85,000 in this coastal area there are approximately 1,000,000 German and Italian aliens, including 300,000 Germans and 600,000 Italians, according to the 1940 census. This number will, of course, be multiplied by dependents and immediate relatives who are citizens. This group, in turn, will be found to be related by ties of blood and marriage to a far greater number so that it is unthinkable that we should treat this matter lightly.

Bearing these matters in mind, what special suggestions have you for the certification as to the loyalty of these individuals and handling of the situation?

Mr. CLARK. Well, sir, there have been no orders entered as to Italians and Germans, or Japanese insofar as evacuation is concerned. The small area along the coast, known as the 1–A area, has tentatively been the General's plan insofar as the Germans and Italians are concerned. Our statistics show that there are approximately 86,000 involved there. After you subtract those that the General has already excepted, together with those who are sick and in hospitals and have various other exceptions, the number won't be so large.

HEARING BOARD TO BE SET UP

Then, again, the General is going to set up a hearing board. I did not answer your question a moment ago about that hearing board. The General is going to set up on his staff a group that would take up these matters, and where it involves a situation that needs some special attention, this military board, we believe, would be the most effective one. That is his intention now, I believe. It is a military problem and we think that the establishment of civil hearing boards would possibly not be as effective nor be as quick as would be a military board. It has not been decided, though.

Mr. CURTIS. Are you familiar with the English experience on that?

Mr. CLARK. No.

Mr. CURTIS. We had a witness here today who outlined it. I won't take the time to enumerate it but it is in the record and if the arrangement is carried out for our staff to have someone there, why they can provide it.

Mr. CLARK. Perhaps we could use that system. We want to take as much off the military as we can.

Mr. CURTIS. I don't know that you can use it entirely but there may be some phases of it that you want.

Mr. CLARK. The General hasn't decided the problem, of course, because it hasn't arisen yet; what I am telling you are my own thoughts on the matter.

Mr. BENDER. I have just two or three questions.

What is being done, Mr. Clark, to break down antagonism of local groups to the general program?

Mr. CLARK. Well, we have been doing a little campaigning. We haven't passed out any cards but we have been over talking to them and we have made some progress, sir.

Mr. BENDER. Mr. Clark, how much money do you think will be required for this undertaking?

Mr. CLARK. I couldn't say, sir.

Mr. BENDER. Have you had any estimates as yet?

Mr. CLARK. Well, our fiscal office has but I would prefer not to state it, sir.

Mr. BENDER. In my nightly conversations with various agencies at Washington in connection with this committee's activity, that is a question that has been asked and it is a question that should be thought of quite seriously by all of us immediately.

Mr. CLARK. Yes, sir; I think the committee is entitled to that and I would be happy to furnish it to your representative.

Mr. BENDER. As you understand, of course, there isn't a day that passes but what there aren't at least half a dozen speeches made on the floor of Congress regarding this issue and the problems involved.

Mr. CLARK. Yes, sir.

Mr. BENDER. All of us are trying to bend backwards not to act as a headline-hunting committee, but rather as a fact-finding committee, and, in turn, translating that to the various departments in Washington so that they, in turn, as well as Congress, might act intelligently. We found a very fine response on the part of General DeWitt and yourself regarding those things that were necessary to do without any blowing of trumpets, and I am sure we will proceed in that manner from henceforth on.

Mr. CLARK. Well, I think you have done a splendid work, as I have said before, and I think that your records and the use of whoever you assign, will be most helpful to the general. I trust that you will be able to find it possible to have that man where he will be available at the beginning of the week, or as soon as you release him from his duties with you.

Mr. BENDER. The committee expects to be back in San Francisco on Monday and no doubt will meet with you.

Mr. CLARK. Very well, sir. I will be there.

Mr. CURTIS. Thank you, very much, Mr. Clark. I appreciate your coming.

Mr. LACEY. Before Mr. Clark leaves, I would like to have one question directed to him if the committee see fit.

Mr. BENDER. Who are you?

Mr. LACEY. I am an attorney here and I am representing certain Japanese. My name is Lacey.

Mr. CURTIS. What does it have reference to?

Mr. BENDER. You will have to ask us privately as to the question you would like to ask, and then we will, in turn, put the question if we think it is desirable.

APPENDIX B

FEBRUARY 20, 1942.

Dr. ROBERT K. LAMB,
Tolan Committee,
San Francisco, Calif.:

Conferred with group of social workers and lawyers last night who feel that time is all important element in this matter. As I indicated they propose immediate establishment by Executive decree President of Alien Control Authority to be composed representatives War, Navy, Justice, Agriculture, Labor, Social Security, and some transport agency. Function military authorities to delimit two major areas on west coast, viz, primary military areas in which no licensing any kind would be permitted and secondary military areas in which licensing would be permitted subject to control of the authority both areas to be subject to modification by military from time to time. Function of the authority itself to be made up of four bureaus, viz, registration and licensing, resettlement, maintenance and reemployment, and alien property conservation. Under registration and licensing three separate licensing boards to be set up re Japanese, German, and Italian nationals. Our feeling is that this proposal should be submitted to General DeWitt through Tolan for approval in principle. Such authority would be flexible and would relieve all officials of unnecessary responsibility and would coordinate entire program. Feel that this proposal should be transmitted to top officials in Washington immediately, in particular Biddle, Wallace, McNutt, Downey, and others, with request it be laid before President before any summary action is taken. Your committee can develop factual background and specific prop sals re policy and practice before board once it is constituted by Presidential decree. If such action could be taken immediately would provide committee with time to undertake thorough hearings and investigation and would also in meantime keep situation in hand.

CAREY MCWILLIAMS,
Chief, Division of Immigration and Housing.

APPENDIX C.—THE PROBLEM OF THE STATELESS REFUGEE

The plight of the stateless refugee from Nazi Germany represents one of the most tragic human dramas of the age. They have been persecuted, expelled, their property expropriated, and they have expatriated from the country of their birth. They owe no allegiance to their former country because they were neither citizens nor subjects of Germany at the time that war was declared. Nevertheless, they are classified as enemy aliens. If any group merits special consideration it is this group.

The real enemy aliens may have the loyalty to their country to sustain them, and they know why and for whom they have to bear the hardships. The refugees are loyal to the United States. They hope to become as good citizens of the United States as the refugees of previous generations. Having suffered so much materially and spiritually under the Nazis, they cannot reconcile themselves to the fact that they are identified with their deadly enemies, the Nazis. It seems like adding insult to injury. It is especially hard for the younger generation who grew up in the American spirit and who are gradually forgetting the terrible experiences of their past.

The desperate situation confronting some of these refugees may be gleaned in part at least from documents 1 and 2 attached to this appendix. The first is from a native American who is about to enter the military service of the United States, whose wife is a refugee from Germany and therefore one of the stateless refugees facing with them the prospect of evacuation while her husband is fighting in the armed forces of the United States. The second document is from one of the most prominent local attorneys to whom they turned in their despair.

The urgent need for reclassification either by separating the refugees from the enemy alien group or by licensing the stateless refugees or by clearing them individually from the stigma of being enemy aliens becomes apparent also when the moral and spiritual strain on the refugees is taken into consideration. Special consideration is essential. Fortunately, there is ample precedent for such consideration.

The Attorney General has already exempted the following groups from being classified as enemy aliens:

1. Registered Austrians are not considered enemy aliens despite the possibility that there are many potentially dangerous persons among them as in any other group.

2. Persons of German, Italian, or Japanese citizenship who have acquired any other citizenship (i. e., from Lichtenstein which could be bought easily and cheaply, or Haiti or some small South American country) are also exempted despite the possibility that there are as many potentially dangerous persons among them as in any other group.

3. Citizens from Danzig are also exempted "pending the final decision whether they are enemy aliens or not."

There are other exemptions of less importance such as enemy aliens serving in the ranks of the United States forces, Koreans, immigrants from certain Mediterranean islands, etc.

It may be hoped, therefore, that sooner or later the Attorney General will see his way clear to making similar exceptions for the stateless anti-Nazi refugees who applied for naturalization upon their arrival here, but have not been here long enough to acquire full citizenship.

Since the situation on the west coast may require more drastic regulations in the very near future, it should be possible to license all aliens of enemy nationalities who are registered with the Alien Registration Division of the Department of Justice as stateless.

The importance of this suggestion for the west coast becomes evident if the figures for enemy aliens are borne in mind. The new registration figures will probably show that half of the so-called Germans in California and the majority in Los Angeles are, in fact, anti-Nazi stateless refugees with first papers who planned to become American citizens and who may be presumed to be as loyal as any other alien group in this country. The 1940 alien registration showed about 19,000 Germans in California, approximately half of them being refugees. The situation has probably not changed much since then. The State of Washington has about 3,000 German aliens and Oregon has about 1,800 German aliens with probably a similar percentage of anti-Nazi refugees. Therefore—as far as the enemy aliens of the white race on the west coast are concerned—the possibility exists that, owing to a wrong classification, Americans will either stop distinguishing between refugees and Nazis or will have their attention diverted from the real enemies.

Quite aside from the humane aspects of the censing proposal, there are some important benefits to be derived from the presence of the stateless refugees in this area because of the service they can render to the United States by pointing to the real enemy aliens in our midst. The services they can render in this respect may be enumerated as follows:

1. *Identification of imposters.*—Imposters, especially if posing as refugees, can be identified by loyal stateless refugees, by checking their past. An imposter can prepare a plausible story for the last few years and can have falsified documents to substantiate his story. But he cannot have such documents to cover his entire life. The refugees, coming from every important city and town in Europe, can immediately check and expose him if he talks about his past, or they can prepare detailed questions to ask him which he will be unable to answer if he is an imposter, or they can suggest what person in the United States would know him intimately if the story he tells is true.

2. The Federal Bureau of Investigation cannot possibly have specialists for every problem concerning Europeans, in every local office in every city of the United States. The local offices cannot obtain help from headquarters for every individual item. But whether a given question is significant or not, only the expert can tell. An informal group organized locally and consisting of selected and trustworthy refugees to assist in selecting significant instances, if letters or documents are found which do not seem important enough to send to Washington, but which should be checked up locally, can be of inestimable value.

3. The same set-up might be used to check on the refugees here. There are many refugees who, by their past, their activities, their American relationships, are beyond suspicion. They could form an advisory board and sift most of the refugees here at least on some such basis as the following: (*a*) Valid reasons for loyalty to the United States; (*b*) no reasons for suspicion; (*c*) requires watching; (*d*) definitely suspicious.

4. Success in intelligence work depends largely on putting togteher two or more pieces of information. In cases where the refugees cannot furnish missing information, they most likely can indicate where it might be obtained in neutral countries of Europe (Switzerland or Sweden).

5. The following item from the newspapers may serve as an example of such services:

Mr. Gros, Mrs. Gros, and Mr. Reuter, all American citizens, were arrested in Beverly Hills by the Federal Bureau of Investigation. Mrs. Gros made a statement to the press to prove her husband's innocence. Without going into details here, it can be said that Mrs. Gros apparently does not know German foreign exchange regulations intimately (many refugees were forced to know this regulation better than lawyers or Federal Bureau of Investigation agents) because everything she said seemed to be prima facie proof of guilt, for anybody who knows the Nazi regulations. Had refugees been asked to check her statement, they would have known what questions to ask to establish guilt or innocence.

Such examples could be multiplied ad infinitum if there were an opportunity to learn and check the statements made by suspects.

If no general exemption or no license for the stateless refugee can be achieved, then it may be possible as a last resort to do what Great Britain has done. About 2 months after the war broke out, the refugees there were asked to appear before special tribunals, and if found to be genuine refugees, had the following stamped in their certificate of registration:

"The holder of this certificate is to be exempted until further order from internment and from the special restrictions applicable to enemy aliens under the Aliens Order 1920 as amended. Refugee from Nazi oppression."

Perhaps it may be possible to have a similar procedure on the west coast which would clarify in a short time the position of all persons who have registered as stateless during the recent alien registration.

APPENDIX C—DOCUMENT 1

MARCH 1, 1942.

Mr. JOSEPH P. LOEB,
Pacific Mutual Building, Los Angeles, Calif.

DEAR MR. LOEB: The world has reached a stage in its turning where I am in need of the counsel and services of an A 1 attorney.

There were two references on the radio today that the Army is considering evacuating all enemy aliens from the Pacific States including California. You may remember that my wife, ———, came from Manheim, Germany, in 1939. She is now eligible for her second papers but we expect that this will take about a year. We are expecting to have an addition to our family some time in March. I may also be drafted into the armed services, some time in March. Thus, it may happen that ——— will be forced to leave the State in the very near future and face a rather uncertain future.

I would very much like to talk this matter over with you and to secure your professional advice. I will call you on the telephone Monday afternoon or Tuesday to see if I can make an appointment with you.

Thank you kindly for your consideration of this matter.

Yours very truly,

——— ———.

APPENDIX C—DOCUMENT 2

JOSEPH P. LOEB,
610 PACIFIC MUTUAL BUILDING,
Los Angeles, Calif., March 4, 1942.

MY DEAR MAURICE: I am sending to you herewith a letter written to me on March 1 by Mr. ———, whose wife, a Jewish refugee from Germany, fears that she may be classified as an alien enemy and compelled to leave the State of California.

The letter is written to me in my professional capacity, but Mr. ——— has consented that I send it to you, to be used in such manner as you may consider proper.

In order that you may have some further background for the case, and may better understand how it illustrates the hardship and I think injustice that will result from the indiscriminate classification of regufee aliens as enemies, I give you the following.

One of Mr. ———'s grandmothers was born in Los Angeles. His nother was born in Los Angeles, and his father in Akron, Ohio. Mr. ——— himself was

born in Los Angeles on March 24, 1914. He is a graduate of Stanford University and did post graduate work at University of Southern California and the University of North Carolina. His training has been in sociology and at present he is on the staff of the University Religious Conference at University of California of Los Angeles. Mr. —— is a nephew of Mr. S. Tilden Norton, also a native of Los Angeles and active, as you know, in welfare and civic affairs.

I hope that the information which I am sending you will be helpful to you and to the authorities with whom you are in contact in your study of the enemy-alien situation.

Cordially yours,

JOE LOEB.

TESTIMONY OF CAREY McWILLIAMS—Resumed

Mr. McWILLIAMS. I should appreciate it if that could be done.

I might say one word in connection with the plan. The plan contemplates the establishment, by Executive decree, of an alien-control authority in which could be vested jurisdiction with respect to the several aspects of this plan. I think it is self-evident that such matters, as property conservation, are intimately related to other aspects of the problem, including resettlement, maintenance, transportation, and so forth.

The plan also would establish, as part of the authority to be created, a bureau for registration and licensing, all of which would be, as you can see, centralized in one authority.

The provision with respect to registration and licensing is very carefully patterned upon the English experiences, which have been testified to earlier today by other witnesses. I appreciate the opportunity merely of presenting the plan and I thank you for the opportunity.

Mr. ARNOLD. Thank you very much, Mr. McWilliams.

Mr. BENDER. The gentlemen of the American Civil Liberties Union.

TESTIMONY OF A. L. WIRIN, OF THE AMERICAN CIVIL LIBERTIES UNION

Mr. ARNOLD. How many are there in your group?

Mr. WIRIN. Just one. My name is A. L. Wirin. I am counsel for the southern California branch of the American Civil Liberties Union. Both as a matter of necessity and as a matter of choice I shall be very brief at this time.

I have a short statement which will take just a few minutes to present.

Our approach to the problem is in terms of two primary considerations:

Our deep concern for our national as well as local and State security through adequate military defense.

Our abiding belief in the Bill of Rights, and the protection of hard-earned American civil liberties, consistent with military security.

As corollary to our emphasis upon constitutional liberties is our commitment to the guaranties of the fourteenth amendment of the United States Constitution, which assures all races and groups in our midst of the equal protection of the laws.

Hence, our mind is set against discrimination because of race.

Mr. BENDER. You heard Mr. Clark say, which has been repeated on a number of occasions, that your leadership and the leadership in various lines of endeavor would be called in and would be consulted with in order to accomplish this without any difficulty.

Mr. SASAGAWA. Yes; but, continuing, may I add another point to that? That I am sure that Mr. Clark, who has been dealing with these many officials, has found that we among ourselves have many groups, many organizations, and in that way get many conflicting plans and suggestions. So I suggest that the authorities see individual leaders, not so much organizations, and compile the data together and then issue one command, or not a command, but more or less a statement to that effect.

Mr. BENDER. Is there anything further you have to offer?

Mr. SASAGAWA. No. It is just this, that Mr. Clark has more or less mentioned about building camps for these evacuees. I am a member of the committee on inland farm cooperatives, and I believe you have their notes?

Mr. BENDER. Are you a student? Are you going to school now?

Mr. SASAGAWA. Well, no. I am not in school now.

Mr. BENDER. What is your occupation?

Mr. SASAGAWA. Well, my business was a draftsman at one time, an architectural and structural engineering draftsman. I am a member of this organization which has 64 churches, or about 6,000 people who are farmers, and we at the present time are planning to find a site for them.

Mr. BENDER. What church is that?

Mr. SASAGAWA. That is the Christian Church, Federation of California.

Mr. ARNOLD. You heard Mr. Clark say that the governmental office here would be glad to hear from and have the cooperation of leaders of Japanese?

Mr. SASAGAWA. Yes.

Mr. ARNOLD. And I assure you we will be glad you have that cooperation.

TESTIMONY OF HANS F. SCHWARZER, LOS ANGELES, CALIF.

Mr. ARNOLD. What is your name, sir?

Mr. SCHWARZER. Hans F. Schwarzer.

Mr. BENDER. Proceed, Mr. Schwarzer.

Mr. SCHWARZER. I would like to give you a simple example of a simple citizen, if I may call myself a citizen.

I have been here since November 10, 1938. I have a lot of friends here, and all of us tried to start all over again and to build up a new life. I own an apartment house at 727 South Mariposa, and all of us work. I don't like to brag about myself, and to tell the committee too much, but as I told you this is a simple example of the life we try to live here. My son became an Eagle Scout and my daughter is a Girl Scout, and we try in every way to get Americanized.

When I say "we," I don't mean myself alone, but as part of a group. The group is the refugees who came here from middle Europe as refugees to find a place of freedom and liberty. We have many American friends, and all of them have been telling us, "Don't worry; this doesn't concern you at all."

So I don't think there is one person who really could think that we are dangerous or even suspicious. I don't think there has been one case where one of our group, if I may call it a group, has been of any danger. We know what it would mean if Hitler would win this war. I couldn't think of it and I don't believe it is possible.

THE REFUGEE'S POINT OF VIEW

So we try to cooperate and to do everything we can to help America win this war. I don't want any privileges for our group, but, on the other hand, I feel that it would be a discrimination if we would have to leave this State. I think America has been built up by immigrants and I can't see why it should make a little bit of difference because somebody who was lucky enough to arrive here 2 years earlier than somebody else can become naturalized. In 1½ years, for instance, I would have a chance to take out my second papers, and I can't see why we should leave now.

So we are willing to do everything and to sacrifice everything if we could help win the war, but I can't see how it could help this country to win this war if we were to have to leave.

I think it would be very difficult for most of us to start somewhere else again. I was worried when I heard what Mr. Clark told us when he said that the general has made up his mind and that was that, but I hope the committee will make it possible to tell the military authorities about this problem and these questions, to make it possible not to give any privileges, but to make it possible to make these decisions individually and not wholesale.

Mr. BENDER. Do you think that is something to worry about when he makes up his mind? Don't you think we should be happy that we have somebody who can make up his own mind?

Mr. SCHWARZER. I might be very glad, but I understood Mr. Clark that he wanted to tell the committee that the general has spoken and that it has to be like he told it. He means that all of us have to leave the so-called area A.

Mr. BENDER. The general is an American and he is one of these typical Americans and he believes in the American way. I am sure you don't know the general very well.

Mr. SCHWARZER. I am sorry I don't know him at all. But I hope your words will make us a little more secure. The last few weeks all of us have really worried and some of us have wanted to leave to avoid a mass evacuation. I would like to have these courts established which have been mentioned by Dr. Guggenheim.

TESTIMONY OF RONALD LANE LATIMER

Mr. BENDER. Mr. Latimer, will you please identify yourself?

Mr. LATIMER. I am Ronald Lane Latimer; of American ancestry on both sides for about 150 years; before that, English. I am a priest in a Buddhist temple which was originally founded as a mission of one of the Japanese Buddhist sects. I have studied Buddhism in Japan. I am a graduate of Columbia University. I did some work in comparative religion there.

I didn't expect to come before your committee this afternoon, but I heard that there had been certain discussions of religion. There

15–4. Provide that insofar as a sentence imposes the penalty of death or the penalty or detriment of banishment, it shall not be confirmed except by the military governor, but may be set aside or moderated by intermediate reviewing authority.

15–5. Provide that subject to paragraphs "15–2," "15–3," and "15–4," all judgments of commissions sitting as courts within any district and all judgments of superior provost courts therein which impose the penalty or detriment of banishment shall be reviewed and either confirmed or revised by the district officer of that district.

15–6. Provide that subject to paragraphs "15–2," "15–3," "15–4," and "15–5" every judgment of a provost court within any subdivision shall be reviewed by the president of the commission for that subdivision if he is qualified to act in that case on review, and if not, then by the next senior civilian member of that commission who is so qualified. Provided that no member shall be qualified to act on review if he participated in the trial or decision of the case reviewed.

15–7. Provide that the term "revise" shall be understood to include setting a judgment aside in whole or part, dismissing the case, ordering a new trial, or reducing or remitting all or any part of a judgment or sentence under review.

15–8. Provide that applications for clemency will be considered only after conviction of the prisoner on whose behalf they are made; that they must state the prisoner's name, nationality, address, age, and occupation and those of the applicant; that they must state when, where, and by what court the prisoner was convicted and the sentence imposed; that they must state specifically and briefly the facts deemed to require or justify clemency in his case, and the name, nationality, address, and occupation of any person claimed by the applicant to have personal knowledge of those facts of any of them; that they must indicate the action desired; that they must be verified under the oath of the applicant; and that they may be delivered to any member of a military commission in any subdivision. Provide that, if according to such an application, the prisoner is under sentence of death the member receiving it shall, as promptly and directly as possible and as informally as need be, communicate the fact and contents of the application to the executive officer who shall thereupon communicate them promptly with his recommendation to the military governor. Provide that in all cases the application shall be promptly transmitted through the president and district officer to the executive officer, who shall cause to be made such investigation as he deems appropriate, and shall report the facts with his recommendation to the military governor. State that the military governor retains the right to stay the execution of any sentence not fully executed or to direct any remission or mitigation thereof which the facts may, in his opinion, warrant.

Respectfully submitted to the section.

C. HUNTINGTON JACOBS.

EXHIBIT 13.—THE POSITION OF ALIENS IN GREAT BRITAIN DURING THE WAR

REPORT BY BRITISH LIBRARY OF INFORMATION, 30 ROCKEFELLER PLAZA, NEW YORK CITY

MARCH 20, 1942.

Introduction.—At the outbreak of war Great Britain announced a considerate policy toward her enemy aliens, most of whom were known to be "refugees from Nazi oppression." "There will be a general desire," said the Home Secretary, "to avoid treating as enemies those who are friendly to the country which has offered them asylum." [1] The unexpected course of the war in Europe brought about drastic changes in this policy, and when in the tenth month of the war invasion seemed imminent, Britain interned a large number of enemy alien refugees, and even transferred some to internment in Canada and Australia. Later, however, it became possible to revert to the old policy. The interned refugees were almost all released and were allowed, on the same terms as other friendly aliens, to play their full part in the Allied cause. Though some persons saw even temporary internment as an unnecessary hardship to refugees who were Hitler's enemies, the dominant fact is that Britain interned refugees only in a period of unexpected crisis, and reversed this policy for all who proved, after scrutiny, to be completely trustworthy.

[1] Parliamentary Debates, House of Commons, September 4, 1939.

The problem of the refugees was but a portion of the larger alien problem of Great Britain. There were hostile enemy aliens who had to be interned. There were aliens, allied or neutral, whose treatment had to be considered individually. More difficult still, many refugees came to Britain, as the war developed from countries occupied by the enemy, and it was often difficult to decide whether they were reliable or not. Most of the alien problems of Great Britain have now been solved, and the story can be surveyed as one which has achieved a relatively happy ending.

The outbreak of war.—In September 1939 there were in Great Britain 238,074 aliens of the following nationalities:

American	13, 665	Japanese	966
Austrian	11, 989	Norwegian	2, 220
Belgian	4, 207	Polish	8, 776
Bulgarian	79	Portuguese	470
Chinese	2, 652	Rumanian	2, 692
Czechoslovak	7, 930	Russian	47, 664
Danish	3, 162	Serbian	509
Dutch	5, 668	Spanish	3, 039
Finnish	447	Swedish	2, 691
French	11, 613	Swiss	10, 088
German	62, 244	Turkish	866
Greek	1, 607	Others	9, 738
Hungarian	3, 965		
Italian	19, 127	Total	[1] 238, 074

[1] Parliamentary Debates, House of Commons, October 26, 1939.

In an order dated September 4, 1939,[2] all aliens over 16 were obliged to report immediately to the police. Enemy aliens (that is Germans and Austrians) were forbidden, without previous permission, to change their residence or to travel more than 5 miles from their residence (except in the London area), or own vehicles, cameras, or maps. Other aliens were only to notify changes of address or absences of over 2 weeks. British and foreign women who had acquired German or Austrian nationality by marriage had to register. Citizens of Czechoslovakia, even though previously resident in areas occupied by Germany, were not classified as enemy aliens.

Some 2,000 enemy aliens on the "black list" of the British authorities were immediately interned at the outbreak of war; [3] but it was known that of the 74,233 Germans and Austrians resident in Great Britain at least 50,000 were "refugees." The majority of these refugees were Jews, or Christians of Jewish descent, who had been forced to leave Germany or Austria because of "racial" persecution. Others were victims of religious persecution (as Christians), or of political persecution. The Government announced that it would refrain from a policy of general internment, but would, instead, have all Germans and Austrians reviewed before tribunals, to ascertain which of them could properly be left at large, and which should be interned or subjected to other restrictions.[4]

The tribunals for enemy aliens.—Within a few weeks over 100 tribunals were set up throughout the country, most tribunals being given not more than 500 cases to examine. The tribunal, in every case, consisted of a single person with judicial experience, usually a judge or a barrister, assisted by a liaison officer, and if required, by an interpreter. The liaison officer was selected by the voluntary refugee committees, and was able to supply information in the possession of these committees. A police officer was also present to supply the tribunal with confidential information in the possession of the authorities.[5] Friends or witnesses could accompany the alien.[6]

The tribunals were instructed to specify which of the enemy aliens they examined could be considered as refugees, and to put every enemy alien in one of three categories:

Category A. To be interned immediately.

Category B. Subject to some restrictions, mainly restriction of movement without permission.

Category C. Free of all restrictions, except those applicable to nonenemy aliens.

[2] Statutory Rules and Orders, 1939 No. 994.
[3] House of Lords, Parliamentary Debates, May 23, 1940.
[4] Parliamentary Debates, House of Commons, September 4, 1939.
[5] Parliamentary Debates, House of Commons, September 20, 1939.
[6] Parliamentary Debates, House of Commons, September 28, 1939.

By March 1940, 73,353 Germans and Austrians had appeared before the tribunals, and had been classified as follows:

Category A. Interned	569
Category B. Restricted	6,782
Category C. Free from restriction	64,254

Fifty-five thousand four hundred and fifty-seven had been recognized as "refugees from Nazi oppression." [7]

It was generally agreed that the tribunals had acted fairly, though there was some complaint of a lack of uniformity in decision. Appeals were entered against many of the A and B decisions, and revisory committees were set up to hear the appeals. The greatest lack of uniformity had been over the B category, which had apparently been interpreted by some tribunals to mean "possibly dangerous" and by others as "almost certainly innocent." Twelve regional committees were therefore set up to review the B decisions, and also to reconsider any C cases where the police thought it advisable.[8]

During this period all aliens, including uninterned enemy aliens, were allowed to reside in any part of Great Britain and to accept employment subject to the consent of the Ministry of Labor. Enemy aliens were recruited for the Auxiliary Military Pioneer Corps and were allowed to work in defense industries upon the receipt of a permit from the Home Office (8a). Statutory Rules and Orders, 1939. No. 1660.

Stricter attitude to all aliens.—At the end of March 1940 the Government began to take stricter measures with regard to the control of aliens. An order was issued [9] declaring that aliens resident in the "protected areas" (mainly important coastal districts) could continue to live there only with the written permission of the police or the Home Secretary. If, having normally lived or worked in these areas before this time, they desired to continue residence, application was carefully considered, and they were allowed to continue residence pending a decision. From April onwards, the "protected areas" were greatly extended in number.[10]

At the beginning of May, when the Netherlands were over-run by the Nazi invaders, the British public became alarmed at the possibility that there might be some fifth columnists among the aliens who still enjoyed freedom in Great Britain. On May 12 the Government suddenly interned all male enemy aliens between 16 and 60 residing in certain coastal areas, and ordered all other aliens residing in these areas, to report daily in person to the police, to refrain from using any motor vehicle or bicycle, and to observe a curfew between 8 p. m. and 6 a. m.[11] It was stated that all these measures were to be regarded as provisional, and the police were authorized to grant exemptions to these restrictions if they were satisfied that it did not prejudice the national interest.[12] A few days later,[13] the general internment of all male enemy aliens between 16 and 60 of category B was ordered and soon the Government began to intern practically all male enemy aliens mainly of category B.[14] During the same period orders were issued, tightening the control over all, including nonenemy aliens.[15] Control over employment was made stricter. They were subjected to a curfew of 10:30 to 6 a. m. (12 midnight to 6 a. m. in the London area), and were forbidden to own firearms, motor vehicles, bicycles, boats, or radios. They were obliged to report their movements carefully to the police, though it was stated that exceptions would be granted in cases where there was no danger. In July an order was issued under which all former Austrians, Germans, and Italians, who had become naturalized British subjects since December 1, 1932, were also obliged to report to the police (15a). Statutory Rules and Orders, 1940. No. 1148.

Internment of enemy aliens.—By the end of July 1940 a total of 27,261 enemy aliens had been interned in Great Britain, of which 22,878 were German and Austrians and 4,383 Italians.[16] Of the Germans and Austrians some 5,000 were of category B and 13,200 of category C.[17] The Italians had never been classified by tribunals, owing to their late entry into the war.

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[7] Parliamentary Debates, House of Commons, March 1, 1940.
[8] Home Office statement (Daily Press, March 28, 1940).
[9] Statutory Rules and Orders, 1940. No. 468.
[10] Statutory Rules and Orders, 1940. Nos. 726, 857, 869, 931, 988, 1464.
[11] Statutory Rules and Orders, 1940. No. 720.
[12] Home office statement (Daily Press, May 13, 1940).
[13] Home office statement (Daily Press, May 17, 1940).
[14] Parliamentary Debates, House of Commons, June 20, 1940.
[15] Statutory Rules and Orders, 1940. Nos. 750, 754, 819, 1061.
[16] Parliamentary Debates, House of Commons, December 5, 1940.
[17] Parliamentary Debates, House of Commons, October 10, 1940.

The Government stated a number of times that internment was "a precautionary measure only, and was not intended to make, nor did it in fact make, any reflection on any loyal or friendly alien interned in pursuance of general directions".[18] On May 29, 1940, the under secretary of state for the home department had affirmed that he could not recall any case since the beginning of the war, of anything which could be described as a hostile act having been proved in a court of law to be attributable to German or Austrian refugees. The dominant cause of the internment policy of 1940 was the expectation of invasion, under which it was felt that "enemy aliens were better out of the way," even those who had proved friendly to the Allied cause. For the same reason, when hostile enemy aliens and prisoners of war were sent in July 1940 to Canada and Australia "for safe-keeping," it was considered advisable to send with them as many interned refugees as possible, on the general principle that the fewer people who had to be looked after during an invasion, the better it would be. As it had never been anticipated in Great Britain that it would be expedient to intern refugee aliens, little preparation had been made with the result that during July and August 1940 conditions in refugee internment camps in Britain were, to say the least, imperfect. Public opinion in Britain was greatly aroused on these questions, and before long the Government gave assurances that certain groups of refugee aliens would be released from internment and that conditions would be greatly improved, as soon as possible, for those remaining.[19]

Review and release.—The various committees set up for the treatment of aliens in Great Britain were active after August 1940 in many directions. The Lytton committee was an advisory council on general alien policy,[20] the Asquith committee on internment policy, the Lorraine committee on interned Italians. Separate tribunals reviewed enemy aliens claiming to be released as active anti-Fascists, Germans, and Austrians of category B, and nonenemy aliens detained under article 12 (5A) of the Alien Order, 1922.[21] As early as August 1940, the Government specified (in a White Paper—Cmd. 6233) some categories of interned enemy aliens who could apply for release. In October 1940 and again in 1941, these categories were extended. They may be summarized as follows:

1. Refugees under 18 and over 65, the invalid and infirm, and cases of special hardship.
2. Refugees who held key positions in industries or undertakings of national importance; skilled persons engaged in agriculture, food growing or forestry; managing employers of firms employing at least 12 British workers and engaged in national work.
3. Doctors and dentists practising or studying, scientists, research workers, students.
4. Refugees about to emigrate.
5. Refugees accepted for the Pioneer Corps or honorably discharged from the corps; parents of anyone serving in His Majesty's forces; volunteers for the Army not accepted on the grounds of health or age; refugees who have taken an active part in opposition to the Nazi regime and are friendly to Britain.

The Government was pressed to release all friendly aliens without further delay, but the Home Secretary stated[22] that the policy of the Government would be to extend the process of release in the given categories, in the hope that all who were loyal and useful, or who deserved release on other grounds, might be released under the White Paper. This policy has been carried out thoroughly, and practically all the refugees who were interned in Great Britain are now at liberty.

Refugees transferred to Canada and Australia.—When the policy of releasing interned refugees was announced for Great Britain, it was hoped to extend this policy to refugees transferred in July 1940 to internment in Canada and Australia. At first the governments in both Dominions were not prepared to consider release, taking the view that the internees had only been transferred for safekeeping and not as immigrants.[23] The British Government sent representatives to both countries to arrange for the return to Great Britain of refugees who might justifiably claim release under the White Paper.[24] Over 1,000 refugees were returned to Britain from Canada and over 500 from Australia. The Cana-

[18] Parliamentary Debates, House of Commons, January 22 and May 8, 1941.
[19] Parliamentary Debates, House of Commons, July 23, 1940.
[20] Parliamentary Debates, House of Commons, August 7, 1940.
[21] Parliamentary Debates, House of Commons, November 20 and December 3, 1940.
[22] Parliamentary Debates, House of Commons, November 26, 1940.
[23] Parliamentary Debates, House of Commons, March 4, May 29, June 19, July 31, October 16, October 23, 1941, etc.
[24] Parliamentary Debates, House of Commons, December 3, 1940, January 21, 1941.

dian Government also agreed, after a time, to release in Canada student refugees, and men who might be of special value to the war effort. Nearly 300 have already been released on these grounds. It has been announced recently that refugees in Australia will now be released for the Australian Army, the industrial war effort, as students or on health grounds.[25]

While the questions of release were pending in Canada and Australia, conditions for the interned refugees were greatly improved in both countries, and many special facilities were granted to them. Charges made concerning the conduct of the guards on the ships on which the aliens were sent abroad were thoroughly investigated by committees set up by the British Government. The offending soldiers were punished, and the refugees were compensated for loss of their property.[26]

Statistics.—On the 11th of November 1941, the Home Secretary gave the following figures of enemy aliens still interned:

	Germans and Austrians				Italians	Total
	A	B	C	Total		
Men:						
Great Britain	206	67	321	594	1,893	2,487
Canada	2,119	399	609	[1] 3,127	320	3,447
Australia	297	229	807	1,333	188	1,521
Women: Great Britain	430	654	114	1,198	10	1,208
Total	3,052	1,349	1,851	6,252	2,411	8,663

[1] About 100 have since been released in Canada.

The figures given in this paper are summarized in the following table:

Enemy aliens in Great Britain

	Germans and Austrians			Total	Italians
	Category A and unclassified	B	C		
In Britain in September 1939	569	6,782	64,254	73,353	19,127
Maximum number interned, July 1940	4,678	5,000	13,200	22,878	4,383
Still interned Nov. 11, 1941	3,052	1,349	1,751	6,152	2,411

Present position of aliens in Great Britain.—Nationals of states at war with the Axis have recently been exempted from all wartime restrictions on aliens.[27] Though other aliens are still subject to the restrictions mentioned above with regard to curfew, residence in "protected areas," ownership of vehicles of transport, etc., every effort is made to "administer the regulations sympathetically" when the alien is thoroughly reliable and when the restrictions affect employment or civil defense duties. Aliens are helping the national effort on almost the same footing as citizens.[28] Two striking measures have been taken to secure the maximum service of aliens. In 1940 the Minister of Labor had announced that an international labor force would be formed in which all aliens could be usefully employed in Great Britain. In June and July 1941, all aliens, including enemy aliens, had to register for employment for national service ((29a) S. R. and O, 1941. Nos. 719, 720, 721, 722, 723, 724, 1020) and it was then found that over 85 percent were already usefully employed. Many had high professional qualifications or were skilled workmen when they came to England; others have received or are receiving training for industrial work under the same conditions as British citizens. The other step taken was to allow all alien doctors, including enemy

[25] Parliamentary Debates, House of Commons, January 29, 1942.
[26] Parliamentary Debates, House of Commons, February 23, May 27, August 5, 1941, January 20, 1942.
[27] Parliamentary Debates, House of Commons, February 12, 1942.
[28] Parliamentary Debates, House of Commons, November 27, 1941.

alien refugees, to practice during the present emergency, even without taking the British diploma previously required.[29] Special consideration is shown to aliens whose close relatives are serving in the Allied cause.

Enemy alien refugees are still recruited in considerable number to the armed forces. The men join the Auxiliary Military Pioneer Corps, though they may be transferred to other regiments, and may even be granted commissions. The women volunteer mainly for the Auxiliary Territorial Service. All can serve in civilian defense. It must be emphasized that the employment of aliens is always subject to the receipt of permits from the security organizations, but these are very rarely withheld.

Two modifications must be made in assessing the number of aliens in Great Britain today as compared with the number for September 1939. A considerable number, probably some thousands of enemy aliens and other alien refugees who were only in England as transmigrants at the outbreak of war, were able to emigrate overseas, mainly to the United States, during the first year of the war. On the other hand, a considerable number of refugees arrived in Great Britain from countries overrun by Germany. These include some 3,000 Poles, 1,600 Dutch, 13,900 Belgians, 450 Czechs, and 130 Spaniards.[30] Exiled governments have been given certain rights over their nationals in Great Britain.

Exhibit 14.—Statement by Paul Shoup, President, Merchants and Manufacturers Association, 725 South Spring Street, Los Angeles, Calif.

February 13, 1942.

The question of the removal of aliens who are citizens of enemy countries and in addition of Japanese who by birth are American citizens, has resulted in presentation of many plans. With respect to the Japanese of American birth, questions arise as to constitutional rights of citizens. It is stated by our counsel that under martial law these constitutional rights, including writ of habeas corpus under section 9, article I, and other rights named under article XIV of the Constitution, can be suspended under present conditions, since American territories along many shores in the Pacific have been invaded.

The resolution enclosed adopted February 11, by the Los Angeles County Civilian Defense Council, through its committee, Gordon L. McDonough, chairman, which was given necessary power, deals with the practical problems presented to the committee and is of some length accordingly.

With the counsel of District Attorney Dockweiler and Deputy District Attorney Shoemaker, members of the committee reviewed carefully a plan for complete evacuation, technically, from strategic areas, licensing those who might be permitted to remain or subsequently enter such areas, but in the course of that examination certain problems arose, as follows:

(*a*) Interference with work of residents, traffic through such areas, advice in time to strangers, possible interruptions to defense industry, cost and annoyance to the individuals involved, expense to the Government in continual enforcement of the order necessary.

(*b*) Impracticability of protecting the paper boundaries of such strategic areas, where at all extensive, as against the return of anyone bent on sabotage or espionage.

(*c*) Attempting protection by such arbitrary boundaries and at the same time allowing the banned classes to be at entire freedom immediately outside thereof, without making any provisions either for their control or subsistence.

(*d*) No provision to take care of crops which the Department of Agriculture had declared to be "must" crops, under Japanese operation.

The meeting after 2 hours' discussion adjourned until Tuesday, 10 a. m., when the resolution enclosed was unanimously adopted. It was formulated as solutions were suggested for the specific problems put in the form of questions. They are as follows:

(1) Would it be necessary to declare martial law and technically evacuate all people, as from the critical area to which martial law was applied, licensing those who were permitted to remain in the area or reenter that area, in order to keep out American citizens of Japanese descent?

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[29] Statutory Rules and Orders, 1941, Nos. 24, 1484.
[30] Parliamentary Debates, House of Commons, July 4, 1940.

Conclusion was that if through martial law we had the constitutional power to keep out these Japanese through evacuation of the entire population and licensing those returning, then the Government likewise would have the power through martial law to remove these Japanese and any others that it might wish to remove, since the end attained would be exactly the same without disturbing others. (Of course, there is no question about the constitutional power of the Government to intern all aliens who are citizens of enemy countries.)

(2) Even if martial law is the final answer, should we not take all steps that could be taken effectively and promptly, to avoid the extension of martial law over the entire State—even under our suggestion that the only people to be removed thereunder would be enemy aliens and American-born Japanese?

The answer is that it would be better, thus avoiding unnecessary interference with local governments and local courts—their powers being superseded by those of the Federal Government and its agencies; and, further, that the expense involved in making effective the program of evacuation through State-wide martial law would be unnecessarily great. Therefore, our committee provided for the various steps which in our judgment would limit the application of martial law, as a last resort, to very small areas. Further we concluded that in connection with crop production now under way the creation of working internment areas where these classes could be put to work making them self-supporting and furnishing food for the country would be of real aid.

Limitation on unnecessary hardships, such as the movement of the aged, the infirm, women and children, except where they went as part of family units, would follow the plan we presented.

We have reason to believe such a plan as this would be more apt to meet with the approval of the National Government than the wholesale evacuation of these classes under discussion, without provision for their future.

(3) What would be the first step in this plan and why would it be taken?

The first step is described in section (1). Our committee feels there will be no difficulty under the law in enforcing this prohibition. It is already installed as far as defense industry, waters, docks, and the like are concerned, where passes are required at the present time. In the very large areas of forest and parks (two-fifths of State's area is under Federal control), record is required of people entering, fees collected, camping sites designated, policing provided, and many other rules and regulations; so it is not believed that there would be any trouble legally in enforcement there.

This step No. 1 does not involve taking anybody away from his home but it does cover very largely the areas most in danger.

(4) What should be done with the citizens of enemy countries taken from homes?

Section (2) of the enclose is our answer. They should be placed under Government control—that is, in a practical way be subject to internment rules and regulations. To designate certain strategic areas from which to exclude them, taking them from their homes, and then letting them roam at will outside, would not solve the problem. With respect to large strategic areas the boundaries would be paper boundaries only; could not be satisfactorily patrolled; and any alien shut out bent on sabotage or espionage could return and engage in his work perhaps even more freely than if he were at home and had to account for his whereabouts. Therefore, if he is to be taken out of an area on the ground that he is under suspicion, he must be looked after in his new location. Hence the provision for working internment areas. To take an alien from home, take his job away from him, and then turn him loose 15, or even 50, miles away, certainly will result in it being impossible for him to get work privately and perhaps make the wolf out of him that he would not otherwise be. Hence our conclusion very definitely that if dispossessed from their homes and their jobs these aliens must immediately be controlled, given subsistence and work. In some instances, meeting the desire of the Department of Agriculture to keep crops growing, these internment areas might be where the men are now employed.

(5) But, how under our constitutional provisions are we going to get the native-born Japanese to leave their homes and work and subject themselves to internment under Government rules?

The answer is that they constitute about 40 percent of the adult Japanese population; are very much bewildered and distressed at this time; their inclination will be to follow their elderly parents (aliens) if still alive; that if they do not accept voluntarily the invitation to put themselves under complete Government control through internment, whatever form it may take, they will then be subject to regulations provided in section (5). If the employers do not accept

one or more of the resulting units not only do not contain more potential traitors than the average of the Nation, but actually less, is it not highly desirable from any point of view that the men and women of this group be cleared of the label of enemy aliens?

You gentlemen have been shown in Los Angeles and the other coast centers that the expatriates and refugees are the most bitter enemies of Hitler and of everything he stands for. Should one really—when one can avoid it so easily—give Adolph Hitler and his fellow gangsters the enormous pleasure to see the people whom he hates most in the world, the men and women who stood up against him and the men and women that he drove from their homes treated as if they were Nazis? It would be a victory for him and one that can be avoided.

If the United States accept in principle to make a division of the enemy aliens of German and Italian lineage and want to exempt any group of them that can actually be proven to be highly reliable, these groups can be defined: There are, according to the 1940 registration, 19,000 Germans in California, 1,800 in Oregon, and 3,000 in Washington. Since 1940 the total number must have declined through naturalization, and any newcomers could only be refugees as no Germans could leave their country in wartime. Of this total of about 23 or 24 thousand Germans, nearly half, 10 or 11 thousand persons are refugees, are families who had to leave Germany for reasons of political, racial or religious persecution, and, besides having taken out the first papers of the United States citizenship, have lost their German citizenship through legal action of the Hitler government. The Federal Bureau of Investigation today, with the second registration concluded, can compile the exact list of these stateless persons without difficulty. And whatever the Federal Bureau of Investigation, which is doing such excellent work, should not know about these refugees, we ourselves can find out. Give us the permission to cooperate, and in 2 weeks—I say 2 weeks—these—about 4,000 families could be investigated by an advisory board composed of trusted refugees under the presidency of an officer of the Department of Justice. It is nearly impossible that an imposter could stand up under the questions about school and occupation and family background in the old country which such a board could fire at him. After the exemption of this first and most numerous group, which could be completed before the evacuation of the enormous mass of Japanese and American Japanese is finished, there might be set up a tribunal which could judge about the relatively small number of German expatriates, who still have the status of German citizens but are genuine victims of their democratic convictions and their love of liberty.

I do not know the figures of the Italian citizens and excitizens involved but I should imagine that very similar facts will be found to exist.

There is only one more point to be mentioned. Whilst the problem of the Japanese and the grave problem of the Japanese-Americans is burdened with the enormous number of persons involved and the deep-rooted feelings of the populations of the Pacific States against them, none of these factors exists for the German expatriates. Their number is relatively small, they are well-defined and no objection will be found among the so friendly populations of California, Oregon, and Washington, which would force to evacuate the German refugees for reasons of public morale or safety of the persons involved. On the contrary, gentlemen, the whole country, including zones not touched directly, would be thankful to the Tolan committee for having shown that the United States can be tough where it is necessary but will not unnecessarily compromise the life and property of thankful, loyal, and proud future citizens.

NATIONAL DEFENSE MIGRATION

THURSDAY, MARCH 12, 1942

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE INVESTIGATING
NATIONAL DEFENSE MIGRATION,
Washington, D. C.

The committee met at 9:45 a. m., in room 965, 1355 Market Street, San Francisco, Calif., pursuant to notice.

Present were: Leonard A. Thomas, counsel, presiding; Dr. Robert K. Lamb, staff director; John W. Abbott, chief field investigator; Herbert Roback, investigator; and F. P. Weber, economist.

Mr. THOMAS. The committee will please come to order.

First of all, I want to offer an apology for the chairman and the committee for not being present this morning, but they were called back to Washington. Mr. Tolan left on Tuesday evening.

The purpose of this conference this morning is to put into the record some pertinent material that the committee felt they had to have before our record would be complete.

This morning we are going to call two witnesses who have filed applications for second papers in connection with their proposed naturalization to show, for the purposes of the record, what length of time has elapsed since they filed those applications and what status their particular case is now in.

We will then call on representatives of those who are engaged in naturalization work, and we will have an informal round-table discussion here as to some of the problems that confront the naturalization workers.

The first witness we would like to call is Mrs. Fioretti.

TESTIMONY OF MRS. ENRICHETTA EMMA FIORETTI, 1473 FRANCISCO STREET, SAN FRANCISCO, CALIF.

Mr. THOMAS. Mrs. Fioretti, would you give your full name and your address to the reporter?

Mrs. FIORETTI. Mrs. Enrichetta Emma Fioretti, 1473 Francisco Street, San Francisco.

Mr. THOMAS. Are you an American citizen, Mrs. Fioretti?

Mrs. FIORETTI. No.

Mr. THOMAS. Are you married to an American citizen?

Mrs. FIORETTI. Yes.

Mr. THOMAS. Where were you born?

Mrs. FIORETTI. In Italy.

Mr. THOMAS. How long have you been in the United States?

Mrs. FIORETTI. Twenty-one years.

The opening paragraph of the proclamation designates it a measure to protect from espionage and sabotage national-defense materials, premises, and utilities as defined in certain long standing acts of Congress. The proclamation would seem to be at once an authorization from the Commander in Chief to invoke a qualified martial law and a restriction on that action to limit it to those areas wherein may be found military activity or activities in aid of the war effort. It ought not to be questioned that the armed forces are the appropriate means of protecting such areas and a measure of martial rule is justified for the protection of such vital areas. Whether or not the action actually taken under the proclamation on the west coast, in declaring a whole half State a military area from which are to be moved a certain group of enemy aliens and their citizen descendants, is action not at all justified by the circumstances or, if so justified, is in excess of the authority given by the President, must be determined on the basis of the principles set out above if it is to be viewed as an instance of martial rule.

It must be recognized that, although as a practical matter the military may exceed the bounds of authority herein set out and that at the time it may be impossible to obtain civil redress or injunctive relief, nevertheless such action according to past standards and experience has not been found to be justified and the considerations above set out should be given serious thought for reaso of policy and in the ever present effort to protect and preserve our democratic institutions.

ROBERT J. DELL'ERGO,
Boalt Hall of Law, University of California; Berkeley, Calif.

"Weiner" referred to above in the text is a recent book "A Practical Manual of Martial Law" by Frederick Bernays Weiner published in 1940.

EXHIBIT 4.—LIABILITY OF STATELESS PERSONS FOR MILITARY SERVICE

REPORT BY RICHARD GRAU, 1914 VINE STREET, BERKELEY, CALIF.

Section 3 (a) of the Selective Training and Service Act as amended by act of Congress of December 20, 1941 (ch 602, 1st sess., 77th Cong.) provides as follows:

"Except as otherwise provided in this act, every male citizen of the United States, and every other male person residing in the United States, who is between the ages of 20 and 45 at the time fixed for his registration, or who attains the age of 20 * * * shall be liable for training and service in the land or naval forces of the United States: *Provided*, That any citizen of a neutral country shall be relieved from liability for training and service under this act if, prior to his induction into the land or naval forces, he has made application to be relieved from such liabilities in the manner prescribed by and in accordance with rules and regulations prescribed by the President, but any person who makes such application shall thereafter be debarred from becoming citizen of the United States: *Provided further*, That no citizen or subject of any country who has been or who may hereafter be proclaimed by the President to be an alien enemy of the United States shall be inducted for training and service under this act unless he is acceptable to the land or naval forces."

The above provision makes liable for military service "every male citizen of the United States, and every other male person residing in the United States." Within the latter class are the stateless persons. Both provisos which make certain exemptions are not applicable to stateless persons.

The first proviso mentions in clear term, "citizens of a neutral country." The reason for the special treatment of such persons are international treaties or general principles of international law (discussed already during the last war) which made it advisable not to provide for compulsory service of citizens of other countries which are neutral. Said reason originates only in consideration of the interests of those countries, citizens of which are residing in the United States. In the case of stateless persons there are no such foreign countries involved.

The second proviso in turn is also applicable exclusively to citizens or subjects of a foreign country. This proviso as distinguished from the first proviso applies to citizens or subjects of a country at war with the United States. There are again reasons based on international law which exclude compulsion of citizens or subjects of those countries to serve in the armed forces of the United States. Stateless persons owe no allegiance whatsoever to any foreign country, so that the second proviso is also not applicable to them.

The information sheet attached contains a summary of board release No. 112, Bulletin 60, issued by Col. Arthur V. McDermott, New York City, Director of Selective Service.

At the end of the summary the conclusion is drawn that stateless persons are liable for military service. See the following statement at page 2:

"The provision that neutral aliens may file applications for exemption from service was introduced in order to comply with international treaties and does not refer to stateless persons nor to citizens and subjects of countries which are not expressly recognized as neutral * * *."

The above statement takes it obviously as self-evident that stateless persons are not citizens or subjects of countries at war with the United States and that they are subject to military service without any limitation or exemption, their liability being equal in all respects to the absolute liability of United States citizens.

The Psychological Factors Connected with the Refugee Problems

ADDED STATEMENT BY RICHARD GRAU

I. The action taken against Jews and liberals in Germany under the Nazi regime was an essential part of Hitler's foreign policy and his preparations for the present war. Barring minor points, three main effects were aimed at by Hitler's anti-Semitic program: The average German should feel himself superior to certain other people which was a preparatory step for building up the master race idea. Secondly, the beating of the Jews and liberals was the setting of an impressive example for the subjugation of a group to a status of disparagement and outlawry—again a preparatory step for similar subjugation of peaceful nations in Europe. Finally, the treatment of the Jews in Germany was likely to increase anti-Semitism and to spread the germ of discord in many other countries which was a further very effective preparatory step for the present war. It should be remembered that Hitler, whenever he tried to bring a new country into the Axis orbit, requested the issuing of decrees corresponding to the Nuremberg laws by that country in order to differentiate such country from the democratic nations.

The close connection between Hitler's actions against Jews and liberals in Germany and his striving for world domination makes it clear that the refugees from Germany can truly be designated as the first subjected people. They are not merely victims of Hitler's interior politics. In the light of later events it has become clear that the same ambition to dominate the world is behind the struggle of the Nazis against the Jews as behind their conquests of peaceful countries in Europe.

The refugees are also much aware of the complete analogy between their own fate and that of the subjected nations that they felt deeply disappointed when they were classified as enemies; in other words, considered as companions of their own conquerors.

II. One of the direct consequences of the campaign of the Nazis against the Jews and the liberals was the feeling of complete isolation which overcame the victims and brought them into despair. They were not only excluded from all activities in the community life but also their human interrelationships were closely supervised and in connection therewith gradually limited to the utmost extent.

Man is a social animal. He therefore cannot suffer such treatment without considerable increase of his need for contacts and cooperation with other people. Since exclusion from normal human relationships has so long been the lot of the refugees, the possibility of further exclusion has become a nightmare to them. Nothing in the world can terrify the average refugee more than the prospect of becoming an outlaw again. That psychological factor makes the refugees particularly vulnerable against their treatment as enemy aliens. The term "enemy" is apt to deprive them of a good deal of their hardly regained self-confidence and to imperil their feeling that they have become a welcome part of a great entity.

III. On December 7, 1941, a wave of enthusiasm and hope went through the refugee people. To be sure, their gratefulness toward the American Nation and the President and their hatred against the Nazis had a big part in causing that enthusiasm. However, the hope to be admitted to share in America's war effort was a further factor which was largely responsible for that enthusiasm. They evisaged their chance to use whatever strength and skill they have for something better than individual purposes. At last, so they felt, they would be admitted to cooperate in a great common cause. It is hard to describe the appalling dis-

appointment which followed when they saw themselves designated as dangerous to that very cause, in which to cooperate they had been so eager.

Very realistic fears regarding the future accompany their present disappointment. In 20 or 30 years from now, long after the end of the war, the refugees and their children living as citizens in this country will be asked why they did not do their full share in the war. Explanations in the way that as enemy aliens they were not allowed to do their full share will be of little avail in those future times. If the refugee people and their children cannot answer to such questions in pointing to a satisfactory war record, then danger will be ahead for them. Successes of individuals will be explaind with lack of patriotic sacrifices and the individuals concerned will find themselves exposed to criticism and disparagement for many years to come. For people who never want to return to their former country and who look to America as the country of future generations of their families, such prospect is terrifying. It therefore is a complete misconception of the true facts if it has sometimes been said that the refugees should bear in patience the hardships imposed upon them and that they should realize what other kind of hardships those have to bear who are now fighting for America. It is not the point in question that the refugees do not want to take hardships upon them at a time when everybody should bear hardships. All they request is that they be spared the wrong kind of hardships which merely exclude them from America's war effort and that the right kind of hardships may be imposed upon them.

IV. The desire of the refugees coincides, they believe, with the public interest.

Public opinion was for years ardently interested in the fate of the first victims of Hitlerism and the average person in this country and in other countries as well considers these opponents and victims of Hitlerism as natural partisans on the side of democracy. The news on present tortures of the Jaws in Germany, the subjected countries, and in the invaded part of Russia makes the public aware that such feeling of the average man is perfectly in line with the facts. It certainly has a confusing effect on the minds of the public if people who are so clearly partisans of the cause of democracy are, in spite of that fact, named and treated as enemies.

Nazi propagandists can attempt to increase such confusion by claiming that the treatment of the refugees in the United States has to be considered as an involuntary endorsement of their own allegations against the Jews. The effect of such propaganda would possibly be felt in this country and would be much more intensive in other countries, for instance, in South America.

The future reconstruction of the world will certainly be directed toward elimination of the causes for group hatred. The queer position into which the refugees would be put in the future if they will remain excluded from the war effort would in all probability become responsible for disparagement of their group in the future. Such cause of criticism will be avoided if the refugees are now allowed to show themselves as active partisans of the democratic cause.

V. This war is so definitely a struggle between two ideologies that the nationality of an individual is not any more a satisfactory yardstick in judging his loyalty to the democratic cause. Much less can former nationality furnish such yardstick.

The enemy-alien concept is in substance based not on the hazard of the birthplace but on actual allegiance owed to the king or other sovereign of a foreign country by an individual. Nothing comparable to allegiance exists between the refugees and Germany. They have been ejected from that country and expatriated. Taking this state of affairs as definite, they do not desire to return at any future time to Germany. Their only desire is to become United States citizens as soon as possible. For people in their position, loyalty to the United States is a matter of course. Their former nationality has become a matter of the past which is of no actual interest.

Their position may become clearer if compared with the position of people who are still nationals of various European countries and who desire to return to their former countries after the war. So far as they are concerned it is of little interest whether they are nationals of a country which is, in consequence of a declaration of war drafted in Berlin, actually at war with the United States or which is merely in fact part of Hitler's new order in Europe. Duress has become so much a customary factor in European politics that a declaration of war of a country which is in the hands of Hitler does not mean much. That is evidently the reason why nationals of Hungary and Rumania are not considered as enemy aliens. In form even Masaryk was a national of a country at war with the United States when during the last war he prepared in the United

States the future establishment of a national government in Czecho-Slovakia which at that time was still part of the Austrian empire.

In this war between two irreconcilable ideologies only one clear distinction is of real avail, namely, the distinction between the sympathizers of nazi-ism and fascism—including Quislings of any nationality—on the one hand, and opponents of Hitlerism and facism on the other hand.

The precedent regarding the Austrians, who in the last war were treated in a way different from the Germans, is entirely in line with the above discussion. The Austrians received a better treatment apparently because it was felt that the government of the Austrian empire which was in a status of decay had lost hold on the peoples belonging to that empire. Looking at the precedent from this angle leads to the conclusion that it is not merely a precedent in favor of the Austrians but of all those people who do not adhere to the rulers of the countries of their origin.

That the refugees are within that general class is shown conclusively by the fact that the government of their former country mistreated and ejected them and finally expatriated the vast majority of them.

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Aufbau
(West Coast edition of the major American German weekly newspaper)
24 December 1943

William Stagen appears on the masthead as a member of the Executive Committee of the Jewish Club of 1933. Felix Guggenheim appears as Club President.

sehr gerne in einem nicht zu grossen Betriebe arbeiten, in dem ich eventuell auch nach dem Krieg eine Existenzmöglichkeit hätte.

Antwort: Es ist sehr vernünftig, bei jedem Aenderungs-Entschluss, den man heute trifft, auch die Chancen nach dem Krieg zu erwägen. Ich kenne in Portland einen Betrieb, der eventuell weitere Kräfte als weibliche Zuschneider und "power-machine operators" einstellen würde. Der Betreffende fabriziert alle Arten von Uniformen aus Leinen, für Nurses, Fellnerinnen und Industriearbeiter. Es ist ein Betrieb mittleren Umfanges, in dem meiner Ueberzeugung nach auch eine gute Chance für die Nachkriegszeit besteht. Der Inhaber ist selbst vor fünf Jahren eingewandert und sein Betrieb ist in Portland als Musterbetrieb bekannt. Bitte wenden Sie sich direkt an Mr. Julian Shipley, 1109 S. W. 4th Avenue, Portland, Ore.

Brief No. 29 aus New York: Habe mir eine gutgehende Fabrikation von orthopädischen Schuhen und Einlagen hier eingerichtet. Meine Frau kann aber das Klima nicht vertragen und wir möchten nach dem Westen gehen. Ich arbeite mit WPB Priority und habe eine komplette Einrichtung mit allen elektrischen Maschinen. Welche Stadt soll ich erwägen? Soll ich meine Maschinen mitnehmen oder einen Posten annehmen?

Antwort: Ihr Problem kann nicht im Rahmen einer Korrespondenz erledigt werden. An Ihrer Stelle würde ich selbst einmal nach dem Westen fahren und mich umsehen. Im Pacific-Northwest werden Sie kaum grosse Konkurrenz finden. Einige Schuhläden führen Einlagen und einige Spezialitätsgeschäfte haben einen eigenen Mann, der diese "nach wissenschaftlicher Grundlage" verkauft. Ich würde Ihnen unter allen Umständen davon abraten, Ihre Maschinen zu verkaufen. Setzen Sie sich einmal mit den Handelskammern in Spokane (Wash.), Walla Walla (Wash.), Bend (Oregon), Eugene (Oregon) und Klamath Falls (Oregon) in Verbindung.

Brief No. 30 aus Salt Lake City: I am 46 years old and 3½ years in this country. I am in the retail fruit business. Last summer I contracted a hernia and was suffering from high blood pressure. The doctor advised me to go to the Pacific Northwest. I should be only too glad to go to a small place like the one suggested by you, if you consider it advisable in my particular case. I would, of course, prefer to maintain an independent position, if possible. I was thinking of renting a stall at a Grocer's Market.

Antwort: Your situation is similar to that of the gentleman who wrote to me from N. Y., letter No. 29. You have to find a place for yourself of your own choice. You are right, don't go to a large town, but on the other hand you shouldn't go to a very small place either. Yakima (Wash.) is the fruit basket of the U.S.A.; also Wenatchee (Wash.). These two towns are well located and their climate is very mild. Stockton in California should also be the right place for you. In any case, I advise you to take a trip to these places and see for yourself.

*

Vor einiger Zeit erhielt ich einen Brief aus Massachusetts, worin sich der Schreiber bei mir beschwert, dass er sich an verschiedene Komitees wegen Umsiedlung wandte, nichts anderes wollte, als einen Rat — und keine entsprechende Antwort bekam. Es ist nicht selten, dass ich solche Briefe erhalte, und ich versuche in meiner Weise zu helfen, indem ich solche Leute an die entsprechende Stelle verweise. Vor kurzer Zeit erhielt ich von dem Sekretär der "Imas" in Boston, Mass., Arthur Gottschalk, einen Brief. Herr Gottschalk schreibt:

"Mir liegt daran, Sie darauf hinzuweisen, dass Sie von dem Briefschreiber über die Lage in Massachusetts nicht zutreffend unterrichtet worden sind. In Boston gibt es ein Committee for Refugees (333 Washington St.), das unmittelbar mit dem Jewish Vocational Service in Verbindung steht. Neben einer ganzen Zahl sonstiger einschlägiger Stellen, die bereitwillig dem Refugee, natürlich auch dann, wenn er nicht in Boston selbst wohnt, zu raten und zu helfen suchen, ist unsere von Immigranten und für Immigranten geschaffene Organisation in allen Fällen bereit, nach Möglichkeit beizustehen. Dass unser Verein als soziales und kulturelles Zentrum für unseren Kreis dient, erweist wohl anliegende Imas News, die wir für Sie beifügen."

Nach all den Briefen, die ich von vielen — ich kann wohl sagen hunderten Personen — bekomme, ist die Mitteilung des Herrn Gottschalk sehr erfreulich, da man ersehen kann, dass die Refugees in Massachusetts an ihrem Klub wirklich eine grosse Stütze haben.

JEWISH CLUB OF 1933, Inc.

LOS ANGELES (CALIFORNIA) — 228 WEST 4th STREET — MICHIGAN 6847

Executive Committee: Honorary President: Professor Leopold Jessner; President, Felix Guggenheim; Vice-President, Hans Breuer; Executive Director Harry Salinger; Treasurer, Heinz Pinner; Club Editors, Hans Kafka and Ferdinand Kahn. Bruno S. Bernstein, Walter Buky, Lothar Frank, Eric Lowen, Mrs. Edith Mendel, Wm. Stagen, Mrs. Lisa Arnhold, George Loeff, Hugo Massarik, Dr. Hugo Weinberg.
Ehrenmitglieder: Bruno Frank und Thomas Mann.

JEWISH CLUB OF 1933 INC.

Zweiter Dichterabend

Sonntag, 9. Jan., 1944, 8:15 p. m.

Friedrich Torberg

liest im Fairfax-Tempel
525 Soutl. Fairfax Avenue
aus eigenen Werken

PROGRAMM

Aus dem Roman "Abschied" (1937)
Zwei Gedichte
Zwei Szenen aus der Komödie "Die andere Möglichkeit"
Kurzgefasste Lebensgeschichte des Friedrich Israel Torberg

Verfluchung Kains (Aus dem Französischen des Paul Claudel)
Rebellen-Gebet (Aus dem Tschechischen)
Herr Neidinger erlebt den Anschluss
Aus der Novelle "Mein ist die Rache"
Kadisch 1943

Unkostenbeitrag für Mitglieder 25c., für Gäste 50c. Soldaten in Uniform haben freien Eintritt.

Der Vorstand.

Membership Meeting

The Jewish Club of 1933 Inc. is having a membership meeting on Saturday, January 15, 8:15 p. m., at a place to be announced later.

At first Mr. *David Coleman*, who is in charge of the Anti-Defamation League of B'nai B'rith for Southern California, will speak about "Antisemitic activities in U.S.A." After this speech a report will be given by the board of directors about the future tasks of the Jewish Club of 1933 Inc. The members will have the opportunity to ask questions and to take part in the discussion.

Reserve the evening of January 15 for this meeting.

The board of directors of the Jewish Club of 1933.

*

An der Gedächtnisfeier für Max Reinhardt haben auf Grund der dem Jewish Club of 1933 als Mitveranstalter zur Verfügung gestellten Einladungen eine grosse Anzahl Mitglieder des Club teilnehmen können. Von den bei dieser Feier auftretenden Künstlern seien an dieser Stelle nur mit Namen genannt: Prof. *Thomas Mann, Ernst Deutsch, Mady Christians, Edward G. Robinson, Olivia De Havilland, Erich Wolfgang Korngold.*

Das an diesem Abend zum Verkauf gelangte Heft war nach Form und Ausstattung nicht nur ein Programm, sondern eine künstlerisch wertvolle Erinnerungsmappe. Diese enthält unter anderem eine ausgezeichnete Reproduktion der Lithographie *Emil Orliks*, die eine Portraitskizze Max Reinhardts darstellt, die facsimilierte Kopie einiger Seiten des von Reinhardt eingerichteten und selbst geschriebenen Regiebuches zu "Dantons Tod", einen Aufsatz *Heinz Heralds* "In memoriam", die Texte der von *Erich W. Korngold* vertonten Gedichte Shakespeares, etc.

Da wir von verschiedenen Seiten ersucht wurden, weitere Exemplare zur Verfügung zu stellen, teilen wir mit, dass noch eine beschränkte Anzahl dieser Mappen vom Club Office für einen Dollar ausgegeben werden können.

Der Vorstand.

Social Gathering

sponsored by the Committee for Foreign Born of the Council of Jewish Women: Wednesday, January 12, 1 to 4 p. m. For reservation call: Jewish Club of 1933, Inc. MI 6847.

New members since November 1943

Rabbi Auerbach and Mrs. (Stuttgart), Carl Bach and Mrs. (Munich), Paul I. Eigart and Mrs. (Vienna), Walther Finch and Mrs., Blanka Reinisch and mother (Vienna), Henry L. Weiss and Mrs. (Bucarest).

*

U. S. Citizen Service Corps

The following members of our Club received the official pin of the U. S. Civilian Service Corps for having completed fifty hours of volunteer service:

Mrs. Marg. Dispeker, Mrs. Helen Glaser, Mrs. Gertrude Grünwald, Mrs. Johanna Marx, Mrs. Ilse Marx, Mrs. Stella Marx.

Kammermusik

Kammermusik-Spieler, insbesondere Streicher, die an der Pflege häuslichen Musizierens interessiert sind, werden gebeten, ihre Namen und Adressen an den Unterzeichneten zu übersenden. Es werden ihnen dann Fragebogen zur Ausfüllung zugehen. An Hand dieses Materials soll die Möglichkeit geschaffen werden, die geeigneten Partner miteinander in Verbindung zu bringen und dadurch Kammermusikgruppen — Trios, Quartette, Quintette etc. — zu bilden.

Erich Blumenthal
248 Reeves Drive, Beverly Hills.

DIE BARMIZWAH UNSERES SOHNES

KURT

FINDET AM SAMSTAG, 25. DEZEMBER 1943, UM 10 UHR MORGENS IN DER WEST END SYNAGOGUE CONGREGATION SCHARRAY TIFILA, 160 WEST 82nd ST., N. Y., STATT.

MAX ZIMBLER und Frau BLANCA
GEB. FRIEDMANN (fr. Wien I)
200 WEST 82nd STREET NEW YORK, N. Y.

PHOTOS für BÜRGER-PAPIERE
Photo-Weitzmann
2424 Broadway, N. Y. C.
bet. 89th & 90th St. - SChuyler 4-6270
441 Knickerbocker Ave., BROOKLYN

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im eigenen Heim in bester Ausführung durch langjährigen Fachmann
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605 W. 142nd STREET
Phone: AUdubon 3-0882

Für die mir anlässlich meines 80jährigen Geburtstages in so grosser Masse erwiesenen Aufmerksamkeiten sage ich allen Verwandten, Freunden und Bekannten herzl. Dank.

Julius Gutmann
21 Fort Washington Ave.

Für die mir anlässlich meines 80. Geburtstages von allen Seiten zugegangenen Glückwünsche danke ich aufs herzlichste.

Isaac Weiss (fr. Landau, Pfalz)
62 Sterling Avenue
Weehawken, N. J.

Die glückliche Ankunft unserer Tochter

Eva Caroline

zeigen hocherfreut an
Ernest Weichsel und Frau Flori geb. Hess
fr Frankfurt a. M. — fr. Wetter bei Marburg
260 Maplewood Ave., Bridgeport, Conn.
November 26, 1943

We happily announce the birth of our son

Jeffrey Tom

on December 15, 1943
Siegfried and Friedel David
née Katzmann
85 Johnson Avenue, Newark, N. J.
(f'rly Aufsess & Flieden, Germany)

We are happy to announce the birth of our second son

William Lauren

Jenny & Michael Schnaittacher
3657 Broadway, N. Y. C.

We are happy to announce the arrival of our son

George Steven

on December 19th, 1943
Eugene and Doris Hoffman
née Ehrenberg
85 Fairview Avenue New York City

We are happy to announce the arrival of our son

Harvey Mark

on December 16, 1943
Max and Erna Oppenheim
née Schoenwalter
160 Wadsworth Avenue, New York 33

Wir freuen uns, die Geburt unserer Tochter

SUSAN HEDDI

anzuzeigen.
7. Dezember 1943
Leonhard L. Barschall u. Frau Irma geb. Ehenstein
412 Greenwood Ave. Trenton 9, N. J. — früher Berlin-Moabit

We are happy to announce the arrival of our daughter

Eleanor Ann

on December 17, 1943
Dr. Eugene and Lony Alexander
née Herzberg
(formerly Berlin)
108 So. Main Street, Homer, N. Y.

EINE FAMILIEN-ANZEIGE
in dieser Grösse
(1" hoch und 2" breit)
kostet
$3.50

Die Barmitzwoh unseres Sohnes

Fred

findet Samstag, d. 25. Dezember 1943, statt: Congregation Beth Hillel (Paramount-Gebäude) 601 W. 183 St.
William and Trude Scheidt
geb. Strauss
560 Audubon Avenue, N.Y.C.
Zu Hause: Samstag, 12-2 Uhr Sonntag 12-5 Uhr

Die Barmitzwoh unseres Sohnes

HARRY FRED

findet am 1. Januar 1944 im "Tempel Beth Schalom" in Wilmington, Deleware, statt.
Ludwig Themal und Frau Bella
geb. Strassburger
(früher Pforzheim-Berlin)
201 W. 28th St. Wilmington 239, Del.

Die Barmitzwah unseres Sohnes

Herbert

findet am 25. Dezember 1943, 10:15, in der Synagoge 'Hebrew Tabernacle', 161st St., Fort Washington Avenue, statt.
Albert Heimann und Frau Rosa
geb. Fromm
238 Fort Washington Ave., N.Y.C.

Die Barmitzwah unseres Sohnes

Manfred

findet am 1. Januar 1944 in der Synagoge B'nai Amunah Congregation, 4200 S. Grand Ave., statt.
Otto Buschhoff & Frau Hertha
geb. Heyum
4163 S. Hoover Street
Los Angeles 37, Calif.
(früher Köln a. Rh.)

Die Barmitzwah unseres Sohnes

GEORGE

findet S.G.W. am Schabbos Chanukka 25. Dezember 1943, in der Synagoge der Hebrew Tabernacle Congregation of Washington Heights, 665 W. 161st Street, N. Y. C., statt.
Dr. Fritz Oberlander und Frau
geb. Braun
655 West 160th St. (fr. Wien)

Miriam Peiman
Erwin H. Lipstadt
Engaged
Chanukka 5704
Detroit Mich. — New York 23, N. Y. 100 West 72nd St.

Erika M. Kopalt
George Schlesinger
Engaged
Chanukka 5704
552 W. 171 St. New York 32, N. Y. (formerly Berlin) — 665 W. 160 St. New York 32, N. Y. (f'rly Fürth i. B.)

Piri Frishman
Meir Steinharter
Engaged
Sabbath Chanukka 5704
281 Hooper St. Brooklyn 11, N.Y. — 5447 Parkheights Ave. Baltimore 15, Md.

Rose Mayer
Pvt. Jack Neustaedter
Engaged
Chanukka 1943
(formerly Ingelheim, Berlin, Herlingen School, Engl.) — (formerly Bad Kissingen)
140 Sanford Ave. Bridgeport 4, Conn. — 730 Maplewood Ave. Bridgeport 5, Conn.

Ilse Mayer
Leo Rosenbaum
Engaged
formerly Landau, Pfalz 51 Hamilton Place New York City — f'ly Baumbach (Bezirk Kassel) 501 West 128th St. New York City
Chanukka 1943

Hannah Regensteiner
Fred Grunwald
Engaged
Chanukka 1943
143 Adelaide Ave. Providence, R. I. — 292 Riverside Dr. New York, N. Y.

Hermann Henry Strauss
Marianne Strauss
née Levy
Married
December 11, 1943
formerly Frankfurt a. M. — formerly Köln a. Rh.
82 Wadsworth Terrace, Apt. 6-F
New York City

Mr. and Mrs. Felix Lemel announce the marriage of their children
Anne and Henry.
Fred Kirschbaum — Pfc. Henry Lemel
Anne Kirschbaum — Jean Hanni Lemel
née Lemel — née Jaffa
(f'rly Bln.-Neukölln, Mainz) — (f'rly Mainz, Bln. SW 87)
Brooklyn, N. Y. — U. S. Army
293 Martense St. — 323 Martense St.
November 1943

Frederick Kotler
Ilse Kotler
née SELLO
Married
December 19, 1943
929 East 12th Street, Brooklyn, N. Y.
(formerly Karlsruhe, Baden) — (formerly Berlin)

Josef Nussbaum
Rosi Nussbaum
née Lamm
Married
December 18, 1943
(formerly Kyllburg, Eifel) — (formerly Ober-Gleen, Oberhessen)
632 West 171st St., New York City

Cpl. Hans Zwinger
Eva Zwinger
née Joachim
Married
f'ly Quedlinburg — f'ly Breslau
August, 1943
11a Fordham Ave. — Camberwell E 8 Melbourne, Australia

Dr. and Mrs. J. Bick
announce the marriage of their daughter
Inge
to
Sgt. Eric Isler
The Wedding ceremony will take place on Sunday, December 26, 1943, 1:30 p. m.
at Synagogue Gates of Israel
560 W. 185 St., Washington Heights.
15 Magaw Place (formerly Frankfurt a. M.) — U. S. Army (formerly Berlin)

Ben Dreifuss
Eleanore Dreifuss
née Monat
Married
Ceremony: December 26, at 3 p. m.
Congregation Tikvoh Chadoshoh
1717 N. Broad St., Philadelphia, Pa.
(formerly Frankfurt a. M.) — (formerly Wachenheim Kr. Worms)
214 Green Street, Lansdale, Pa.

Pvt. Harold Hans Bloch
Margot Bloch
née Lucas
Married December 19, 1943
541 W. 137th St. — 15 W. 106th St.
New York City
Camp Claiborne, La. (formerly Giessen-Wieseck) — 214 4th St. Alexandria, La. (formerly Nürnberg)

Aufbau
(West Coast edition of the major American German weekly newspaper)
7 January 1944

William Stagen's wartime role within the Jewish Club of 1933 is evident in this early 1944 issue of the West Coast edition of *Aufbau*. Stagen appears as one of three contacts for the "Anti-Nazi Day" event put on by the Anti-Nazi Immigrants' War Finance Committee, that he founded and chaired. By contrast, Felix Guggenheim addresses the membership as President of the Club,

cordingly the reader is told of a "Plot to Give Britain Control of U. S. Gold" and told that "President Hides Facts by Using Statistical Mirages".

Some of he vermin press has already taken up the cry "Reynolds For President", while other smear sheets can be expected to fall in line shortly for they have worshipped at his feet for a long time and given much space to the utterances of the great "statesman".

A Star-gazing Quisling

One of his worshippers is *William Kullgren* of Atascadero, California, a former Silver Shirter who w s named in the Washington Grand Jury's Conspiracy indictment. He is still publishing a sheet called "America Speaks" which in tone strongly resembles the Reynolds rag.

Recently Kullgren, who is somewhat of a stargazer, advertised a booklet which he had printed several years ago. Undoubtedly he had some stock on hand and wanted to get rid of it. It is entitled "The Origin and Destiny of the Jews" and states in the preface, above Kullgren's signature, that "our desire is to protect ourselves from the Jews' insidious control. To do that", the preface goes on, "it is necessary to expose the Jew's false claims; to tell you the story, as presented in our Christian Bible, so that Christian people will know they cannot uphold and support the Jew, and at the same time be obedient to the laws of God."

The booklet presents a number of articles, some of which are trying to "prove" through quotations from the Bible that the Jews are the most despicable people under the sun. Kullgren and his contributors may be entitled to that opinion, but sending this booklet through the mail while America is at war with Germany may fall under the classification of sedition for it contains propaganda material which emanated from one of the adjuncts of Dr. Goebbels' Propaganda Ministry, the "World Service" which was edited by Col. Ulrich Fleischhauer of Erfurt, Germany, who was also named in the Conspiracy indictment.

The article: "Roosevelt Rules America," written by George Deatherage, one of the conspirators, states in the lead:

"No president of any other country in the world has so much time to interest himself in matters which do not concern him as has Franklin Delano Roosevelt, the President of the United States.

"Although the American people must be quite indifferent as to what form of government various European countries adopt, President Roosevelt seizes every suitable opportunity for attacking the authoritarian states, National Socialist Germany and Fascist Italy in particular.

FDR—Not an "Aryan"

The article charges that Roosevelt is leading this country into war because the Jewish people want it and the President is doing it because he is partly Jewish.

"World Service" quotes James True, Gerald B. Winrod and Robert E. Edmundson, three of Deatherage's fellow-indictees and Congressman Hamilton Fish's statement that FDR's "hysterical speeches, attacking foreign nations may well light the spark that will set the world in flames."

Two articles from the "Christian Free Press" are reprinted in the booklet. That paper was published by Paquita de Shishmarova alias Leslie Fry, who was named in the indictment rendered by the Washington Grand Jury in October of last year.

Kullgren also offers a review of a book on Jewish Ritual Murder for the publication of which the author, *Arnold S. Leese* was given a jail sentence.

The last pages of the booklet are given over to a list of pro-Nazi and anti-Semitic publications which Kullgren has for sale, among them are the poison pen products of Lizzie Dilling, Nesta Webster, Gerald B. Winrod and others. Listed also are reprints of speeches by Congressman Clare E. Hoffman. Indeed the Michigan Representative finds himself in "good" company.

As America enters the home stretch in the war against Germany, the little Quislings increase their activities. Once General George Van Horne Moseley was their man on horseback. Years ago, at the Los Angeles Bund headquarters, I saw a campaign card "Moseley for President", now they are ready to lift the Senator from Buncombe County on their shields and announce—as is customary at political party conventions—"I give you a great American, our 'Bob' Reynolds."

JOACHIM BENJAMIN LOMNITZ was naturalized a Prussian citizen on March 11, 1912, in Breslau, Silesia. His great-great-grandson, son of Marie and Franz Lomnitz, late of Breslau, was naturalized as the American citizen SGT. **ALFRED EDWARD LAURENCE**, on December 17, 1943, in Richmond, Va.

EINE FAMILIEN-ANZEIGE
in dieser Grösse
(1" hoch and 2" breit)
kostet
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JEWISH CLUB OF 1933, Inc.

LOS ANGELES (CALIFORNIA) — 228 WEST 4th STREET — MICHIGAN 6847

Executive Committee: Honorary President, Professor Leopold Jessner; President, Felix Guggenheim; Vice-President, Hans Breuer; Executive Director Harry Salinger; Treasurer, Heinz Pinner; Club Editors, Hans Kafka and Ferdinand Kahn Bruno S. Bernstein, Walter Buky, Lothar Frank, Eric Lawen Mrs. Edith Mendel, Wm. Stagen, Mrs. Lisa Arnhold, George Loeff, Hugo Mamarik, Dr. Hugo Weinberg.
Ehrenmitglieder: Bruno Frank und Thomas Mann.

Membership Meeting On January 15

Dear Members:

Your board of directors feels that the time has come to have a membership meeting in order to give you some information about our activities, especially as far as they don't manifest themselves in gatherings and social affairs. And also in order to establish contact with you and to get your cooperation, criticism and suggestions.

There are two theories about membership meetings: The one is: Once a year the members express satisfaction or dissatisfaction with their board by voting in the ordinary general meeting. In the meantime the board has a mandate which it has to carry out according to its conscience and its ability. —The other theory says: Even between general election meetings the members should have an opportunity to show their interest in their board's work and to show their cooperation by coming to special membership meetings and by attaining a closer contact between membership and board.

Our hope that the second theory may prove correct and may justify itself by a huge attendance and participation in our January meeting, is not the only reason for inviting you to be with us on January 15. We have seen many of you at our *Chanukka Celebration* and at the *Max Reinhardt Memorial*, others at our *"Dichterabende"* and others again at our *Seminary*. We have seen you coming to the office for all kinds of advice and asstistance, working at the headquarters of the US Citizens Service Corps, preparing the gift-packages for the soldiers and we have seen you at the Red Cross Blood Bank. But this time we would like to see all of you, at least all those, who think about the future of our newcomer-group in this country which gives us refuge, hospitality and citizenship. If—as we all hope and pray and as the military leaders already take for granted—victory in Europe will be achieved in 1944, new tasks, problems and duties will come up for our group and it will be necessary to be prepared for it. The deep gratitude we owe the American people need not make us overlook some less pleasant aspects of the situation here which in a way are part of the struggle in which American boys—and numerous refugees among them—are fighting all over the world.

So it is not by chance that our first speaker will be *David Coleman*, who knows more than anybody in Southern California about anti-semitic activities in this country and their connections with Nazism and who did more than anybody in Southern California to fight anti-Semitism.

It is also not by chance that just now organizations like our Club are springing up in other cities like San Francisco and Portland and that they contact us with rather nice remarks about our activities, remarks which deserve our best efforts. On the other side we have also heard voices, that there is no raison—d'être. for organizations like ours, and different arguments have been put forward to this effect. We are not "Vereinsmeier" and we don't pretent that the club is an aim and an endeavor in itself, but the whole evidence and all the facts show that an organization like the Club is more important than ever; and to discuss this evidence and to explain these facts is one of the purposes of our meeting on January 15. In the meantime it is an encouraging and a gratifying sign that our office is receiving the requests for the 1944 membership-cards at an unprecedented rate.

Felix Guggenheim.

JEWISH CLUB OF 1933, INC.

MEMBERSHIP MEETING

on SATURDAY, JANUARY 15, 8:15 p. m.,
at FAIRFAX TEMPLE, 525 S. Fairfax Ave.

DAVID COLEMAN, Director, Southern California Office of the Antidefamation League, will speak on

"Antisemitic Activities in the USA"

FELIX GUGGENHEIM will speak on

"Jewish Club of 1933 in the year 1943 and thereafter"

THE BOARD OF DIRECTORS will report on the different fields of activities.

THE MEMBERS are invited to attend in great numbers and to cooperate with their board by taking part in the discussion and by giving new suggestions.

Admission for members free. Please bring your 1943 or 1944 membership card!

MARK YOUR CALENDAR

SUNDAY, JANUARY 23, 2-5 P. M.

ANTI-NAZI DAY

at VICTORY HOUSE, Pershing Square, Los Angeles.

★

In compliance with a request from the Treasury Department, the Anti-Nazi Immigrants' War Finance Committee will be in charge of the Victory House stage.

There will be many well known artists, and a repetition of Alfred Neuman's "Ballad to America."

Various merchandise will be auctioned off, free, to War Bond buyers.

★

Come Out and Bring Your Friends

and buy as many War Bonds as possible, directly from the Treasury Department staff at Victory House.

Let's show the Government and the people of Los Angeles what we newcomers are willing and capable of doing to help win the war.

And, Besides, You'll Have Lots of Fun!

If kept from attending, call Lothar Frank, HI 0111 or GL 0351, or Arthur Pathé, WA 8784, or Wm. E. Stagen, DR 7325, a few days before the event.

Die Chanukkafeier des Jewish Club of 1933

war eine sehr gelungene Veranstaltung. *Ernst Blumenthal* als master of ceremonies stellte sofort eine besonders freundliche Verbindung zwischen Bühne und Publikum her, und erzeugte damit eine Stimmung, die den ganzen Abend das Gepräge von Gemütlichkeit und Heiterkeit gab.

Nachdem Rabbi Dr. Sonderling die Chanukkalichter entzündet und in einer Ansprache die Bedeutung der Stunde den Hörern nahe gebracht hatte, wurden drei Frauen — Mitglieder des Clubs — die Söhne in der Army haben, durch Verleihung einer silbernen Nadel geehrt.

Als erster im Programm trat der weltberühmte und unendlich vielseitige Varietékünstler Sylvester Schäfer auf, dieses Mal als Schnellmaler, und verblüffte durch die Sicherheit, mit der er in einigen Minuten zwei grosse Oelgemälde zu gleicher Zeit malte, indem er die sich drehende Tafel abwechselnd auf der einer oder der anderen Seite bearbeitete. Eric Neumann erntete freudigen Beifall mit seinen Klaviersparodien und Max Salomon — einst Präsident einer Kölner Karnevalsgesellschaft — trug mit viel Erfolg eigene ernste und heitere Gedichte vor. Thomas Redlean, Mitglied der Metropolitan Oper in New York, sang, begleitet von Mrs. Nelson, einige Arien und zum Schluss mit besonderer Innigkeit "The Lord's Prayer".

Und Tombola und Tanz und Büfett- und Tanzkonkurrenz mit Preisen — ein Abend, der jedem gefallen hat. F. K.

Essay Contest

Der *American Jewish Congress* veranstaltet einen *Essay Contest* über das Thema "What Youth Seeks in the Post-War World." Der erste Preis: $50 U. S. War Bond; zweiter Preis: $25 U. S. War Bond; dritter Preis: $25 U. S. War Bond.

Die Schiedsrichter sind: Dr. William Agar, Acting President of Freedom House; Dr. Mary McLeod Bethune, Dean of Columbia College; Judge Nathan President Emeritus of Bethune-Cookman College; Dr. Harry J. Carman, D. Perlman, Vice-President, American Jewish Congress; Mrs. Stephen S. Wise, President of the Women's Division, American Jewish Congress.

Alle weiteren Auskünfte erteilt Mr. Nathan Zuckerman, Executive Director of the Young Men's and Women's Division of the American Jewish Congress, 330 West 42nd St., New York City.

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UNITED JEWISH APPEAL

Wedding, Diamond, Engagement-Rings Watches

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bet 89th & 90th St. - SChuyler 4-6270
441 Knickerbocker Ave., BROOKLYN

ROBERT and INGE BOEHMER
née Hamburger
are happy to announce the birth of their son
Thomas Michael
formerly Vienna — formerly Posen-Berlin
Diagonal Norte 893
Buenos Aires, Dec. 30, 1943

We are happy to announce the arrival of our son
Ronald Steven
on December 31, 1943
Max and Margot Frankel
née Lilienthal
(formerly Berlin)
554 Ocean Ave., Brooklyn, N. Y.

Hocherfreut zeigen wir die Geburt unserer Tochter
Sylvia Juana
an.
Siegberto Ramsfelder und Frau
geb. Ruben
(früher Erfurt, Schweinfurt) — (früher Essen)
Buenos Aires, den 3. Dezember 1943
Reconquista 538, U. p., dep. 22-B

We are very happy to announce the arrival of our son
Howard Frank
on December 22nd, 1943
WALTER and ELSE WOLFF
née Schwabacher
412 Aiken Avenue, Peoria, Illinois
f'ly Hamburg — f'ly Memmingen

Die Geburt ihres Sohnes
Claudio
zeigen an
Dr. Franz Herzka u. Frau Thea
geb. Buchdahl
4. Dezember 1943
Lima, Perú — Casilla 597

We are happy to announce the arrival of our son
Ronald Josef
BRUNO and ILSE COHEN
née Ehrlich
December 28, 1943
4815 Riverside Drive, New York City — f'ly Horrem near Cologne

We are happy to announce the arrival of our son
John Paul
Ernst & Madeleine W. Loewenstein
née Weil
December 26th, 1943
585 West End Ave., New York, N. Y.
(formerly Wiesbaden-Erbenheim)

Unser
Alfred Wolfgang
wird am 8. Januar 1944 Barmitzwah.
Berthold und Ruth Block
geb. Meyer
3616 E. Cherry Street
Seattle 22, Wash.

Inge Sachs
Ernest Forst
Verlobte
(fr. Frankfurt a. M.) (fr. Köln a. Rh.)
1. Januar 1944
720 Waveland Ave., Chicago, Ill.

Dr. and Mrs.
Carl E. Cahn Bronner
announce the engagement of their daughter
Lilo
to
Dr. Royal S. Cutler
January, 1944
1370 East Fifty-fourth Street
Chicago 15, Ill.

Pvt. Dave Spiegel
Lore Spiegel
née Kallman
Ft. Custer, Mich. — 924 Kelly
f'ly Bronx, N. Y. — Bronx, N. Y.
f'ly Trier, Mosel
announce their marriage which took place Dec. 27th at Fort Custer, Mich.

Hanne Zadek
Lisl Zadek
née Klopfer
Married
December 18, 1943
4030 Vendôme Ave., Montreal, Can.
formerly Finkenwalde/Stettin — f'ly Munich

Pfc. Henry Landauer
Lottie Landauer
née Adler
Married December 29, 1943
30-45 33rd Street, Long Island City, N.Y. (f'ly Crailsheim) — 100 W. 91st Street, New York City (f'ly Karlsruhe)

Sam Janowitz
Alice Janowitz
geb. Liepold
Vermählte
9. Januar 1943
65 Hillside Avenue, New York City

Mr. & Mrs. Isaac Frankenberger
announce the marriage of their daughter
Marianne
to
S-Sgt. Wm. Kumins
December 29, 1943
New Haven, Conn. — Camp Swift, Tex.
830 Orange St. — f'ly
f'ly Schweinfurt — Boston, Mass.

Pfc. Max Wertheimer
Beate Wertheimer
née Auerbacher
Married
229 West 101st St., New York City — 89-26 - 146th St., Jamaica, L. I.
U. S. Army

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