

‘Let My People In’:
Jewish American Anti-Restrictionists
and the 1924 Immigration Act

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ABSTRACT

This thesis examines the Jewish American anti-restrictionist movement against the 1924 Immigration Act, also known as the Johnson-Reed Act or National Origins Act. The study focuses on the key themes that drove Jewish American protest against the law, including economic considerations, patriotism and concerns of radicalism, as well as race, eugenics, and social engineering. This project highlights the many Jewish Americans—the anti-restrictionists—who fomented a protest campaign that included speeches, public demonstrations, reports, statistical evidence, and backroom negotiations. It draws from a variety of sources, including Congressional committee transcripts, newspapers articles, census data, and more. The study is further supported by the limited existing scholarship and research conducted by historians in this field.

Cette thèse examine le mouvement anti-restriction des Juifs américains contre la loi américaine sur l'immigration de 1924 (également connue sous le nom de loi Johnson-Reed ou de loi sur les origines nationales. Elle démontre comment la protestation des Juifs américains contre cette loi s'articulait en grande partie autour de trois thèmes majeurs : (1) les considérations économiques, (2) le patriotisme et les préoccupations du radicalisme, et enfin, (3) la race, l'eugénisme et l'ingénierie sociale. Ce projet met en lumière les nombreux Juifs américains (les anti-restrictionnistes) qui ont mené une campagne de protestation comprenant des discours, des manifestations publiques, des rapports, des preuves statistiques et des négociations en coulisses. Elle s'appuie sur une multitude de sources, notamment des transcriptions de commissions du Congrès, des articles de journaux, des données de recensement, et plus encore. Il est en outre encadré et soutenu par les quelques études et recherches déjà menées par les historiens dans ce domaine.

ACKNOWLEDGMENTS

This Master's thesis is the product of a nearly two-year project with the McGill University Department of History and Classical Studies. The 1924 Immigration Act has always fascinated me, as it represents the culmination of a wide range of political, social, economic, and ethnic factors. My own personal connection to immigration restriction further inspires my interest in this topic. My grandparents, Thomas and Marianne Varkony, are Jewish Hungarians who survived the Holocaust and Soviet Union, and arrived as refugees in Canada in 1956. At ninety-two and eighty-nine, their personal stories continue to inspire my interest in history and provide a context for my understanding of the ongoing fear of *strangers*.

Since its inception, this thesis project has been overseen and guided by my advisor, Dr. Leonard Moore. I first became acquainted with Dr. Moore in the fall of 2018 as an undergraduate in his early American Civil Rights course. Five years—and more than fifty academic credits—later, Dr. Moore has become a trusted mentor of mine for all things history, in addition to non-academic wisdom and guidance. I will carry the knowledge he has imparted with me for many years to come. I wish him the very best in his retirement and look forward to seeing what the next chapter holds.

In addition to hundreds of research hours spent in Montreal and Toronto, this project included a research trip to the American Jewish Archives in Cincinnati, Ohio, in December, 2021. Located on the campus of Hebrew Union College, I was able to peer through the files of major figures and organizations in the Jewish anti-restrictionist movement. Special thanks to Dr. Dana Herman at the American Jewish Archive, a Montreal ex-pat and McGill alumnus, for her coordination and

assistance. Additional thanks to Dr. Maddalena Marinari, Dr. Michael Krampner, and Dr. Edward Dunsworth for their research and general guidance at the outset of this project. Finally, I am extremely grateful for two major academic influences of mine, Dr. Jason Opal and Mr. Jordan Sable. Dr. Opal's passion, knowledge, and energy for history has long inspired my love for the study of the subject, and I am fortunate and thankful for his willingness to serve as the examiner for this thesis. And to Mr. Sable, my high school American history teacher back at Wilmington and Overbrook where it started many years ago, *thank you*.

I am forever grateful to my family, friends, and peers for their endless support and keen interest in this project. Historical research is a fiercely independent and frequently isolating enterprise. I am extremely appreciative of their encouragement, questions, and friendship.

Finally, a very special thanks to my parents. Without your support, this exploration of our past would not have been possible.

Not like the brazen giant of Greek fame,
With conquering limbs astride from land to land;
Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame
Is the imprisoned lightning, and her name
Mother of Exiles. From her beacon-hand
Glows world-wide welcome; her mild eyes command
The air-bridged harbor that twin cities frame.
“Keep, ancient lands, your storied pomp!” cries she
With silent lips, “Give me your tired, your poor,
Your huddled masses yearning to breathe free,
The wretched refuse of your teeming shore.
Send these, the homeless, tempest-tost to me,
I lift my lamp beside the golden door!”

— *Emma Lazarus, 1883*

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INTRODUCTION

“Thou shall not oppress a stranger, for you know the feelings of the stranger,
since you were strangers in the land of Egypt.”

— *Exodus 23:9*

January 2, 1924, was a dark and chilly day in the nation's capital. Less than one week into the new year, a cold front had moved its way towards the Potomac, and with it, came wintry weather and a light snowfall. Inside the bustling halls of Congress, President of the American Jewish Committee, Louis Marshall, with his trademark bow-tie, sat before the House Committee on Immigration and Naturalization. "Mr. Marshall, we are glad to see you. How much time do you think you need this morning?" opened Congressman Albert Johnson, the Committee's Chairman. "I will try to be very brief. If I grow tiresome, I am quite sure the committee will call me to order," responded Mr. Marshall. With assurance, Congressman Johnson chimed back: "You are *never* tiresome, but it is merely a question of time."¹

Beneath this layer of cordiality was both bitterness and resentment. Since the late nineteenth century, restrictionists and anti-restrictionists had fiercely debated dozens of immigration proposals: literacy tests, categories of exclusion, quotas, family separation, and even an outright suspension. Now, Congressman Albert Johnson, the de-facto leader of the Congressional immigration restrictionists, and Louis Marshall, leader of the Jewish-American anti-restrictionists, sat face-to-face. Resting in the balance were millions of eager European immigrants whose fate would soon be determined.

This thesis project explores the Jewish American anti-restrictionist campaign against the 1924 Immigration Act,² in addition to the many comparable legislative proposals that immediately preceded it. Since the late nineteenth century—when immigration exclusion first entered American political

¹ Hearings Before the Committee on Immigration and Naturalization House of Representatives, 68th United States Congress, First Session, on H.R. 5, H.R. 101, and H.R. 561, Dec 26, 27, 31, 1923, and Jan 2, 3, 4, 5, 7, 8, 10, 19, 1924, 284.

² Also referred to as The National Origins Act or Johnson-Reed Act.

discourse—Jews were prominent, progressive-minded voices who opposed restriction. Though largely successful through the beginning of World War I, restrictionists secured a major victory with the Immigration Act of 1917. The law instituted a mandatory literacy test, in addition to categories of exclusion for prospective immigrants on the grounds of ‘idiocy,’ diseases, and ‘insanity.’

Post-War, in 1921, Congress legislated the Emergency Quota Act, which, for the very first time, introduced a numerical quota system for even stricter immigration control. The 1921 law restricted visa access to three-percent of the number of individuals from any given country residing in the United States in a given year, according to the 1910 census. As an example, approximately two-and-a-half million German-born Americans were naturalized United States citizens in 1910, according to census data.³ Moving forward, under the 1921 law a maximum of roughly 70,000 visas (or three percent) could be issued to German immigrants in a calendar year.

In spite of their second major legislative victory in less than five years, restrictionists were not complacent. Within the context of the 1920 economic depression, the first Red Scare, and post-WWI isolationism, the 1921 *Emergency* Quota Act was hurriedly legislated, and accordingly, was set to expire by June, 1924. Post-1921, restrictionists and anti-restrictionists immediately recharged and resupplied for the impending immigration legislation finale.

Congressional representatives offered numerous solutions and proposals for what would eventually become the 1924 Immigration Act. Two lawmakers emerged successful with a policy draft: David Reed, a Republican Senator from Pennsylvania, and Albert Johnson, a Republican Congressman from Washington. For years, Senator Reed had been warning that America could no

³ “1910 Census, Volume 1, Population, General Report and Analysis,” United States Census Bureau, accessed January 15, 2023, <https://www2.census.gov/library/publications/decennial/1910/volume-1/volume-1-p11.pdf>.

longer be a haven for the oppressed because it threatened “the American racial type.”⁴ Meanwhile, Johnson, a Ku Klux Klan member, would publicly brag about his participation in a mass vigilante that once drove the entire South Asian population out of Bellingham, a city in Washington.⁵ Between the two, Congressman Johnson was the more hardline restrictionist. After all, it was Johnson who pressed for a quota reduction to two percent instead of three, and who referred to his very own ‘Johnson bill’ as “America’s Second Declaration of Independence.”⁶

The Johnson-Reed Act, as it colloquially came to be known, was signed into law by President Calvin Coolidge on May 26, 1924. It reduced the national origins quota to two percent from three percent, and tied it to the decades-old, outdated 1890 census. The use of the 1890 census was significant, as it immediately preceded the extraordinary rise of Southern and Eastern European migration, namely, Italians, Poles, and *Jews*.

Between the late-nineteenth century and World War I, two million Jews had immigrated to the United States, primarily coming from Russia, Poland, and the rest of Eastern Europe.⁷ As a result, the total Jewish population of the United States rose from 270,000 in 1877 to over four million by the mid-1920s.⁸ The 1903 Kishinev Pogrom—in which 50 Jews were murdered—represented the urgency many Russian Jews felt as they hastily boarded ships to America.⁹ Similarly, at a bustling train station in

⁴ Maddalena Marinari, *Unwanted: Italian and Jewish Mobilization against Restrictive Immigration Laws, 1882-1965* (Raleigh: University of North Carolina Press, 2020), 63.

⁵ Linda Gordon, *The Second Coming of the KKK: The Ku Klux Klan of the 1920s and the American Political Tradition* (New York: Liveright Publishing, 2017), 164.

⁶ Marinari, *Unwanted*, 66-68.

⁷ Marinari, *Unwanted*, 7.

⁸ Michael LeMay in Michael LeMay’s *U.S. Immigration and Naturalization Laws and Issues: A Documentary History*, ed. Michael LeMay and Elliott Robert Barkan (Westport: Greenwood Press, 1999), 41.

⁹ Michael Berkowitz, “Between Altruism and Self-Interest: Immigration Restriction and the Emergence of American-Jewish politics in the United States,” in *Migration Control in the North Atlantic World*, ed. Andreas Fahrmeir, Olivier Faron, & Patrick Weil (New York: Berghahn Books, 2003), 259.

the small Polish town of *Oswiecim*, or Auschwitz, tens of thousands of Jews boarded unfamiliar transports to commence their new beginnings in *Amerike*.

By the early twentieth century, as Jewish immigration began to exceed 150,000 per annum, shipping companies had standardized and professionalized their services. One estimate found that, on average, it cost a shipping company less than two dollars to transport a migrant in “cramped, dark, and unsanitary conditions” across the Atlantic. Immigrants were apportioned a space of roughly four by five feet, and fed a measly diet of bread and herring.¹⁰ One Jewish American newspaper, *The Reform Advocate*, wrote of the Fabre Shipping Line that even provided their Jewish customers with kosher food and a separate room for Sabbath services.¹¹

Upon arriving in the United States, Jews embraced contemporary American culture and norms. At Ellis Island, where almost three-quarters of Jewish immigrants arrived, names from the old country quickly changed to conform with the new: Irving Abramowitz, for example, would become Irwin Abbott.¹² For shtetl-dwelling Jews, American affluence meant that immigrants were “mesmerized” by the idea of a room in one’s house devoted simply to “living,” historian Andrew R. Heinze recalled. Jewish immigrants were also quick to embrace the 1920s ethos of mass consumerism. One article in the *New York Tribute* noted how Jewish Russian immigrants in New York would leave their furniture at the curb for collection by the Sanitation Department each year before Passover and

¹⁰ Daniel Okrent, *The Guarded Gate: Bigotry, Eugenics and the Law That Kept Two Generations of Jews, Italians, and Other Europeans Out of America* (New York: Scribner, 2019), 70.

¹¹ “Kosher Food on French Ships,” *The Reform Advocate*, March 1, 1924.

¹² A joke popular among Jewish people illustrates this point: A Jewish immigrant arrived at Ellis Island in the early twentieth century. Amid the confusion and being overwhelmed, one of the Immigration Bureau officials inquired of him, “What is your name?” to which he replied, “*Shayn Fergessen*,” which in Yiddish means, “I have already forgotten.” The official then recorded his name as Sean Ferguson.

purchase new sets. This, in contrast to the annual shtetl custom of families hauling their furniture to the banks of a nearby river for cleaning.¹³

Within the context of looming 1924 immigration legislation, the Jewish American community organized a prestigious squad of Congressmen, judges, rabbis, community leaders, philanthropists, and labor organizers. Speaking to Jewish representation in the anti-restrictionist movement, John Higham wrote, “Jews played by far the most significant role. Alone among all of the new nationalities, the Jews had an intelligentsia capable of reaching the American public and wealthy leaders well established in American life...”¹⁴

Foremost among these figures was human rights attorney and community activist Louis Marshall. Marshall, who was the son of German Jewish immigrants who had arrived in America with less than a dollar, was born in Syracuse before the Civil War. Marshall was a childhood polyglot and legal genius who was described by Dr. Michael Krampner as “the single most important spokesman for liberal immigration during this period.”¹⁵ Marshall was said to have known Theodore Roosevelt (however he did not care much for him), was nearly appointed to the Supreme Court by William Howard Taft, and came to know Warren G. Harding such that he would “dash off” letters to the president when the mood struck.¹⁶

¹³ Alan Kraut, *The Huddled Masses: The Immigrant in American Society, 1880-1921* (Hoboken: Wiley-Blackwell, 2001), 137.

¹⁴ John Higham, *Strangers in the Land: Patterns in American Nativism, 1860-1925* (New Brunswick: Rutgers University Press), 124.

¹⁵ Michael Krampner, “Because You Were Strangers: The American Jewish Campaign Against Jewish Restriction, 1895-1924” (PhD Diss., University of Maryland, 2021), 8.

¹⁶ Okrent, *The Guarded Gate*, 225.

Like Louis Marshall, Max Kohler was a preeminent legal scholar and the grandson of Rabbi David Einhorn, a founding father of Reform Judaism in America. Owing to his progressive roots, in 1861, Kohler's grandfather was "hounded" from his congregation by a mob in Baltimore for his public sermons denouncing the institution of slavery.¹⁷ Kohler credited his father, Rabbi Kaufmann Kohler, for instilling in him a consciousness of accountability not only for Jews, but also for 'the *stranger*.' In addition to defending Jewish Americans, Kohler was an outspoken activist against anti-Asian racism and Chinese exclusion.¹⁸

Rabbi Stephen S. Wise was foremost among the religious leaders in the anti-restrictionist movement. He was a genuine progressive religious leader who strived for social justice and progressive reforms in all political realms. Around 1900, Wise was known for his less common, simultaneous Reform Judaism *and* pro-Zionist beliefs, the latter of which would come to prominence when America's gates eventually shut in 1924.¹⁹

And finally, perhaps equal in importance to the aforementioned leaders were the Jewish Congressional anti-restrictionist representatives in the people's house: Rep. Julius Kahn (CA), Rep. Isaac Siegel (NY), Rep. Nathan Perlman (NY), Rep. Benjamin Rosenbloom (WV), Rep. Lucius Littauer (NY), Rep. Meyer London (NY), and Rep. Henry Goldfogle (NY). Among Jewish Congressmen, however, two in particular stood out: Republicans Adolph Sabath (IL) and Samuel Dickstein (NY). Time and again, it was Dickstein and Sabath, both immigrants, who led the Jewish Congressional anti-restrictionist delegation, with speeches, minority reports, bipartisan outreach, quiet

¹⁷ Berkowitz, *Migration Control in the North Atlantic World*, 267.

¹⁸ Berkowitz, *Migration Control in the North Atlantic World*, 267.

¹⁹ Marinari, *Unwanted*, 31.

diplomacy, and meetings with Congressional leadership. Notwithstanding Congressman Dickstein's controversial legacy ('Conclusion'), these Congressmen were pivotal to the anti-restrictionist movement for Jews and non-Jews alike.

Far beyond the leaders of the movement were the everyday Jewish American anti-restrictionists who protested the Johnson bill. In many ways, the Jewish anti-restrictionist campaign was not merely a top-down enterprise, but a grassroots movement too. Everyday Jewish Americans participated with mass letter writing campaigns, public demonstrations, assemblies, petitions, and much more. Most Jewish Americans felt a sense of personal obligation to anti-restrictionism. In spite of the millions of Jews who traversed the Atlantic, millions *more* awaited in European cities and *shtetls*, with pogroms and antisemitism ever so present.

And finally, critical to the protest movement were a myriad of Jewish organizations: the National Liberal Immigration League, American Jewish Committee, American Jewish Congress, United Hebrew Trades, Immigration Protective League, B'nai Brith, Hebrew Immigrant Aid Society, and many more. These groups varied enormously in their missions, tactics, and goals. The National Liberal Immigration League, for example, opted for large protests and mass media campaigns, whereas the American Jewish Committee rejected public demonstrations, instead opting for quiet, backroom diplomacy with wealthy and influential Jews.²⁰ Notwithstanding their differences in strategy, Jewish American organizations collectively united under the banner of anti-restrictionism — for themselves, their communities, and for Jewish people worldwide.

²⁰ Marinari, *Unwanted*, 24.

This thesis closely examines the 1924 anti-restrictionist movement by highlighting three major themes I identified which Jewish Americans based their protest movement on. The second chapter explores economic considerations for immigration restriction. In the wake of World War I, the depression of 1920, and a major uptick in labor strife, many restrictionists argued the United States *had* to severely restrict immigration on economic grounds. Armed with statistics, reports, and financial forecasting, Jews stood in vehement opposition to the notion that a return to liberal immigration would render America financially unstable. Chapter two explores the economic history of post-WWI America and the rise of organized labor. I then turn to explore the variety of arguments presented by Jewish anti-restrictionists for a return to pre-1921 immigration policy: housing and development needs, agricultural labor demand in the South (within the context of the Great Migration), President Lincoln's Civil War-era call for immigrants to create 'industrial proliferation,' American competitiveness in international markets, and more.

The third chapter explores patriotism, one-hundred percent Americanism, and fears of radicalism that restrictionists held towards Jewish Americans. Within the context of the Russian Revolution, first Red Scare, and organized labor upheaval, Americans observed immigration restriction—that disproportionately reduced Russian immigration—as an effective tool for managing the influx of potentially politically subversive and vaguely defined 'radicals.' This chapter begins with a broad history sketch of nativism in the United States. I then turn to contextualize the subject by highlighting the rise of Henry Ford's antisemitism and the second Ku Klux Klan. In response, Jewish anti-restrictionists heavily depended on recalling the patriotism they exhibited as soldiers during World

War I as a means of proving their commitment to one-hundred percent Americanism. Among the major accusations Jewish Americans endured was that Yiddish language newspapers served as a propaganda arm for socialism and anarchism. Louis Marshall, who spoke Yiddish fluently, assured the U.S. Senate that the strongest condemnations of Bolshevism and communism had originated in the Yiddish newspapers themselves. Later in the third chapter, I turn to the written work of Estelle Steinberger, the sole female Jewish anti-restrictionist whose words were ‘fit’ to print in a newspaper. Steinberger, who was the Executive Secretary for the National Council on Jewish Women, detested the notion that certain people were “unassimilable, undesirable [sic] and impossible of Americanization.” Steinberger was a gifted writer who, like many Jewish anti-restrictionists, frequently appealed to the highest of American ideals.

The fourth and final chapter is a deep dive into the issues of racial science and eugenics, and how Jewish anti-restrictionists defended themselves, and their co-religionists, against charges of inferiority. By the 1910s, eugenics had risen to mainstream popularity as a progressive, pragmatic, and intellectual bastion of academia and social engineering. Chapter four underscores the significance that race-based Jewish anti-restrictionism held. Above economic and patriotic considerations, Jewish anti-restrictionists could not afford for American society to embrace the ideology that an innate biological hierarchy distinguished one citizen from another. Accordingly, Congressmen Sabath and Dickstein were heavily invested in the race-based anti-restrictionist campaign. On February 14, 1924, they submitted the longest minority report (to date) in Congressional history, which adamantly denounced the “unfounded anthropological theor[ies]” which permeated the Johnson bill.²¹ Perhaps

²¹ “Sabath and Dickstein File Minority Report on Immigration Bill,” *The Reform Advocate*, February 23, 1924.

his greatest contribution to the anti-restrictionist campaign, Max Kohler penned a series of essays in *The New York Times* wherein he heeded attention to the racially discriminatory methodology of the Johnson bill: “It is not science, but pseudo science,” he wrote on January 14, 1924.²² Many Jewish Americans observed the eugenics movement as a personal indictment. In response, Jews felt compelled to attend large protests and gatherings in the name of anti-restrictionism. Chapter four highlights the numerous demonstrations held, with particular attention paid to the March 8, 1924, meeting at Carnegie Hall. With over three-thousand in attendance from multiple religious and ethnic groups—including the Governor of New York—this demonstration embodied the progressive, yet fierce ethos of the anti-restrictionist movement, for which Jews assumed leadership.

In the wake of the 1924 Immigration Act being signed into law in May, Jewish anti-restrictionists turned to beyond America’s shores as worsening antisemitism continued to plague Europe. The final section of this project sketches a brief history of Jewish immigration and the anti-restrictionist movement post-1924 Immigration Act. Whereas American Jews had previously been relatively tacit supporters of Zionism, many quickly turned towards Palestine as the future haven for Jewish refugees. Louis Marshall became a major facilitator of Jewish philanthropy for Zionism, Rabbi Stephen Wise continued to lecture on Palestine, and Jewish organizations around the United States swiftly began raising hundreds of thousands of dollars for infrastructure and settlement projects.²³ Beside Zionism, the 1924 Immigration Act coincided with the rise of Nazism and fascism in Europe. Historian Daniel Okrent calculated that more than 500,000 German Jews would have sought U.S.

²² Max Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them," *The New York Times*, January 14, 1924.

²³ *B'nai Brith Messenger*, February 15, 1924.

immigration between 1924 and 1939 but were not able to because of the quota system. Post-1939, the law served as a barrier between literal life and death for millions of Jews. For many, like Yehoshua Rotenberg (whose family story is presented), the 1924 Immigration Act was not the bullet that killed him, but rather the impediment which prevented his survival.

This thesis draws from a variety of sources: 1924 newspaper articles, Congressional committee transcripts, autobiographies, scholarly journals, census data, academic literature, and more. Numerous monographs were used for providing context, commentary, and general information. Both John Higham's classic text, *Strangers in the Land: Patterns of American Nativism, 1860-1925*, as well as Alan Kraut's *The Huddled Masses: The Immigrant in American Society, 1880-1921*, were both enormously helpful for providing background and insights into American culture and the motivations for restriction. Leonard Dinnerstein's 1994 work, *Antisemitism in America*, was also significant to understanding the origins of American antisemitism, in addition to contextualizing the ethos of anti-Jewish sentiments in the 1920s. In addition, this thesis drew heavily from major academics' works in the fields of U.S. immigration, ethnic, and social histories: Mae Ngai's *Impossible Subjects*, Linda Gordon's *The Second Coming of the KKK*, David Roediger's *The Wages of Whiteness* and *Working Towards Whiteness*, and Daniel Kevles's *In the Name of Eugenics*.

Academic works wholly dedicated to studying the general anti-restrictionist protest movement are few in number, and relatively new to the historiographical cannon. They include Daniel Okrent's *The Guarded Gate* (2019) and Maddalena Marinari's *Unwanted* (2020). While both works do speak to

the Jewish anti-restrictionist movement, it is presented within the greater context of the broader campaign that brought Italians, Poles, and other non-Anglo Saxon ethnic groups together. In the case of *Unwanted*, the historical overview of anti-restriction she presents ranges from 1882 through 1965, a period that far precedes and succeeds my chosen topic.

One publication, Michael Krampner's 2021 dissertation, "Because You Were Strangers," does speak specifically to the Jewish American anti-restrictionist movement between 1895 and 1924. Notwithstanding the full time frame it covers (1895-1924),²⁴ "Because You Were Strangers" is similar to my thesis in that it pays significant attention to the 1924 campaign, rather than the two decade movement that preceded it. One distinguishing factor between Krampner's work and my own are the primary sources we utilized. Krampner's dissertation seeks to correct a narrative that newly arrived, Yiddish speaking, Eastern European Jews were passive towards the anti-restrictionist movement. Accordingly, his dissertation consults a variety of Yiddish language newspapers, whose articles he translated. In contrast, my thesis centers on primary sources that originated from the well-established, Reform, largely second-generation, English speaking, Central European (German) Jewish community in America.

Turning to primary sources, The National Library of Israel maintains a database of hundreds of historical Jewish newspapers from around the world that includes access to American Jewish media from 1924. Similarly, the U.S. Library of Congress's "Chronicling America" database has records from thousands of newspapers dating back to 1777. Between The National Library of Israel and the Chronicling America database, I was able to place myself into the mindset of the average English

²⁴ Krampner, "Because You Were Strangers."

speaking, Jewish American newspaper reader of 1924. With newspapers such as *The Reform Advocate*, *The American Jewish World*, the *B'nai Brith Messenger*, *The New York Times*, and others, I was able to capture the ethos, strategies, and importance that anti-restriction activism played in Jewish American life.

In addition to mass media, I was able to obtain—without traveling to New York or D.C—a digitized copy of both the House and Senate immigration committee hearings for the weeks and months preceding the law's ratification. Perhaps the most useful primary sources for this thesis project, the House and Senate transcripts are abundant with speeches, anecdotes, statistics, and reports made by the most influential members of the Jewish anti-restrictionist movement.

In December, 2021, I traveled to the American Jewish Archives in Cincinnati, Ohio. During my visit, I was able to carefully read through the collections of Congressmen Adolph Sabath and Samuel Dickstein, B'nai Brith, Stephen Wise, Louis Marshall, the Association for the Protection of Jewish Immigrants, and more. These collections helped facilitate correcting gaps in my knowledge, and provided further insight into the anti-restrictionist movement as a whole.

Drawing from a variety of sources and information from both past and present, this thesis is the culmination of a detailed and critical study of the Jewish American anti-restrictionist movement during the 1924 campaign. It is my hope that the information, arguments, and insights provided in the following chapters contribute to the historiographical cannon and serve to advance the study of this field by future scholars.

2

ECONOMIC RESISTANCE

“Rabbi Wise, in denouncing the Johnson measure, stated that if Jesus and his twelve Apostles were knocking at the door of America it would take them thirteen years to gain admission, for according to the proposed bill, the quota for Palestine is one person per annum.”

— *“Prominent New Yorkers Declare Against Johnson Bill,” in The Reform Advocate, March 22, 1924*

The Gilded Age, Progressive Era, World War I, and Roaring Twenties are often portrayed as instrumental decades in United States history. Indeed, it was a time when the nation underwent significant economic and industrial maturity. One historian, William E. Leuchtenburg, said that by the late 1920s, “The task of industrialization had been essentially completed.”²⁵ Nevertheless, this nearly half-century of expansive railroad and oil tycoons, colluding corporations, urbanization, and mass-industrialization was rife with hardship, too. Cyclical economic recessions and ‘panics’ shook the United States in 1873, 1884, 1893, and later 1920.

When economic hardship set in, as it routinely did, Jews—both in America and throughout the world—often bore the resentment and burden of responsibility. Indeed, David Roediger documented this in *The Wages of Whiteness*, wherein he argued that the idea of ‘white-workerism’ backlash had arisen as a response to capitalist decline.²⁶ What first began as a post-Reconstruction phenomenon to keep the Chinese out of the West coast later morphed into a movement to protect America’s financial interests by excluding Jews from the East coast.²⁷

This chapter explores the first major theme Jewish Americans encountered in their anti-restriction activism: the case for continuing immigration on economic grounds. In it, I present a short history of economic-based antisemitism in America at the turn of the twentieth century. Turning to the 1924 Johnson bill debates, I present numerous Jewish American anti-restrictionist campaign strategies, newspaper columns, and public testimonies. It was generally the case that Jewish Americans argued for the status quo 1921 restrictions to be upheld in perpetuity, whereas others, like Judge Hugo

²⁵ William Leuchtenburg, *The Perils of Prosperity 1914-1932* (Chicago: University of Chicago Press, 1993), 2.

²⁶ David Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York City: Verso, 2007), 167.

²⁷ Roediger, *The Wages of Whiteness*, 179.

Pam, even argued that America needed *more* immigrants. In spite of the opposition they endured, Jewish anti-restrictionists reminded their fellow Americans of the pivotal work that immigrants had performed, and the ongoing significance they represented for continued American excellence.

At the turn of the twentieth century, economic-based antisemitism in America was thriving. In 1893, for example, Jewish-owned stores in Louisiana were vandalized, and their owners threatened, by mobs of debt-ridden farmers who demanded their expulsion. Finally, when night riders burned dozens of farmhouses in the southern portion of the state, Jewish businessmen fled the area.²⁸ That same year in New Jersey, five-hundred workers at the local glass works rioted when management hired fourteen Russian Jewish boys. After three days of mob violence, members of the local Jewish community opted to flee.²⁹ From Russia to the Garden State, Jewish people were confronted with the inescapable reality of pogroms and the bitter violence and trauma associated.

More broadly, Jews were regarded as conspirators in a cabal to control the United States dollar and global financial system.³⁰ This antisemitic trope was given a facade of veracity because the U.S. dollar at the turn of the twentieth century was still tied to the global gold standard. The achilles heel of the gold standard system, so it goes, was a purported loophole that allowed Jewish persons to assume nefarious control. In *Caesar's Column*, Minnesota Congressman Ignatius Donnelly surmised about the existence of a Jewish oligarchy tied to the money supply.³¹ Similarly, Congressman (and later Secretary

²⁸ Higham, *Strangers in the Land*, 92.

²⁹ Higham, *Strangers in the Land*, 93.

³⁰ Higham, *Strangers in the Land*, 93.

³¹ Higham, *Strangers in the Land*, 94.

of State) William Jennings Bryan once accused President Grover Cleveland of submitting the United States into the hands of “Rothschilds.”³²

Of course, Jews were not the sole outlet for venting economic frustrations. With increasing urbanization, industrialization, and corporatism, organized labor emerged in the 1880s as a national phenomenon that would persist through World War I, the first Red Scare, and 1920s. Organized labor provided a medium through which millions of workers—both native and foreign born—could mobilize, often through strikes and protest, as a means to secure higher wages, safe labor conditions, and reasonable hours.

The Noble and Holy Order of the Knights of Labor was the first labor organization in the United States whose mandate and membership were truly national in scope. Founded in eastern Pennsylvania in 1869, the Knights of Labor prided itself on being the first, largest, and most pluralistic labor union in the United States. The Knights of Labor did not bar individuals on the grounds of skill, trade, nationality, race, or religion, and between 1878 and 1886, its membership rose to 800,000.³³ The infamous legacy of the Knights of Labor rests on an episode from May, 1886, when a demonstration for an eight-hour workday at Haymarket Square in Chicago turned deadly. One anarchist protester³⁴ hurled an explosive towards the police, killing seven and injuring dozens more. In response, police opened fire, killing four.

The historical significance of what came to be known as the Haymarket Affair cannot be understated. Six out of seven who were arrested for the attack were foreign-born, thereby exacerbating

³² Higham, *Strangers in the Land*, 94.

³³ Berkowitz, *Migration Control in the North Atlantic World*, 239.

³⁴ Twenty-first century standards would perhaps label the bomber and network of conspirators as “terrorists.”

already existent national anti-immigrant fervor.³⁵ Southern and Eastern European immigrants were being exceedingly blamed for degrading America's moral compass with crime, corruption, and anarchic radicalism.³⁶ Newspapers, for example, ridiculed immigrants on ethnic and economic grounds:³⁷ "long haired, wild-eyed, bad-smelling, atheistic, reckless foreign wretches, who never did an honest hour's work in their lives," wrote one columnist. "An invasion of venomous reptiles," wrote another.³⁸ Speaking to the significance of 1886, John Higham commented, "Nativism, as a significant force in modern America, dates from that labor upheaval... No nativist image prevailed more widely than that of the immigrant as a lawless creature, given over to violence and disorder."³⁹

In the wake of Haymarket, the Knights of Labor quickly descended into political irrelevance. The organization's rapid ostracization was rooted in its close affiliation with immigrants, socialism, and anarchism. In place of the Knights of Labor, several powerful labor, patriotic, and fraternal organizations were founded and rose to national prominence. Three weeks after Haymarket, for example, California Congressman Peter D. Wigginton founded the short-lived American Party with a demand for the "exclusion of the restless revolutionary horde of foreigners who are now seeking our shores from every part of the world."⁴⁰ Other national organizations included the Order of United American Mechanics, the Junior Order United American Mechanics, the Patriotic Order Sons of America, the United Order of Native Americans, the American Patriotic League, the Get There

³⁵ Marinari, *Unwanted*, 8.

³⁶ Marinari, *Unwanted*, 8.

³⁷ Higham, *Strangers in the Land*, 55.

³⁸ Higham, *Strangers in the Land*, 55.

³⁹ Higham, *Strangers in the Land*, 53.

⁴⁰ Higham, *Strangers in the Land*, 56.

American Benefit Association, the Loyal Men of American Liberty, and the American Protective Association (APA).

As an example, the APA was founded as a secret society by Henry F. Bowers in Iowa in 1887. When Mayor Arnold Walliker of Clinton, Iowa, was voted out of office by the town's immigrant population, Bowers founded the APA in response as an unapologetically anti-Catholic group that would go on to become one of the nation's largest.⁴¹ The APA, like the Klan, were infamous for disseminating wild conspiracies. They falsely claimed that sixty to ninety percent of government employees were 'illiterate Catholics,' and that the United States Army and Navy were 'plotting a Romanized coup.'⁴² At its height, membership in the organization peaked at over two million in the mid-1890s.⁴³

The common binding thread among these organizations was their vehement disdain for the new immigrant stock from Eastern and Southern Europe—Catholics, Italians, Russians, and Jews—who for decades had been descending upon American cities and factories by the millions. These groups were quintessentially Anglo-Saxon Protestant in their membership and fundamentally anti-immigrant in their values. Their chief concern, however, was American jobs, wages, affordability, and basic living conditions. It is no coincidence, therefore, that the adoption of restrictionist immigration legislation between 1882 and 1924 was parallel to the proliferation of a strong organized labor, fraternal, and nativist movement in the United States. As the nation experienced cyclical

⁴¹ Kraut, *The Huddled Masses*, 190.

⁴² Gordon, *The Second Coming of the KKK*, 27.

⁴³ Mae Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 19.

economic downturns and urban crowding, these groups sought immigration restriction as a protectionist and insular measure.

Among the vast array of labor and patriotic organizations was one in particular which spearheaded the restrictionist movement against Southern and Eastern European immigrants on economic grounds: the American Federation of Labor (AFL). The American Federation of Labor was formed in 1886 out of the Federation of Organized Trades and Labor Unions (1881-1886). By 1900, the AFL had absorbed most of the workers' unions in the United States, making it the nation's largest labor organization.⁴⁴ Among the AFL's two million members in 1910 were skilled and unskilled workers, Catholics and Protestants, and native and foreign born.⁴⁵ While the AFL never operated as an *explicitly* anti-Catholic, antisemitic, anti-black, or even anti-immigrant organization, it was a bastion of white nativist Anglo-Saxonism. Jews in particular were generally excluded from AFL membership on dubious grounds, though many did hold membership nonetheless.

With enormous political clout, the AFL worked alongside organizations like Prescott Hall's Immigration Restriction League to advance restrictionist legislation. From its inception through 1924, the AFL assumed a role in crafting legislation, beginning with their official 1897 endorsement of Senator Lodge's literacy test legislation for immigrants.⁴⁶ When the 1882 Chinese Exclusion Act required Congressional renewal in 1892, and later permanent approval in 1902, the AFL campaigned with passionate support. Post-World War I, the AFL endorsed legislation for a two-year outright suspension on immigration.⁴⁷

⁴⁴ Berkowitz, *Migration Control in the North Atlantic World*, 239.

⁴⁵ Berkowitz, *Migration Control in the North Atlantic World*, 243.

⁴⁶ Berkowitz, *Migration Control in the North Atlantic World*, 256.

⁴⁷ Higham, *Strangers in the Land*, 305.

From its founding in 1886 through to his death in 1924, the American Federation of Labor was steered by the esteemed labor leader Samuel Gompers (né *Gumpertz*). As his birth name suggests, Gompers was, ironically, the son of Dutch-Austrian Jewish parents.⁴⁸ In his autobiography, Gompers discussed his education at the Jewish Free School in Bell Lane, London, where he was born and raised.⁴⁹ Gompers's complicated relationship with Judaism is reflected in his work. He evidently found comfort in the classic Jewish languages and texts, yet wished to distinguish himself from contemporary Jewry. In his writing, Gompers described modern Hebrew as "the mongrel language spoken and written by many Jews of the present age."⁵⁰ Alternatively, when describing his relationship to studying Talmud, Gompers wrote, "The discipline gained from studying the Talmud is essentially the same as resulting from any legal study. It develops the more subtle qualities of mind; the student learns to deal with abstract problems, to make careful discriminations, to follow a line of reasoning from premise to conclusion."⁵¹ Further complicating his legacy, Gompers co-founded the United Hebrew Trades (UHT), a Jewish labor group whose membership would eventually reach into the hundreds of thousands by the 1930s.⁵² Gompers quickly distanced himself from the UHT after its 1888 founding, but did return to deliver a speech at Carnegie Hall in 1914 to celebrate the group's 25-year anniversary.^{53,54}

⁴⁸ Samuel Gompers, *Seventy Years of Life and Labor* (New York, A.M. Kelly, 1967).

⁴⁹ Gompers, *Seventy Years of Life and Labor*, 6.

⁵⁰ Gompers, *Seventy Years of Life and Labor*, 6.

⁵¹ Gompers, *Seventy Years of Life and Labor*, 7.

⁵² Berkowitz, *Migration Control in the North Atlantic World*, 265.

⁵³ "Celebrate Birth of Jewish Union: Members of Hebrew Trades Throng Carnegie Hall on 25th Anniversary. Gompers and Darrow talk Counsel for the McNamaras Says Socialists Are the Only Ones Favoring the Working People," *The New York Times*, January 25, 1914.

⁵⁴ The UHT's 25-year anniversary was nothing short of a spectacle. Featured in the *New York Times*, every seat at Carnegie Hall was occupied with banners hanging from the ceiling of the 62 unions affiliated with the UHT. The evening included a Russian folk performance, "Yiddish ballads of love in eastside sweatshops," speeches in Yiddish, and speeches by Samuel Gompers and Clarence Darrow. Darrow's speech, which received an eight-minute standing applause, was a passionate plea for the American Socialist Party: "The working man should use every weapon he

What can be concluded of Gompers's legacy as both a Jew *and* immigration restrictionist? This rests on one's ability to separate faith, community, and politics. It is likely that Gompers was a *genuine* restrictionist, first and foremost. Dr. Michael Krampner argued that Gompers was the "single prominent exception" of an American Jew favoring labor interests over the Jewish community.⁵⁵ But even so, there is glaring irony in Gompers's political allyship with eugenicists and antisemites. Gompers demonstrated his own bigotry in 1905 when he promised, "Caucasians are not going to let their standard of living be destroyed by Negroes, Chinamen, Japs, or any others."⁵⁶ In fact, the Jewish press did not shy away from covering this. One article in *The Jewish Advocate* from March, 1915, satirically referred to Gompers as 'Shmuelik.'⁵⁷ In the opening line of another article in *The Reform Advocate* from April, 1924, the author unambiguously highlighted Gompers's background: "Samuel Gompers, president of the American Federation of Labor, himself an *immigrant* and a *Jew*..."⁵⁸ Regardless of my personal beliefs, Gompers's unique role will continue to be the subject of debate among historians.

Between 1919 and 1924, the AFL demanded outright Japanese exclusion, opposed the admission of Mexican laborers, and opposed further Chinese 'importation' to Hawaii.⁵⁹ Testifying before the U.S. Senate Committee on Immigration in 1924, AFL representative Edgar Wallace argued for the United States to become "as near suspension as possible."⁶⁰ Beyond economic grievances, the

has in the fight for justice," he said. Gompers's difficult legacy is further complicated by events such as these, where Yiddish, socialist, pro-immigrant demonstrations were present.

⁵⁵ Krampner, "Because You Were Strangers," 13.

⁵⁶ David Roediger, *Working Towards Whiteness: How America's Immigrants Became White: The Strange Journey from Ellis Island to the Suburbs* (New York City: Basic Books, 2006), 87.

⁵⁷ Krampner, "Because You Were Strangers," 262.

⁵⁸ *The Reform Advocate*, April 4, 1924.

⁵⁹ Berkowitz, *Migration Control in the North Atlantic World*, 257.

⁶⁰ Hearings Before the Committee on Immigration on Selective Immigration Legislation, United States Senate, Sixty-eighth Congress, First Session, on S. 2365 and S. 2576, a Bill to Limit the Immigration of Aliens into the United States, and to Provide a System of Selection in Connection Therewith, and for Other Purposes. February 13, 14, 20, 21, March 8, 13, 14, April 7, 8, 1924, 188.

AFL in 1924 also wholeheartedly endorsed immigration restriction on the grounds that the new immigrant stock endangered American institutions and ethnic homogeneity.⁶¹ Overwhelmingly, however, the AFL supported restriction on economic grounds. In the immediate aftermath of World War I, the 1920-1921 recession was fodder for the 1921 Emergency Quota Act, and later, the 1924 Immigration Act. In an announcement to the press a mere one month after Armistice Day, Gompers warned that an inevitable wave of unemployment and wage reductions would form the ‘principal dangers’ of America in the post-WWI years.⁶²

As the 1924 Immigration Act came before Congress, American Jewish newspapers displayed ongoing and unwavering resistance against the legislation.⁶³ American Jewish newspapers cautioned against lowering the annual immigration quota from three percent to two percent, as well as tying it to the census of 1890. Specifically, they warned, America’s economic prosperity would be in peril if the millions of immigrants who had helped the nation industrialize were to suddenly face harsher barriers to entry.

The Reform Advocate was a prominent weekly Jewish newspaper published between the late nineteenth and mid-twentieth centuries. Located on Dearborn Street, in the heart of Chicago’s downtown core, its longtime editor-in-chief was Emil G. Hirsch, a European immigrant and prominent member of America’s Reform community. Hirsch’s newspaper was released weekly on

⁶¹ Higham, *Strangers in the Land*, 321.

⁶² Higham, *Strangers in the Land*, 305.

⁶³ In the months preceding the 1924 Immigration Act, numerous bills in Congress were being discussed and negotiated. The final 1924 Immigration Act was an amalgamation and compromise of these bills.

Saturdays, the Jewish Sabbath. As a testament to the newspaper's secular identity, its byline read:

“PUBLISHED EVERY SATURDAY IN THE INTEREST OF REFORM JUDAISM.”

Similar to other secular American Jewish newspapers, *The Reform Advocate* was not acutely driven to publicize or contend with impending immigration restriction in 1924. America's Reform movement was founded by previous generations of German-Jewish immigrants who had arrived in the mid-to-late nineteenth century, and who were particularly present in midwestern cities like Chicago and Cincinnati. American Reform Jews were typically several generations removed from their immigrant forebears, and thus, felt removed from the restrictionist debate. *The Reform Advocate* did highlight *some* instances of protest against the 1924 Immigration Act. In the newspaper's January 26, 1924, edition, one article called attention to a “Mass Meeting to Protest Against Johnson Bill” that had taken place in Cleveland during the week prior with the former Secretary of War, Newton D. Baker, addressing the audience.⁶⁴

The Reform Advocate did publish articles that specifically addressed economics-based anti-restrictionist arguments. In the same January 26, 1924, release, an article appeared under the headline: “Labor Shortage Threatened by Immigration Restriction.”⁶⁵ The article quoted Philip Henry, Vice President of the American International Corporation, who in a speech to the American Institute of Mining and Metallurgical Engineers cautioned, “The shortage of labors, so evident for several years is due to the fact that during the past ten years more laborers have left this country than have entered.” Not until the April 4, 1924, release did *The Reform Advocate* pay additional attention to the economic considerations of proposed immigration legislation. The article drew attention to

⁶⁴ “Mass Meeting to Protest Against Johnson Bill,” *The Reform Advocate*, January 26, 1924.

⁶⁵ “Labor Shortage Threatened by Immigration Restriction,” *The Reform Advocate*, January 26, 1924.

another column in the *American Federationist*, the AFL's publication, wherein Samuel Gompers urged that the 1921 Emergency Quota Act was insufficient to preserve America's financial interests.⁶⁶ It should be noted that *The Reform Advocate* also presented Gompers's plea for immigration restriction on economic grounds, but did not offer a rebuttal.

Parallel to *The Reform Advocate* was another midwestern English-language American Jewish newspaper, *The American Jewish World*. *The American Jewish World* was founded by a Lithuanian immigrant, Dr. Samuel Deinard, in 1913. *The American Jewish World* is still published weekly in Minneapolis, where Dr. Deinard founded the newspaper over one century ago. Similar to *The Reform Standard*, Deinard's newspaper proudly proclaimed its secular bent with its slogan: "A WEEKLY JOURNAL OF MODERN JEWISH LIFE AND LABOR."

The American Jewish World paid somewhat greater attention to economic considerations than *The Reform Advocate*, but still, it paled in comparison to the material it produced for the racial, religious, and patriotic elements of the immigration restriction debate. In the January 11, 1924, release of *The American Jewish World*, an article appeared under the headline, "Wanted—A Liberal Attitude to Immigrants."⁶⁷ In it, the unnamed author drew a parallel to Canada's ongoing immigration debate, even quoting an article from the *Montreal Star* which attacked the Canadian government for its "narrow" policies. In the *Montreal Star* article, future economic growth is contingent on continued immigration: "Without the immigrant, Canada can make no forward strides," wrote the columnist. Turning back to the United States, *The American Jewish World* author ties the two nations together, arguing, "Much of what the *Montreal Star* writes of Canada is true also of us."

⁶⁶ "Gompers Demands Total Restriction of Immigration," *The Reform Advocate*, April 4, 1924.

⁶⁷ "Wanted—A Liberal Attitude to Immigrants," *The American Jewish World*, January 11, 1924.

The March 7, 1924, release of *The American Jewish World* paid significant attention to an earlier March 3, 1924, immigration protest assembly at the Minneapolis Courthouse against what they colloquially termed the Johnson bill as the “Ku Klux Klan Bill.”⁶⁸ The “mass protest” included representatives from the Jewish, Italian, Russian, Greek, and Ukrainian communities. Presiding over the evening’s proceedings was Illinois Superior Court Judge Hugo Pam, also a founding member of the American Jewish Congress and Federation of American Zionists. Commenting on Judge Pam’s address to the lively crowd, *The American Jewish World* columnist wrote: “He left a vivid picture of the intellectual dishonesty and self-interest of those who have lined themselves up behind the bill and are expanding money with lavishness seldom equalled.”

Judge Hugo Pam’s speech adeptfully emphasized the economic legacy and *ongoing* role that immigrants played in American financial prosperity. In one instance, Pam made a vague reference to the Marxian kinship between the workers of Europe: “The peoples from Southern, Eastern, and Southeastern Europe have no quarrel with Northern Europeans. We know that these people have contributed much to civilization. Too great praise cannot be given to that country which has not been afraid to let labor take control of the government.” Pam’s thinly veiled reference to “labor,” presumably a worker-centric, socialist government model is unsurprising, especially given the Jewish anti-restrictionist movement’s tinkering with socialism. It is additionally unsurprising that this was covered in *The American Jewish World*, given the newspaper’s stated interest in labor issues.

Analogous to other American Jewish anti-restrictionists, Judge Pam made cross-ethnic references to other communities as an overture for coalition building. In this address, Judge Pam

⁶⁸ “The Immigration Protest Meeting: Judge Pam Scores Johnson Bill,” *The American Jewish World*, March 7, 1924.

included a beautiful segment on the economic vitalness of immigrants, both for their previous and ongoing contributions to American growth and prosperity:

The United States is built upon the principles and ideals of equality, justice and tolerance. It is one of the great countries of the world, and it owes its progress and greatness largely to the immigrant. It is foreign labor which built the railroads, spanned the country with steel, built the streets of our cities, dug the coal and the minerals from our mines, and does the real work in our big industries. The immigrant is no parasite. He has given to America what was in his arms, his back and his head. It is charged that the Italian comes to this country, takes our money, and returns to his native land to spend it. I do not know whether there is a vestige of truth to this charge, but at any rate he dug our great New York subway, and even if he did return to Italy, at least he left us the subway.

Continuing his speech, Judge Pam identified and dismantled additional restrictionist arguments. Most notably, Pam rallied against the overpopulation argument, that America was bursting at its seams with millions of immigrants. On the contrary, he argued, immigrants raised American wages, working conditions, and basic standards of living:

America cannot at this stage surround itself with a wall to keep out the very elements which have built this country and made for its greatness. It cannot continue to be one of the great countries of the world if it pursues such a course. The country is not overpopulated. It can take care of 500,000,000 people. The immigrant does not lower the American standard of living. The foreigner soon raises himself to the levels and standards of the American working-men, demanding the same rate of pay for his services.

Months later, in the April 25, 1924, edition of *The American Jewish World*, weekly columnist Gustavus Loevinger published an article under the title, "The Immigration Question."⁶⁹ In it, Loevinger explained the crux of restrictionist and anti-restrictionists' debates over the economic

⁶⁹ Gustavus Loevinger, "The Immigration Question," *The American Jewish World*, April 25, 1924.

importance or malfeasance—depending on one’s camp—that immigrants imposed on America: “It is implied that vast numbers of men would be thrown out of employment if it were not for the immigration bar. One of the difficult things about this kind of an argument is that there is no way of proving or disproving it.” Loevinger’s essay also affirmed the ability for immigrants to generate wealth. An open-door immigration policy, he argued, would cheapen labor, reduce the cost of living, and uplift Americans of all stripes: “Perhaps if the unemployment situation of Europe were relieved by a more liberal immigration policy by the United States, it might have this result: the farmer might have a better foreign market; he could buy from the storekeeper: the storekeeper would buy from the manufacturer; the manufacturer would begin to put more men to work.”

Loevinger’s essay reveals several critical points related to the immigration restriction debate. First, Loevinger’s argument for liberal immigration—that it would cheapen labor—was in fact precisely what drove economic restrictionists. In other words, Loevinger supported liberal immigration because it cheapened wages, whereas the public largely supported restriction exactly because of it. Second, by the time of publication, Loevinger’s argument had become politically irrelevant. On April 15, the House of Representatives passed a bill that would become the Johnson-Reed Act. Even earlier, by January, 1924, anti-restrictionists had largely shifted to argue for maintaining the 1921 Emergency Quota Act’s three percent quota tied to the 1910 census, rather than the Johnson bill’s proposed two percent quota tied to the 1890 census. Loevinger’s argument for broad, loosely defined “liberal immigration,” therefore, had become outdated. Third and finally, Loevinger’s essay acknowledged a central tenet of the restriction debate, that is, “there is no way of proving or disproving” which side is

correct. Did immigration policy pre-1924 uplift or suppress American workers and the broader economy? Nobody can be certain, and no doubt, economic historians will continue to study this.

In the halls of Congress, Jewish organizations and individuals played a critical role resisting the ceaseless barrage of legislative proposals to further restrict immigration beyond the 1921 Emergency Quota Act's three percent quota tied to the 1910 census. Speaking before members of the House and Senate Committees on Immigration and Naturalization, Jews eloquently presented detailed statistics, economists' reports, and personal anecdotes in favor of preserving the status quo.

On March 8, 1924, members of the Senate Committee on Immigration and Naturalization were presented with numerous arguments against restriction from members of the Jewish community. Speaking second was Samuel Dickstein, a Lithuanian-born Congressman from New York's 12th district.⁷⁰ At one point during his speech, Dickstein asked the committee's Chairman, restrictionist Senator Lebaron Colt, to submit into the record a letter co-signed by twenty of New York's twenty-two Democratic Congressmen. An excerpt from this letter reads, "We are underhoused, underconstructed [sic] and underdeveloped and are in sore need of those who are willing to do our work, both skilled and hard and laborious, but this bill would tend to keep out that *class* of immigrants best suited for such occupations."⁷¹

Moments prior, Dickstein had ridiculed the Johnson and Reed bills as "inhumane," yet, still, he pragmatically did not condemn the legislation *entirely*.⁷² At this late phase of the restriction debate,

⁷⁰ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 80.

⁷¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 80.

⁷² Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 79.

Congressman Dickstein needed to pick his fights wisely, and accordingly, he chose not to contend with the two percent quota. Rather, Dickstein turned lawmakers' attention to using the updated 1920 census over the outdated 1890 version. The 1890 census, he said to his fellow legislators, "was deliberately selected to favor the so-called Nordic races and discriminate against races from southern and eastern Europe."⁷³ Moreover, Dickstein argued that the "class" of immigrants largely excluded under the 1890 census—notably Jews and other Eastern and Southern Europeans—would exacerbate the nation's existing economic woes.

Following Congressman Dickstein were four individuals—Hugh McRae, H.W. Berg, Maurice Rosenberg, and James Emery—who offered a variety of objections to proposed restriction legislation on economic grounds. McRae's anti-restrictionist testimony pointed to the Southern United States' agriculture sector, an industry that had endured tremendous hardship since President Wilson's repeal of wartime subsidies. Compounding the South's agricultural woes, McRae explained to the Committee, the Great Migration had induced a labor shortage that allegedly inhibited the region's crop output by two-hundred percent.⁷⁴ As part of the Great Migration, World War I had drawn 500,000 African Americans into Northern cities' metalworks, automobile factories, and packing houses.⁷⁵ By the end of the 1920s, an additional one million African Americans and 500,000 Mexican Americans had left the Jim Crow South, drawn to the bustling North's opportunities for a better life.⁷⁶

⁷³ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 80.

⁷⁴ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 102.

⁷⁵ David Kennedy, *Freedom From Fear: The American People in Depression and War, 1929-1945* (Oxford: Oxford University Press, 2001), 18.

⁷⁶ Kennedy, *Freedom from Fear*, 18.

McRae argued that the 1921 legislation had already created a labor shortage in the North, with industry leaders calling to the South for a replenishment of “negroes by the hundreds of thousands.”⁷⁷ Pointing to the Rail-Splitter, McRae issued the Committee members an ultimatum, “As the chains of the slaves were broken by Lincoln, the chains of the South can be broken by the Senate and Congress through constructive statesmanship.”⁷⁸ Collectively, the Great Migration and 1920s agricultural malaise had created an American labor shortage, precipitated by the North, and exacerbated by the South. Immigration liberalization, McRae posited, was modern America’s opportunity to auto-emancipate to fill its factories, cities, towns, and fields.

Following Hugh McRae was H.W. Berg, a representative of New York’s Taxpayer Association. Perhaps inspired by McRae, Berg pointed to Lincoln’s declarations for increases in immigration to stimulate America’s industrial proliferation:⁷⁹

Now, why do you suppose that the martyred President thought we needed immigration? Not for the benefit of the immigrant, but for the benefit of the United States. There were railroads to be built; there were farms to be cultivated; there were factories to be built; there were forests to be hewed down; there was agriculture to maintain. The command to throw down the sword and to beat it into plowshares was more than mere words. The President was going to build an industrial nation, and he was going to do it as a great man would, by encouraging immigration into the United States. And no land has ever encouraged immigration for better reasons than the United States has. I speak of this that you may understand that the immigrant is not under any obligations to us; that *we* are under obligations to the immigrant.

Looking to the present, Berg continued, restrictionism had burdened the U.S. into losing its competitive edge over competing nations, “The United States does not stand alone in the world,” rather, “It has as many competitors as any man or private business,” he told the Senate

⁷⁷ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 102.

⁷⁸ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 102.

⁷⁹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 140.

Committee.⁸⁰ Pointing south of the equator, Berg noted how Argentina’s liberal immigration policies allowed it to cheaply export cattle to the United States for slaughter in Chicago’s infamous meatpacking industry. Outpricing American ranchers, Berg appealed to the 1920s’ ethos of one-hundred percent Americanism by telling the Committee members, “it is no longer United States beef, it is *Argentine* beef.”⁸¹

Similarly, Berg pointed to Argentina’s wheat fields, where immigrant laborers were paid \$40 per month in comparison to the average American wheat laborer’s \$110 monthly salary.⁸² Berg used this wage discrepancy as an argument for immigration liberalization, whereas restrictionists saw it as fodder for their *tightening* border controls. Berg’s argument strongly implied that because the average American wheat laborer’s wages were thrice that of Argentinian rates, the United States could afford to expand its immigration quota at the expense of wage reductions.

In 1924, anti-restrictionists presented countless astute justifications for immigration liberalization. This, admittedly, was not one of them. Berg was effectively asking workers to sacrifice a portion of their income so that more immigrants could experience the American dream, crowd already congested urban centers, and compete for their careers. It is, after all, little surprise that Berg’s argument failed to persuade the Senate Committee’s representatives. A sacrifice for the American people necessitated a return for their hardship—in this case, a

⁸⁰ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 140.

⁸¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 140.

⁸² Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 141.

wage cut—but Berg’s plan failed to demonstrate to the public why the downtrodden, unskilled, and non-Anglo Saxon masses of Southern and Eastern Europe were deserving.

Conclusively, H.W. Berg’s testimony before the Senate Committee would probably have been better off left unsaid — an extreme rarity for the anti-restrictionist movement. The upshot of his testimony was misplaced, but unfortunately, it was not over. Berg reluctantly told the Committee about a nine million dollar project being developed by a “large insurance company” whose name he was unwilling to reveal.⁸³ Because of inexpensive foreign labor, he continued, it was cheaper for the nameless developer to purchase the bricks from Holland and the lumber from British Columbia, even with a 20 percent and 30 percent tariff, respectively.⁸⁴ Berg then proceeded to oddly tell the Senators, “if you knew his name you would not at all hesitate to believe the situation as he related it; I *could* give you his name, but I have not his consent to do so.”⁸⁵ Berg presented an economic argument for liberalizing American immigration policy, but did so in an awkward and counterproductive way. He took to the stand emboldened to convince the Senate Committee that further reducing America’s quota to two percent would create “no industry.”⁸⁶ On the contrary, I surmise, his testimony likely pushed the Committee further towards their ideologically restrictionist camp.

Succeeding the New York Taxpayers Association was Dr. Maurice Rosenberg, a representative of B’nai Brith. With some 80,000 members, B’nai Brith was—and continues to

⁸³ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 141.

⁸⁴ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 141.

⁸⁵ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 141.

⁸⁶ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 141.

be—one of the largest Jewish organizations in America.⁸⁷ Rosenberg was also present to testify on behalf of the Union of Hebrew Congregations, a conglomerate of 270 Reform synagogues whose total membership exceeded 45,000 families.⁸⁸ Altogether, Rosenberg estimated himself representing 500,000 American Jews who staunchly opposed Johnson's proposed two percent quota tied to the 1890 census. Rosenberg's speech did not pay significant attention to the economic importance of immigrants, and as such, will be more closely scrutinized in subsequent chapters. He did, however, note that under the present 1921 immigration law, a meager one-quarter of a million immigrants were arriving in the United States each year, less than one-quarter of one percent of the total population.⁸⁹ In other words, further decreasing the quota to two percent would be "unwise" for economic and financial purposes, he told the Committee: "I do say, as an American citizen, that you would vastly impair the industrial conditions in this country, and would be doing, I take it, a great injustice to the balance of the United States."⁹⁰ Rosenberg represented less than one percent of the American population, but still, spoke on behalf of a massive social, political, and economic aggregate. His message to the Senate Committee was unambiguous: they must oppose further restriction, for the alternative outcome would not only be an insult, but a betrayal of American justice.

Dr. Rosenberg's brief argument was supplemented by another individual, the National Association of Manufacturer's General Counsel, James Emery.⁹¹ As a representative of some

⁸⁷ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 172.

⁸⁸ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 172.

⁸⁹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 175.

⁹⁰ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 175.

⁹¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 208.

40,000 manufacturing companies, Emery's support for *increased* immigration both contextualized and reaffirmed the legitimacy of Dr. Rosenberg's aforementioned claims: "We are an underhoused, underdeveloped, underpopulated country," Mr. Emery told the Senate committee.⁹² In fact, he continued, "We could put the present population of Germany and France into the [s]tate of Texas and the density of population would not then be equal to Italy."⁹³ Emery proceeded, arguing that immigration historically had successfully supplemented native-born labor, and that moving forward, if America wished to fulfill the public's demand for goods and services, increasing immigration would be "required."⁹⁴

The significance of non-Jews like James Emery and Hugh McRae corroborating the arguments presented by Jewish leaders cannot be understated. Jews alone could not muster support from the federal government for immigration liberalization that favored their own ethnic enclave. Additionally, if American Jews were indeed to act alone, it would raise a cloud of suspicion regarding their true motivations. Accusations of dual-loyalties and are inseparable from the often-tragic legacy of global Jewish communities. Accordingly, it was important that Jews who petitioned the government for legislative reforms on economic grounds were publicly supplemented by non-Jews of both ethnic and 'native stock.' In doing so, Jewish reformers largely insulated themselves and their communities from nefarious accusations.

⁹² Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 209.

⁹³ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 209.

⁹⁴ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 209.

Economic perturbation was among the three core concerns of immigration restrictionists in the early-to-mid twentieth century. Restrictionists observed bustling and exceedingly crowded American cities with fear and apprehensiveness for the future. Cyclical economic downturns since the late nineteenth century, labor unrest and radicalism, and the Depression of 1920-1921 all exacerbated fears that America no longer maintained the capacity to absorb excess of one million immigrants each year — many of whom were non-skilled, uneducated, and barely literate.

At the crux of the argument between restrictionists and anti-restrictionists was not a disagreement about insignificant details. On the contrary, the gap between these groups was suspiciously vast, with few believing in a form of middle ground. Restrictionists feared immigrant-induced economic collapse, and accordingly, lobbied for stricter legislation, with some even favoring outright suspension. Conversely, anti-restrictionists like Hugh McRae, H.W. Berg, Maurice Rosenberg, and James Emery feared economic stagnation precisely because the United States was admitting too *few* immigrants.

Put simply, how is it possible that the American Federation of Labor and the National Association of American Manufacturers took such diametrically opposing positions? Each presented blistering statistical evidence in support of their cause, while dismissing their opponents' so-called 'cherry-picked' observations. Either *one* of the restrictionist and anti-restrictionist groups were incorrect, or alternatively, *both* overstated their arguments. The immense divergence between these factions lends credibility to the idea that economic

considerations were perhaps not *truly* the central focus of restrictionists and anti-restrictionists.

If not, then what drove these groups towards extreme opposition? My purpose in this chapter is not to dismiss economic considerations, but simply to question its significance. Unlike the succeeding chapters on racial and patriotic considerations, we will never truly know who among the economic restrictionists and anti-restrictionists were correct. Their extreme disagreement suggests that perhaps economic considerations were fodder for the plethora of charges leveled against immigrants — as racially inferior, religiously subversive, and anarchist radicals.

Notwithstanding significance, American Jews in 1924 protested immigration restriction in print media, at mass community gatherings, and in the halls of Congress. They vehemently objected to accusations that their very presence threatened American prosperity, living conditions, and day-to-day affordability. Because of their eventual defeat, we will never know if immigration reform—rather than restriction—would have stimulated or stymied fiscal growth. Regardless, American Jews left their mark by passionately affirming the position of immigrants as an intrinsic and inseparable facet of the nation.

3

RADICALISM AND PATRIOTISM

“America Must be Kept American.”

— *President Calvin Coolidge at the signing of the 1924 Immigration Act*

Civic pride, one-hundred percent Americanism, and unwavering loyalty to the flag are widely reputed as common duties for the American public that date back to the Revolutionary War. Over the centuries, a grave concern of the American people has been a fear and aversion towards ‘subversive’ immigrants and their ‘radical’ governments. From Congress to mass media, American institutions have exuded panic and alarmism towards foreigners: Jacobins, Marxists, anarchists, socialists, and the broad, vaguely defined ‘radicals.’

Perhaps foremost among America’s *accused* radical disruptors and agitators were Jews. Jewish immigrants and their descendents—predominantly hailing from communist Russia and Eastern Europe—were condemned, scapegoated, and demonized by their fellow Americans for the crimes of a government in a foreign land. In America, amidst the tumultuous post-WWI years, the first Red Scare, and 1921 economic depression, Jews were placated as draft dodgers, and their Yiddish-language newspapers were targeted for purported propaganda dissemination. As anti-restrictionists, Jewish Americans defended their patriotism against the plethora of charges leveled by Henry Ford, the Klan, nativist groups, and legislators. Turning back to WWI, they corrected wild accusations of Jewish sabotage. More presently, Jewish anti-restrictionists like Estelle Steinberger urged humanity to deliver “America back to sanity.”⁹⁵ While in Congress, Jewish anti-restrictionists presented affirming statistics and heartfelt personal anecdotes to advance their campaign. Working alongside non-Jewish activists, anti-restrictionists presented compelling information and scrupulously defended Jewish Americans against antisemitic charges of disloyalty within the context of the 1924 immigration restriction debates.

⁹⁵ Estelle Steinberger, “National Council Offers Pleads for Sane Americanism” *B’nai Brith Messenger*, May 16, 1924.

Hyper-nationalist rhetoric and ordinances—both in war and peacetime—have been a consistent bug of the republic. Nativism, as it has come to be known, facilitated the 1798 Alien and Sedition Acts amid the United States’s Quasi-War with revolutionary France. These laws empowered the federal government to deport suspect aliens and criminalized dissident speech. By the mid-eighteenth century, nativist forces formed the Know Nothing (American) Party, an Antebellum political movement that boasted nearly one-hundred elected members of Congress and earned 21.5 percent of the popular vote during the historic 1856 presidential election. Like many twentieth century anti-immigrant groups, the Know-Nothings prided themselves on progressive politics—suffragism, labor organization, and temperance—while simultaneously detesting the influx of foreigners, notably Catholics and Jews. The Know-Nothing’s 1855 marching song encapsulated the ethos of mid-eighteenth century national anti-immigrant politics:

The Natives are up, d’ye see...
They have seen a foreign band,
By a servile priesthood led,
Polluting this Eden-land,
And the graves of the patriot dead.
The boy and the bearded man,
Have left the sweets of home,
To resist a ruthless clan,
The knaves of the Church of Rome.
The Natives! The Natives! The Natives!

By the late nineteenth and early twentieth century, a surge in immigration facilitated the formation of anti-immigrant movements like the American Protective Association (1887) and the Immigration Restriction League (1894). Supported with economic, racial, and anti-radicalist concerns—and led by

the ever-famous Republican statesman Henry Cabot Lodge—restrictionist forces successfully lobbied Congress for legislation to impose an immigrant literacy test, though President Grover Cleveland ultimately vetoed the bill in 1897.

Cleveland’s veto relegated the restrictionist movement to a position of relevant obsolescence for several years, only to experience a resurgence with the Great War and 1917 Bolshevik Revolution. Heightened wartime patriotism consumed the American public — immigrants and Jews were labeled “uncertain patriots,” with the military itself greatly promoting anti-patriotic accusations.⁹⁶ One lyrical composition from the National Naval Reserve base in New York read:⁹⁷

Largest mob that the world ever saw
Trying to beat the Conscription Law
Jews in front and Jews behind
Jews of every conceivable kind.

Massed on the steps of the City Hall
Jews that were big and Jews that were small
Jews that were fat and Jews that were thin
Prominent nose and receding chin.

Socialists, anarchists, slackers and sneaks
Faces impertinent, brazen and weak
Jews of all station, poor Jews and rich
Jews that were dirty and Jews with the itch.

In the wake of World War I, as Republicans took control of Congress, the chairmanship of the House Committee on Immigration was assumed by the energetic Albert Johson, a dogmatic restrictionist and anti-Bolshevist.⁹⁸ This Congressional session coincided with America’s first Red Scare, a several

⁹⁶ Leonard Dinnerstein, *Antisemitism in America* (Oxford: Oxford University Press, 1995), 75.

⁹⁷ Dinnerstein, *Antisemitism in America*, 76.

⁹⁸ Higham, *Strangers in the Land*, 307.

year-long crusade typified by the ideals of patriotism and one-hundred percent Americanism. It was during this era that Attorney General A. Mitchell Palmer, J. Edgar Hoover, and the Department of Justice oversaw a series of nation-wide raids that led to the arrest of over several hundred thousand for suspected ties to Communism.⁹⁹ As a result of the Palmer Raids, five hundred immigrants suspected of radicalism were deported to Russia on a ship that bore the nickname, *Soviet Ark*.¹⁰⁰

As Eastern European migration surged post-WWI,¹⁰¹ the House Immigration Committee submitted a suspension bill to Congress, arguing, ‘revolutionists and Bolsheviks could be kept out of the country only by keeping everybody out.’¹⁰² The bill was eventually tabled, but it demonstrated the willingness of Congress to halt thousands of ships over a purported, and frankly non-materialized, penetrating foreign threat. In lieu of federal intervention, numerous states enacted legislation to forbid immigrants from obtaining licenses to practice architecture, engineering, and pharmacology, to name a few.¹⁰³ One state went as far as prohibiting the liberty of immigrants by disallowing them to operate buses.¹⁰⁴

Through the 1920s, anti-Jewish centered anti-Bolshevism remained a powerful force in American life. *The Protocols of the Elders of Zion*, a 1903 Russian-language mythological text purporting to reveal the Jewish plot for global domination, only gained prominence in the United States during the early 1920s.¹⁰⁵ Shortly after the *Protocols* first appeared in a Boston newspaper in 1920, it appeared under a new title—The International Jew: The World’s Problem—in Henry Ford’s

⁹⁹ LeMay, *U.S. Immigration and Naturalization Laws and Issues*, 48.

¹⁰⁰ LeMay, *U.S. Immigration and Naturalization Laws and Issues*, 48.

¹⁰¹ Immigration to the United States plummeted during the Great War’s formative years.

¹⁰² Higham, *Strangers in the Land*, 306.

¹⁰³ LeMay, *U.S. Immigration and Naturalization Laws and Issues*, 128.

¹⁰⁴ LeMay, *U.S. Immigration and Naturalization Laws and Issues*, 128.

¹⁰⁵ Gordon, *The Second Coming of the KKK*, 11.

infamous *Dearborn Independent* newspaper. *The Dearborn Independent* published an abridged version on its front page for 91 consecutive weeks, then intermittently until 1927. At the time, *The Dearborn Independent* was the second-most consumed newspaper in the country.¹⁰⁶

Parallel to Ford's nativist publication, other victimized immigrant groups shrewdly gripped the opportunity to double-down against Jews as a technique to preserve their own standing. In 1924, Chicago's Polish-language *Polonia* newspaper wrote, "Practically the whole world knows that Jews direct socialism, Jews who through socialism are striving to stir up in various countries, ferment and social unrest which always results in harm to Christian society in profit and gain for the Jews."¹⁰⁷

By the late 1910s, the ethos of Americanization had shifted from 'Many peoples, one nation,' to *America First*.¹⁰⁸ Post-War anti-Bolshevism had led to the emergence of a coalition of major organizations under the banner of one-hundred percent Americanism.¹⁰⁹ Groups like the American Legion, US Chamber of Commerce, Daughters and Sons of the American Revolution, and YMCA trumpeted a hatred of 'Alien slackers,' Wobblies, and strengthened patriotic resolve.¹¹⁰ Even more, thirty states codified the ideals of one-hundred percent Americanism into law.¹¹¹

The political tide shifted during the early 1920s as immigration growth persisted parallel to a worsening economic 'depression.' In 1921, roughly 50,000 immigrants arrived each month, so many

¹⁰⁶ Dinnerstein, *Antisemitism in America*, 81.

¹⁰⁷ Dinnerstein, *Antisemitism in America*, 80.

¹⁰⁸ Higham, *Strangers in the Land*, 243.

¹⁰⁹ Marinari, *Unwanted*, 36.

¹¹⁰ Marinari, *Unwanted*, 36.

¹¹¹ Marinari, *Unwanted*, 36.

that Ellis Island began diverting ships to Boston.¹¹² Amid financial disrepair and Red Scare disarray, the United States promptly turned inwards under the banner of President Harding's 'Return to Normalcy.' One Minnesota Congressman declared it was time for a "genuine 100 percent American immigration law."¹¹³

As the 1921 Emergency Quota Act's two-year term neared its close, the U.S. Senate Committee on Immigration re-convened for hearings on the drafted 1924 landmark legislative bill. Secretary of Labor James Davis, an outspoken eugenicist, anti-Bolshevist, and immigrant himself, told the committee how European governments scheme emigration.¹¹⁴ Two years prior, *Forverts* reported that Davis had drafted a formal proposal for 'alien registration.' The proposal, which failed to materialize, would have required non-immigrants to carry identity papers and routinely report to government offices who assessed the process of them becoming "one hundred percent loyal and useful Americans." Davis argued such a system would steer immigrants from "Red and other anarchistic thinking."¹¹⁵ During his exchange with Senator Harris, Secretary Davis lamented European governments' strategic prioritization of less desirable, politically seditious persons for emigration: "They are all trying to keep their good citizens there," he said.¹¹⁶ Italy, Davis accused, had "the best organized system of any country [...] they are organized down to the smallest commune." Moreover, Davis concluded after a brief interchange with Senator Harris, "The point I was making is, if they are trying to keep in their country the most desirable, we are getting the most *undesirable*."¹¹⁷ Davis failed

¹¹² Higham, *Strangers in the Land*, 308.

¹¹³ Higham, *Strangers in the Land*, 309.

¹¹⁴ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 18.

¹¹⁵ Krampner, "Because You Were Strangers," 351.

¹¹⁶ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 18.

¹¹⁷ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 19.

to substantiate his outlandish claims with evidence, nonetheless, the committee consumed his agenda with scant objection.

Following Davis was Dwight Braman, President of the Allied Patriotic Societies, a nativist group who three days prior had passed a resolution supporting a two percent immigration quota tied to the 1890 census.¹¹⁸ According to Braman, his “leading patriotic society” had commissioned a “very exhaustive” report on the state of U.S. immigration. Braman unleashed a tirade of un-American accusations against immigrants and newcomers: “wholly or partially assimilated, and who were larger under the political influences from foreign countries,” he told the committee. Braman singled out “thoroughly organized” German-Americans—a group for whom Jews were prominently positioned—for sabotaging the Great War effort: “They used their influence to stop work in our ammunition factories, they used their influence to prevent the draft...”¹¹⁹ Like Dwight Braman, John Trevor similarly raised the issue of immigrant “sabotage” during the Great War.¹²⁰ He wildly accused 25,000,000 United States residents of being “under the influence of alien societies that are un-American,” and cited ninety percent of all domestic “agitation” being instigated by aliens.¹²¹

Together, Trevor, Braman, and Secretary Davis embodied the principles of the 1924 anti-radical geared, anti-immigrant coalition. Their accusations—both superfluous and mostly unfounded—should be observed not as an isolated moment, but as yet another chapter in American nativism. The American public did not seek truth, but rather a compelling narrative that substantiated the first Red Scare panic. Bolshevism and anarchism served as convenient justification for immigration

¹¹⁸ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 71.

¹¹⁹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 72.

¹²⁰ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 97.

¹²¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 100.

restrictionists who for decades had failed to sway Congress towards legislated quotas. Without diminishing the threat international Bolshevism would eventually pose, it is apparent that immigrants were scapegoated and feared for their purported seditious intentions and inability to achieve one-hundred percent Americanism.

Among immigrants, Jews in particular were leveled with rife accusations of disloyalty. The disproportionate treasonous allegations they endured are neither unique to the American-Jewish experience, nor to Jewish history writ large. In fact, the Great War disloyalty allegations posed by Braman and Trevor were not distinct to the United States. Hitler rose to power in part by scapegoating “backstabbing” Jews during the Great War.¹²² Thus, Jews on both sides of the Atlantic were paradoxically pro-German and anti-German, but consistently unpatriotic in all locales. Additionally, American Jews likely faced disproportionate charges of disloyalty because they represented one of the largest post-War immigrant groups. It did not help that said Jewish people overwhelmingly hailed from the Soviet Union (and former Russian Empire), where prominent Jews like Vladimir Lenin and Leon Trotsky (Lev Davidovich Bronstein) were Bolshevik leaders.

Facing an uphill battle, Jewish Americans did not deter. One of such individuals was Representative Samuel Dickstein who lobbied twenty of New York’s twenty-two Democratic Congressmen as signatories to a letter defending the wartime patriotism of immigrants. Dickstein presented the letter to the Senate Committee’s chairman and requested it be incorporated into the record: “Have we so soon forgotten the World War when the youth of those same nationalities, resident in the United States, joined hands with their relatives across the seas and brought victory to us

¹²² “Rise of the Nazis and Beginning of Persecution,” Yad Vashem, 2022, https://www.yadvashem.org/holocaust/about/nazi-germany-1933-39/beginning-of-persecution.html#narrative_info

and our allies in that great conflict? Shall we exclude those compatriots in arms by a mere mathematical formula? Is it fair? Is it American?”¹²³

Dickstein’s patriotic defense paralleled Louis Marshall’s, who, testifying on the Sabbath, *Saturday*, March 8, 1924, told the Committee, “I am proud to be a member of the greatest allied patriotic society in the world, and that is to be an American citizen.”¹²⁴ During World War I, Marshall served as a board member for New York’s conscription bureaucracy. As such, he was adequately informed to provide the Committee with a thorough review of wartime patriotism. “Immigrants,” Marshall told the Senators, “were as loyal to [the United States] as though they had been sons of the American Revolution. They went into the Army, went abroad and laid down their lives to save the country and to save civilization. And there was no murmur on their part.”¹²⁵

Marshall additionally defended the patriotism of Yiddish-language American newspapers, a sub-genre of mass-media that received significant wartime accusations of Bolshevik conspiracy. Marshall told the Committee that the strongest wartime condemnations of Bolshevism and communism had, in fact, originated in the Yiddish-language newspapers. During the Great War, Marshall testified, he voluntarily kept record of the patriotic allegiances displayed by America’s Yiddish-language publishers: “I want to say to you that I have ever seen more burning patriotism than it was my privilege to see in the Yiddish press during that time.”¹²⁶

The significance of Marshall’s deposition cannot be understated. Marshall served as an intermediary between poor, hardly literate Jewish immigrants and Washington’s elite political class. An

¹²³ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 80.

¹²⁴ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 121.

¹²⁵ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 121.

¹²⁶ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 122.

eloquent orator and constitutional scholar, Marshall drew the respect of both restrictionists and antirestrictionists. He could lecture on American history in Yiddish, parlay over interpretations of the Constitution's civil rights amendments, all while rubbing shoulders with the most dogmatic of Nativists. For many, he embodied the idyllic Americanized, secular, and intellectual second-generation immigrant. He told the Committee of the patriotism that his German-born instilled: "I was taught by my mother, who was an immigrant, to pray daily three times for this blessed country and its institutions. And that same feeling, I tell you, is innate in practically every one of these immigrants who comes here for the establishment of a home."¹²⁷

Marshall threaded the needle between immigration forces, balancing the need for *qualified* restriction while simultaneously maintaining the respect and admiration of the Jewish community. He recognized the inevitability of *some* legislative action, and as such told the Committee, "I am in favor of *reasonable* restriction, but not as meticulous restriction." "Congress," Marshall said, "needs to devote more of its time to making the present law something more than a proclamation."¹²⁸ Marshall championed the ideal of immigration equality: "I can see no possible reason," he told the committee, "for a distinction or discrimination" towards the Jews of Eastern Europe. Moreover, he did not seek leniency for the persecuted Jews of Eastern Europe, but merely *fairness*. In Marshall's eyes, the United States could—and should have—commence the painful process of immigration restriction, but to elevate the status of future newcomers on dubious grounds would itself be fundamentally un-American.

¹²⁷ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 123.

¹²⁸ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 123.

Similar to Louis Marshall's appeal to Americanism was Chicago Alderman (City Councillor) John Lyle.¹²⁹ Lyle, a native Tennessean, testified that prior to sojourning Northward he had never seen an immigrant and was, therefore, "naturally opposed to foreigners." After residing in Chicago for some period, Lyle noted to the Committee that "the most interest and patriotism seemed to be shown by those [foreign-born] members of the legislature."¹³⁰ Lyle was handpicked by Congressman Adolph Sabath to testify, and understandably so. He represented the character of 'unworldly Southerner,' an individual who embodied the average American's "natural" ignorant disposition to the foreign-born.

The enlightened Alderman told the Senators how Chicago—like many other cities—had adopted resolutions strongly "condemning" the Johnson immigration bill. By early 1924, New York, Boston, Cleveland, and Pittsburgh had all passed council resolutions condemning the proposed restrictionist legislation. Chicago's Aldermen condemned the use of the 1890 census as "discriminatory, unfair, un-American, and [for barring] entrance to the United States of a substantial portion of the best element of our present day foreign-born American citizenry."¹³¹ Chicago City Council specifically appealed to the patriotism of immigrants, arguing, "[We] protest against the adoption of the so-called Johnson immigration bill, condemn its discriminatory spirit, and appeal to the Senate and House of Representatives and the President of the United States to give consideration to the claims of those of our citizens who have come from foreign shores and who have aided in the upbuilding of this glorious Republic."¹³²

¹²⁹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 86.

¹³⁰ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 86.

¹³¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 88.

¹³² Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 86.

It is unlikely that Alderman Lyle was of Jewish faith, yet he took it upon himself to defend the character and patriotism of his fellow citizens, especially the foreign-born and Jewish. At one brief moment towards the end of his testimony, Senator King interjected to pose a question: "...assuming that Communism is a bad thing for America, are there more Communists and Bolshevists among the foreign-born people than among Americans; and if there are any more, what nationality has the greatest number?" Lyle, choosing his words carefully, responded, "Speaking for myself and not for [City Council], I would say there is more communism among the foreign born. And as to the nationality predominating, I would say the Russians." Snapping back, Senator King asked, "Would that be Russian *Jews*?" Lyle responded, his final words of testimony: "I would not want to designate them, because some of our best foreign-born men in Chicago are Russian Jews, and we have had the most favorable experiences with Russian Jews. What other cities have had I do not know." John Lyle's testimony before the Senate Committee demonstrated how one could experience auto-enlightenment, from the whitest Tennessean tradition to Chicago's urban metropolis. Lyle was likely chosen by his colleagues not merely for his speaking capabilities, but because as a white Tennessean who represented one of Chicago's most Anglo-Saxon districts,¹³³ his support for the foreign-born was neither innate nor obvious. Rather, Lyle *chose* to support the plight of Jews and immigrants. In no way, ethnically or politically was he beholden to these communities. Yet, still, Lyle worked with Congressman Sabath to defend the Americanization and patriotism of Jews and immigrants alike.

Jacob Billikopf, one of the final individuals to provide testimony, arrived at the Committee hearing prepared with personal anecdotes and statistical evidence. Unlike Marshall and Lyle, Billikopf

¹³³ Alderman John Lyle's district of 55,000 Chicagoans contained roughly 2,000 foreign-born individuals, less than four-percent.

was a citizen by choice, having arrived in America from Lithuania at age fifteen “in search of economic freedom, educational advantages, and [...] spiritual activity,” he told the Senators.¹³⁴ Billikopf did not generalize or plead to the Chairman in vague terms: he implored the Committee to abandon the Johnson bill, permanently renew the 1921 Emergency Quota with its three-percent quota, and to amend said law with “humanizing features,” such as a provision for the relatives of citizens to be exempt from the quota. Billikopf urged the Senators to consider that the current legislation’s categories of exclusion were sufficient to isolate politically subversive migrants descending on America’s shores.

After arriving in the United States, Billikopf had successfully established himself in the fields of social work, philanthropy, organized labor, and public service. Billikopf himself was instrumentally involved in placing 150,000 immigrants into jobs, and as such, was adequately informed to advise the Committee on patterns in radicalism he observed. Billikopf presented the Senators with a case study of 20,000 Jewish immigrants from Russia, Poland, and Ukraine whom he had settled in Galveston, Texas.¹³⁵ Upon their arrival, Billikopf told the Committee, the majority of said Jewish immigrants were “shabbily dressed, poorly nourished, and uncouth in their exterior.” Ideologically, he noted, “some of them were radical in the sense that in their native countries they suffered from discontent and could not adjust themselves overnight to new American conditions.”¹³⁶

Given the unusual arrival of 20,000 Jews to coastal Texas, Billikopf commissioned an economist from the United States Bureau of Labor to conduct an “intensive analysis” four to five years after their arrival. The economist’s findings revealed that *all* of the Jewish immigrants were “happily”

¹³⁴ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 260.

¹³⁵ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 261.

¹³⁶ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 261.

employed and that their children were attending school full-time. Billikopf told the Senators that “nobody” was dependent on private or public charities, that several had purchased houses, and that “there was universal contentment with their new surroundings.” The report’s most significant finding, however, pertained to their patriotism. Billikopf proudly reported to the Committee of Senators, “Our study revealed this extraordinarily interesting fact. Out of that entire group we failed to find a single one who remained an extreme radical.”¹³⁷

Practically speaking, is it possible that not a *single* Jewish immigrant among 20,000 did not rid themselves of their Bolshevik, radical-leaning sympathies? Unlikely, but regardless, Billikopf appeared eager to convince the Committee with anecdotal evidence that it was the case. Billikopf’s case-in-point was Alphonse, a fourteen year old Parisian valet who had never missed a weekly meeting for the local ‘Communist organization.’ After a series of meeting absences, Alphonse’s manager, Balzac, queried him: “Alphonse, how am I to account for the fact that you have been negligent in your attendance at the socialist meetings; that you have disassociated yourself, apparently, from the organization?”¹³⁸ To which Alphonse replied, “You see, my master, at one of our recent meetings we computed the amount of wealth in France, and dividing it equally among all the people, we found each would get 200 Francs. But then, master, I have 500 Francs in the bank, so why should I be a member of the Socialist Party, which would despoil me of 300 Francs?”¹³⁹ The moral of the story, Billikopf told the Senators, was that the lure of American capitalism was sufficient to emancipate any immigrant from the shackles of radical ideologies that they carried across the Atlantic:¹⁴⁰

¹³⁷ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 261.

¹³⁸ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 262.

¹³⁹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 263.

¹⁴⁰ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 263.

The moment the immigrant enters our night schools and acquires the rudiments of the English language; the moment he acquires a little competence; the moment he sends his children to school, the moment his boy goes to the high school or university, which privileges were denied him and his children in his own country the moment he pays a small amount of money, be it only \$50, or \$100, as a part payment on a little house-that moment all his radicalism evaporates and he becomes a full-fledged and law abiding member of the community. You have no idea how grossly exaggerated are the reports [sic] relative to the amount and gravity of radicalism among the foreign born in this country.

Billikopf implored the Committee to consider hard-working non-Nordic immigrants like Alphonse as the norm, and not an exception to the rule. Restrictionists had uniformly depicted non-Nordic immigrants as uneducated and lacking industriousness. Rather than focusing on major figures like Tesla, Marconi, and Steinmetz, Billikopf urged the Senators to focus on the “humble, undistinguished immigrant; the one whose achievements are not recorded in the newspapers, whose accomplishments are not heralded from the housetops.” “I am interested,” he told the Committee, “in the great mass of uncouth looking and apparently uncultured people who are, fundamentally, Americans.”

Billikopf provided the Senators with one final, touching anecdote to illustrate the resolute Americanism of typical Jewish immigrants. Several months prior, Billikopf had addressed a crowd of 500 in Elmira, New York, to raise funds for a foreign relief charity.¹⁴¹ In the crowd, Billikopf observed “a strange looking individual” with “unkempt hair and [who was] very poorly dressed.” In broken English, the man said to Billikopf,¹⁴²

I came to the United States about 15 years ago. I am the father of seven children. My oldest child was a boy. When the war broke out I said to him, “My son, I want you to enlist and fight for the United States. This country has been wonderful to us.” And he did enlist. He gave up his life on the battlefield of Flanders. This morning I received from Washington a check for \$250, which is the first payment toward the insurance which was carried on my son's life. I am

¹⁴¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 263.

¹⁴² Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 263.

not going to keep this money, I will not keep this \$250. Nothing in the world can compensate me for the loss of my son. I will give it to you to give to others who are less fortunate than myself. Nor do I propose to keep a single penny of the additional money that will come to me.

In concluding, Jacob Billikopf spoke to the patriotism of Jewish immigrants like the Gold Star family in Elmira: “If I understand the word ‘Americanism,’ these men and women are possessed of that kind of Americanism which means a spiritual appreciation of that which is finest and best in our American life.” Billikopf had pleaded with the Committee of Senators to consider the benefits of hard-working, honest, and patriotic Jewish immigrants. Together with John Lyle and Louis Marshall, they presented Congress with compelling statistics, personal experiences, as well as anecdotal evidence. In spite of their defeat—none of their counter proposals were adopted—they defended the righteousness, caliber, and industriousness of Jewish Americans. Though they ultimately came up short in 1924, their defense of Jewish-American patriotism will forever be remembered fondly with the benefit of historical hindsight.

As a means to defend their patriotism and to dissuade their fellow Americans from the Johnson bill, Jews took to the public press. Several newspaper articles from 1924 illustrate the arguments presented by Jewish Americans, from local publications to *The New York Times*. They also detail instances of public Jewish protest against restrictionist speakers and meetings. One article in the *B'nai Brith Messenger* from May, 1924, read, “It is one thing to urge the need for restricting the number of immigrants that shall enter our ports from year to year, or to plead the justification of selective immigration that shall open our doors only to those who are mentally, morally and physically fit. It is a

far different thing to resort to [...] declare certain peoples unassimilable, undesirable [sic] and impossible of Americanization.”¹⁴³

The article’s author was Estelle Steinberger, the Executive Secretary for the National Council on Jewish Women. A product of 1920s political ‘gentlemanliness’ and conservative Jewish traditions, women were neither seen nor heard as the face of the anti-restriction movement. Steinberger—the sole female author and anti-restrictionist advocate I discovered—was an exception to the rule.¹⁴⁴ She wrote of a recent incident at a luncheon in Philadelphia wherein Congressman Johnson¹⁴⁵ made several “un-American allusions to the Jew.” In response, Steinberger recalled, one lady from the National Council on Jewish Women rose and, “gave voice to those ideals of Americanism that every Jew and *Jewess* of this land have come to treasure and to defend with their life’s blood.”¹⁴⁶

Steinberger represented the highest ideals of American equality and egalitarianism. One can only speculate the enormous influence that Steinberger’s writing gift would have had on the movement had she—and countless women like her—been afforded the space to speak and the opportunity to publish. In concluding her article, she wrote, “America must be unburdened of its fears before it strays too far from the path which it had traversed with such confidence and assurance throughout these many decades. America must be awakened to the lurking danger of forfeiting the priceless jewel that the ages have bequeathed her—the jewel of tolerance, of devotion to the ideal of mankind’s

¹⁴³ Steinberger, “*National Council Offers Pleads for Sane Americanism.*”

¹⁴⁴ Estelle Steinberger was a gifted writer. Little additional information about her life or additional articles could be recovered.

¹⁴⁵ It is unclear which Congressman Johnson Steinberger was referencing.

¹⁴⁶ Steinberger, “*National Council Offers Pleads for Sane Americanism.*”

fundamental kinship—a jewel whose brilliance pierces the thickest cloud. Humanity summons America back to sanity.”

Appealing to American ideals was a strategy similarly availed by L.H. Fromkin in a March, 1924, article in *The Reform Advocate*.¹⁴⁷ Fromkin’s article argued for an American Jew’s “right” to America itself. He touted their patriotic military service and those who had “died for the flag,” a point stressed by many Jewish anti-restrictionists who understood military service as an informal pathway to ‘full’ citizenship.

Significant portions of Fromkin’s article addressed the Americanism-questioning antisemitic charges endured by American Jews: “They are non-producers, parasites, monsters. They will not assimilate with the rest of America. They push and climb and insist that they are equal to the rest.”¹⁴⁸ Fromkin brought attention to the phenomenon of American magazines portraying American Jews as “exotic” and “ultra foreigners” who blemished the East Side of Manhattan as well as “the equally slummy section[s] of Boston, Philadelphia, and Chicago.” “The only danger,” Fromkin wrote, “is that the constant iteration of these charges against the Jews may cause entirely too many American citizens to believe that they are somehow serious.”

Fromkin’s defense highlighted the “altruism” of Jewish Americans in their philanthropic endeavors. He wrote of the millions of dollars spent each year by Jews to support a variety of essential American institutions. *Jewish* funding, Fromkin argued, allowed American charitable foundations to extend “a warm welcome to all the suffering and heavy laden.” Fromkin’s argument was that because “Jewish dollars” were funding *some* U.S. humanitarianism, it would, therefore, be incumbent of

¹⁴⁷ L.H. Fromkin, “An American Jew’s Right to America,” *The Reform Advocate*, March 1, 1924.

¹⁴⁸ Fromkin, “An American Jew’s Right to America.”

Americans to accept Jewish people, in spite of their potential flaws. For context, Fromkin's article was originally published in an Ohio newspaper prior to being published in *The Reform Advocate*. Thus, it explains not merely his defense of Jewish immigrants, but his justification for their continuing legislated permission to make entry.

Another patriotic ideal appealed to by anti-restrictionists was the presumption of innocence for immigrants. Indeed, at face value this was a lawfully weak argument. Max Kohler of the American Jewish Committee, however, viewed the subject differently. He penned a series of articles in the *New York Times* that criticized the Johnson bill's violation of immigrant's personal liberties, among several other charges.¹⁴⁹ Though Kohler additionally appealed to American humanitarianism—he derided the bill's narrow family reunion provision—his arguments largely rested on legal specifications. In response, restrictionist Walter Hoffman chided Kohler, arguing that it was the “undeniable right” of the United States to void the ‘personal liberties’ of non-citizens.¹⁵⁰

Gustavus Loevinger, a weekly columnist for *The American Jewish World*, went even further than Kohler. In his April 25, 1924, article, titled, “The Immigration Question,” Loevinger argued that Nordic restrictionists were “abandoning” their Nordicism by removing immigrant's presumption to innocence: “He is willing to reverse the process and adopt the principle of the less favored nations, who hold that an accused person has the burden of proving his innocence, to the satisfaction of an accusing and prejudiced official.”¹⁵¹

¹⁴⁹ Kohler, “Aspects of Impending Immigration.”

¹⁵⁰ Walter Hoffman, “Need to Select Immigrants,” *The New York Times*, January 27, 1924.

¹⁵¹ Loevinger, “The Immigration Question.”

Loevinger's argument, unfortunately, does not compute. Of course, immigrants, as non-citizens, do not enjoy the protection of the United States Constitution's Fifth and Sixth Amendments.¹⁵² Loevinger portrayed the relationship between prospective migrant and immigration officer as an enormous imbalance, and indeed, it was. He even decried the systemic, unquestioned rejection of migrants by the immigration bureaucracy as "Nordic America fast Russianizing itself."¹⁵³ Ostensibly, both Kohler and Loevinger were seeking to work around existing law by suggesting a Constitutional provision to due process. Loevinger and Kohler's flaw, however, is that they were appealing to Americans to uphold a right that did not exist for non-citizens. Though their articles did not harm the anti-restrictionist movement, they did not move the needle either.

Finally, Dr. C.A. Press was an anti-restrictionist who used masterful prose and heartfelt anecdotes to illustrate the loyalty and unwavering patriotism of Jewish immigrants. In his March, 1924, article in the *B'nai Brith Messenger*, Dr. Press, a Hebrew Immigrant Aid Society representative, spoke of the "immigration problem" as being "as old as these United States."¹⁵⁴ Press was not merely a consummate writer, but an American idealist in the truest form: "Each immigrant was a new Columbus to whom a new land was revealed—a land of hope, of adventure, and of romance," he began.

Notwithstanding beautiful composition, Press's argument mirrored that of many patriotic-motivated anti-restrictionists, namely Jacob Billikopf. Press demonstrated the manner in

¹⁵² Both Amendments pertain to due process, a speedy trial, and ability to obtain counsel, among others.

¹⁵³ Loevinger, "The Immigration Question."

¹⁵⁴ C.A. Press "Immigration," *B'nai Brith Messenger*, March 28, 1924.

which Jewish immigrants would auto-emancipate themselves from the ‘old country’ mentality as their exposure grew to the abundant riches of American life. Press’s article read:¹⁵⁵

American kindness melted the coarseness, healed the wretchedness, and brought out the best, the heroic, in the foreigner. He spoke his native tongue with his countrymen and read his American newspaper in his native language. His newspaper and fraternity, knowing and understanding him, preached to him a Gospel of an ideal Americanism greater than a native born American is capable of understanding, for, the immigrant could contrast conditions in his homeland with conditions here; the more backward and wretched his native country was, the stronger and profounder was his love and admiration for America.

Press, like other Jewish anti-restrictionists, understood that post-War isolationism, labor strife, economic downturn, the Bolshevik Revolution, and the first Red Scare were exacerbating fears of immigrants. For Jews, as one of the largest immigrant groups, it did not help their cause that they predominantly hailed from the Soviet Union (Russian Empire), the heartland of global communism.

A perfect storm of circumstances nearly guaranteed the introduction of formal restriction legislation by spring, 1924. As the restrictionist coalition drew increasing support in Congress—and with the general public—the inevitability of Ellis Island’s mythologized gates closing set in. Facing an uphill battle, Jewish Americans continued to write, lobby, and protest. One final anecdote from Dr. C.A. Press beautifully illustrates the ethos of Jewish immigrants: the poor, wretched masses, who, still, in spite of their circumstances and previous lives, arrived in America with a new promise of hope.

Press’s article read,¹⁵⁶

A Rabbi was asked during the heat and strife of the war to give a definition of America and he said: To me America is infinitely more than an aggregate of 110,000,000 people; to me America is all that the submerged races of the world wish to be and cannot. To me America is the

¹⁵⁵ Press, “Immigration.”

¹⁵⁶ Press, “Immigration.”

concrete realization of the hopes and prayers of the world. It is a definition, it is a creed, it is a challenge. God built a continent and filled it with treasures untold. He carpeted it with soft rolling prairies and pillared it with thundering mountains. He studded it with flowing fountains, and traced it with long winding streams; He graced it with deep shadowed forests, and filled them with song. Then He called unto a thousand peoples and summoned the bravest among them. They came from the ends of the earth, each bearing a gift and a hope. The glow of adventure was in their eyes, and the glory of hope within their souls. And out of the labor of man and the bounty of earth; out of the prayer of men and the hope of the world, God fashioned a nation in love, and gave it a purpose sublime, and called it *AMERICA*.

4

RACE & EUGENICS

By the declaration of both houses of Congress, America has announced to the world that her new ideal is: racial exclusiveness and discrimination. When this new American ideal begins to permeate our school textbooks, our popular pulpits, our newspapers, our public oratory, our newer generation of citizens, will it make for harmony among our citizens, respect among nations, and peace for the world?"

— *Gustavus Loevinger in The American Jewish World, April 25, 1924*

Foremost among the antisemitic charges leveled against Jewish Americans during the early twentieth century was their purported religious and racial inferiority to traditional ‘Native stock,’ Anglo-Saxon Americans. This phenomenon, the rise of eugenics and the weaponization of racial science, served as a perfect corollary to the already existent American nativism. Race-based nativism was a new, modern, and *progressive* phenomenal explanation to an old problem. Eugenics, John Higham wrote, arised as “a way of explaining why incendiary immigrants threatened the stability of the republic.”¹⁵⁷

Neither labor-market stressors nor even Bolshevik radicalism, race-based restrictionist’s accusations were markedly different from the others. Intrinsically, they argued, Jews could not—and would not—become full-fledged Americans. Their tainted bloodline rendered them inadequate, undeserving, and forever outsiders. Race-based restrictionists observed each day as a “competitive struggle for survival,” with fruitfully multiplying Jewish immigrants bringing the Anglo-Saxon race—inch by inch—towards extinction.¹⁵⁸

This final chapter explores the Jewish anti-restrictionists who defended their co-religionists and fellow citizens against charges of racial inferiority. Hanging in the balance was the dignity, respect, and safety of Jewish Americans. Racial identity was not a political ideology that could be substituted, nor was it an economic condition that could be overcome. It was an innate biological phenomenon. Above all other facets, Jews could not afford defeat. From Synagogues, to Carnegie Hall, to Congress, Jews pressed their fellow Americans to adopt a racially unbiased worldview of European immigrants. Jewish Americans understood that regardless of the outcome of the Johnson bill, their social standing greatly depended on how effectively they could prove their worth. And so, they protested.

¹⁵⁷ Higham, *Strangers in the Land*, 138.

¹⁵⁸ Higham, *Strangers in the Land*, 135.

By the turn of the twentieth century, a confluence of declining Anglo-Saxon birth rates and record high non-Nordic immigration was the perfect storm for the rise of eugenic-based, racial science. The term ‘eugenics’ itself was coined in 1883 by Francis Galton who theorized, “Could not the undesirables be got rid of and the desirables multiplied? Could not man actually take charge of his own evolution?”¹⁵⁹ Eugenists had successfully pushed the idea of handicaps—intellectually, physically, and even ideologically—among the ever-present undesirable races of Europe. Notable scholars like Francis Walker, Richard Mayo-Smith, Edward Ross, and William Ripley provided a convincing social scientific argument for the benefits of race-based immigration restriction. In his address to the annual meeting of the American Academy of Political and Social Science in 1901, Edward Ross, a noted eugenicist, referred to this phenomenon as a ‘race suicide’ of Anglo-Saxon Americans.¹⁶⁰

As Daniel Kevles explains, eugenicists were primarily concerned with producing robust offspring for a healthy society.¹⁶¹ They were proponents of prohibition and cautioned mothers against using tobacco during pregnancy for its ‘poisoning of the reproductive cells.’¹⁶² Eugenics enthusiasts were largely middle-to-upper class, Anglo-Saxon, and well educated; they were typically affluent, and mostly professionally educated: physicians, social workers, clerics, writers, professors, and academics.

¹⁵⁹ Daniel Kevles, *In the Name of Eugenics: Genetics and the Uses of Human Heredity* (Cambridge: Harvard University Press, 1998), 3.

¹⁶⁰ Marilyn Lake & Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality* (Cambridge: Cambridge University Press, 2008), 100.

¹⁶¹ Kevles, *In the Name of Eugenics*, 64.

¹⁶² Kevles, *In the Name of Eugenics*, 64.

More broadly, the movement united conservatives, liberals, and even Marxists, like Hermann J. Muller.¹⁶³

For Edward A. Ross, he was the embodiment of the prototypical eugenicist of his time: Ivy League educated, progressive-minded, Anglo-Saxon, and a noted academic in the fields of sociology and criminology. In his 1914 monograph, *The Old World in the New*, Ross portrayed new immigrants as perpetuating political corruption and diluting Anglo-Saxon stock with their moral and intellectual deficiencies.¹⁶⁴ Regarding ‘race suicide,’ Ross wrote, “The fewer brains they have to contribute, the lower the place immigrants take among us, and the lower the place they take, the faster they multiply.”¹⁶⁵ Similarly, William Ripley’s influential *The Races of Europe* compartmentalized Europeans into three distinct races: supreme Nordics, lesser Teutonics, and inferior Mediterraneans.¹⁶⁶ Ripley contended that Mediterraneans—Southern and Eastern European immigrants included—lacked the intellect and character for life in the United States.¹⁶⁷ Ripley’s sentiment mirrored that of M.I.T president Francis Walker. As head of the New England elite-led U.S. Census Bureau, Walker’s theories—such as the idea that race was both biological and cultural, both “inherited” and “achieved”—laid the foundation for nativist legislation.¹⁶⁸ Historian David Roediger wrote of Walker that, “No other statistician has had a more impact on U.S. history and politics” than him.¹⁶⁹ Perhaps the most well-known eugenicist expression originated from Walker. He famously referred to Southern

¹⁶³ Kevles, *In the Name of Eugenics*, 64.

¹⁶⁴ Kraut, *The Huddled Masses*, 178.

¹⁶⁵ Edward Ross, *The Old World in the New: The Significance of Past and Present Immigration to the American People. The Early Sociology of Race and Ethnicity* (New York: Century, 1914), 299.

¹⁶⁶ William Ripley, *The Races of Europe: A Sociological Study* (New York: D. Appleton, 1914).

¹⁶⁷ Roediger, *Working Towards Whiteness*, 17

¹⁶⁸ Roediger, *Working Towards Whiteness*, 65.

¹⁶⁹ Roediger, *Working Towards Whiteness*, 65.

and Eastern European immigrants as, "vast masses of peasantry, degraded below our utmost conceptions [...] *beaten men from beaten races, representing the worst failures in the struggle for existence.*"¹⁷⁰

For many years, eugenicists and their now-discredited ideology enjoyed positive mainstream reception from the American public. Their views were not regarded as fringe or extreme. Even President Woodrow Wilson, a Princeton professor of Western European history, gave legitimacy and credibility to the theory of Southern and Eastern European inferiority in his textbook, *A History of the American People*.¹⁷¹ By the time he was president, Calvin Coolidge similarly cited the 'laws of biology' as the basis for restrictionism: "The Nordics propagate themselves successfully. With other races, the outcome shows deterioration on both sides," he wrote in *Good Housekeeping*.¹⁷²

By the late 1910s and early 1920s, eugenics had entered mainstream cultural discourse. Magazines, for example, published a greater volume of articles dedicated to eugenics than on subjects related to slums, tenements, and immigrant living standards.¹⁷³ In New York City, the Second International Congress of Eugenics was held in September, 1921, at the American Museum of Natural History. Presiding officer Major Leonard Darwin, son of Charles, embodied the ethos of the conference when he spoke to the "racial deterioration" of Anglo-Saxons towards the "feeble-minded, habitually criminal, and work-shy" inferior races.¹⁷⁴ Darwin presented the Conference's academics, statesmen, and politicians with a dire warning, "I cannot refrain from adding that the United States has

¹⁷⁰ Ngai, *Impossible Subjects*, 30.

¹⁷¹ Woodrow Wilson, *A History of the American People* (New York: Harper & Bros, 1902).

¹⁷² Roediger, *Working Towards Whiteness*, 139.

¹⁷³ Higham, *Strangers in the Land*, 151.

¹⁷⁴ "Want More Babies in Best Families," *The New York Times* September, 25, 1921.

a mighty future before it, on which the civilization of the whole world may in a large measure depend. It is therefore doubly incumbent on its citizens to consider whether their best or their worst stocks are multiplying most rapidly.”¹⁷⁵

As a pillar of mainstream social discourse, eugenics concepts were embraced in the political arena by a coalition of Republicans and Democrats from all regions. Perhaps the greatest resurgent forces of the early 1920s—the (second) Ku Klux Klan¹⁷⁶—was also the foremost champion of the eugenics movement. The group was founded at a torchlit meeting on Georgia’s Stone Mountain by an ex-Methodist minister in 1915.¹⁷⁷ They sought one-hundred percent Americanism, racial purity, and conservative Anglo-Saxon tradition. Unlike the group’s forebearer of the 1860s, the second Klan functioned openly as a public bastion of white supremacy.”¹⁷⁸ As a result, by 1921, the Klan had chapters in forty-five states and was registering one-thousand new initiates each day.¹⁷⁹ At its height, membership in the Ku Klux Klan exceeded three million, or one in every thirty Americans.¹⁸⁰ In Indiana, historian Leonard Moore estimated that over one-quarter of the state’s native-born men were card-carrying Klan members.¹⁸¹ Speaking to its significance, Linda Gordon went as far to argue that the second Klan was among the most significant social movements of the century.¹⁸²

¹⁷⁵ “Want More Babies in Best Families,” *The New York Times*, September 25, 1921

¹⁷⁶ The First Ku Klux Klan was suppressed in the mid-1870s and dissolved until its resurgence in Stone Mountain, Georgia, in 1915. See the Enforcement Act (1871), also known as the Ku Klux Klan Act.

¹⁷⁷ Kraut, *The Huddled Masses*, 191.

¹⁷⁸ Gordon, *The Second Coming of the KKK*, 2.

¹⁷⁹ Alaska and Hawaii were not ratified into statehood until 1959.

¹⁸⁰ David Chalmers, “The Ku Klux Klan in politics in the 1920s,” *The Mississippi Quarterly*, Vol. 18 No. 4 (1965), 234.

¹⁸¹ Kraut, *The Huddled Masses*, 192. See Leonard Moore’s *Citizen Klansmen, the Ku Klux Klan in Indiana, 1921-1928*.

¹⁸² Gordon, *The Second Coming of the KKK*, 6.

With an enormous constituent base, the Klan made tremendous political inroads at the local, state, and federal levels. In total, their members accounted for sixteen senators, scores of congressmen (the Klan claimed seventy five), and eleven governors, who were almost equally divided between Republicans and Democrats.¹⁸³ In John Higham's words, the Klan's de-facto leader, D.C. Stephenson, once boasted in 1923 that, "He could corrupt a legislator as effectively as he could organize a membership drive, and with equal ease he could convince the rural masses that the president of the United States was leaning on him for advice."¹⁸⁴

To the Klan, Jews were responsible for the sinful ways of an urban lifestyle: Sunday Sabbath violations, bootlegging, gambling, and "carnal indulgence."¹⁸⁵ As "middlemen," they argued, Jewish people merely purchased and sold, and therefore did not actually create any economic value.¹⁸⁶ Jews, the Klan professed, represented a "Christ-killing" conglomerate of morally corrupt figures whose grand conspiracy for power would be attained through financial dominance.¹⁸⁷ More pressingly, the Klan alleged a Jewish conspiracy responsible for the abduction of somewhere between 60,000 and 75,000 "young girls" each year in the United States for "white-slave dens."¹⁸⁸ Existing at the intersection between immigrant and religious minority, one can observe how Jewish newcomers easily drew the rage of America's most prolific hate group.

With the context of the second Klan and prominent eugenics movement, it is noticeable how immigration restriction enjoyed enormous support from Americans of all walks of life. Several

¹⁸³ Gordon, *The Second Coming of the KKK*, 164.

¹⁸⁴ Higham, *Strangers in the Land*, 297.

¹⁸⁵ Higham, *Strangers in the Land*, 286.

¹⁸⁶ Gordon, *The Second Coming of the KKK*, 49.

¹⁸⁷ Higham, *Strangers in the Land*, 286.

¹⁸⁸ Gordon, *The Second Coming of the KKK*, 50.

testimonies from the 1924 Senate Committee on Immigration's hearings for the Johnson bill illustrate the prominence that eugenics and racial science held. Dwight Braman, President of the Allied Patriotic Societies of America, for example, was bluntly prompted by Senator David Reed with the question, "[Does the Johnson bill] discriminate against the new races?" to which Mr. Braman responded, "*Certainly*, it does." Braman told the Senators that his organization had passed a resolution two days prior supporting the two-percent quota tied to the 1890 census.¹⁸⁹ The justification, he continued, was that, "The major part of our immigration since the year 1882, coming principally from the countries of Southern and Eastern Europe, has been composed of peoples which, whatever their respective merits may be, are for the most part widely divergent in their racial qualities from the races which were settled here before."¹⁹⁰

Francis Kinnicutt, representing the infamous Immigration Restriction League, presented the Committee with a similar, albeit more explicitly racialized argument. His organization, the Immigration Restriction League was founded in 1894 as a profoundly Anglo-Saxon, nativist organization. As eugenics became increasingly popularized in the 1910s, the organization shifted from cultural-based nativism towards race-based. Still, Kinnicut euphemized the League's purpose to the Committee, assuring the Senators of their good-faith mission to bury the dead, care for the sick, look after widows and orphans, provide insurance, and remain "nonsectarian."¹⁹¹

Kinnicut urged the Committee to consider how America had been overrun by hordes of Southern and Eastern European immigrants. Armed with statistics, he pointed Senators to the

¹⁸⁹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 71-72.

¹⁹⁰ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 74.

¹⁹¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 232.

percentage of foreign born in numerous states and cities: 59 percent in Wisconsin, 66 percent in Massachusetts, 72 percent in Chicago, and 80 percent in New York.¹⁹² With these figures fresh in mind, Kinnicut then told the Committee how the Immigration Restriction League had recently passed a resolution supporting the use of the 1890 census in the Johnson bill. Their justification, he continued, was “because it is the only census year that will do justice to the descendants who established our free institutions and who have perpetuated them for posterity,” he told the lawmakers.¹⁹³

On February 9, 1924, fourteen members of Congress submitted a majority report to the Committee on Immigration detailing the dire need for legislation to supplement the 1921 Emergency Quota Act. With the fixed two-year 1921 law lapsing on July 1, 1924, the report predicted “the largest movement of immigration in the history of the world.”¹⁹⁴ The fourteen signatories indicated their support for the 1890s census with racialized justification: “The change in census basis is made to slow the stream of those types of immigrants not easily assimilated which crowd in the larger cities with a slight knowledge of America and American institutions. There has grown to be a great indigestive mass of aliens with alien sympathies and alien purposes. It is a menace to the social, political[,] and economic life of the country.”¹⁹⁵ Addressing this specific point, one columnist from *The Reform Advocate*, Leonard Cohen, wrote that the majority report’s authors “left nothing unsaid that might be included in the category of Jingoistic Americanism...”¹⁹⁶

¹⁹² Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 232-236.

¹⁹³ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 236.

¹⁹⁴ *The Reform Advocate*, February 16, 1924.

¹⁹⁵ *The Reform Advocate*, February 16, 1924.

¹⁹⁶ *The Reform Advocate*, February 23, 1924.

In response, Congressmen Dickstein and Sabath submitted their minority report to the Committee on Immigration on February 14. At twenty-one pages in length, Dickstein and Sabath's co-authored report was the longest minority report submitted to Congress to date.¹⁹⁷ Compounding its significance, Dickstein and Sabath submitted their version five days subsequent to the majority's filing, a politically shrewd maneuver that broke with Congressional convention, but in doing so, drew greater attention to their cause.

The minority report began with an "exhaustive indictment" of the Johnson bill by emphasizing that the Immigration Act of 1917 was sufficient because it successfully excluded handicapped persons, criminals, the illiterate, and nearly anybody from the Asia-Pacific zone.¹⁹⁸ Furthermore, Dickstein and Sabath charged that Congressman Albert Johnson's partiality to the 1890 census was rooted in racial bias. Preference to the 1890 census, they warned, was based on an "unfounded anthropological theory that the nations which are favored are the progeny of fictitious and hitherto unsuspected ancestors, while those discriminated against are not classified as belonging to that mythical ancestral stock."¹⁹⁹

Congressman Sabath went an additional step. He distributed copies of the minority report throughout Congress with a cover letter clearly indicating his objectives. In one sweeping declaration, Sabath affirmed his Americanism, defended the plight of immigrants, and denounced using the 1890 census as racially biased:²⁰⁰

¹⁹⁷ "Sabath and Dickstein File Minority Report on Immigration Bill," *The Reform Advocate*, February 23, 1924.

¹⁹⁸ "Sabath and Dickstein File Minority Report on Immigration Bill."

¹⁹⁹ "Sabath and Dickstein File Minority Report on Immigration Bill."

²⁰⁰ Adolph J. Sabbath Papers, Box 1, Folder 5, MS-43, Jacob Rader Marcus Center of the American Jewish Archives, Cincinnati, Ohio, Accessed December 2021.

1. I am for America, for American institutions, American standards of living, and for the maintenance of the American laboring wage standard.
2. I am for selective restrictive immigration.
3. I am opposed to the 1890 censuses because it is deliberately *discriminatory*.
4. I am for the examination of immigrants on the other side.
5. I am against reversing the fundamental law of the land of the burden of proof as the Johnson bill proposes to do.
6. I am against the admission of the unassimilable and all undesirables. Section 3, [sic] of the Act of 1917, NOW IN FORCE, when properly administered, will keep them out.

Congressman Sabath's private communication to other lawmakers was one tactic used by restrictionists. Simultaneously, Congressman Dickstein made a point of incorporating into the record a 'statement of protest' from New York lawmakers at the Senate Committee on Immigration. The letter denounced the Immigration Committee for its "avowed purpose" to make the permanent national immigration policy both "unscientific" and "unjust."²⁰¹ It also attacked the use of the 1890 census, charging, "This basis was deliberately selected to favor the so-called Nordic races and discriminate against races from Southern and Eastern Europe, which discrimination is, indeed, a new but perilous doctrine for democratic America, founded upon the declaration that 'all men are created equal.'"²⁰² Speaking to this effect, Congressman Dickstein testified to the Committee that the Johnson bill would put a "premium" on one type of immigrant and a "discount" on *every* other type.²⁰³ Dickstein, a Lithuanian immigrant himself, appealed to the ethos of Lady Liberty when told the Senators, "Our country's policy should be, and has been since its origin, to open its gate without fear

²⁰¹ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 80.

²⁰² Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 80.

²⁰³ *The Reform Advocate*, February 16, 1924.

or favor to all men who may become good Americans, good citizens, and men calculated to enhance the wealth and the moral and spiritual resources of the United States.”²⁰⁴

Analogous to Congressmen Dickstein and Sabath was Hebrew Immigrant Aid Society founder and president, John Bernstein. Bernstein, whose organization’s membership totalled 150,000 in 1924, testified to the Committee that he, too, believed the 1917 law was sufficient. In fact, Bernstein told the Senators that the Immigration Act of 1917 was “perhaps even too harsh.”²⁰⁵ Bernstein also attempted to create some good will for Jewish people by reminding the Committee that a Jewish-American man, Haym Solomon, “practically financed a large part” of the American Revolution.²⁰⁶

Collectively, Dickstein, Sabath, and Bernstein failed to comprehensively understand the political climate surrounding the Johnson bill as a replacement for the time-fixed 1921 Emergency Quota Act. The purpose of the 1921 law was, in part, to pigeonhole the United States government into drafting and implementing a subsequent permanent immigration quota system. The 1921 law, for the first time *ever*, introduced a numerical restriction on immigration. Its proponents justified the measure based on post-WWI migrant surges, economic depression, and the first Red Scare. Practically speaking, the 1921 law also pre-positioned the U.S. into a corner for July 1, 1924, with two options: either revert to the 1917 law with no quotas, or renew/replace numerical restriction.

Evidently, a complete reversion to the Immigration Act of 1917 was impractical. The majority report submitted to Congress was correct in its prediction that the United States would experience

²⁰⁴ *The Reform Advocate*, February 16, 1924.

²⁰⁵ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 277.

²⁰⁶ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 277.

“the largest movement of immigration in the history of the world” if the 1921 law lapsed with no replacement. Therefore, a continuation of the quota restriction regime was inevitable. The only question remained, would a two-percent or three-percent national origins quota tied to the 1890 or 1910 census become the law of the land?

Max Kohler of the American Jewish Committee understood that antirestrictionists would need to support *some* numerical restriction in order to defeat hardline restrictionists like Senator David Reed and Congressman Albert Johnson. Kohler, a Columbia-trained attorney, served as Assistant United States District Attorney before moving to the private sector in 1898. The son of prominent immigrant Jews in the German Reform movement, Kohler remained a fierce advocate for migrant rights, for both Jews and non-Jews alike.

Beginning on January 5, 1924, Kohler penned a series of essays in *The New York Times* where he denounced the Johnson bill for its racially discriminatory methodology, and instead advocated for using the 1910 or 1920 census. Kohler attributed Congress’s partiality to the 1890 census as rooted in “humiliating theories of superior race value and selection.”²⁰⁷ Kohler reminded readers that the ‘type’ of people most “arbitrarily discriminated” against by the 1890 census were Catholics and Jews for whom an “enormous number” still had wives and children waiting to reunite in America.²⁰⁸ Speaking to the utilitarian necessity for so-called racially inferior migrants, Kohler argued they, too, have a place

²⁰⁷ Max J. Kohler, "Aspects of Pending Immigration Legislation: Treaty Provisions Regarding Aliens Disregarded—How the Law, in Practice, Has Been Defeated by Vagueness of Its Provisions", *The New York Times*, January 7, 1924.

²⁰⁸ Max J. Kohler, "Aspects of Pending Immigration Legislation: An Analysis of the Johnson Bill Sponsored by the Chairman of the House Committee on Immigration," *The New York Times*, January 5, 1924.

in America: “we particularly need the illiterate alien for farm labor and digging our subways,” he wrote.²⁰⁹

Kohler used the reach of *The New York Times* to remind Americans of the dubiousness of racial ‘science’: “The whole idea of relative race values is objectionable, unreasonable, and grossly offensive. It is not science, but pseudo science,” he wrote on January 14.²¹⁰ Kohler, however, also took it upon himself to dissect the intricacies of eugenics, a field in which he evidently was poorly informed. Kohler used research performed by a German-American anthropologist, Franz Boas, to dismiss the *seriousness* of racial differences between ‘old’ and ‘new’ stock immigrants.²¹¹ Kohler downplayed the differences among races’s skull shapes and sizes as being a merely “temporary and ephemeral” phenomenon. Owing to American climate, environment, and food, he wrote, “the average skull of the South Italian and Russian Jewish immigrant in the second generation here, varies widely in inverse ratio from that of their foreign-born progenitors.”²¹² In other words, Kohler conceded that Jews did, in fact, possess racial features that differentiated them from Anglo-Saxon Americans. His assurance, however, was that such differences would be easily overcome within one or two generations.

One would predict that a Columbia-trained, former Assistant District Attorney General, and practicing Jew, would not concede to the racial distinctness of Jews while simultaneously fighting for their dignity and position in America. Furthermore, one could hardly expect this proclamation to

²⁰⁹ Max J. Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them," *The New York Times*, January 14, 1924.

²¹⁰ Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them."

²¹¹ Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them."

²¹² Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them."

feature in *The New York Times*, of all places. Nonetheless, Kohler's argument style is telling of the times in which he lived. With eugenics integrated into the mainstream political and cultural discourse, pandering to the ideology served a fruitful purpose. By conceding to the racial distinctness of Jews while emphasizing the *temporality* of the phenomenon, he provided a cloak of credibility to his argument.

In his *New York Times* series, Kohler touted his former position as Assistant District Attorney General to justify that his concern was not *only* for Jews, but that he was acting in "the best interests of [the United States]."²¹³ Kohler's articles dedicated significant portions to discuss the plight of non-Jewish, non-Anglo-Saxon immigrants. Furthermore, his January 5 piece referenced President Theodore Roosevelt's call to "vigorously condemn" all racial and religious discrimination.²¹⁴ In that same article, Kohler emphasized how the 1890 census would have a strongly adverse impact on Italy's quota, and with it, Catholic immigration. Ten days later, Kohler argued that all Southern and Eastern European immigrants were more likely to naturalize as U.S. citizens because their chief motivation for relocation was fleeing persecution.²¹⁵ Conversely, English migrants, Kohler argued, were more likely to return to Europe "because of their attachment to their non-persecuting native land."

Kohler's final *New York Times* piece on January 14 spoke extensively on the Johnson bill's foreign policy implications, notably in the Far East. In fact, Kohler's January 14 article did not mention Jews nor Eastern European immigrants at all. Kohler stressed that the Johnson bill would violate U.S.

²¹³Kohler, "Aspects of Pending Immigration Legislation: An Analysis of the Johnson Bill Sponsored by the Chairman of the House Committee on Immigration."

²¹⁴Kohler, "Aspects of Pending Immigration Legislation: An Analysis of the Johnson Bill Sponsored by the Chairman of the House Committee on Immigration."

²¹⁵Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them."

treaties and “arrangements” with Japan, an action that would jeopardize American trade relationships in Asia with “serious injuries.”²¹⁶ Kohler was invested in America and securing a place for Jewish immigrants. Whether his concern for non-white persons was genuine or simply fodder for his efforts to protect Jews is not known. Likely, Kohler—a consummate scholar and progressive-minded Jewish-American—was deeply invested in both causes. His final *New York Times* article noted that if Congress were to establish quotas “on national lines,” it would be at variance with the most fundamental American principle, that “all men are created free and equal.”²¹⁷

When combating eugenics and denouncing a race-based immigration quota, Jews gathered by the masses in public spaces to speak, demonstrate, and protest the Johnson bill. One such protest meeting took place during early March, 1924, at the Gymal Daled Club in Minneapolis.²¹⁸ According to the local *American Jewish World* newspaper, the protest meeting attendants were “fully alive” and paid attention to the “grave significance” of the proposed quota measure.²¹⁹ Each speaker at the event denounced the concept of “Nordic supremacy,” and discussions at the protest questioned the possibility of whether the Klan was the “real author” of the Johnson bill.

One of the speakers, Rabbi David Matt, rhetorically asked the audience, “Who shall contend that the ideals of America since the flow of immigration here are not as high as they were before the

²¹⁶Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them."

²¹⁷Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them."

²¹⁸ *The American Jewish World*, March 7, 1924.

²¹⁹ *The American Jewish World*, March 7, 1924.

immigration period?”²²⁰ Matt also denounced the use of the word ‘Nordic’ as a new, gimmicky phrase that was not even in the dictionary. He told the presumably Jewish-dominant crowd: “We are the better Americans [...] we are best serving America.”

One notable speaker in attendance was the mayor of Minneapolis himself, George Leach. Leach’s address was short, but he, a self-identifying man of “Nordic stock,” shared a brief anecdote from World War I.²²¹ Leach led a regiment of American soldiers comprising twenty-six different nationalities. He told the audience that he observed “no difference” between “the Jew and the Gentile, the Swede and the Italian, [and] the Norwegian and the Pole.” Leach, who in 1921 ironically held membership in the Ku Klux Klan, concluded his speech: “When the whole country paid reverence to the Unknown soldier, only God Almighty knew whether that man was white or black, Jew or Gentile, foreign born or native born. He sacrificed his life for America, and that was sufficient.”²²² For his pro-immigrant, pro-labor positions, Leach quickly fell into disrepute with the Klan. Notwithstanding their public smear campaign, Leach remained a defendant of immigrants—and opponent of the Klan—for the remainder of his political career.²²³

One under-reported protest meeting took place in Cleveland on February 18, 1924. Over 2,000 residents descended upon the local Jewish Center for a rally presided over by local Rabbi Solomon Goldman.²²⁴²²⁵ Also in attendance was speaker and City Councillor Peter Witt and Judge Braley Hull. The climax of the event was the adoption of a resolution that called the Johnson bill “discriminatory”

²²⁰ *The American Jewish World*, March 7, 1924.

²²¹ *The American Jewish World*, March 7, 1924.

²²² *The American Jewish World*, March 7, 1924.

²²³ See David Chalmer’s *Hooded Americanism: The History of the Ku Klux Klan* (Durham: Duke University Press, 1987).

²²⁴ “Cleveland Enters Protest Against Johnson Immigration Bill,” *The Reform Advocate* March 1, 1924.

²²⁵ Several weeks later, on March 6, Rabbi Goldman led a delegation of protestors to Washington.

and “provocative of race hatred.”²²⁶ Resolutions were commonplace at anti-restrictionist meetings.

Likewise, the protest meeting at the *Gymal Daled* Club in Minneapolis drafted a resolution that was delivered to President Coolidge, Secretary of State Charles Evans Hughes, and Minnesota Representatives and Senators.²²⁷

Certainly the most well-known anti-restrictionist public gathering took place on the evening of March 8, 1924, at Carnegie Hall in New York City. A spectacle in every manner, a new organization—the American Equality Committee—was formed by the American Jewish Congress for the explicit purpose of the gathering.²²⁸ Under the auspices of the American Equality Committee, twenty-two organizations representing Jews, Catholics, Slavs, Greeks, Germans, Lithuanians, and many more were present. According to *The Reform Advocate*, even a delegation of Native Americans attended.²²⁹ The American Equality Committee was chaired by Judge Thomas Churchill and officers Joseph Barondess and Bernard Richards.²³⁰ Also in attendance to address the crowd were all-star figures of the anti-restrictionist movement: Louis Marshall, Rabbi Stephen Wise, Congressmen Hamilton Fish, Samuel Dickstein, Nathan Perlman, and Judges Samuel Cotillo and Aaron J. Levy. Governor of New York, Alfred Copeland, Senator Royal Copeland, and former New York City Mayor Fiorella La Guardia additionally were also present to address the lively crowd.

Over three-thousand attendants rallied at Carnegie Hall that evening to “protest racial prejudice and discrimination,” *The New York Times* wrote.²³¹ Both the crowd and event speakers were

²²⁶ “Cleveland Enters Protest Against Johnson Immigration Bill,” *The Reform Advocate*.

²²⁷ *The American Jewish World*, March 7, 1924.

²²⁸ “Nationalities Unite to Combat Discrimination,” *The Reform Advocate*, March 15, 1924.

²²⁹ “Nationalities Unite to Combat Discrimination,” *The Reform Advocate*.

²³⁰ “Militant Action Against Johnson In Immigration Bill,” *The Reform Advocate*, March 15, 1924.

²³¹ “BRANDS ALIEN BILL BIGOTED AND UNFAIR: Mass Meeting at Carnegie Calls for Defeat of Johnson Measure,” *The New York Times*, March 9, 1924.

a melting pot of Jews and non-Jews, foreign-originated, and American-born. Collectively, they stood behind the American Equality Committee who produced a joint-statement to Congress from the meeting. In it, they eloquently condemned racial discrimination, the Johnson bill, and appealed to the teachings of America's Founding Fathers. Their proclamation was perhaps the most profound, significant, and admirably written statement produced by the anti-restrictionist movement:²³²

The American Equality Committee, made up of representatives from various racial groups, is called into being for the purpose of combating every form of racial prejudice and discrimination as being contrary to the higher dictates of humanity and in violation of the principles of freedom and equality upon which this Republic was founded. Whether such forms of hatred or bigotry manifest themselves through the forms of propaganda against certain peoples, religious creeds, and national traits or customs, or whether they are expressed in proposed legislation, we as citizens of immigrant origin, having tasted of the bitterness of oppression and of the sweetness of freedom declare ourselves the sworn enemies of every attempt to set up intolerance and discrimination as guiding rules in American life. We declare ourselves unalterably opposed to the Johnson Immigration Bill, H.R. 6540, which attempts to enact into a law a theory of racial superiority that finds basis neither in science nor in philosophy and that is at variance with the teachings of all the great founders and leaders of our Republic. We denounce the spirit of religious prejudice and racial animosity which this bill engenders. And we appeal to all Americans who cherish the spirit of liberty and opportunity that is our great inheritance to combat the unjust exclusion policy incorporated in this measure. Having sworn allegiance to the United States, yielding to no other class of citizens in our devotion to the ideals of this country, we have banded together to wage an educational campaign against every form of prejudice and intolerance, and we call upon our fellow-citizens of every race and creed to assist us in this fight for justice and for the preservation of the traditions of American equality. We call upon the memberships of all organizations concerned in the pending legislation, as well as upon all lovers of fair play, to come to this assembly, thus demonstrating their opposition to the unfair and un-American assumptions which underlie the Johnson Bill.

Jewish Americans in 1924 were fierce defenders of their self-worth and social standing in America.

Interestingly, on matters of race and eugenics, Jews showed enormous willingness to make cross-ethnic

²³² "American Jewish Congress," *B'nai Brith Messenger*, March 28, 1924.

and inter-religious relationships to forward the collective cause. Jews understood that an attack on the racial composition of Catholic Italians, Japanese Americans, or even Native Americans was ultimately an attack on them, too.

With eugenics receiving the endorsement of the second Ku Klux Klan and esteemed higher academia, Jews undoubtedly faced an uphill battle. Sometimes, they took non-conventional approaches. Max Kohler pandering to the racial distinctness of Jews in *The New York Times*, of all places, was a bold maneuver. Others, like John Bernstein, perhaps took an entirely misguided approach by arguing that a return to the Immigration Act of 1917 was still “too harsh.” On balance, however, Jews were wise and diligent in their strategy to combat restrictionists. They utilized mass-media, mass protests, resolution writing, and testimonies in Congress. In spite of the result, their valiant campaign in the 1920s laid the groundwork for the Jewish anti-eugenics movement for the following decade, an operation whose outcome ultimately proved enormously more consequential.

5

CONCLUSIONS

“For better or worse, our past is what brought us here, and it will help lead us to where we need to go. Our forefathers and foremothers came to this land in different ships, but we are all in the same boat now.”

—*John Lewis in the Introduction to Jim Carrier’s Travel Guide*

By early April, 1924, Senator David Reed and Congressman Albert Johnson were still dueling at the eleventh-hour over competing control for what would inevitably form the 1924 Immigration Act. Senator Reed, himself the chairman of the Senate Committee on Immigration, initially declared himself in favor of using a two-percent quota tied to the 1890 census, but for political “expediency” ultimately supported the less-extreme 1910 census. He also attributed his last-minute switch to the ‘many protests made by the Jews and Italians’ and in order to show them that no discrimination was intended by Congress.²³³ Congressman Albert Johnson and his coalition of hardline restrictionist legislators, meanwhile, got the final say. After initially being passed by the House on April 12 with procedural details to be resolved, the House of Representatives and Senate confirmed the 1924 Immigration Act—or the Johnson-Reed Act—on May 15 with a clear majority of 308-62 and 69-9, respectively.

When Congress passed the Johnson bill, it coincided with the eve of Passover, the holy Jewish commemoration of the Exodus and Israelites’ subsequent forty year sojourn in the desert as *strangers*. Naturally, the impending 1924 Immigration Act served as the subject of many Rabbis’ sermons during Passover services. One contemporary Jewish newspaper opined, “It was generally expressed by the Rabbis that the passage of this bill marks an epoch in American Jewish life, and constitutes a denial and a reversal of the long cherished American ideals and traditions, as well as an affront to the memory of the founders of the Republic.”²³⁴

²³³ “Senator Reed Reveals Himself in Favor of Larger Nordic Quota,” *The Reform Advocate*, 12 April 1924.

²³⁴ “Congregations” and “New York Rabbi Likens Passage Immigration Bill to Pharaoh’s Policy,” *The Reform Advocate*, April 26, 1924.

Surviving sermon notes demonstrate the heartfelt sorrow felt by American Jews—both Ashkenazi and Sephardic—on the eve of what ordinarily had been a celebration of liberation. Rabbi Dr. Samuel Schulman of Temple Beth-El on New York City’s Fifth Avenue told his congregants, “We have recently heard it said with joyous boasting that America will no longer be the asylum for the oppressed. To my mind this means a radical change in the spirit of the land. It is a change which implies a breakdown of true religion. Therefore, on a morning like this, we should frankly face the facts and realize the danger that confronts the American people.”²³⁵ Another speaker, Rabbi DeSola Pool of the Spanish and Portuguese Synagogue Shearith Israel, located in Central Park West, lamented to his community:²³⁶

One of the messages of the Passover is the call away from race hatreds and from prejudices against the stranger. The whole history of the Passover puts into the strongest contrast the teachings of Egypt and the teachings of Judaism about the treatment of the alien. The opening chapters of Exodus give us the earliest examples of anti-alien legislation on record. They are summed up in Pharaoh’s policy, ‘Come, let us contrive craftily against them.’ Over against this policy we set that of Moses, ‘An alien thou shalt not oppress, for ye know the heart of the alien, seeing that ye were aliens in the land of Egypt.’ While the measures which Pharaoh took were barbarous, the spirit of the Egypt of his day is not dead.

Pressure intensified after May 15 as the Johnson-Reed bill moved from the legislative to executive where President Coolidge’s signature was needed to sign the legislation into law. Numerous restrictionist bills in the previous three decades had made it this far and failed. President Grover Cleveland vetoed a bill in 1897, as did President William Howard Taft in 1913, and Woodrow Wilson

²³⁵ “Congregations” and “New York Rabbi Likens Passage Immigration Bill to Pharaoh’s Policy,” *The Reform Advocate*.

²³⁶ “Congregations” and “New York Rabbi Likens Passage Immigration Bill to Pharaoh’s Policy,” *The Reform Advocate*.

in 1915 and 1917.²³⁷ After Wilson's 1915 veto, soon-to-be Jewish Supreme Court justice Louis Brandeis aptly commented, "We are celebrating not a victory, but an *escape*."²³⁸

With previous Presidential rejections in mind, anti-restrictionists continued their fight to the final hour. From the outset, hope was minimal. President Coolidge affirmed at his inaugural address less than one year prior that, "America must be kept American... For this purpose it is necessary to continue a policy of *restricted* immigration."²³⁹ Presidents had made strong declaratory statements on immigration in the past with minimal follow-through, but Coolidge was sincere. In February, 1924, Coolidge's Assistant District Attorney reiterated on the president's behalf, "I feel obliged to state that I have already called to the attention of the country that there is a need for some form of restriction of immigration. We must take care of our own people first."²⁴⁰

As the scope of decision makers for the Johnson-Reed bill narrowed to a single person, so, too, did the number of anti-restrictionists involved become fewer and more socially prestigious. Fewer ordinary Jewish Americans were involved as the focus shifted to Coolidge. The final major public demonstration took place at the Hotel Astor in New York City at a five-hundred person celebration for Rabbi Stephen Wise's fiftieth birthday. As the final speaker of what was an otherwise joyful evening, Wise delivered a "stirring address" wherein he "prayed to God, that for the sake of America's honor, President Coolidge would veto the bill."²⁴¹ When confronted with the reality that the four decade-long

²³⁷ Congress eventually overturned President Wilson's wartime veto, thereby instituting America's first immigrant literacy test in 1917.

²³⁸ Okrent, *The Guarded Gate*, 219.

²³⁹ Okrent, *The Guarded Gate*, 336.

²⁴⁰ "Coolidge Fails to State Attitude Toward Johnson Bill," *The Reform Advocate*, 1 March 1924.

²⁴¹ "Dr. Stephen Wise Honored on Fiftieth Birthday," *The American Jewish World*, 23 May 1924.

anti-restrictionist battle may have been dealt its final blow, Rabbi Wise urged that it was not they who capitulated, but that it was *America* itself who failed.

Once the Johnson-Reed bill arrived at Coolidge's desk, the president's already scant willingness to meet with Jewish leaders disappeared wholly. Back in February, President Coolidge had received a delegation of twenty-five anti-restrictionist Massachusetts Jews at the White House.²⁴² By May, however, it appeared the president had reached a definitive verdict. Still, Jewish leaders vigorously pressed Coolidge for a reprieve. The final anti-restrictionist push was an almost 3,000 word joint-letter delivered to the president signed by Louis Marshall, Dr. Stephen Wise, Joshua Kantrowitz (B'nai Brith), Max Pine (United Hebrew Trades), and Salvatore Cotillo.²⁴³ At the outset of their letter, the authors immediately denounced the "atmosphere of racial hostility which permeates this proposed legislation."²⁴⁴ The letter provided statistical evidence to portray the "avowedly discriminatory" difference that a two-percent quota would have between the 1890 and 1910 census. Under the 1890 census, the following number of immigrants would be admitted to the United States with a two-percent quota:²⁴⁵

| | |
|---|--------|
| Great Britain, North Ireland and Irish Free State | 62,658 |
| Germany | 50,329 |
| Sweden | 9,761 |
| Austria | 1,190 |
| Belgium | 709 |

²⁴² "President Coolidge to Receive Delegation," *The American Jewish World*, 29 February 1924

²⁴³ "Eighteenth Annual Report of the American Jewish Committee," *American Jewish Yearbook*, The American Jewish Committee, 1925, 428, https://www.ajcarchives.org/AJC_DATA/Files/1925_1926_8_AJCAnnualReport.pdf

²⁴⁴ "Eighteenth Annual Report of the American Jewish Committee," 429.

²⁴⁵ "Eighteenth Annual Report of the American Jewish Committee," 430.

| | |
|-----------------------|-------|
| Czecho-Slovakia | 2,073 |
| Greece | 235 |
| Hungary | 688 |
| Lithuania | 502 |
| Italy | 4,089 |
| Netherlands | 1,837 |
| Poland | 9,072 |
| Roumania | 831 |
| Russia | 1,992 |
| Yugoslavia | 935 |

Comparatively, under the 1910 census with the same two-percent quota, the following number of immigrants would be admitted to the United States each year:²⁴⁶

| | |
|---|--------|
| Great Britain, North Ireland and Irish Free State | 51,762 |
| Germany | 45,272 |
| Sweden | 13,562 |
| Austria | 5,094 |
| Belgium | 1,242 |
| Czecho-Slovakia | 11,572 |
| Greece | 2,242 |
| Hungary | 4,032 |
| Lithuania | 1,952 |
| Italy | 28,238 |
| Netherlands | 1,837 |
| Poland | 20,852 |
| Roumania | 5,146 |
| Russia | 16,470 |
| Yugoslavia | 4,484 |

Proclaiming their denunciation of the Johnson-Reed bill, the authors continued their letter:²⁴⁷

This is the first time in the history of American legislation that there has been an attempt to discriminate in respect to European immigration between those who come from different parts of the continent. It is not only a differentiation as to countries of origin, but also of racial stocks and of religious beliefs [...]

²⁴⁶ “Eighteenth Annual Report of the American Jewish Committee,” 431.

²⁴⁷ “Eighteenth Annual Report of the American Jewish Committee,” 431-432.

There is no justification in fact for such a contention. In common with all other immigrants, those who have come from the countries sought to be tabooed have been industrious and law-abiding and have made valuable contributions to our industrial, commercial, and social development. They have done the hard, manual work which is indispensable to normal economic growth. Their children, educated in our public schools, are as American in their outlook, as are those of the immigrants of earlier periods. Some of the intellectual leaders of the nation have sprung from this decried origin. During the World War some of these very immigrants and their children fought for the country, thousands of them waiving the exemption to which they would have been entitled. To say that they are not assimilable argues ignorance. The facts show that they adopt American standards of living and that they are permeated with the spirit of our institutions. It is said that they speak foreign languages, but in those languages they are taught to love our Government and to a very great extent they are acquiring the use of the English language as completely as most Americans would acquire foreign languages were they to migrate to other countries [...]

What we regard as the danger lurking in this legislation, is that it stimulates racial, national and religious hatreds and jealousies, that it encourages one part of our population to arrogate to itself a sense of superiority, and to classify another as one of inferiority. At a time when the welfare of the human race as an entirety depends upon the creation of a brotherly spirit, the restoration of peace, harmony and unity, and the termination of past animosities engendered by the insanity and brutality of war, it should be our purpose, as a nation which has demonstrated that those of diverse racial, national and religious origins can live together and prosper as a united people, to serve as the world's conciliator. Instead of that this bill, if it becomes a law, is destined to become the very Apple of Discord.

In the final portion of their letter to the president, the authors shifted focus to highlight a controversial clause in the Johnson-Reed bill. Section 4(c) stated that any immigrant to the United States born in the Dominion of Canada, Newfoundland, Mexico, Haiti, the Dominican Republic, or any independent country of Central or South America were permitted to enter the United States as “non-quota immigrants.” In other words, the 1924 Immigration Act placed no quota on Canadians or Newfoundlanders out of pan-North Americanism, and similarly placed no restriction on Mexicans, Caribbeans, or South Americans because of labor needs.²⁴⁸

²⁴⁸ Ngai, *Impossible Subjects*, 25.

The authors of the letter exacted attention to Section 4(c), and in doing so, devolved into racialized denigrations themselves: “Can it be seriously contended that Mexicans, Cubans, Haitians, Santo-Domingoans, or Central or South Americans, are more desirable or more assimilable than Italians, Poles, Russians, Austrians, Belgians, Hungarians, Roumanians, Greeks, Dutch, Czecho-Slovakians or Yugoslavians?” they asked.²⁴⁹ Regrettably, Jews and Italians proved that in a moment of crisis that they, too, could succumb to the perils of xenophobic generalizations, their own fragile social position notwithstanding. Similarly, historian Maddalena Marinari wrote, “Italian and Jewish activists’ insistence on devaluing migrants from the Western Hemisphere offered a clear example of how European migrants internalized the U.S. color line and sought to exploit it to their advantage.”²⁵⁰ This painfully reminds how the perils of racial prejudice are capable of seizing any society, anywhere.

For all their efforts, the four-decade anti-restrictionist campaign came to a sorrowful end on a rainy day in early summer. President Calvin Coolidge signed the 1924 Immigration Act into law on May 26, 1924 before a small crowd at the White House South Lawn. The law permitted the federal government to issue immigration visas to two-percent of the total number of people of each nationality in the United States according to the 1890 census. In total, no more than 164,667 immigrant visas could be issued per annum.²⁵¹ Whereas prior legislation such as the 1790 Naturalization Act, 1870

²⁴⁹ “Eighteenth Annual Report of the American Jewish Committee,” 435.

²⁵⁰ Marinari, *Unwanted*, 66.

²⁵¹ Ines Miyares, “Creating Contemporary Ethnic Geographies,” in *Contemporary Ethnic Geographies in America*, ed. Christopher Airriess (Lanham: Rowman & Littlefield, 2015), 40.

Naturalization Act, and 1882 Chinese Exclusion Act already excluded *most* Asians from obtaining immigrant visas, the 1924 law solidified an East Asian ban. From Afghanistan to the Pacific, all persons were ineligible for citizenship.²⁵² Notably, the 1924 Immigration Act also prohibited Japanese nationals who had only been pseudo-banned under the 1907 Gentlemen's Agreement. It signaled a new hostile chapter of U.S.-Japanese relations, a souring tension that would eventually culminate at Pearl Harbour some seventeen years later.

For promoting white homogeneity, the 1924 Immigration Act served its purpose. Immigration from Southern and Eastern Europe dropped from roughly two-thirds of the nation's migrants to less than ten-percent after 1924.²⁵³ For Anglo-Saxons, Northern and Western Europe comprised over eighty-percent of immigration moving forward. As a result, in 1924 alone, more Italians, Czechs, Yugoslavians, Spaniards, Greeks, Lithuanians, Hungarians, Poles, Portuguese, and Romanians left the United States than entered.²⁵⁴ Later, between 1930 and 1939, a total of 699,375 immigrants arrived in the United States, less than a tenth of the 6,347,380 that had come between 1910 and 1919.²⁵⁵

By coincidence, on the same day that President Coolidge signed the bill into law, the Supreme Court delivered a ruling in the case of *Commissioner of Immigration v. Gottlieb*. In December, 1921, Rabbi Solomon Gottlieb's wife and infant son were denied immigration visas because Palestine's visa quota had already reached its maximum. Arriving at Ellis Island, authorities ordered them to be deported until Louis Marshall, on behalf of the American Jewish Committee, intervened to advise

²⁵² Ngai, *Impossible Subjects*, 18.

²⁵³ Steven G. Koven, *American Immigration Policy: Confronting the Nation's Challenges* (Berlin: Springer Science and Media, 2010), 133.

²⁵⁴ Koven, *American Immigration Policy*, 133.

²⁵⁵ Miyares, "Creating Contemporary Ethnic Geographies," 40.

Rabbi Gottlieb's counsel.²⁵⁶ Marshall's efforts brought tremendous attention and awareness to the case. Eventually, the court held that the families of clergy or ministers should not be denied visas for exceeding a quota, a stipulation that Congress retroactively adapted into the pending 1924 Immigration Act legislation.²⁵⁷ It was a small victory, but one that would prove extremely important for religious leaders in the decade to come.

Because most Jews arrived in the immediate post-1890 years, the 1924 Immigration Act made entry for Russian and Eastern European Jews nearly impossible. This phenomenon would prove extremely regrettable for European Jews as Hitler and the Nazi party rose to power. *The Reform Advocate* noted on May 17, 1924, that the Jewish situation in Germany was "uncertain" following the May 4, 1924, election that elevated several unabashedly antisemitic parties to power.²⁵⁸ *The Reform Advocate* cautioned, "Although it is generally believed that the present democratic government will remain in power, the results of the elections have put the Jews in an uncertain position."²⁵⁹

Hitler published *Mein Kampf* in 1925, one year following the Johnson-Reed Act. He saluted the United States as, "one state in which at least weak beginnings towards a better conception of [citizenship] are noticeable," such as "simply excluding certain races from naturalization."²⁶⁰ One year later, the official Nazi *Handbook for Law and Legislation* specifically referenced American immigration law as a model for Germany.²⁶¹ Hitler was also an admirer of famed American eugenicist Madison Grant's book, *The Passing of the Great Race*. When Hitler died, an original German-language copy of

²⁵⁶ Marinari, *Unwanted*, 69.

²⁵⁷ Marinari, *Unwanted*, 69.

²⁵⁸ "Jewish Situation in Germany Uncertain As Result of Elections," *The Reform Advocate*, May 17, 1924.

²⁵⁹ "Jewish Situation in Germany Uncertain As Result of Elections," *The Reform Advocate*.

²⁶⁰ Okrent, *The Guarded Gate*, 361.

²⁶¹ Okrent, *The Guarded Gate*, 360.

The Passing of the Great Race was recovered in his bunker.²⁶² Additionally, it is believed by several historians that Madison Grant received a personalized letter from Adolf Hitler thanking him for writing *Passing*.²⁶³

Historian Daniel Okrent estimated at the 1924 rate that some 575,000 German Jews would have sought U.S. immigration between 1924 and 1939 but not been able to because of the quota system.²⁶⁴ More realistically, he calculated, there would be one or two million European Jews who would have turned to the United States had the strictest of quota systems not been chosen. Okrent concluded his 2019 monograph with a heartfelt anecdote of Yehoshua Rotenberg and his family, Polish Jews who for six years sought entry to the United States but were repeatedly denied.²⁶⁵ The Rotenberg's extended family had successfully moved to the United States and awaited their reunion while remaining in contact by letter. Harry, Yehoshua's brother, even traveled to Toronto to explore the possibility of them reaching the U.S. through Canada.

In April, 1939, Yehoshua wrote to Harry, "I know you are eager to know what has happened with the papers you sent. It is not a simple matter, [the U.S. Consulate] is inundated." Two months later, American officials told the Rotenbergs it would take two to three more years to secure visas, time they did not have. By 1941, still in Plontch, Poland, Yehoshua wrote to Harry, "May God help us and we will rejoice together. I am writing so little, because it isn't [sic] possible to write a long letter." What transpired in the coming months is an illustration of the catastrophic impact that the 1924 Immigration Act had on Jewish refugees. Yehoshua and his family were eventually confined to a ghetto.

²⁶² Okrent, *The Guarded Gate*, 361.

²⁶³ Okrent, *The Guarded Gate*, 361.

²⁶⁴ Okrent, *The Guarded Gate*, 391.

²⁶⁵ Okrent, *The Guarded Gate*, 389.

In September, 1942, the S.S. arrived at Yehoshua Rotenberg's door. Per Daniel Okrent, "A witness said they took him to the bridge over the Vistula River and shot him. What became of his wife and five children is not known."²⁶⁶

With the gates to America closed and both Nazism and Stalinism rising in Europe, Jews out of necessity turned elsewhere. Jewish-American anti-restrictionists had always maintained a positive, yet quiet support for *Zionism* and the various nation-building efforts in Palestine. In an effort to never undermine their own Americanism, Jewish-American leaders pre-1924 discussed Palestine and Zionism tenderly. As immigration restriction became an inevitability, Jewish leaders and newspapers began to remove the cloak of Zionist advocacy. On February 17, 1924, Louis Marshall, who had previously been dubbed "non-Zionist," convened a meeting of "prominent Jews" in New York City to begin the initial steps for the "re-building" of Palestine.²⁶⁷ Also in February, President Coolidge and Chief Justice Taft had written letters to Max Levy supporting the creation of a "modern" law school at Hebrew University in Jerusalem. In one correspondence to Levy, President Coolidge called for a "restoration" of Palestine as a "center of progress" to the world.²⁶⁸ Perhaps a consolation prize for shutting the doors of America to Jews, even Coolidge and Taft seemingly provided support for the Zionist cause.

²⁶⁶ Okrent, *The Guarded Gate*, 389.

²⁶⁷ "Pro-Palestine Conference," *The American Jewish World*, February 22, 1924.

²⁶⁸ "Move for Law School of Hebrew University Endorsed by Coolidge and Taft," *The Reform Advocate* March 1, 1924.

By May, 1924, Zionist representation in Jewish-American media began to rise steadily. The May 2, 1924, edition of *The American Jewish World* was essentially one long promotion of Zionism by Louis Marshall and Rabbi Stephen Wise.²⁶⁹ Similarly, the *B'nai Brith Messenger* newspaper began increasingly dedicating articles to highlight the hundreds of thousands of dollars raised by American Jews for infrastructure and settlement projects in Palestine.²⁷⁰ Two weeks later, Chaim Weizmann's fortuitously timed visit to the United States received significant coverage from Jewish-American newspapers. Weizmann, who was president of the World Zionist Organization *Keren Hayesod*, delivered a farewell address at the New York City harbor before boarding the *Aquitania* on May 14, 1924. In it, he encouraged Jewish Americans, "You must carry the message of a Zion rebuilt into every nook and every corner of Jewish life in America. You are working now under the best possible conditions. Palestine calls to you *now* to double and triple your efforts."²⁷¹

For the Jewish nation building cause in Palestine, Weizmann, Marshall, and Wise were extremely effective and successful fundraisers and campaigners. Because of Zionism's increasing appeal, 82,000 Jews arrived in Palestine between 1924 and 1928, a period known as the *Fourth Aliyah*.²⁷² The largest twentieth century migration of Jews to Palestine until that point, the *Fourth Aliyah* was significant for its transformation of the local economy and growing urban centers. In other words, by passing the 1924 Immigration Act, the United States government perhaps inadvertently also enacted its first Zionist, pro-Jewish homeland policy.

²⁶⁹ *The American Jewish World*, May 2, 1924.

²⁷⁰ *B'nai Brith Messenger*, February 15, 1924.

²⁷¹ *The American Jewish World*, May 16, 1924.

²⁷² "Restrictive U.S. Immigration Act Boosts Jewish Immigration to Palestine," *Center for Israel Education*, <https://israeled.org/1924-immigration-act/>.

Between 1880 and 1920, over twenty million immigrants arrived to the United States, of which almost three million were Jewish. Since the 1880s, a coalition of American ‘restrictionists’ built continuous momentum, culminating with the 1917, 1921, and 1924 immigration laws. Born out of nativism, economic concerns—and later adapting to incorporate eugenics and racial science—the restrictionist movement was a bustling enterprise that enjoyed support from Republicans and Democrats, Northerners and Southerners, and progressives and conservatives alike. At the outset, the restrictionist movement was a profoundly upper-class organization whose leaders, notably Henry Cabot Lodge, descended from elite, Ivy League, New England stock. Over the years, through World War I especially, the movement grew as unprecedentedly high immigration continued to hold strong. By the 1910s, with the AFL under the leadership of Samuel Gompers, Jews themselves had become major figures within the restrictionist movement. And later, with the rise of Henry Ford’s antisemitism and the second Ku Klux Klan, millions of foot soldiers were created for the restrictionist campaign, from small towns in Indiana, to the national capital.

The enormity and power of the restrictionist coalition meant that by 1924, permanent immigration quotas were an inevitability. Nonetheless, Jewish ‘anti-restrictionists’ waged an ongoing, tireless, and valiant campaign. They observed America as a safe-haven for their less fortunate co-religionists who remained impoverished and increasingly persecuted in Europe. But, it was not merely Jewish people who the Jewish anti-restrictionists were fighting for. As immigrants and non-immigrants, Jewish *American* anti-restrictionists were deeply invested in America itself. They

remembered the promise of Lady Liberty to deliver the foreign masses yearning to breathe free. They remembered the “self-evident” claims of the Declaration of Independence to life and liberty. And most importantly, they remembered the promise that was America. Time and again, they appealed to the better angels of the nation, its institutions, and its people.

In accordance with the accusations leveled upon them by restrictionists, Jewish American anti-restrictionists waged their campaign primarily on three major concepts: economic concerns, fears of radicalism, and eugenical racial science. In the wake of the Depression of 1920-1921, anti-restrictionists urged Congress that the nation’s economic needs *demand*ed continued mass migration. Notwithstanding the AFL’s grievances, they protested against organized labor and presented their own statistical evidence, anecdotes, and theories for economic stressors. On this subject, one lasting question remains: who was correct? As discussed in chapter two, the gap between these two groups was suspiciously vast. Restrictionists feared immigrant-induced economic collapse, whereas anti-restrictionists like H.W. Berg and Maurice Rosenberg feared economic stagnation precisely because there were too few immigrants. Indeed, the economy did collapse five years following the 1924 Immigration Act’s implementation. No doubt, however, immigration was hardly the cause, and so historians will continue to contend with this question for years to come.

Immigrants to the United States have long been accused of radicalism and a lack of one-hundred percent Americanism. These accusations were especially prevalent among Jewish immigrants at the turn of the twentieth century, who came primarily from the Russian Empire/Soviet

Union. Anti-Bolshevism fueled these accusations of radicalism and sabotage during World War I, and the prevalence of Yiddish-language newspapers in Jewish American communities only added to fears of foreign disruption. Fortunately, Jewish Americans protested these accusations and publicly asserted their commitment to one-hundred percent Americanism. Louis Marshall, before the United States Senate on the *Sabbath*, reminded them of his WWI national service, while Congressman Samuel Dickstein told the same Committee of Senators, “I am proud to be a member of the greatest allied patriotic society in the world, and that is to be an American citizen.”²⁷³ And finally, there was Jacob Billikopf, whose efforts to resettle and Americanize 20,000 Russian Jews in Galveston, Texas, *allegedly* yielded not a single radical. These proud, loyal, and unapologetically patriotic Jewish American activists brought tremendous pride to their communities. They embodied the ethos of one-hundred percent Americanism in every sense. They, in the words of Estelle Steinberger, “gave voice to those ideals of Americanism that every Jew and Jewess of this land have come to treasure and defend with their life’s blood.”²⁷⁴

Finally, of all the charges leveled against Jewish people, none cut as deep as the eugenicists’ contention that pound-for-pound, Jewish flesh was inferior to that of an Anglo-Saxon. The political weaponization of racial science meant that Jewish Americans were tasked with more than disputing an immigration policy, but also defending their dignity and equality. The rise of the second Ku Klux Klan aided the restrictionist cause by enlisting millions of Americans for their campaign. Meanwhile, Max Kohler’s essay series in *The New York Times* was among the most public demonstrations displayed by a Jewish anti-restrictionist. He warned against “arbitrary discrimination” and the dubiousness of

²⁷³ Hearings Before the Senate Committee on Immigration on Selective Immigration Legislation, 121.

²⁷⁴ Estelle Steinberger, “National Council Offers Pleads for Sane Americanism.”

eugenics: “It is not science, but pseudo science,” he wrote in the national newspaper of record.²⁷⁵ In community spaces, Jews gathered by the thousands to protest the Johnson bill’s racially discriminatory elements, from the intimate *Gymal Daled* club in Minneapolis, to New York City’s famed Carnegie Hall. Jews also demonstrated a sincere willingness to make cross-ethnic and inter-religious relationships to forward to the collective anti-restrictionist cause. Arm-in-arm, Jews worked with Catholic Italians, Asians, and even Native Americans to uplift the whole.

Without its leaders, the Jewish anti-restrictionist movement would have never stood to fight. They penned newspaper articles, organized mass demonstrations, and lobbied members of Congress with letters and speeches, both in the public domain and private. Max Kohler, whose anti-restrictionist articles featured across the nation in *The New York Times*, continued to lobby for immigrant rights, civil liberties, and Zionism post-1924. He died of a heart attack in July, 1934, while vacationing in the Adirondacks. His friends attributed his illness and subsequent death to “overwork on problems of German refugees.”²⁷⁶

As the de-facto leader of American Zionists, Rabbi Stephen Wise became chairman of *Keren Hayesod* in 1925. In 1936, he co-founded the World Jewish Congress as a global agency to defeat Nazism.²⁷⁷ A close confidant of President Franklin Roosevelt, Rabbi Wise enjoyed unparalleled authority and respect in the Jewish community.²⁷⁸ He died in New York City in 1949 at age 75. The

²⁷⁵ Kohler, "Aspects of Pending Immigration Legislation: Theories as to Relative Race Values and How Experience Has Disproved Some of Them."

²⁷⁶ "Max J. Kohler Dies," *The New York Times*, July 25, 1934.

²⁷⁷ Rafael Medoff, *The Jews Should Keep Quiet: Franklin D. Roosevelt, Rabbi Stephen S. Wise, and the Holocaust* (Lincoln: University of Nebraska Press, 2019), 129.

²⁷⁸ Rafael Medoff, *The Jews Should Keep Quiet*, 129.

Free Synagogue, which he founded in 1905 and presided over until his death, was renamed the Stephen Wise Free Synagogue in his honor.²⁷⁹

Congressman Adolph Sabath would go on to serve twenty-three terms as a member of the House of Representatives, making him the longest serving ‘Dean’ until 2013.²⁸⁰ He was a New Deal Democrat and a hawk for waging war against Nazi Germany. He died of cancer in 1952. Above all others, Congressman Samuel Dickstein had the most intriguing life among anti-restrictionist leaders post-1924. Dickstein achieved a degree of fame for his strong anti-communist stance: he sponsored legislation that sought to outlaw the Communist Party of America, he repeatedly called for investigations into Anarchism, and in 1934, he introduced legislation that created the Special Committee on Un-American Activities, the forerunner to the House Un-American Activities Committee.²⁸¹ As acting chair of the Special Committee on Un-American Activities, Dickstein would frequently get into shouting matches with witnesses he himself subpoenaed. On one occasion, several hundred German Americans rallied at a hearing to chant “down with Dickstein!” and “Heil Hitler!”²⁸² Upon completing a twenty-two year tenure in Congress, Dickstein was nominated to the New York State Supreme Court, where he served as a justice until 1954.

In 1999, historians Allen Weinstein and Alexander Vassilev revealed that for several years, Dickstein was himself a paid agent of the N.K.V.D., the forerunner to the K.G.B.²⁸³ Prior to that, it is believed that he had been a paid agent of the Polish and British governments. Nicknamed “the Crook”

²⁷⁹ “Synagogue is Renamed to Honor Rabbi S.S. Wise,” *The New York Times*, May 13, 1949.

²⁸⁰ “Adolph Sabath Dies; In House for 23 Terms,” *Chicago Tribune*, November 6, 1952.

²⁸¹ Kurt Stone, *The Jews of Capitol Hill: A Compendium of Jewish Congressional Members* (Lanham: Rowman and Littlefield, 2011), 201.

²⁸² Stone, *The Jews of Capitol Hill*, 201.

²⁸³ Stone, *The Jews of Capitol Hill*, 203.

by his N.K.V.D. handler, Dickstein allegedly perpetually sought to re-negotiate the payment terms of his espionage. “Igor,” Dickstein’s N.K.V.D. boss, wrote of him, “*Crook* is completely justifying his code name. This is an unscrupulous type, greedy for money, consented [sic] to work because of money, a very cunning swindler.”²⁸⁴ It is believed that over the years, Dickstein passed along government transcripts, double agent names, military information, and other documents worth a negotiable price.²⁸⁵ Congressman Samuel Dickstein died in 1965. Over the years he had amassed income from the NKVD, Congress, and state Supreme Court salaries, yet he was discovered to have a net worth of \$2,500 upon his death.

And finally, there was Louis Marshall: the utmost respectable, eloquent, and passionate father of the Jewish American anti-restrictionist movement. A forever patriot to America in every sense, even Marshall would go on to fully embrace the Zionist movement post-1924. At a conference of Zionists at the Astor Hotel in New York City in 1925, Louis Marshall proclaimed that European Jews could no longer “look on the U.S. as a haven of refuge.”²⁸⁶ Instead, he argued, “in Palestine the doors have been opened wide.”²⁸⁷

It was not in America, but prophetically at the Sixteenth Zionist Congress in Zurich, Switzerland, where Louis Marshall died on September 11, 1929. His funeral service in New York City on September 24 was attended by 25,000 onlookers, including Secretary of State Charles Evans Hughes, Supreme Court Justice Benjamin Cardozo, the NAACP’s James Weldon Johnson, and a

²⁸⁴ Stone, *The Jews of Capitol Hill*, 203.

²⁸⁵ Stone, *The Jews of Capitol Hill*, 203.

²⁸⁶ Matthew Silver, *Louis Marshall and the Rise of Jewish Ethnicity in America: A Biography* (Syracuse: Syracuse University Press, 2012), 502.

²⁸⁷ Silver, *Louis Marshall and the Rise of Jewish Ethnicity in America*, 502.

one-hundred police officer honor guard.²⁸⁸ In total, two-hundred and fifty memorial services were held for Marshall, a man who dedicated his life to public service, global Jewry, and his native United States. He embodied the ethos of one-hundred percent Americanism and lived his life according to the Jewish principle of *tzedek, tzedek, tirdof*, that, ‘justice, justice, you shall pursue.’

Writing on the occasion of Louis Marshall’s death, his hometown Syracuse’s *Post Standard* wrote of him:

Always, it was justice [...] justice to all who were in need of justice [...] justice to the people who, like himself, were of Jewish origin. His was an intense Americanism. He was a man who helped humanity. Unafraid, a man whose hand was ready to lift a load necessary for the lessening of misfortune or oppression, a worker in our common life who because he was a worker, became a leader, a man who crowded his years with service for the benefit of those about him. [A]ltogether an eminent American citizen whom a multitude will hold in grateful remembrance.

²⁸⁸ Silver, *Louis Marshall and the Rise of Jewish Ethnicity in America*, 533.

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