

**Why Didn't They Leave?  
Understanding the Challenges for Jews Fleeing Nazi Germany**

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**Abstract**

When the Nazis came to power in 1933, Jews represented less than one percent of the German population. Still, the Nazis made anti-Semitism a core component of their ideology and encouraged Jews to leave Germany. But there was a problem with any immediate actions regarding Jewish emigration – Jews held great wealth in Germany and the sudden loss of capital could negatively impact an economy still reeling from the depression. In addition, early in his tenure, Adolf Hitler made the decision to rearm Germany, and Germany needed capital to pay for such armament.

Even with this growing anti-Semitism, German Jews were reluctant to leave Germany. The payment of onerous taxes and fees in order to emigrate would have meant a loss of a substantial portion of their assets. Plus, German Jews like my husband's family, the Heppenheimers, felt strongly patriotic, always considering themselves German. Thus, in the beginning of Nazi control, mostly young people or those with few assets chose to leave Germany. In addition, German Jews could only emigrate to certain countries. Most of those leaving Germany fled to a neighboring European country or to Palestine. The US had in place restrictions on immigration, so that only 10% of the US quota for German immigration in 1933 was filled.

German Jews with assets changed their minds about fleeing as more restrictions were imposed, although it also became harder to leave with any assets. By the time of Kristallnacht at the end of 1938, it was essentially impossible for Jews to leave Germany with any of their assets. But then the Nazi government began to take actions that made it impossible for some German Jews to leave Germany, even if they chose to leave with none of their assets. And while the US government eased restrictions on those German Jews seeking to immigrate around the time of Kristallnacht, the combination of the lateness of the hours and the actions being taken by the Nazi government made it impossible for certain Heppenheimer family members to leave Germany. These Heppenheimer family members were ultimately deported to concentration and death camps and perished.

**Introduction**

My husband's great-aunt Alice Falkenstein (nee Heppenheimer) tried to escape Nazi Germany, but multiple issues prevented her emigration. Instead, she received a deportation notice. On November 22, 1941, Alice and her husband Alfred boarded a train in Frankfurt,

arriving in Kaunas, Lithuania the next day. All 991 Jews were taken off the train and marched to the Ninth Fort, about six kilometers away. They were brought to cells in the basement of the fort and locked in with other Jews who had been brought to the fort two days earlier. The cells were ice cold, and no one was given food or water. The next day, the cells were unlocked and everyone was brought to an outdoor courtyard. A hundred at a time were taken outside the walls of the fort, forced to undress and stand in a pit, and shot to death.

Alice was born into the Heppenheimer family, a prosperous German Jewish family who had lived in Germany since the seventeenth century<sup>1</sup>. In the early years, German Jews had been restricted in what jobs they could perform, where they could live and even whether they could marry. But even with these restrictions, the Heppenheimer family flourished, becoming successful grain traders and even owning property at a time when few Jews could own property. After German Jews were emancipated in 1871, the Heppenheimer family entered the new business of scrap metal trading. The largest of the scrap metal businesses, Gebrüder Heppenheimer, was started in 1877 by brothers Henry and Joseph Heppenheimer in Frankfurt (Joseph was Alice's father), and then run by the brothers' sons. Another brother of Henry and Joseph, Maier, established a scrap metal business just outside of Mannheim, and Maier's sons set up successful scrap metal businesses in Mannheim and Worms.

By the time the Nazis came to power in 1933, the Heppenheimer family owned scrap metal businesses in multiple German cities. The family enjoyed the perks of successful business owners, living in large villas and having maids and chauffeurs. The family had weathered the hyperinflation period during the early 1920s. The stock market crash of 1929, followed by the depression, did impact some of the family's businesses, but the family remained optimistic. So when the Nazis came to power in 1933, the Heppenheimer family, who had helped to grow Germany's economy through their metals businesses, assumed they could weather this new storm.

In hindsight, we know that the family members should have left Germany as soon as Hitler came to power. But even as the Nazis took one anti-Semitic action after another through the 1930s, most of the Heppenheimer family remained in Germany. In fact, many family members stayed until it was almost too late to leave, and some never made it out. Why did the family members who were able to escape Nazi Germany wait to so long to leave and why were some family members not able to leave? This paper examines the challenges for German Jews to flee Nazi Germany, told through the experiences of the Heppenheimer family.

## **Jewish Emigration in the Early Years of the Nazi Regime**

The Heppenheimer family had experienced anti-Semitism in the past, but the situation in the early 1930s was different. Jewish prominence during the German Weimar Republic of the 1920s had already served to link Jews with a democratic order that fell into disfavor because of its association with the unpopular Treaty of Versailles.<sup>2</sup> Moreover, the American stock market crash in 1929 led to the Great Depression in Europe, which hit Germany harder than any other European country.<sup>3</sup> At the same time, chauvinistic forces were on the rise in Germany -- the doctrine that the German people were biologically superior, which became popular at the

beginning of the twentieth century, began to be taught in the 1920s in German schools and universities.<sup>4</sup> Right-wing groups were also growing in Germany through the 1920s, promoting anti-Semitic propaganda through publications like the Nuremberg-based tabloid *Der Stürmer*.<sup>5</sup> This combination of economic challenges and feelings of racial superiority led many Germans to become disillusioned with the Weimar Republic and to turn towards anti-democratic parties that blamed Jews for their plight.<sup>6</sup>

In the July 1932 elections, the National Socialist German Workers Party (the Nazi party) took advantage of this German disillusionment, capturing 230 out of 608 seats in the Reichstag (the German parliament) and becoming the largest party in the legislature. Adolf Hitler, the leader of the Nazi party, was appointed Chancellor on January 30, 1933.<sup>7</sup>

German Jews represented a small fraction of the German population -- just 522,000 Jews lived in Germany at the time, constituting less than one percent of the population.<sup>8</sup> Nevertheless, with the seizure of power by the Nazis, a systematic campaign of anti-Semitic measures against German Jews began to encourage them to leave Germany. On April 1, 1933, two months after Hitler's appointment as chancellor, a one-day boycott of Jewish stores took place, urging the citizenry to buy their goods only from Aryan businesses.<sup>9</sup> In April 1933, the Nazis enacted a law against the overcrowding of German schools and colleges that severely limited the number of Jewish students in public schools.<sup>10</sup> In that same year, legislation was enacted that forced the termination of all non-Aryan government employees.<sup>11</sup>

The pressure on German Jews to emigrate, however, created a dilemma for the regime: Jews fleeing the Reich would want to take their capital with them.<sup>12</sup> But permitting Jews to leave with their assets would have forced the Reichsbank, Germany's central bank, to come up with a massive amount of foreign currency to which it simply did not have access in the middle of the depression.<sup>13</sup> And at the same time that the Nazis were encouraging Jews to leave Germany, the Nazis had decided to rearm the German military.<sup>14</sup> The drive to rearm Germany would soon have a negative impact on the finances of the German government.<sup>15</sup> Germany would need to find a way to prevent capital flight, or at least heavily tax such flight, and at the same time find a way to pay for rearmament.

A German bank crash in 1931 had resulted in the introduction of a tax to stem capital flight.<sup>16</sup> Known as the Reich Flight Tax, the tax was originally aimed at wealthy emigrants leaving Germany, who were taxed at a rate of 25 percent of their assets.<sup>17</sup> The first action taken by the Nazis to limit the ability of Jews to take their assets was to reduce the threshold for application of the tax from 200,000 to 50,000 Reichmarks ("RM").<sup>18</sup> While the Flight Tax brought in just RM 1 million in 1933, the change in the threshold amount to target Jewish emigrants raised RM 50 million for the Nazi government in 1934.<sup>19</sup>

The flight tax was not the only way in which Nazi officials targeted prospective Jewish emigrants. Jews seeking to emigrate were also required to move their money into a blocked account at the German Gold Discount Bank ("the DEGO"), a subsidiary of the Reichsbank.<sup>20</sup> The DEGO had been established in 1924 to support Germany's export activities, but its role under the Nazi regime was expanded to include exchanging emigrants' assets for foreign currency.<sup>21</sup> After paying the Flight Tax, prospective emigrants deposited their after-tax money

into the blocked account, and then were required to purchase foreign currency, but at a very unfavorable exchange rate.<sup>22</sup> The foreign currency was also heavily fined. In 1934, a fee of twenty percent of the value of the foreign currency was applied, although the percentage increased through the 1930s.<sup>23</sup>

The various Foreign Exchange Offices (*Devisenstellen* in German) throughout Germany were responsible for the collection of these fees, as well as the monitoring of the blocked accounts and the assets in those accounts.<sup>24</sup> Established in 1931 under the joint control of the Treasury and the Economics Ministry, the Offices' control over Jews and Jewish assets would continue to grow through the 1930s.<sup>25</sup>

Until 1934, prospective emigrants could take with them a tax-exempt amount of up to RM 15,000 without the permission of the Foreign Exchange Office.<sup>26</sup> That amount changed to RM 10,000 in February 1934, and then lowered in June 1934 to RM 2,000.<sup>27</sup> In October 1934, all capital transfers were legally prohibited without the approval of the Foreign Exchange Office, so that Jews could not leave the country carrying more than RM 10 per person.<sup>28</sup>

By the time the Nazis came to power, the Heppenheimer family members had established scrap metal businesses and were likely not prepared to lose 50 percent or more of the value of their businesses through application of the various taxes and fees should they chose to leave Germany. And the Heppenheimers were likely also concerned about the loss of social status if they were to move to a new country, as were other successful German Jews.<sup>29</sup> In fact, two of the Gebrüder Heppenheimer principals – Joseph's sons Jacob and Benny – had established a new limited-liability company at the end of 1933, investing RM 20,000 into that company.<sup>30</sup> Even Alice Falkenstein, one of the few Heppenheimers not in the scrap metal business, opened a dressmaking studio at the end of 1933.<sup>31</sup> Their behavior certainly suggests that the Heppenheimer family members believed, “this too shall pass.”

While some Jews were being “encouraged” to close businesses and leave Germany, Nazi authorities were reluctant to force the sale or closure of businesses that were important to the Nazi efforts, at least in the early years of Nazi control. Jews in the early 1930s still dominated the German scrap metal industry, and so found themselves a part of the rearmament effort and a beneficiary of this increase in business.<sup>32</sup> Until 1935, Jewish firms were still receiving contracts to do business with the Nazi government, so that Jews were reaping profits from the buildup of the German army and navy.<sup>33</sup> As of 1935, Gebrüder Heppenheimer was still operating as a scrap metal business, and any trading of scrap metal, at the time, necessarily meant some participation in the rearmament business.

And adding to the uncertainty about whether to emigrate was the fact that German Jews were actually encouraged to remain in Germany by senior Jewish officials in the major German cities. Since achieving emancipation in Germany in 1871, German Jews had become fiercely patriotic. In fact, during World War I, Jews were overrepresented as a population in the army, relishing their ability to show their support for the fatherland.<sup>34</sup> The great German Rabbi Leo Baeck predicted that “the end of German Jewry has arrived” shortly after the Nazis took power.<sup>35</sup> But perhaps recognizing German patriotism among its Jews and their great reluctance to leave, Baeck and other Jewish community leaders concluded that emigration could save only a small

minority of German Jews and committed to working with this new regime.<sup>36</sup> These leaders created the Reichsvertretung der Deutschen Juden (the Reich Representation of German Jews) in 1933 as an umbrella organization of Jewish organizations to support German Jews during the Nazi period.<sup>37</sup>

For German Jews who made the decision to emigrate in the early years of the Nazi regime, where to emigrate presented a challenge. In 1933, 37,000 German Jews chose to leave Germany, but most (73%) emigrated to another European country, choosing to emigrate to neighboring countries in order to be closer to their German assets.<sup>38</sup> Another 19 percent settled in Palestine.<sup>39</sup> Because of U.S. policies in effect at the time, less than 8 percent went to America.<sup>40</sup> In fact, those policies would limit the ability of German Jews to emigrate to America for much of the 1930s.

Under the US 1929 Immigration Act, the total annual quota of all immigrants to America was not to exceed 153,774.<sup>41</sup> At the time, Germany had the largest quota for any country on the European continent, at 25,957.<sup>42</sup> President Herbert Hoover had issued an Executive Order in 1930 requiring strict adherence to the “likely to become a public charge” clause, which barred entry to those deemed “likely to become a public charge.”<sup>43</sup> Prospective emigrants would need to prove that they would not likely become a public charge by identifying a sponsor who could financially support the immigrant.<sup>44</sup> But US consuls in Germany were encouraged to use this clause to deny visa requests by German Jews.<sup>45</sup> Applications for US visas increased just after Hitler came to power, but for fiscal year 1934, just 13.7 percent of the quota was reached, or 3,740 persons.<sup>46</sup> It is believed that more than 20,000 German Jews were denied entry to the US in 1934 because they could not satisfy the conditions of the public charge clause.<sup>47</sup>

While the sponsorship requirement for avoiding the likely public charge clause proved an early challenge for many German Jews, the Heppenheimer family was lucky in this regard. Henry Heppenheimer, one of the founders of Gebrüder Heppenheimer, had moved with his wife and his younger children to America in 1891 to start a scrap metal business in New York. One of Henry’s daughters married Adolph Keller, who got his start in the scrap metal business through Henry and became a prosperous scrap metal dealer in New York in his own right. Even though Keller was not a blood relative of the Heppenheimer family, he chose to sponsor numerous Heppenheimer family members, beginning in 1933 with his niece Trude. Keller then sponsored Joseph Heppenheimer’s grandson Ernst in 1934.

While the number of Jews emigrating to America was relatively low during the first years of the Nazi regime, German Jews did continue to leave Germany, although the number slowed somewhat in 1934. The Jews who left in the early years of Nazi control were generally young and had few assets to lose to the Nazi taxes and fees. That was the case for both Trude and Ernst, who were both in their 20s. The number of German Jews emigrating in 1934 dropped to 21,000, likely reflecting a reduction in the number of anti-Semitic actions taken against Jews.<sup>48</sup> And adding to the confusion, some Jewish businesses actually benefited from an upswing in prosperity flowing from Germany’s stabilization and economic expansion during Hitler’s early years in power, which encouraged those Jewish businessmen to remain.<sup>49</sup>

## Changing Approach Towards German Jews

In the early years of the Nazi regime, officials were cautious about anti-Jewish actions, fearing that too many actions could jeopardize German foreign trade or damage the economic revival at home. Moreover, there was concern that actions towards Jews could also jeopardize Germany's rearmament program and the Olympic Games in Berlin in 1936.<sup>50</sup> Thus, the German government was rather inconsistent in their encouragement of emigration. But the increasing financial pressures on the treasury because of rearmament and growing anti-Semitism eventually led Nazi leaders to increase both the encouragement of emigration and the pace of plunder.<sup>51</sup>

The shift began in 1935 with the enactment of the Nuremberg Laws, which became the cornerstone for legalized persecution against German Jews.<sup>52</sup> The Nuremberg Laws, enacted in September 1935, defined who was a Jew and then stripped all Jews of German citizenship, as well as prohibited marriages and extramarital sexual intercourse between Jews and non-Jews.<sup>53</sup> These laws fueled the removal of Jews from German society.

As rearmament increased the need for funding, the Nazi regime increased the amount it was plundering from a prospective emigrant's blocked account. The fee assessed at the DEGO following the payment of the Flight Tax and the purchase of foreign currency increased from 20 percent to 68 percent in June of 1935 and then 81 percent in October of 1936.<sup>54</sup>

The Nazi government also took steps to prevent Jews from finding alternative and creative methods for taking valuables out of the country. In the early years of the Nazi regime, Jews had not been restricted in the personal items they could bring with them.<sup>55</sup> But the increases in fees assessed on assets had caused Jews to use their money to purchase valuables, so that the government implemented new policies in November 1935 restricting the removal of objects and jewelry made of gold.<sup>56</sup> To ensure that emigrants were not smuggling such items abroad, new surveillance mechanisms were also put in place by the Foreign Exchange Offices and the Gestapo.<sup>57</sup> And the Foreign Exchange Offices were given new authority to issue security orders if there was a suspicion of an intended transfer of assets, preventing the prospective emigrant from withdrawing or transferring any money without the approval of the Office.<sup>58</sup> In September 1937, all real estate transactions were also included within the authority of the Foreign Exchange Offices so that no transactions could be made without Foreign Exchange Office authorization.<sup>59</sup>

In the early years of Nazi control, Jews were encouraged to emigrate, but there were no official edicts that required such emigration. Instead, the regime relied on Nazi propaganda to encourage German citizens to erase Jews from the economy. While Gebrüder Heppenheimer in Frankfurt continued as a company, Heppenheimer businesses in other cities felt the impact of such anti-Semitic efforts. Ludwig Heppenheimer was a scrap business in Worms started by Ludwig and Sally Heppenheimer, the sons of Maier Heppenheimer. While Ludwig Heppenheimer had no real competition through the 1920s, by the early 1930s, there was a new non-Jewish scrap metal company, Ritzheimer & Co.<sup>60</sup> Beginning in 1933, Ludwig Heppenheimer began losing customers to Ritzheimer, which promoted itself as an Aryan

company and openly discouraged customers from doing business with Ludwig Heppenheimer.<sup>61</sup> In 1938, the Heppenheimer company was finally sold for a fraction of its value.<sup>62</sup>

While the Nazi government had not yet taken the official step of shutting down Jewish businesses, those businesses that it had “allowed” to remain open, such as Gebrüder Heppenheimer, began to feel the effects of the various Nazi edicts by 1936. Gebrüder Heppenheimer continued to advertise to purchase scrap metals through the 1930s, but in one of the last advertisements placed by the company, in 1936, one can already see the writing on the wall for the company. Instead of seeking scrap metals to buy, in this advertisement, the company listed all the metals available for purchase “cheap to sell.”<sup>63</sup> On November 27, 1937, a memo was sent to the monitoring authorities responsible for raw materials management ordering that materials for Jewish businesses (such as scrap metal) be reduced by 10 percent.<sup>64</sup> Such new restrictions on supplies imposed in 1937 likely signaled to Gebrüder Heppenheimer that the end was near for the company.

Following the enactment of the Nuremberg Laws, the Gestapo became more involved with Jewish emigration. The Gestapo worked with the local tax offices, the Foreign Exchange Offices, and the Reichsbank branches to monitor emigration activity, so that the financial circumstances of the emigrant could be completely controlled.<sup>65</sup> While the mandate to close Jewish businesses would come later, increased actions by the Gestapo were taken to “encourage” Jews to close their businesses and leave Germany, as was likely the case with Leopold Heppenheimer.

Maier Heppenheimer’s son Leopold had been a successful scrap metal dealer for many years. At the end of 1936, Leopold had purchased approximately 600 kilograms of copper from an antiques merchant.<sup>66</sup> Leopold had previously done business with this merchant and he did not know that the merchant did not have a license to engage in scrap metal sales.<sup>67</sup> In 1937, Leopold was arrested and charged with copper theft.<sup>68</sup> One can assume that Leopold was planning to emigrate and so had appeared on the radar screen of the Gestapo and the Foreign Exchange Office. It was acknowledged during the trial that Leopold did not know that he was purchasing scrap from an unlicensed dealer, so it is likely that he was arrested to force him to sell his business and emigrate. Leopold was convicted and sentenced to more than one year in prison.<sup>69</sup> After he was sent to prison, his scrap metal business was sold to a non-Jew.

Leopold’s arrest and conviction could have presented a real problem for him in terms of emigration. One of the conditions for emigrating to America was obtaining a good conduct certificate from the local police department verifying that the applicant had no criminal record. For Leopold, having been released from prison at the end of 1938, obtaining such a good conduct certificate would have presented a significant challenge. But around this time, some elements of the German government were still focused on getting rid of the remaining Jews in Germany. In fact, based on American consular reports at the time, German police officials were issuing good conduct certificates to some visa applicants who had been convicted of crimes in order to promote the emigration of Jews from Germany.<sup>70</sup> Having faced multiple hurdles to leave Germany, Leopold got lucky – he received a good conduct certificate from the Mannheim Police Department verifying that Leopold had never been convicted of a crime or offense.<sup>71</sup> Because of

the good conduct certificate, Leopold was able to obtain his U.S. visa and he successfully emigrated.

The number of Jews leaving Germany remained relatively constant in 1936 and 1937, with 25,000 and 23,000 leaving, respectively.<sup>72</sup> By 1935, 80,000 individuals had left Germany, most of whom were Jews and most of whom settled in other European countries.<sup>73</sup> Direct emigration overseas was still negligible, and only picked up slightly in 1936, with 6,978 persons emigrating to America, reflecting 24.3 percent of the quota.<sup>74</sup> But an easing of the sponsorship requirement of the public charge clause in the U.S. allowed for an increase in the number of German Jews granted visas in 1937, so that 12,532 persons emigrated, or 48.3 percent of the quota.<sup>75</sup> This easing came at an important time, since emigration to Palestine was restricted beginning in 1936 and essentially ended by 1939.<sup>76</sup>

My husband's father Kurt Heppenheimer (Joseph's grandson) had been forced to leave his school in the spring of 1935 at the age of fifteen because he was Jewish and decided to emigrate to the U.S. He applied for a visa and relied on Adolph Keller for his sponsorship. Still, he was not given his visa until 1937, and perhaps benefited from the increase in the number of visas approved that year. But with increases in actions taken against Jews during this period, the older Heppenheimer family members – those with assets – began to consider leaving Germany.

### **Total Appropriation of Jewish Assets**

By the end of 1937, a total of 129,000 Jews had left Germany.<sup>77</sup> But another 371,000 German Jews, or three-fourths of the Jewish community, were still in harm's way.<sup>78</sup> While most German Jews were still in Germany, many of their businesses had already been forced to close. In 1932, there had been approximately 100,000 Jewish-owned firms in Germany.<sup>79</sup> By the end of 1937, two-thirds of small-scale Jewish-owned businesses had ceased to operate, although some of the larger firms survived until 1938, in part because their disappearance would have jeopardized Germany's recovery from unemployment and the depression.<sup>80</sup> Such was the case for a number of the Heppenheimer scrap metal businesses, which were still functioning in 1938, but some were shells of what they had been.

In terms of emigration of members of the Heppenheimer family, several of the younger family members had utilized Adolph Keller's sponsorship offer to emigrate to America. And one of Joseph's granddaughters had emigrated to Palestine with her husband in 1935. But as of the beginning of 1938, most of the Heppenheimer family members were still in Germany, although many had already placed their names on the waiting list for US visas.

For those seeking to emigrate, the ability to take any assets became virtually impossible by the beginning of 1938. After paying the Flight Tax, the fee assessed for what remained after the purchase of foreign currency had increased to 90 percent in June 1938; by September 1939, it would increase to 96 percent.<sup>81</sup> Moreover, changes to the process for shipping personal belongings made it more difficult to take such items.



In May 1938, the Reich Ministry of Economics decreed that a permit from the Foreign Exchange Office was required for the export of all personal goods.<sup>82</sup> The prospective emigrant had to provide a list of all items that person intended to ship.<sup>83</sup> The list was divided into three categories: (1) household belongings purchased before January 1, 1933; (2) any items purchased after January 1, 1933; and (3) valuable items such as jewelry or works of art.<sup>84</sup> It was completely forbidden to take items in the third category.<sup>85</sup> For items in the second category, it was assumed that such purchases were made to circumvent Nazi restrictions on export of assets, so that an export fee to the DEGO of two to three times the original price was not uncommon.<sup>86</sup> After the Foreign Exchange Office approved the list, customs officials would inspect the items before they were packed, at which point the suitcase was sealed.<sup>87</sup> After clearance by customs officials, the goods would be stored by a freight forwarder until they were exported.<sup>88</sup>

Knowing about these restrictions on the export of such goods, German Jews sometimes took risks in hiding precious metals and valuables in personal luggage or smuggling valuables across the border.<sup>89</sup> That was the case for some Heppenheimer family members. Joseph Heppenheimer's daughter Bertha and son Benny gave precious jewelry to a family member who was emigrating to America by first crossing the Swiss border, who hid the jewelry as he crossed the border. My husband's grandmother purchased antique sculptures, but lied about their value and thereby avoided paying the DEGO assessment. She also hid her pearls in a skein of yarn, relieved that it was not discovered by a customs inspector.

As it turned out, the shipment of goods was yet one more method of Nazi plunder. New regulations in 1938 prevented German freight forwarders from shipping the property of Jewish emigrants to the refugee's new home.<sup>90</sup> Instead, once the goods were inspected, the goods were sent to a German port for shipment by the freight forwarder, and then the goods would "disappear."<sup>91</sup> Such was the case, for example, for Leopold Heppenheimer, who received his US visa in January 1940. Leopold arranged for the shipment of his personal goods and paid the required fee to DEGO. After his arrival in America, Leopold never received the shipment.

While German currency decrees had previously only applied to those seeking to emigrate, by 1938, it was being applied to all German Jews. A decree of April 26, 1938 required all German Jews to register their domestic and foreign assets and imposed large penalties for failure to comply.<sup>92</sup> All German Jews were also required to create a blocked account, not just those seeking to emigrate.<sup>93</sup> Out of this account, a certain amount could then be withdrawn monthly for regular payments, as well as tax payments, religious payments, and emigration fees.<sup>94</sup> Another edict issued on April 22, 1938 required all Jews to obtain permission before liquidating assets of significant value, not just those seeking to emigrate.<sup>95</sup>

While German authorities were imposing more and more onerous requirements on German Jews, Germany was still committed to forcing Jews to leave Germany. Recognizing a growing crisis, 140 representatives from 32 nations, along with delegates from 40 private aid agencies, convened a meeting in Evian, France on July 6, 1938.<sup>96</sup> Following nine-days of discussions, only the Dominican Republic expressed a willingness to take a large number of refugees.<sup>97</sup> After the Evian conference, the German government concluded that it would need to take more drastic steps to make Germany "Judenfrei" (free of Jews). At the same time,

Germany was continuing to issue edicts and take actions to gain further control over all Jewish assets.

For the Heppenheimers still left in Germany, and particularly those who still owned businesses, Kristallnacht (“the night of broken glass”) on November 9 and 10, 1938 likely ended any doubts about the need to leave Germany. The assassination of a German official by a 17-year-old Polish Jew was used as pretext for launching a night of anti-Semitic destruction.<sup>98</sup> Rather than make it an official action of the government, the Nazis used local leaders and the Hitler Youth units for the pogrom.<sup>99</sup> Kristallnacht ultimately saw the destruction of 267 synagogues throughout Germany, Austria and the Sudetenland, as well as damage to 7,500 Jewish-owned commercial establishments.<sup>100</sup>

The nightmare for German Jews did not end with Kristallnacht. Beginning on the evening of November 10, and continuing for the next few days, 10,000 Jewish men throughout Germany were arrested by German SS and police and taken to the Buchenwald concentration camp.<sup>101</sup> Benny Heppenheimer was arrested, but because he had a hearing injury from the first world war, he was released.<sup>102</sup> But the husbands of Maier Heppenheimer’s granddaughter Johanna and Joseph Heppenheimer’s daughter Alice -- Heinrich Bauernfreund and Alfred Falkenstein -- were not so lucky. On November 13<sup>th</sup>, several days after Kristallnacht, Heinrich and Alfred were arrested and taken by train to Buchenwald, about 130 miles from Frankfurt. Heinrich, Alfred, and the other Jews who arrived at Buchenwald were then subjected to extraordinarily cruel treatment, working fourteen to fifteen hours a day – generally in the infamous Buchenwald quarry – and enduring abominable living conditions.<sup>103</sup> The intent of the brutal treatment at Buchenwald was to encourage Jewish emigration.<sup>104</sup> Within a few months, virtually all were released after their families had made commitments to leave Germany.<sup>105</sup>

Kristallnacht was a natural progression from the registration of Jewish assets earlier in the year. And following Kristallnacht, laws were passed that plundered even more of the assets of German Jews, which had been identified in that April registration. First, a law was passed making the Jews liable collectively for all damages from Kristallnacht.<sup>106</sup> Out of fear that the German insurance companies would lose money fixing the damages, the Nazi government passed legislation forcing the Jewish community to pay for the damages.<sup>107</sup> The collective fine was RM 1 billion, and all Jewish taxpayers were ordered on November 21, 1938 to pay a fifth of all their assets, in four tax installments, by August 15, 1939.<sup>108</sup> Moreover, all insurance payments to Jewish property owners for damages resulting from Kristallnacht – amounting to RM 225 million– were confiscated by the state.<sup>109</sup> The total amount ultimately collected by the Nazis for the destruction they caused during Kristallnacht reached well over RM 2 billion.<sup>110</sup> And to add insult to injury, the owners of the destroyed shops were required to restore the appearance of the street, at their own expense.<sup>111</sup>

Following Kristallnacht, the Nazis issued a number of decrees that effectively saw the end of Jewish life in Germany. On November 12, 1938, two days after Kristallnacht, the Decree on the Elimination of Jews from German Economic Life was passed, which closed off nearly all remaining possibilities for making a living.<sup>112</sup> And on December 3, 1938, a Decree on the Utilization of Jewish Assets ordered the closure of all remaining Jewish businesses.<sup>113</sup> Jews

were forced to sell or liquidate their businesses and properties under the supervision of a governmental trustee.<sup>114</sup>

The Heppenheimer family members still in business were forced to close their businesses at the end of 1938, per the Nazi decree. Gebrüder Heppenheimer was sold to a long-time employee of the company, although none of the principals were able to gain access to the proceeds from the sale since the money was placed in a blocked account.<sup>115</sup> And Alice Heppenheimer was forced to close her dressmaking shop at the end of 1938.

While the blocked account requirement applied to all Jews, until the beginning of 1939, there was no means of knowing for sure who was Jewish. After January 1, 1939, Jews were required to identify themselves as Jewish by replacing their middle names with Israel or Sara.<sup>116</sup> The German Private Banking Business Group then advised its member banks to alter their accounts accordingly, so that the bank accounts of all Jews would be known.<sup>117</sup>

The valuables of all Jews were then taken by the Nazis. On December 3, 1938, Jews were forbidden to buy or sell art, jewelry, or items containing precious metals.<sup>118</sup> In January 1939, all Jews were then ordered to deliver their valuables to municipal pawn shops set-up by the Reich, where they were given a nominal amount in return.<sup>119</sup> Attempts to conceal valuables carried the death penalty.<sup>120</sup>

Until 1938, the challenges in emigrating seemed to rest primarily with finding a country that would actually take the emigrant. Following Kristallnacht, however, the Nazi government began to take actions that actually prevented Jews from being able to emigrate, even if they were not seeking to take anything with them. For several Heppenheimer family members, the imposition of the Jewish Levy actually had the effect of preventing them from escaping Nazi Germany. Thus, the effect of the Jewish Levy and other measures following Kristallnacht was not just to plunder Jewish assets, but also to prevent emigration.

In order to obtain a German passport, the prospective emigrant needed a tax clearance certificate from the tax office, which verified that all taxes had been paid.<sup>121</sup> Alice Heppenheimer's husband had inherited a house from his mother after she died in 1936.<sup>122</sup> When Alice and her husband Alfred submitted their asset valuation form for the April 1938 registration of Jewish assets, the house was valued at 27,000 RM by the Nazi government. Unfortunately, Alfred could only sell the house for 24,000 RM because its Jewish ownership reduced its value. The levy on Jewish assets was calculated based on the declarations made in April 1938 registration.<sup>123</sup> Thus, the tax authorities applied the Jewish Levy based on the April 1938 valuation, and, after paying the existing mortgage, Alfred did not have enough money to pay the levy.

In addition to his challenges to the valuation of the house, Alfred had previously challenged a tax assessment in 1937 against himself and his wife Alice. Alfred ultimately agreed to pay the 1937 tax assessment, but then complained to tax officials in 1939 about the assessment of the Jewish Levy. Nazi officials often used alleged tax debts as a pretext for opening criminal investigations, which they appeared to do with Alfred.<sup>124</sup> Alfred was arrested in June 1939, accused of violating the Nuremberg Laws for allegedly having a relationship with a non-Jewish

woman in 1936. After four months in jail, the charges were dropped, although Alfred was still required to pay a court fine. Since the charges were dropped, one can assume that the imprisonment was in retaliation for the filing of complaints with the tax office about the two different tax assessments. But more importantly, this imprisonment caused Alfred to fall further behind in what he owed the tax authorities. Alice and Alfred were never able to receive their tax clearance certificates and were ultimately deported.

Another family member also experienced the frustrations with the tax office and the likely consequences of filing a complaint for taxes owed. Maier Heppenheimer's granddaughter Johanna Bauernfreund had owned a scrap metal business, which was forced to close at the end of 1938.<sup>125</sup> Beginning in 1935, revisions were made to the tax code to remove all tax breaks benefiting Jews.<sup>126</sup> Johanna's husband Heinrich had submitted a complaint to the tax office in 1937 because tax credits for his two children were no longer recognized. Like Alfred Falkenstein, the Gestapo likely did not take kindly to the submission of a complaint. After Johanna closed her business at the end of 1938, the Nazi tax office insisted that the company make an advanced tax payment, which Heinrich did in April 1939, but only after he had challenged the payments. The tax office continued to insist on advanced tax payments, even though the business was no longer functioning.<sup>127</sup> Heinrich began working in an automobile factory in September 1939, but the tax office continued to insist on payments from the already liquidated business, and started to include a tax surcharge. Heinrich wrote to the tax office repeatedly, requesting that the tax obligations be removed and a tax clearance certificate be issued for his family in order to emigrate. But the tax charges and surcharges presented a great challenge for the family to pay, since their monthly income had dwindled following the loss of the business. The tax clearance certificate was finally granted on October 10, 1941, but this was too late for the family, since the US consulates were forced by the German government to close in July 1941 and the German borders were closed to emigration at the end of October.<sup>128</sup> The Bauernfreunds were deported at the end of October 1941 and perished in the Holocaust.

While Germany was making it harder for Jews to leave Germany, the easing of the sponsorship aspect of the public charge mandate by the US government was having a positive effect on the filling of the US quota. Beginning in 1939, the US quota was filled for the first time.<sup>129</sup> But the number of German Jews seeking to emigrate had also significantly grown, and the length of time to obtain the US visa remained a problem for many German Jews.<sup>130</sup> Moreover, the process for obtaining a US visa was quite onerous, involving repeated visits to multiple German agencies.

After a prospective emigrant placed his or her name on a waiting list, that person would then work to obtain the following in order to obtain a US visa: (1) five copies of the visa application; (2) two copies of the applicant's birth certificate; (3) two sponsors (U.S. citizens or legal permanent residents), who each completed six copies of an Affidavit of Support and Sponsorship; (4) certified copy of the most recent tax return; (5) affidavit from a bank regarding the applicant's accounts; (6) affidavit from any other responsible person regarding other assets; (7) certificate of Good Conduct from German police authorities, including two copies of any police dossier, prison record, military record and other government records; (8) affidavits of good conduct from several responsible disinterested persons; (9) physical examination at U.S. consulate; (10) proof of permission to leave Germany; and (11) proof that passage had been

booked to the Western hemisphere.<sup>131</sup> The US consulate had imposed the requirements regarding proof of permission to leave Germany and proof that passage had been booked in September 1939.<sup>132</sup> And while the sponsorship requirement had been eased, German Jews still faced anti-Semitic acts of American consulate officials that served to impede Jewish emigration.

Benny Heppenheimer's wife, Margot, had been reluctant to leave Germany, but Kristallnacht changed her mind. The family put their name on the waiting list at the end of 1938. Gebrüder Heppenheimer was sold at the end of 1938, and Benny and his older son Hans were given forced labor jobs.<sup>133</sup> Benny was notified in 1940 that the family was eligible for their U.S. visas, but Benny did not have enough money to satisfy the funding requirement for their abroad existence set by the consulate officials. The funding requirement was another element of the public charge mandate – to avoid becoming a public charge, Jewish immigrants were required to have a certain amount of money in an account before they could emigrate to America.<sup>134</sup> The Heppenheimer family believed that the American consulate officials in Stuttgart, who were responsible for issuing the US visas for Frankfurt residents, were particularly anti-Semitic, so one can assume that they imposed a relatively high funding requirement for the family. Of course, because all monies were deposited in a blocked account, the family would have no access to the money once they emigrated to America, so the requirement was a sham in so far as assuring an emigrant's financial status.

Benny had to work another six months before he had enough money to satisfy the funding requirement. In May 1941, the family went to the American Consulate in Stuttgart to obtain their US visas. Upon arriving in Stuttgart, the family was given the required medical exam. To her surprise, Margot was told that there was a spot on her lung x-ray and her visa application was rejected. Suspecting that the x-ray results were wrong (and perhaps purposefully wrong), Margot immediately returned to Frankfurt and had herself x-rayed. The results were fine, but in the interim, all the American Consulates had been closed by the German government. Had the funding requirement not been imposed in the first place, the family would have had time to resolve the mistake with the x-ray. But at that late date, with the American consulates closed, Margot could not obtain her visa. Knowing that there was no chance for Margot to secure a U.S. visa quickly, Benny and Margot made the difficult decision that Benny would take the boys to America without Margot.<sup>135</sup> Benny and his sons soon left on a "sealed train" for Lisbon and sailed to America.<sup>136</sup> Margot was unable to obtain a visa to any country, and was deported in October. She likely perished in the Chelmno death camp.

In 1933, there were 522,000 Jews in Germany. By the end of October 1941, approximately 170,000 Jews remained, and virtually all perished in the Holocaust.<sup>137</sup> For eight years, German Jews tried various ways to escape Germany. Some went to other European countries, some left for Palestine, some were able to emigrate to America, and still others emigrated to other continents. When they left, for the most part, they left with nothing, leaving their assets behind in blocked accounts.

Some Jews who were able to emigrate actually left behind sizeable fortunes in blocked accounts, even after the payment of the numerous taxes and fees. Ever mindful of the importance of following regulations, but still intent on plundering all Jewish assets, the Germans had legal ways of gaining access to those accounts. For example, Joseph Heppenheimer's

granddaughter Martha had married a very successful pharmaceutical manufacturer, Franz Neumeier.<sup>138</sup> Franz was forced to sell his manufacturing facility in Germany in early 1938 for RM 175,000, which was then put in a blocked account. Franz was able to move to Switzerland with his wife in 1938, but his fortune was left behind. Until Martha's parents were able to emigrate themselves in February 1941, Martha was able to support her parents using the money from her husband's blocked account with permission from the Foreign Exchange Office. Once the parents emigrated, the Gestapo sent a note to the Frankfurt Tax Office informing it that, pursuant to German law, the Gestapo was confiscating the assets of Franz Neumeier.

Still wedded to its legal structure for plunder, the Nazi regime made sure that it was able to plunder the assets of even those Jews who could not escape Germany. Germany issued the 11<sup>th</sup> Decree in November of 1941, which provided for the confiscation of assets for those Jews who emigrated from Germany.<sup>139</sup> And, importantly, the decree expanded the definition of "emigration" to include those deported to concentration and death camps.<sup>140</sup> Heinrich Bauernfreund and his wife and two sons, as well as his mother-in-law Berta Schwarz (Maier Heppenheimer's daughter), were deported to the Lodz ghetto in Poland. Berta had moved to Frankfurt in 1938 to help her daughter and son-in-law try to emigrate. She had in her account approximately RM 100,000 from the sale of a business and apartment in Frankenthal, Germany. In February 1942, the Frankfurt Foreign Exchange office issued a notice that the property of Berta Schwartz was being confiscated. The property included approximately RM 2,000 in a bank account (all that was left from the RM 100,000) and items in an apartment valued at RM 1,000.<sup>141</sup>

## **Conclusion**

The Heppenheimer family had lived in Germany for more than two hundred years when the Nazis came to power. The family was strongly patriotic, prospering especially after Jews were emancipated in 1871. As scrap metal dealers, the family played a role in growing the German economy. They had faced anti-Semitism in the past, but never considered leaving their beloved country.

With the taxes and fees assessed on the assets of Jews seeking to emigrate after the Nazis first came to power, the Heppenheimer family members were reluctant to leave Germany. Even for those German Jews with limited means, emigration presented a challenge, particularly emigration to America. To the extent they chose to emigrate, most left for neighboring countries and some left for Palestine. Few were able to emigrate to America. But most Jews chose to remain in Germany, hoping that the Nazi government would not last.

The increasing financial pressures on the treasury because of the Nazi government's decision to rearm the military and growing anti-Semitism led Nazi leaders to increase both the encouragement of Jewish emigration and the pace of plunder. The taxes and fees assessed on assets for prospective emigrants grew, and the Foreign Exchange Offices and the Gestapo increased their surveillance over Jewish assets for those who applied to leave. Anti-Semitism was driving Jewish businesses out of business, including those businesses owned by Heppenheimer family members.

The year 1938 represented a shift in approach to German Jews. For those seeking to emigrate, a permit was now required to export personal goods. The fees assessed on assets now made it virtually impossible to take any assets beyond the RM 10 the government permitted. The government now imposed restrictions on all German Jews, not just those seeking to emigrate. All German Jews were now required to register their assets and to place their money in blocked accounts, with permission for withdrawing any funds required by the Foreign Exchange Office. With Kristallnacht and the actions taken following this pogrom, Jewish life in Germany was essentially ended.

Until 1938, measures taken by the Nazi were intended to limit what assets Jews could take with them, but measures after Kristallnacht actually inhibited Jewish emigration. The Jewish Levy and other actions taken against certain Heppenheimer family members prevented them from being able to pay their taxes, and thus obtain the necessary tax clearance certificate. And continued anti-Semitic actions taken by US consulate officials also served to limit immigration to America.

When the German borders were finally closed in October 1941 and the 170,000 German Jews still left in Germany could no longer leave, the Nazi government was able to finally achieve its goal of total plunder of Jewish assets. The assets in blocked accounts were seized and the other assets left behind were confiscated, both of Jews who successfully emigrated and those Jews who were ultimately deported.

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<sup>1</sup> The history of the Heppenheimer family is told in greater detail in my book *Broken Promises: The Story of a Jewish Family in Germany* (Book Baby, 2021). Genealogical sources relating to the Heppenheimer family members are identified in that book, and are therefore omitted from this paper.

<sup>2</sup> Jonathan Friedman, *The Lion and the Star: Gentile-Jewish Relations in Three Hessian Communities, 1919-1945*, (Lexington, Kentucky: The University Press of Kentucky, 1998), 23. Germany was forced to sign the Treaty of Versailles in the summer of 1919 following the end of the war, which imposed on the Germans the payment of an extraordinary amount in reparations and placed constraints on its economic recovery. Fergusson, *When Money Dies* 127.

<sup>3</sup> Parket Abt, "The Nazi Fiscal Cliff: Unsustainable Financial Practices Before World War II," *The Gettysburg Historical Journal*, Volume 16, Article 5, (2017), 20.

<sup>4</sup> Gotz Aly, *Why the Germans, Why the Jews*, (New York: Metropolitan Books, 2011), 29.

<sup>5</sup> *Der Stürmer* was published by Julius Streicher, prominent member of the Nazi Party. See *Julius Streicher*, at <https://www.jewishvirtuallibrary.org/julius-streicher-2>.

<sup>6</sup> Oded Heilbronner, "A Tale of Three German Cities," *People of the City: Jews and the Urban Challenge*, Ezra Mendelsohn (Ed.), (New York: Oxford University Press, 1999), 183; "1929: A Turning Point During the Weimar Period," at <https://www.facinghistory.org/weimar-republic-fragility-democracy/readings/1929-turning-point>. But Jews suffered, as well, with more than one-third of the approximately one hundred thousand Jewish office and factory workers out of work during the depression. Avraham Barkai, "Exclusion and Persecution: 1933-1938," in *German-Jewish History in Modern Times, Volume 4, Renewal and Destruction 1918-1945*, Michael A. Meyer (Ed.), (New York: Columbia University Press, 1998), 203.

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<sup>7</sup> Abraham Ascher, *Was Hitler a Riddle? Western Democracies and National Socialism*, (Stanford: Stanford University Press, 2021), 21; Barkai, “Exclusion and Persecution: 1933-1938,” *German-Jewish History in Modern Times, Volume 4*, 197.

<sup>8</sup> “German Jews During the Holocaust,” at <https://encyclopedia.ushmm.org/content/en/article/german-jews-during-the-holocaust>.

<sup>9</sup> Barkai, “Exclusion and Persecution: 1933-1938,” 199.

<sup>10</sup> “Philanthropin – School of the Israelite Community,” at <http://www.frankfurt1933-1945.de>. Because of these restrictions and the increasing anti-Semitism experienced by Jewish students in public schools, the number of students in the Philanthropin, the Jewish school in Frankfurt attended by most of the Heppenheimer family, increased from 376 in 1933 to 701 in 1934. *Ibid*.

<sup>11</sup> *Ibid*; Barkai, “Exclusion and Persecution: 1933-1938,” 201.

<sup>12</sup> Albrecht Ritschl, “Fiscal Destruction: Confiscatory Taxation of Jewish Property and Income in Nazi Germany,” in *Dispossession: Plundering German Jewry, 1933-1953*, Christoph Kreutmüller and Jonathan R. Zatzlin (Eds.) (Ann Arbor: University of Michigan Press, 2020), 76

<sup>13</sup> *Ibid*.

<sup>14</sup> Because of the restrictions in the Treaty of Versailles following World War I, Germany was without basic military equipment, and was limited to an army of not more than 100,000 men. Richard J. Evans, *The Third Reich in Power*, (New York: The Penguin Press, 2005), 338-39. Hitler’s first move after he became Chancellor in 1933 was to suspend payment on Germany’s international debts and to prioritize rearmament. Erin Blakemore, “Germany’s World War I Debt Was So Crushing it Took 92 Years to Pay Off,” History.Com, at <https://www.history.com/news/germany-world-war-i-debt-treaty-versailles>; “Chapter VIII – Economic Aspects of the Conspiracy,” *Nazi Conspiracy and Aggression Volume I*, The Avalon Project, at [https://avalon.law.yale.edu/imt/chap\\_08.asp](https://avalon.law.yale.edu/imt/chap_08.asp). Full scale rearmament began in 1934, although it was initially hidden from view because it violated the Treaty of Versailles. Abt, “The Nazi Fiscal Cliff: Unsustainable Financial Practices Before World War II,” 22.

<sup>15</sup> In 1932, the Reich government had enjoyed a surplus, but rearmament would soon plunge the Reich’s finances into a deficit. Richard J. Evans, *The Third Reich in Power*, (New York: The Penguin Press, 2005), 360.

<sup>16</sup> Christine Shoemaker, “The German Gold Discount Bank (DEGO) and the Persecution of the Jews 1933-1945,” in *Yad Vashem Studies*, 40:2 (2012), 40.

<sup>17</sup> Susanne Meinl, “The Expropriation of Jewish Emigrants from Hessen During the 1930s,” in *Confiscation of Jewish Property in Europe, 1933-1945*, Center for Advanced Holocaust Studies, United States Holocaust Memorial Museum, 94, at [https://www.ushmm.org/m/pdfs/Publication\\_OP\\_2003-01.pdf](https://www.ushmm.org/m/pdfs/Publication_OP_2003-01.pdf).

<sup>18</sup> *Ibid*, 94-95.

<sup>19</sup> Martin Munzel, “Expulsion – Plunder – Flight: Businessmen and Emigration from Nazi Germany (1933-1939), in *Immigrant Entrepreneurship: German-American Business Biographies, 1720 to the Present*, vol. 4, edited by Jeffrey Fear. German Historical Institute, at <https://www.immigrantentrepreneurship.org/entries/expulsion-plunder-flight-businessmen-and-emigration-from-nazi-germany/>. By 1939, the Nazi government had collected RM 900 million in taxes from the Reich Flight Tax. *Ibid*.

<sup>20</sup> Shoemaker, “The German Gold Discount Bank (DEGO) and the Persecution of the Jews 1933-1945,” 35-36; 44.

<sup>21</sup> *Ibid*, 39-41.



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<sup>22</sup> Christine Shoemakers, “The ‘Legal’ Theft of Jewish Assets: The German Gold Discount Bank (DEGO),” in *Dispossession: Plundering German Jewry, 1933-1953*, Christoph Kreutzmuller and Jonathan R. Zatlín (Eds.), 77.

<sup>23</sup> Frank Bajohr, “The Beneficiaries of ‘Aryanization’: Hamburg as a Case Study,” 5, at [https://www.yadvashem.org/download/about\\_holocaust/studies/bajohr\\_full.pdf](https://www.yadvashem.org/download/about_holocaust/studies/bajohr_full.pdf).

<sup>24</sup> “Foreign Exchange Policy,” *Persecution and Emigration of Jewish Citizens in the Gottingen Region, 1933-1945*, at <https://juedische-emigration.de/en/persecution/financial-authorities/foreign-exchange-policy.html>; “Foreign Exchange Offices as Helpers in the Plundering of the Jews,” at <https://www.frankfurt1933-1945.de/beitraege/ausgrenzung-und-verfolgung/beitrag/devisenstellen-als-helfer-bei-der-auspluenderung-der-juden/suchwort/devisenstellen?cHash=61e1a60e404d8cb35c07617e7c873073>.

<sup>25</sup> Ibid.

<sup>26</sup> Shoemakers, “The German Gold Discount Bank (DEGO) and the Persecution of the Jews 1933-1945,” 42.

<sup>27</sup> Ibid, 42-43.

<sup>28</sup> Ibid, 43.

<sup>29</sup> Münzel, “Expulsion – Plunder – Flight: Businessmen and Emigration from Nazi Germany.”

<sup>30</sup> Reparation Request of Benny Heppenheimer, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHSStaw\_518\_8241.

<sup>31</sup> Alice Falkenstein, “Documents Related to Jewish Business,” June 14, 1941, United States Holocaust Memorial Museum, at <https://www.ushmm.org>.

<sup>32</sup> Ibid.

<sup>33</sup> John V. H Dippel, *Bound Upon a Wheel of Fire: Why So Many German Jews Made the Tragic Decision to Remain in Nazi Germany*, (New York: Basic Books, 1996), 139.

<sup>34</sup> By the end of World War I, nearly 100,000 Jews had served in the Kaiser’s armies, with 12,000 dying in action and 35,000 decorated. See Paul Mendes-Flohr, “In the Shadow of the World War,” *German-Jewish History in Modern Times, Volume 4, Renewal and Destruction*, 8-9. But the Prussian Minister of War ordered a “counting of Jews” during the war in response to a claim that Jews were shirking their duties. This census of 1916 found, instead, that Jews were overrepresented as a population in the war, and a disproportionately high number of Jews fought as common soldiers at the front. See Ritchie Robertson (Ed.), *The German-Jewish Dialogue: An Anthology of Literary Texts, 1749-1993*, (Oxford: Oxford University Press, 1999), xxii; Aly, *Why the Germans, Why the Jews*, 102. Most of the eligible Heppenheimer men fought in the war, and several died fighting.

<sup>35</sup> Abraham J. Peck (Ed.), *The German-Jewish Legacy in America, 1938-1988: From Buldung to the Bill of Rights*, (Detroit: Wayne State University Press, 1989), 81.

<sup>36</sup> Dippel, *Bound Upon a Wheel of Fire: Why So Many German Jews Made the Tragic Decision to Remain in Nazi Germany*, 99.

<sup>37</sup> Beate Meyer, *A Fatal Balancing Act: The Dilemma of the Reich Association of Jews in Germany, 1939-1945*, (New York: Berghahn Books, 2013), 20-21. Jewish officials changed their position in 1936 and began advising Jews to emigrate. See Christof Kreutzmuller, *Final Sale in Berlin: The Destruction of Jewish Commercial Activity 1930- 1945*, (New York: Berghahn Books, 2015), 289. The Reichsvereinigung der Juden (the Reich Association of Jews in Germany), which was established by law on July 4, 1939, grew out of the Reichsvertretung and reflected the fact that there were no more “German Jews,” only “Jews in Germany.” See Meyer, *A Fatal Balancing Act: The Dilemma of the Reich Association of Jews in Germany, 1939-1945*, 81. The Reichsvereinigung assisted the Gestapo

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in spurring emigration. When deportations started in 1941, the Reichsvereinigung provided the Gestapo with the names for deportation. *Ibid*, 154.

<sup>38</sup> Evans, *The Third Reich in Power*, 555.

<sup>39</sup> *Ibid*. This legal emigration to Palestine was facilitated by the Haavara Transfer Agreement, which was signed by representatives of the Zionist movement in Germany and Palestine and the Nazi government on August 27, 1933, and allowed for the transfer of a significant portion of the emigrants' assets in exchange for the export to Germany of much-needed goods such as citrus fruit. *See Ibid*, 557. While Jews emigrating to Palestine tended to do better financially than Jews emigrating to other countries because of the Transfer Agreement, the Agreement still resulted in a 35% loss in the emigrant's assets. *See Sheer Ganor, In Scattered Formation: Displacement, Alignment and the German-Jewish Diaspora*. 2019. University of California, Berkeley, PhD dissertation, 18, at [https://digitalassets.lib.berkeley.edu/etd/ucb/text/Ganir\\_berkeley\\_0028E\\_18996.pdf](https://digitalassets.lib.berkeley.edu/etd/ucb/text/Ganir_berkeley_0028E_18996.pdf).

<sup>40</sup> Evans, *The Third Reich in Power*, 555.

<sup>41</sup> Herbert A. Strauss, "The Immigration and Acculturation of the German Jew in the United States of America," *The Leo Baeck Institute Year Book, Volume 16, Issue 1*, January 1971, 65.

<sup>42</sup> Alan M. Kraut, Richard Breitman, and Thomas W. Immhoof, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," in *Journal of American Ethnic History*, (Spring, 1984), 7.

<sup>43</sup> Bat-Ami Zucker, "Frances Perkins and the German-Jewish Refugees, 1933-1940," in *American Jewish History*, (March, 2001), 2-3, at <https://francesperkinscenter.org/wp-content/uploads/2014/01/Frances-Perkins-and-the-German-Jewish-Refugees-1933-1940.pdf>. Hoover's Order interpreted more strictly an ambiguous provision of the Immigration Act of 1917 in an attempt to ease unemployment. This strict interpretation of the "likely to become a public charge" clause had the effect of severely curtailing emigration until eased by President Roosevelt and the State Department later in the decade, as discussed later in this paper. *See* Gary David Mitchell, "The Impact of U.S. Immigration Policy on the Economic 'Quality' of German and Austrian Immigrants in the 1930s," in *The International Migration Review*, Vol. 26, No. 3 (Autumn, 1992), 941.

<sup>44</sup> Kraut, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," 10-11.

<sup>45</sup> Zucker, "Frances Perkins and the German-Jewish Refugees, 1933-1940," 2.

<sup>46</sup> Kraut, "The State Department, the Labor Department, and German Jewish Immigration, 1930-1940," 14.

<sup>47</sup> *Ibid*, 15.

<sup>48</sup> Evans, *The Third Reich in Power*, 555.

<sup>49</sup> Dippel, *Bound Upon a Wheel of Fire: Why So Many German Jews Made the Tragic Decision to Remain in Nazi Germany*, 139.

<sup>50</sup> Martin Münzel, "Expulsion—Plunder—Flight: Businessmen and Emigration from Nazi Germany."

<sup>51</sup> Christoph Kreutmüller and Jonathan R. Zatlín, "Introduction: Possession and Dispossession," in *Dispossession: Plundering German Jewry, 1933-1953*, Christoph Kreutmüller and Jonathan R. Zatlín (Eds.), 9.

<sup>52</sup> Richard D. Heideman, "Legalizing Hate: The Significance of the Nuremberg Laws and The Post-War Nuremberg Trials," 39 *Loy. L.A. Int'l & Comp. L. Rev.* 5 (2017), 10.

<sup>53</sup> Oto Luthar, *Margins of Memory: Anti-Semitism and the Destruction of the Jewish Community in Prekmurje*, (ZRC Publishing House, 2012), 146. The Nuremberg Laws defined a "full Jew" as having three or four grandparents and a "half-Jew" as having two grandparents. *See* Evans, *The Third Reich in Power*, 545-46.

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- <sup>54</sup> Frank Bajohr, “The Beneficiaries of ‘Aryanization’: Hamburg as a Case Study,” 5, at [https://www.yadvashem.org/download/about\\_holocaust/studies/bajohr\\_full.pdf](https://www.yadvashem.org/download/about_holocaust/studies/bajohr_full.pdf).
- <sup>55</sup> Sheer Ganor, *In Scattered Formation: Displacement, Alignment and the German-Jewish Diaspora*. 2019. University of California, Berkeley, PhD dissertation, 18, at [https://digitalassets.lib.berkeley.edu/etd/ucb/text/Ganir\\_berkeley\\_0028E\\_18996.pdf](https://digitalassets.lib.berkeley.edu/etd/ucb/text/Ganir_berkeley_0028E_18996.pdf).
- <sup>56</sup> *Ibid.*, 18-19.
- <sup>57</sup> *Ibid.*, 19. “Gestapo” is an acronym derived from the German Geheimstaatspolizei, or Secret State Police. *See* <https://encyclopedia.ushmm.org/content/en/article/gestapo>.
- <sup>58</sup> Raif Banken, “The Influence of the SS on the Foreign Exchange Controls and the Despoilation of the German Jews, 1935-1941,” (April 1, 2006). Institute of European Studies, University of California, Berkeley, Paper 060404. in: <http://repositories.cdlib.org/ies/060404>, 14.
- <sup>59</sup> *Ibid.*; “Foreign Exchange Offices as Helpers in the Plundering of the Jews,” at <https://www.frankfurt1933-1945.de/beitraege/ausgrenzung-und-verfolgung/beitrag/devisenstellen-als-helfer-bei-der-auspluenderung-der-juden/suchwort/devisenstellen?cHash=61e1a60e404d8cb35c07617e7c873073>.
- <sup>60</sup> Landesarchiv Baden-Württemberg- Generallandesarchiv Karlsruhe, File No. 480-8086.
- <sup>61</sup> *Ibid.*
- <sup>62</sup> Business records of Sally Heppenheimer, Stadtarchiv Worms Abt. 13 Nr. 1519; Abt. 27 Nr. 32; Landesarchiv Baden-Württemberg- Generallandesarchiv Karlsruhe, File No. 480-8086.
- <sup>63</sup> *Neueste Zeitung*, April 30, 1936, 6, at <https://sammlungen.ub.uni-frankfurt.de/periodika/periodical/pageview/3441549?query=heppenheimer>.
- <sup>64</sup> Kreutzmuller, *Final Sale in Berlin: The Destruction of Jewish Commercial Activity 1930- 1945*, 167.
- <sup>65</sup> Banken, “The Influence of the SS on the Foreign Exchange Controls and the Despoilation of the German Jews, 1935-1941,” 6-7.
- <sup>66</sup> *Neue Mannheimer Zeitung*, Nr. 249, June 4, 1937.
- <sup>67</sup> *Ibid.*
- <sup>68</sup> *Ibid.*, *Neue Mannheimer Zeitung*, 263, June 12, 1937.
- <sup>69</sup> *Ibid.*, *Hakenkreuzbanner*, Nr. 250, June 3, 1937.
- <sup>70</sup> Kraut, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 25.
- <sup>71</sup> Immigration Records of Leopold Heppenheimer, U.S. Citizenship and Immigration Services, A-File A003839569.
- <sup>72</sup> Evans, *The Third Reich in Power*, 555.
- <sup>73</sup> Mark Wischnitzer, “Jewish Emigration from Germany 1933-1938,” *Jewish Social Studies*, Vol. 2, No. 1 (Jan., 1940), 26.
- <sup>74</sup> Kraut, “The State Department, the Labor Department, and German Jewish Immigration, 1930-1940,” 19.
- <sup>75</sup> *Ibid.*

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<sup>76</sup> By 1936, the British government had begun to cut back on the number of immigration permits it would issue, particularly after the Arab revolt that began in April 1936. See Hagit Lavsky, *Before Catastrophe: The Distinctive Path of German Zionism*, (Detroit: Wayne State University Press, 1996), 253. Over 60,000 German Jews had immigrated to Palestine during the 1930s, but the British White Paper in May 1939 contained measures that severely limited Jewish entry into Palestine. See <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005139>.

<sup>77</sup> Dippel, *Bound Upon a Wheel of Fire: Why So Many German Jews Made the Tragic Decision to Remain in Nazi Germany*, 208.

<sup>78</sup> Ibid.

<sup>79</sup> Harold James, *The Deutsche Bank and the Nazi Economic War Against the Jews: The Expropriation of Jewish-Owned Property*, (Cambridge: Cambridge University Press, 2001), 47.

<sup>80</sup> Ibid.

<sup>81</sup> Bajohr, “The Beneficiaries of ‘Aryanization’: Hamburg as a Case Study,” 5.

<sup>82</sup> Ganor, *In Scattered Formation: Displacement, Alignment and the German-Jewish Diaspora*, 19.

<sup>83</sup> Ibid.

<sup>84</sup> Johannes Klaas Beermann-Schon, “Taking Advantage: German Freight Forwarders and Property Theft,” in *Dispossession: Plundering German Jewry, 1933-1953*, Christoph Kreutmuller and Jonathan R. Zatlil (Eds), 130.

<sup>85</sup> Ibid.

<sup>86</sup> Susanne Meinel, “The Expropriation of Jewish Emigrants from Hessen during the 1930s,” in *Confiscation of Jewish Property in Europe, 1933–1945*, 97, at [https://www.ushmm.org/m/pdfs/Publication\\_OP\\_2003-01.pdf](https://www.ushmm.org/m/pdfs/Publication_OP_2003-01.pdf).

<sup>87</sup> “The Customs Administration as a Helper in the State Plundering of Jews,” at <https://www.frankfurt1933-1945.de/beitraege/ausgrenzung-und-verfolgung/beitrag/die-zollverwaltung-als-helfer-bei-der-staatlichen-auspluenderung-von-juden>.

<sup>88</sup> “The Customs Administration as a Helper in the State Plundering of Jews,” at <https://www.frankfurt1933-1945.de/beitraege/ausgrenzung-und-verfolgung/beitrag/die-zollverwaltung-als-helfer-bei-der-staatlichen-auspluenderung-von-juden>.

<sup>89</sup> Banken, “The Influence of the SS on the Foreign Exchange Controls and the Despoilation of the German Jews, 1935-1941,” 13.

<sup>90</sup> Beermann-Schon, “Taking Advantage: German Freight Forwarders and Property Theft,” in *Dispossession: Plundering German Jewry, 1933-1953*, 131.

<sup>91</sup> Ibid, 132. For example, in February 1941, the Gestapo confiscated between 3,000 and 4,000 containers that held the possessions of Jewish emigrants that had been held in storage in Hamburg and had not been shipped due to the outbreak of the war in September 1939. See Bajohr, “The Beneficiaries of ‘Aryanization’: Hamburg as a Case Study,” 24.

<sup>92</sup> James, *The Deutsche Bank and the Nazi Economic War Against the Jews: The Expropriation of Jewish-Owned Property*, 197.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

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- <sup>95</sup> Kreutzmuller, *Final Sale in Berlin: The Destruction of Jewish Commercial Activity 1930-1945*, 168.
- <sup>96</sup> Dippel, *Bound Upon a Wheel of Fire: Why So Many German Jews Made the Tragic Decision to Remain in Nazi Germany.*, 230.
- <sup>97</sup> *Ibid.*, 231-32.
- <sup>98</sup> <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005201>
- <sup>99</sup> Heideman, Legalizing Hate: The Significance of the Nuremberg Laws and The Post-War Nuremberg Trials, 14.
- <sup>100</sup> Evans, *The Third Reich in Power*, 582-83.
- <sup>101</sup> “Deportations to Buchenwald,” at <http://www.frankfurt1933-1945.de>; <https://www.ushmm.org/learn/timeline-of-events/1933-1938/buchenwald-concentration-camp-opens>.
- <sup>102</sup> *See Recollections of Herb Harvey.*
- <sup>103</sup> <http://www.holocaustresearchproject.org/othercamps/buchenwald.html>.
- <sup>104</sup> *Ibid.*
- <sup>105</sup> *Ibid.*
- <sup>106</sup> Evans, *The Third Reich in Power*, 593.
- <sup>107</sup> Heideman, Legalizing Hate: The Significance of the Nuremberg Laws and The Post-War Nuremberg Trials, 15.
- <sup>108</sup> Evans, *The Third Reich in Power*, 595. In October 1939, the proportion was raised to a quarter on the grounds that 1 billion Reichsmarks had not been reached, although more than 1.127 billion Reichsmarks had already been collected at that point. *Ibid.*
- <sup>109</sup> *Ibid.*
- <sup>110</sup> *Ibid.*
- <sup>111</sup> *Ibid.*, 222.
- <sup>112</sup> Martin Munzel, “Expulsion – Plunder – Flight: Businessmen and Emigration from Nazi Germany (1933-1945).”
- <sup>113</sup> Evans, *The Third Reich in Power*, 596.
- <sup>114</sup> *Ibid.*
- <sup>115</sup> Reparations Request of Benny Heppenheimer, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHSttaw 518-8241. Reparations Request for Jacob Heppenheimer, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHSttaw 518-8242.
- <sup>116</sup> James, *The Deutsche Bank and the Nazi Economic War Against the Jews: The Expropriation of Jewish-Owned Property*, 52.
- <sup>117</sup> *Ibid.*
- <sup>118</sup> “Treasured Belongings: The Hahn Family & The Search for a Stolen Legacy,” Vancouver Holocaust Education Center, 24, at [https://www.vhec.org/wp-content/uploads/TreasuredBelongings\\_OnlineTourActivityGuide.pdf](https://www.vhec.org/wp-content/uploads/TreasuredBelongings_OnlineTourActivityGuide.pdf).

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<sup>119</sup> Richard Overy, “Making a Killing: The Economics of the Holocaust,” delivered at the Fifth University of Glasgow Holocaust Memorial Lecture, January 26, 2005, 3.

<sup>120</sup> Ibid.

<sup>121</sup> “Confiscation of Jewish Property in Europe,” Symposium Proceedings of the United States Holocaust Memorial Museum, 96, at [https://www.ushmm.org/m/pdfs/Publication\\_OP\\_2003-01.pdf](https://www.ushmm.org/m/pdfs/Publication_OP_2003-01.pdf). The tax clearance certificates were submitted to the passport office in order to apply for a passport. See “Clearance Certificate,” at [https://www.jmberlin.de/exil/en/t\\_unbedenklichkeitsbescheinigung.html](https://www.jmberlin.de/exil/en/t_unbedenklichkeitsbescheinigung.html). On October 5, 1938, the Nazi government invalidated all German passports held by Jews, and required that all future passports must contain the letter “J” for “Jude,” or Jewish. See “German Jews’ Passports Declared Invalid,” at <https://www.ushmm.org/learn/timeline-of-events/1933-1938/reich-ministry-of-the-interior-invalidates-all-german-passports-held-by-jew>. The certificate was also submitted to the Foreign Exchange Office at the time permission was sought to ship belongings out of the country. See “Clearance Certificate,” at [https://www.jmberlin.de/exil/en/t\\_unbedenklichkeitsbescheinigung.html](https://www.jmberlin.de/exil/en/t_unbedenklichkeitsbescheinigung.html).

<sup>122</sup> Information regarding Alice and Alfred Falkenstein in the next two paragraphs is derived from their tax records, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHStAW 676-8335 and Alfred’s arrest records, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHStAW 409-3\_12344 and 474-3\_220.

<sup>123</sup> Kreutzmuller, *Final Sale in Berlin: The Destruction of Jewish Commercial Activity 1930-1945*, 173.

<sup>124</sup> Ibid, 164.

<sup>125</sup> Information in this paragraph is derived from the reparations request of Walter Schwarz, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHStAW 518- 50789 and the tax records of the Bauernfreunds, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHStAW 676-5689.

<sup>126</sup> Kreutzmuller, *Final Sale in Berlin: The Destruction of Jewish Commercial Activity 1930-1945*, 164.

<sup>127</sup> The German tax offices often came up with dubious back taxes against the Jewish business owner. See Christof Kreutzmuller, *Final Sale in Berlin: The Destruction of Jewish Commercial Activity 1930-1945*, 164. This appeared to be the case for the Bauernfreunds.

<sup>128</sup> Christoph Strupp, “Observing a Dictatorship: American Consular Reporting on Germany, 1933-1941,” GHI Bulletin No. 39, (Fall 2006), 80; “Order Banning the Emigration of Jews from the Reich,” at <https://www.jewishvirtuallibrary.org/order-banning-the-emigration-of-jews-from-the-reich>.

<sup>129</sup> Herbert A. Strauss, “The Immigration and Acculturation of the German Jew in the United States of America,” *the Leo Baeck Institute Year Book, Volume 16, Issue 1*, January 1971, 68.

<sup>130</sup> The waiting list for a German quota visa rose from 139,163 in June 1938 to 309,782 in June 1939. See “German Bombs and US Bureaucrats: How Escape Lines from Europe were Cut Off,” at <https://us-holocaust-museum.medium.com/german-bombs-and-us-bureaucrats-how-escape-lines-from-europe-were-cut-off-1b3e14137cc4>.

<sup>131</sup> “Documents Required to Obtain a Visa,” at <https://encyclopedia.ushmm.org/content/en/article/documents-required-to-obtain-a-visa>.

<sup>132</sup> Ibid. For some, the exit permit was obtained after the US visa was obtained and at the same time the transit visas were secured if the emigrant was travelling through another country, such as those travelling through France and Spain on the way to Portugal. Marion Kaplan, *Hitler’s Jewish Refugees: Hope and Anxiety in Portugal*. (New Haven: Yale University Press, 2020), 43-44.

<sup>133</sup> On March 4, 1941, an order was issued by the Nazi government requiring all Jews to engage in forced labor, although some forced labor had already begun. Avraham Barkai, “In a Ghetto Without Walls.” *German-Jewish*

<sup>134</sup> Susanne Heim, “The Attitude of the US and Europe to the Jewish Refugees From Nazi Germany,” *Refugee Policies from 1933 until Today: Challenges and Responsibilities*, (Berlin: Metropol Verlag, 2018), 58, at <https://www.holocaustremembrance.com/sites/default/files/inline-files/Refugee%20Policies%20Publication.pdf>. The amount of money was left up to the consuls, most of whom were aware of the anti-immigration climate in the U.S. *Ibid*, 58-59.

<sup>135</sup> Herb suspected that the Vice Consul in the Stuttgart office, Julius C. Jensen, purposely lied about Margot’s x-ray results, thinking that the family would not leave without her. *See Recollection of Herb Harvey*.

<sup>136</sup> These trains were referred to as “sealed trains,” since the Germans sealed the doors once all the Jews were on board. While they were anything but luxurious, Jews were desperate to board these trains, since they facilitated transportation through the numerous check-points to Portugal. *See* “German Refugees Transported to Lisbon in Sealed Trains,” Jewish Telegraph Agency (Jan. 23, 1941), at <https://www.jta.org/1941/01/23/archive/german-refugees-transported-to-lisbon-in-sealed-trains>. Benny and his sons needed to get to Lisbon because Lisbon was the only neutral and reliable transatlantic harbor left in Western Europe. *See* Kaplan, *Hitler’s Jewish Refuges*,” 252 n. 43.

<sup>137</sup> Bruno Blau, “The Jewish Population of Germany 1939-1945,” *Jewish Social Studies*, Vol. 12, No. 2, (Apr. 1950), 171. Of the 340,000 Jews who fled Germany and Austria, nearly 100,000 went to countries that were subsequently conquered by Germany, and the vast majority of those would perish. Over 60,000 German Jews emigrated to Palestine, 48,000 German Jews emigrated to the United Kingdom, and approximately 120,000 German Jews emigrated to America. *See* “Refugees,” at <https://www.ushmm.org/wlc/en/article.php?ModuleId=10005139>; “History of the Jews in Germany,” at [https://kehilalinks.jewishgen.org/berlin/Jews\\_in\\_Germany.html](https://kehilalinks.jewishgen.org/berlin/Jews_in_Germany.html); Strauss, “*The Immigration and Acculturation of the German Jew in the United States of America*,” 68.

<sup>138</sup> The information in this paragraph is derived from the Reparations Request of Franz and Martha Neumeier and their tax records, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHStAW 518-8646; HHStAW 676-6204.

<sup>139</sup> “The Insurance Industry and the Economies of Central and Eastern Europe, 1918-1945: Holocaust Claims Processing Office New York State Department of Financial Services,” (March 2012), 76 at <https://www.judiciary.senate.gov/imo/media/doc/Rubin%20Testimony%20Appendixes.pdf>.

<sup>140</sup> *Ibid*.

<sup>141</sup> Reparations Request for Bertha Schwarz, born Heppenheimer, Hessisches Landesarchiv Hauptstaatsarchiv Wiesbaden, HHStaw 518-43157.