

Marshall and Immigration

The establishment of the American Jewish Committee in 1906, a groundbreaking event in American Jewish History, coincided with an upsurge of anti-immigrant feeling in American society and anti-immigrant legislation on Capitol Hill. Exactly as the AJC held its constituent meetings, anti-immigrant “nativists” introduced for the first time literacy test requirements aimed at reducing the inflow of Jewish and non-Jewish immigrants from Southern and Eastern Europe.

This was a social counter-revolution, a departure from decades of open immigration policy that had redefined America as a safe harbor and a country of immigrants. “From 1906, when the literacy test reappeared in Congress to the beginning of American involvement in the First World War, the jaunty self-assurance with which America as a whole had greeted the twentieth century was slowly deteriorating. Xenophobia was steadily on the rise,” wrote John Higham, in his definitive study of anti-immigrant nativism.

American Jews had lobbied for open immigration in years before this 1906 turning point, but the threat posed by the new “Dillingham Commission” required a quantum leap in tactics and professional sophistication. Louis Marshall, together with American Jewish Committee colleagues and other community delegates, filled this gap, successfully battling against literacy tests and other anti-immigrant restrictive proposals through the end of World War I. They operated in a climate where anti-immigrant proponents in Congress and the Dillingham Commission openly championed racist, pseudo-scientific arguments and where public opinion (especially in the war period) mounted steadily in favor of the nativist position. Hence, by staving off immigration policies until the early 1920s, Marshall and the AJC notched a major triumph. Arguably, this aspect of Marshall’s work with the AJC yielded its most substantive dividend — in the absence of lobbying to neutralize anti-immigrant legislators up to the 1920s, ultimately the numbers of Hitler’s Jewish victim during the Holocaust would have increased by tens of thousands.

From year to year Marshall adopted new roles and tested new approaches, to preempt what he termed the “guillotine” of immigration restriction. At one point, he chaired an immigration commission in New York State, whose inclusive recommendations were phrased deliberately as a remedial antithesis to the Dillingham Commission’s pro-

restriction orientation. At other phases, he fought the pro-immigration battle in courts. Significantly, Marshall also championed the rights of non-Jewish immigrants, as in a series of court battles fought by Marshall on behalf of Asian Americans on the West Coast; his legal work on behalf of Jewish and non-Jewish immigrants continued to the end of his life and was not stymied when the tides turned in the immigration debate in the 1920s and Congress passed restrictive bills.

Marshall's lobbying for open immigration drew upon his own boyhood experiences in Syracuse, as the child of indigent Jewish immigrants from Central Europe and also upon his legal expertise and empirical data collated in research studies supported by the AJC. "All this talk about race difference means nothing to me," exclaimed Marshall in addresses on immigration, refuting the operative principle of the anti-immigration nativists on the Dillingham Commission. As he saw it, character, not racial or ethnic identity, was the germane issue in the immigration debate, and he spoke eloquently about the contributions made by Jewish and non-Jewish immigrants. "I do not think it makes a bit of difference as to his desirability whether a man is born in Russia, Italy, Scandinavia or Germany," Marshall insisted.

Historians and students of American Jewish life long have debated the community's responses to the emergency posed by Hitler's rise to power in Germany. Yet this important discussion about the realities and limits American Jewish advocacy for rescue tends to start at a very late point in the timeline, in the late 1930s or 1940s, basically when rescue options were extremely limited. An examination of Louis Marshall's expands the dimensions of this debate and heightens appreciation of the importance of organized ethnic activity in the United States on behalf of crucial communal interests. Marshall, who died in 1929, never had cause to anticipate the advent of a murderous maelstrom in Europe, yet the sense of urgency underlying his exhaustive labors for open immigration suggests a prescient understanding of what was at stake in the debate about immigration to America.

Marshall's work helped keep the doors open to hundreds of thousands of Jewish immigrants who unknowingly escaped Nazi genocide when they arrived in the US up to the early 1920s. The communal debt owed to him in this respect never has been acknowledged in a sustained biographical account of Marshall as a Jewish leader.