

Marshall and the Fight Against Anti-Semitism

When Louis Marshall moved from Syracuse and settled in New York City as an ascending attorney, his work on Jewish affairs around the turn of the 20th century concentrated on relatively small-scale projects designed to help acclimate Jewish immigrants and preserve and strengthen Judaism in America. Some such projects, such as the reconsolidation of the Jewish Theological Seminary, left a lasting impact on American Jewish life, but none were undertaken on a nationally organized scale, in response to dire threats against Jewish well-being.

That changed a few years into the 20th century, when the shattering news of Old World pogroms at Kishinev and elsewhere outraged tens of thousands of Jewish immigrants in New York and stirred demands among them and others for a new, more assertive brand of American Jewish leadership. One turning point in the consolidation of anti-defamation work in America was a melee on the lower East side, during the 1902 funeral procession held for Rabbi Jacob Joseph. Described as the “worst anti-Semitic riot in American history,” the incident prompted New York’s “Uptown” elite of primarily German-Jewish Jews to take steps to prove to skeptical or frightened immigrant Jews that America was different, that it was a haven of Constitutional order where persecutors of Jews could never win pogrom-like impunity.

After the Rabbi Jacob Joseph funeral incident, Marshall collaborated with Irish Catholic and other community leaders on a special municipal commission, and he also launched a series of initiatives to prove to the Jewish community, and the American public at large, that anti-Semitic incidents and policies would not be left unpunished. The most notable success in this early anti-defamation campaign was the 1905 removal of Melvil Dewey as New York’s state librarian. Dewey, a famed librarian, enforced anti-Semitic exclusion policies at a Lake Placid club, and Marshall adroitly and effectively argued that New York state taxpayers’ money should not be used to pay the salary of a top state employee who was setting an example of bigotry.

A decade later, when an angry mob near Marietta, Ga., lynched Leo Frank, a falsely accused Jewish superintendent of a pencil factory in Atlanta, the dangers posed by anti-Semitism in a world drenched in the hatred of war were alarmingly manifest. After Frank’s original murder conviction in August 1913, Marshall took control of appeals processes in this troubled legal case, working with steady efficiency but

keeping a low profile. The rationale underlying this tactic (“There is nothing to be gained by my coming to Atlanta,” Marshall privately explained. “The fact that I am a New Yorker, and a Jew, would not help the case there.”) was cogent, and Marshall’s objections to mob rule in the Georgia courtroom were adopted by jurists such as Oliver Wendell Holmes and subsequently incorporated in Supreme Court rulings about fair trial procedures. The substantive defense work and legal expertise deployed to assist Leo Frank did not save him from the lynching reach of an incipient Ku Klux Klan group, however.

Jewish self-defense work undertaken by Marshall and colleagues was never confined to the United States. The formation of the American Jewish Committee in 1906 was motivated largely by concerns about Jewish welfare overseas, particularly in a period of vicious pogroms in tsarist Russia. During World War I, concurrent to his defense of Leo Frank and also the death of his beloved wife, Florence, Marshall became embroiled in a complex series of talks leading to the formation of the American Jewish Congress and the establishment of a Jewish delegation to submit proposals for minority rights treaties for East European Jews at the post-war Paris Peace Conference. The obtainment of minority rights provisions at the Paris conference could not stave off future anti-Semitic calamities in Europe, but heading into the Roaring 1920s, Marshall won accolades among American Jewish colleagues and also innumerable European Jewish leaders as a tireless champion of Jewish well-being and an opponent of anti-Semites around the world. In the optimistic flush of victory after WWI, the reputation of his anti-defamation labors was such that he was said to have delivered a “Magna Carta” for Jews around the world.

In America, Marshall’s influence reached its acme in the 1920s, when the country’s Jews were said anecdotally to be living under “Marshall Law.” In anti-defamation work, the high point of Marshall’s career was reached in this period, at the end of one of the most troubling episodes in American Jewish history. In June 1920, the hugely popular automobile manufacturer Henry Ford launched a vicious series of anti-Semitic articles in his *Dearborn Independent* journal. A horrifically misguided idealist, Ford brought his mass-production skills to bear in the circulation of anti-Semitic invective, including the *Protocols of the Elders of Zion* forgery, and he contributed tragically to the strengthening of anti-Semitism around the world in the inter-war period. For years in the 1920s, Marshall consolidated and led responses to

Ford's spree of Jew-hatred activity; the American Jewish Committee president implemented some approaches, such as direct appeals to President Harding and the sponsorship of a sustained expose of the *Protocols* forgery (penned by the journalist Herman Bernstein), while rejecting others, such as a group libel litigation, which he considered to be ill-founded in America socio-legal system or liable to simply provide Henry Ford the publicity he craved.

An impassioned environmentalist and inveterate hater of the automobile, Marshall had personal issues with Ford, whom he considered a war profiteer who had steered his son Edsel away from service during WWI, while Marshall's eldest son James had served honorably. Although it passed through some ironic twists and turns, the contest with Ford was a high-stakes game fraught with ominous potential. Never before or since has such a prominent American invested such prodigal resources in a hate campaign against the Jews. Justifiably hailed as a builder of American industrial development and prosperity in early 20th century America, Ford was, for the Jews, an enigma and a menace.

Burdened by law suits (initiated by, among others, a libeled farm cooperative organizer, Aaron Sapiro), and heavily invested in the production and marketing of a replacement vehicle for the Model T, Ford decided to halt *The Dearborn Independent's* anti-Semitic campaign in 1927. Louis Marshall became the figure who negotiated Ford's apology to the Jews, the industrialist's proclamation of his intent to desist from anti-Semitic activity. In fact, Marshall dictated the terms of Ford's letter, which was titled a "Statement by Henry Ford to Louis Marshall." Exultant, Marshall termed the Ford apology "a staggering blow to the anti-Semites." By dictating the explicit terms of the apology, Marshall explained in a private letter to Julius Rosenwald, "I deemed it important to show the world the kind of man Ford was."

"I deem it to be my duty as an honorable man to make amends for the wrong done to the Jews as fellow-men and brothers, by asking their forgiveness," Henry Ford wrote in his statement to Louis Marshall. Via the receipt of these words, Marshall, the son of impoverished immigrants who moved to New York City from Syracuse at the age of 38 without any recognized position in American Jewish life, formally brought the worst threat to Jewish life in the US to a close.