

A MOMENT WHEN AMERICAN JEWS RALLIED TOGETHER; 1891 AND THE WEBER COMMISSION REPORT

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INTRODUCTION

This essay takes us back to 1891, a time when anti-Semitism and nativism were on the rise both in the United States and Russia. It is the story of how established American Jews, determined to help their Russian brethren, overcame their own cultural anxieties, and harnessed their strengths to ensure entry of their kinsmen, so different from them, to America.

Between 1881 and the beginning of World War I in 1914, almost 2.5 million Jews came to American shores, of which 1.5 million came from the Russian Empire – a migration that changed the course of Jewish and American history.¹ By 1914 it was almost a tie as to whether the United States or Russia had the world's largest Jewish community. During those 33 years, the American Jewish community increased from 250,000 to almost 2.8 million, an amazing increase of 1,100%, compared to an increase of only 90% in the general population.

¹ Jews were only a small part of the massive waves of immigrants from Eastern and Southern Europe to the United States, that started in the early 1880s, and ended with the passage of the National Origins Act in 1924 (based on a quota system). In all, some 23 million people entered this country, Jews constituting under 10% of that total. See Bernard K. Johnpoll, "Why They Left: Russian Jewish Migration and Repressive Laws, 1881-1917, *American Jewish Archives*, v. 47, #1, pp. 17-53.

This enormous deluge of Jewish immigrants into the U.S. had been preceded by a much more modest first wave, starting around 1820, with most migrants coming from Central Europe (primarily Germany), although Eastern European Jews started to arrive in the 1860s, and some Polish Jews even before then.² About one third of these earlier immigrants lived in New York City, while the rest were spread throughout the country. These first arrivals prospered; they formed a solid middle class, able to, through a growing network of charitable organizations, (such as hospital and orphanage) help the poor among Jewish immigrants who followed them. Some of these earlier immigrants, mostly German Jews, had established fortunes through commerce and banking and self-identified as leaders of this community.

The first dramatic spike in Jewish immigration appeared in 1882, a year that witnessed an increase of 250% from the year before. And the numbers grew apace. By 1892, the number of immigrants had increased to 73,636 from 13,202 only a decade earlier, an increase of 550%. What could be responsible for such dramatic increases? The short answer is that deteriorating political and socio-economic conditions in Russia proved to be an insurmountable force for emigration of Russian Jews.³ Other answers are more complicated, as this essay will explain.

The Russian Empire had acquired its Jewish population of approximately one million through the Partition of Poland in the late eighteenth century, engineered by Catherine the Great.⁴ The Jews in Russia's newly enlarged empire suddenly became subjects of a less tolerant and predictable government, as they were now officially reduced to the status of resident aliens, even as their place of residency remained the same. Before the partition, the Jewish community in Poland had prospered; it resembled its counterpart

² For more information about this first wave, see Hasia Diner, *The Jews of the United States, 1654 to 2000*, Berkeley and Los Angeles, University of California Press, p. 82ff.

³ Improvements and competition in transatlantic transportation also helped, making the journey from Russia to America less difficult and cheaper.

⁴ Catherine the Great was Empress of Russia from 1762-1796. Under her reign Russia expanded significantly and became recognized as a great world power.

community in the U.S. prior to 1882, in that it had a solid middle class with both the means, and the will, to help less fortunate coreligionists.

But, as subjects of an expanded Russian Empire, this newly absorbed population were abruptly subjected to restrictions and hardships heretofore unknown. One of Catherine's first acts was to create the Pale of Settlement in 1791, requiring Jews to live within its boundaries in the northwest part of the empire. Rather than address the failings of the economy, the empress was contented to let policy be driven by complaints of gentile merchants who felt threatened by competition from their Jewish counterparts in a shared marketplace. Creation of the Pale was considered the greatest legal restriction imposed upon the Jews until its dissolution in 1917. Some exceptions were made after Catherine's decree, but they were withdrawn in 1881, and even further restrictions were imposed the next year by the May Laws of 1882 following the assassination of Tsar Alexander II in St. Petersburg.

No longer able to participate in economic life of the empire at large, the Russian Jewish community fell from prosperity to poverty by the end of the nineteenth century. There were many factors responsible for this outcome during this period, including a huge increase in population (from approximately one to 5.5 million, due mainly to a sharp decline in infant mortality⁵), the end of serfdom in 1861, and the beginning of industrialization, all of which disrupted traditional economic relationships.

Policy regarding the Jewish population seesawed from one tsar's reign to another: from one who was partial to assimilation, integration, and Russification, followed by another who sought to segregate the Jews, with the aim of separating them from the larger population, primarily the peasants. All this reached a climax following the assassination of Alexander II in 1881. It was during the reign of his successor, Alexander III, that Jewish emigration to America exploded. As residential restrictions throughout were tightened,

⁵ See [YIVO on the Russian Empire](#).

and many opportunities for education and employment made legally unavailable, there were too few jobs for too many people and too little money to meet basic needs.

The enforcement of the May Laws—the subject of this essay—exacerbated the situation, as thousands upon thousands of Jews were forced to flee to the Pale, and take any job they could find, adding to the already congested towns and cities with Jewish populations, by imposing unsupportable competition. For example, previous factory owners, were forced to become artisans again, working on their own in their new communities which already had too many artisans to support.

Why was America the “Promised Land”? Because it offered unparalleled economic opportunities created by the transformative changes taking place after the Civil War. Russian Jews emigrating in the early 1880s were pioneers in some ways. There was not yet a network of organizations to help them, and few, if any, friends or family members to welcome them.⁶ From port of egress to port of entry, the surrounding environment was chaotic, and full of confidence men preying on the unwary. On the other hand, admission to America met with no legal obstacles at this time.⁷ By 1890, however, America was well known to aspiring immigrants, mainly through letters commonly shared, and articles in Jewish newspapers. By the last decade of the nineteenth century, many wishing to emigrate knew friends or family members who had already made the journey, extoling the economic opportunities available, the equal treatment enjoyed under the government, (including political and civic equality), and the availability of schools for children.

Ultimately the strongest drive compelling them to cross an ocean to foreign soil, was the prospect of being able to provide for their families, and of securing a better future for their children. (This, of course, is exactly what migrants today want, those who try to seek refuge here and throughout the western world.) The magnetism of America, in

⁶ Abraham Cahan, *The Education of Abraham Cahan*, Philadelphia, Jewish Publication Society of America, 1969, chapter 4.

⁷ See discussion below, p. 5.

conjunction with the lack of economic opportunity and political equality in their homeland, provided the push they needed.⁸

How did America and its Jewish community react to the growing masses of immigrants, including Jews? Initially America welcomed them all. The only legal bar to entry in 1882 was to potential wards of the state or dangers to public health: the utterly destitute, “idiots”, convicts, and people with contagious diseases. On the other hand, the self-appointed leaders of the America’s Jewry were leery of welcoming their coreligionists. Most overwhelming was the unprecedented numbers of Russian Jews arriving. The newcomers looked different, with practices, customs, and traditions that many of the earlier arrivals had quickly abandoned. To many, Jews and Christian alike, they seemed to conform to popular social stereotypes: emotional, disputatious, greedy, clannish, and dirty.⁹ More often than not, they were poor, in need of short-term assistance, and advice. The self-appointed Jewish leaders (referred to as “notables” in many Jewish societies) were mostly wealthy assimilated German Jews, who had fought hard for acceptance in Gentile America, and while they were economically successful, they were still self-conscious of their hard-won and precarious social standing, feeling threatened by the Russian Jews who in so many ways appeared different from them, though inextricably tied by religion.

An anti-Semitic incident at the Grand Union Hotel in Saratoga Springs, New York in 1877 was still fresh in their minds, as was the infamous order by General Grant expelling all Jews from Tennessee in 1862. Starting in the late 1870s, nativism, including anti-

⁸ There has been a debate among historians about what motivated the Russian Jews to emigrate. Older historians believed it was pogroms and general persecution. The newer generation believes it was a search for economic security, based largely on the fact that immigrants, for the most part, did not come from the Jewish settlements that experienced pogroms. It was, in fact, a combination as can be seen in this essay. Persecution led to poverty, and poverty led to immigration. For the economic theory, see Samuel Kusnets, “Immigration of Russian Jews to the United States,” *Perspectives in American History* 9 (1975), pp.35-124. See also the following [discussion from YIVO](#).

⁹ Unlike their predecessors, this wave of Jewish immigrants preferred settling in already congested Jewish neighborhoods, such as the Lower East Side of New York. Such crowds, by their very nature, appeared to some to be uncouth, posing public health, sanitation, and housing challenges.

Semitism, was on the rise among elites in the cities, and among agrarian radicals in the Southern States.¹⁰ Historian Hasia Diner writes:

How loudly and in which venues the Jew spoke out about their treatment always involved a complex alchemy of fear of “rocking the boat” and the belief that to achieve a desired political end they had to cultivate relationships with those holding power and influence.¹¹

The way American Jewish notables responded to the Russian Jews’ humanitarian crisis in 1890, provides us with a superb example of how they tried to meet the needs of their fellow Jews by using their relationships with Gentiles in positions of power and influence, including Christian ministers and government officials. The Jewish elites were able to call on personal friendships with Christians, even though they did not necessarily socialize with them. For example, when Oscar Straus—a prominent figure in this essay—was seeking appointment to become minister to Turkey in 1887, the famous Congregationalist minister, Henry Ward Beecher, wrote him a most public letter of recommendation, published in the *New York Times*.¹²

When Jewish leaders realized that the immigrants were in need of help, they took it upon themselves to provide it, creating programs to support and promote the swift Americanization of these new arrivals.¹³ The newcomers were a source of great anxiety, and having their Russian coreligionists adopt American ways as quickly as possible

¹⁰ Diner, pp. 162-175

¹¹ *Ibid.* p. 172.

¹² “Mr. Beecher’s Broadness,” *New York Times*, March 26, 1887. Straus may very well have arranged to have this letter published. Upon his graduation from Columbia Law School, Straus had joined a Christian law firm and subsequently formed a law practice with a Christian. Straus did not get sufficient support from Christian ministers to muster the public support needed to have the desired impact on the Russian government: that Russia would give more time to Jews who were being expelled to emigrate. However, in 1906 Christian/American support was successfully harnessed to abrogate the 1832 Treaty of Commerce between the U.S. and Russia that discriminated against American Russian Jews attempting to do business in Russia. See Ann Healy, “Tsarist Anti-Semitism and Russian-American Jewish Relations,” *Slavic Review*, 42; 3 (Autumn 1983), pp. 408-425.

¹³ For the importance of Americanization to the Jewish leadership, see the biography of Oscar Straus: Naomi W. Cohen, *A Dual Heritage: The Public Career of Oscar S. Straus* (Jewish Publication Society of America, 1969).

represented the best political response to anti-Jewish sentiment in America. The sooner the immigrants could transform themselves, the better.

It is perhaps no coincidence that events took a sinister turn in Russia at the same time that the American government was reappraising its immigration policy. The growing nativism, especially that among Protestant elites (Henry Cabot Lodge, for example) was reflected in debates about immigration policy. The result was the Immigration Act of 1891, that put immigration at all ports of entry firmly under the jurisdiction of the federal government, which before had been handled by the individual states.¹⁴

The highlights of the 1891 statute included the addition of a public charge exclusion, and a ban on assisted immigration, both of which would be strenuously challenged by Jewish advocates in the years to come.¹⁵ For just as the country was moving towards stricter controls, the American Jewish community, having accepted that immigration to the U.S. was one of the only viable options for rescuing Russia's Jews from the politically imposed poverty and persecution, began its battle for a more liberal approach. Their new approach succeeded in delaying passage of the National Origins Act until 1924; that legislation closed the doors to Jewish immigration until passage of the Immigration Act of 1965.

They pursued their course of action through correspondence with immigration officials, testimony at congressional hearings, in courts of law, and before the Board of Special Inquiry at Ellis Island, which was tasked with hearing appeals of deportation orders. Jewish advocates worked hard to abolish, delay, or at best modify every piece of restrictive legislation; as a result, for example, the literacy test was not enacted into law

¹⁴ The federal government did assume responsibility for the expulsion of Chinese in the infamous Chinese Exclusion Act of 1882. This act embodied racial thinking at its worst, excluding almost the entire population of China, the most populous country in the world, from entering the U.S.

¹⁵ For example, in the summer of 1891, Simon Wolf (president of B'nai B'rith) successfully prevailed upon Secretary of State Charles Foster to remove Russian Jewish immigrants from the category of assisted immigrants as the aid was provided by private institutions. However, subsequent commissioners failed to abide by this precedent and so it became a bone of contention and basis to appeal for years to come.

until 1917. They appealed directly to government officials in Washington, so much so that the officials complained. The advocates also successfully challenged administrative misinterpretations of immigration law by appealing almost every deportation order, with the result that less than 2% of all Jewish arrivals were actually deported. Once the Jewish community determined that immigration was inevitable and offered the best hope to relieve the plight of Russian Jews, it devoted itself wholeheartedly not only to making entry possible but to help the arrivals make the difficult adjustment to a different way of life in America.

The events discussed above did almost nothing to persuade the tsarist government to treat its Jews more humanely. Indeed, as the years went by, the persecution increased. Yet these events did change the course of modern Jewish life in America, as German Jews decided to be serious advocates for the admission of their Russian brethren to American shores. In turn, their Russian brethren who had immigrated to the U.S. joined the battle as soon as they were ready and able.

THE MOMENT AMERICAN JEWS RALLIED

*'America.' The word 'America' was heard more often than any other. The word 'America' had for them a special magnetism, a kind of magical meaning. It stood for an ideal of which many had long dreamed. They imagined America to be a kind of heaven, a sort of Paradise. 'We hope, God Almighty, they will let us in and not, God forbid, send us back.'*¹⁶

On February 22, 1892 (George Washington's Birthday), Secretary of the Treasury Charles Foster submitted to the House of Representatives a remarkable report. Based on an investigation conducted by a commission headed by John B. Weber, Commissioner of

¹⁶ Sholom Aleichem, *In the Storm* (New York, G.P. Putman's Sons, 1984, trans. Aliza Shevrin), describing a railroad station in Kiev in 1905, pp. 215-216.

Immigration at the Port of New York, the report examined the importation of alien contract laborers and “incidentally, [obtaining] all accessible information as to the immigration of other classes of aliens whose landing in the United States is prohibited by our laws.”¹⁷

While Secretary Foster chose to focus on contract labor, an issue that in fact had dominated congressional debates about the Immigration Act of 1891 under whose authority the commission had been charged, Commissioner Weber’s report¹⁸ focused exclusively on the condition of Jews in Russia and those “abnormal causes” deemed responsible for “inciting emigration” and a marked increase in immigration from Russia to the United States. On Weber’s staff were several men, called commissioners also, who each had a different assignment. The longest report was that of a four-week visit to Russia (from August 15 to September 11, 1891), submitted by Commissioner Weber himself and Dr. Walter Kempster (an expert in the diagnosis and treatment of insanity). Their report was quite remarkable because it provided a window into the sufferings of Russian Jews at this time, sufferings caused by vigorous and cruel enforcement of the May Laws of 1882 which had remained relatively dormant, with little practical application, until 1890. These laws prohibited Jews from living outside the Pale of Settlement and from living in villages within the Pale;¹⁹ they could only live in towns and townlets, one step above villages.²⁰ They were also prohibited from leasing real estate and engaging in commerce on Sundays. The *Weber Report* was based on interviews of hundreds of Russian Jews who were experiencing, as they spoke, the full effect of the persecutions. It provided a sense of immediacy and urgency and put a human face on a textbook tragedy.

¹⁷ Letter from the Secretary of the Treasury Transmitting Information to the House of Representatives Pursuant to Resolutions of January 16, 1892 as reproduced in *A Report of the Commissioners of Immigration Upon the Causes which Incite Immigration to the United States*, v.2 (52nd Congress, 1st Session, Exec. Doc. 235), p.1. Washington, Government Printing Office, 1892 (subsequently referred to as *Report*).

¹⁸ All members of the commission submitted their own reports.

¹⁹ The Pale had been created in 1791 by decree of Empress Catherine and consisted of a stretch of territory in western Russia where Jews, declared to be aliens, had the right of permanent residence; it consisted of fifteen provinces.

²⁰ One goal of the May Laws was to legally segregate the Jews and limit their contact with Russian peasants.

The report was transmitted at a pivotal time in the history of Russian Jewish immigration to the United States. Sentiments to restrict the number and type of immigrants who could enter were on the increase, fueled both by nativism, which perceived the “new” immigrants as the refuse of Europe and a potential burden on America, and by the growing strength and fears of organized labor.²¹ At the same time, the established American Jewish community was struggling with its response to the reports of renewed persecution of its Russian brethren. It was during this two-year period (1890 to 1892) that its attitude changed from one of strongly discouraging emigration to accepting, albeit at times reluctantly, the necessity of America as a refuge.²² How was it that this report came to be written, and does its genesis tell us anything about strategies adopted by the American Jewish community at the time? What impact did this report have on immigration policy and practice and on the attitude of this community? To what extent was the report responsible for the change in attitude towards immigration by the Jewish establishment and for a change in strategy?

Reports of the “abnormal causes,” i.e., enforcement of the May Laws of 1882, first came to the attention of the United States and its Jewish community in July of 1890 when articles began to appear in British and American newspapers.²³ In early August of 1890, these reports were corroborated and verified by way of a cable from Sir Julian Goldsmid, president of the Anglo-Jewish Association and acknowledged leader of British Jewry, to Oscar Straus who had just completed a term of service as the United States minister to

²¹ See John Higham, *Strangers in the Land, Patterns of American Nativism 1860-1925* (New York, Atheneum, 1968), pp. 87-105.

²² For discussions of the American Jewish attitude at this time, see Esther Panitz, “The Polarity of American Jewish Attitudes Towards Immigration, 1870-1891” *American Jewish Historical Quarterly*, Vol. 53 (Dec. 1963). 99-13. See also Zosa Szajkowski, “The Attitude of American Jews Towards East European Jewish Immigration”, *AJHS*, Vol. 40 (March 1951), 221-80; Sheldon M. Neuringer, “American Jewry and U.S. Immigration Policy, 1881-1953.” (Ph.D. Diss., Univ. of Wisconsin, 1969).

²³ See e.g. *New York Times*, July 31, 1890, p. 2, col. 7 quoting from the *London Times*: “Enforcement of edicts will result in the expulsion of over one million people.”; August 11, 1891, p. 1, col. 1; August 17, 1890; August 18, 1890, p. 6, col. 3; August 24, 1890, p. 14, col. 1 (reprinted article from the *London Times* describing all the prescriptive edicts; October 19, 1890. Over 1,200,000 Russian Jews immigrated to America between 1890 and 1914 so this headline eventually became true. See Moses Rischin, *The Promised Coty: New York's Jews, 1870-1914* (Harvard University Press, Cambridge Mass. 1962), 270

Turkey.²⁴ The Jewish community in the United States was not yet formally organized in any way and leadership had been assumed by a small group of wealthy and well-connected German Jews, including Oscar Straus, Jesse Seligman, Simon Wolf, Mayer Sulzberger, and Jacob Schiff. They were among American Jewry's "court Jews" and used their political connections to practice a quiet kind of kitchen diplomacy.²⁵ Fearful of the loss of their hard-earned status, the established Jewish community had not welcomed with open arms the Russian immigrants who poured into the United States in the early 1880s. While charitable efforts were extended to the new immigrant, the established community opposed continued immigration throughout that decade.²⁶ But nevertheless, its members were responsive to the suffering of their overseas brethren, with their first efforts directed towards attempting to ascertain the truth of the reports and then, through international diplomacy and public exposure, to effect change in Russia itself.²⁷

²⁴ *Letters of Oscar Straus, 1889-1908* (unpublished); Oscar Straus to Baron de Hirsch, letter dated August 8, 1890.

²⁵ Oscar Straus, for example, had been appointed minister to Turkey in 1887 by President Grover Cleveland; he served under President Harrison as well, until 1890, and was reappointed in 1897 by President McKinley. He also was the first Jew to become a Cabinet member when he was appointed by President Theodore Roosevelt to be Secretary of Commerce and Labor in 1906. Jacob Schiff was a prominent banker, businessman, and philanthropist. He financed loans to the U.S. and foreign nations and is best remembered for refusing to finance a loan to Russia during the Russia-Japan war of 1904-1905 but did finance a huge loan to Japan. Japan won. [Schiff](#) (along with Straus) worked closely with Baron de Hirsch (see n. 19 below) on how best to help Russian immigrants (Samuel Joseph, *History of the Baron de Hirsch Fund*. (Jewish Publication Society 1935), referred to as *History*.

²⁶ Panitz, *op. cit.*, p.118. Panitz noted an unwelcoming attitude as early as 1869, p.105. See also Neuringer, *op.cit.*, p.15

In a letter to Baron de Hirsch in 1889, responding to a suggested plan to use part of the fund established by the Baron to enable "Russian refugees" to emigrate to America, Straus wrote:

"...our laws against pauper emigration would conflict with such assistance, and I do not think that it could be confined to a limited number, and even if it could, it would not be wise or judicious in my opinion for the committee here to co-operate in what would be a plain disobedience of our national law of emigration."

In that same year, Strauss advised allocating proceeds from the Baron de Hirsch Fund to Jewish Agricultural Colonies in the U.S. and became a member of the board when the Fund was incorporated in 1891. At this time, he was willing to provide help to immigrants living in the U.S. but not aid for emigration. Baron de Hirsch agreed to "no artificial stimulation of immigration" at the time that the Baron de Hirsch Fund was created. See *History*, p. 19.

²⁷ Baron de Hirsch disagreed with this approach; he feared that the protests of other nations could result in increasing rather than mitigating the severity of Russia's actions. *Letters*, Straus to de Hirsch, July 7, 1891.

These first reports indicated that Russian authorities had begun to brutally enforce the May Laws of 1882, which had remained relatively dormant for several years while awaiting the recommendations of a special commission charged with revising “current laws concerning the Jews.” Apparently, the commission’s recommendations were considered too lenient and it was dissolved in 1888, its recommendations ignored.²⁸ In 1890, Russian authorities began to interpret strictly and enforce vigorously the residence restrictions of the May Laws. In addition, areas that had traditionally been within the Pale were detached from it. And workers who had been classified as artisans and, as such, were entitled to live outside the Pale, were “declassified.”²⁹ Those who changed their residence – even within the same town – found themselves “stateless,” and so did soldiers, returning to their home villages. There were many other restrictions imposed by the May Laws, mostly related to means of livelihood; for example, Jews were no longer able to acquire or rent farmland, which became especially troubling during times of famine., a not infrequent occurrence in Russia.

Both the American government and the Jewish leadership expended much of its energies for the next year and a half on ascertaining the truth of these rumors – obtaining “more authoritative information”.³⁰ The American government felt that it should take no

²⁸ See Simon Dubnow, *History of the Jews in Russia*, Vol. III (Philadelphia, Jewish Publication Society 1918), pp. 378ff; Ronald Sanders, *Shores of Refuge* (New York Schocken Books, 1988) 141-142. The years between 1882 and 1890 were by no means free of restrictions; for example, the numerus clausus was formalized in 1887, severely limiting Jewish access to secondary and higher education. And in the same year it was decreed that only Jewish families would be held responsible, with a fine of 300 rubles, for the failure of a recruit to report to duty. But many other edicts, regarding residence and employment were ignored., due to the lax enforcement under the administration of Dmitri Tolstoy from 1883 (who replaced Nikolai Ignat’ev, a notorious anti-Semite)to his death in 1890; those that were enforced were under the directions of the particular departments, in this case the military and education. In 1890 Ivan Durnnove took the place of Tolstoy and the tsar’s brother Sergei, an avowed anti-Semite, was appointed as governor of Moscow; he was eager to enforce the expulsion orders from Moscow and did so savagely. See Ann Healy, “Tsarist Anti-Semitism and Russian-American Jewish Relations,” *Slavic Review*, 42;3 (Autumn 1983), pp. 408-425

²⁹ See letter from James G. Blaine, Secretary of State, to Charles Emory Smith, United States Minister to Russia, dated February 18, 1891, describing the enforcement of “oppressive measures,” the impact of which was already being felt in increased immigration. Cyrus Adler and Aaron Margalith, *With Firmness in the Right* (American Jewish Committee, New York, 1946), p. 218.

³⁰ *American Hebrew*, August 1, 1890, Vol. 43, No. 13, p. 1. The *American Hebrew* questioned both the truthfulness of the cablegrams received from Vienna and St. Petersburg and published in British newspapers – that expulsions were threatened – and the possibility that they would actually take

position without first determining what was really going on, and the Jewish leadership hoped that, once armed with the truth, the government would then officially protest, believing, naively perhaps, that Russia would be responsive to such protest. Straus believed that a strong protest from the United States government would be effective because, according to him, it was Secretary of State James Blaine's "memorable instructions to Mr. Foster,"³¹ that resulted in Russia's backing away from enforcement of the May Laws right after they were promulgated.³² In August of 1890, Straus wrote to Assistant Secretary of State Alvey Adee, referring to his knowledge of Turkey:

From a number of circumstances that came under my personal observation, I know that Russia is more sensible of the protest of friendly nations and governments than one would believe from outward appearances. She always tries to attract to her the sympathies of a large external constituency, and in all her moves in the East she has ever alleged as the cause of beginning a war against Turkey, her desire to protect the Christian subjects of the Porte...³³

Reports of pending expulsions were quickly brought to the attention of Secretary Blaine through several avenues as the "kitchen cabinet" went into action. Adolphus Solomons, agent and representative of Baron de Hirsch,³⁴ wrote to Secretary Blaine on July 30, 1890, citing a dispatch from London talking of impending mass expulsions of Jews from Russia. Solomons asked Blaine to ascertain the facts and, if true, to protest on behalf of the

place. "If it should be true, however, no danger need be apprehended that the threatened danger will come to pass."

³¹ Charles Foster was United States minister to Russia at the time.

³² Straus to Alvey Adee, August 8, 1890. It was more likely that a change in Russian leadership (the Minister of the Interior to Dmitri Tolstoy) was responsible for relatively lax enforcement of the May Laws until 1890. See n. 13 above.

³³ *Letters* Straus to de Hirsch, August 12, 1890.

³⁴ Maurice de Hirsch, also known as Baron de Hirsch, very active in efforts to provide relief to the Jews of Russia, was probably the richest Jew in the world, certain the most philanthropic. He provided aid to help Jews emigrate and established the Jewish Colonization Association for that purpose. He also established the Baron de Hirsch fund to aid immigrants adjust to the United States, with a focus on the New York City immigrant community on the Lower East Side. (By 1899, the endowment fund made this probably the largest charitable trust in the world.) He also established a project on the Lower East Side of NYC to aid newly arrived immigrants. See *History of the Baron de Hirsch Fund*, *supra*.

U.S. government³⁵. Shortly thereafter Jesse Seligman, a Jewish banker active in Republican politics and a friend of the Secretary, made the same request, urged to do so by Oscar Straus.; at the same time, Straus wrote to his friend, Assistant Secretary Ade.³⁶ Blaine then sought, through the American legation at St. Petersburg, to determine their truth.³⁷ The American minister to Russia at the time was Charles Emory Smith; second in command was George Wurts. Neither Smith nor Wurts was considered sympathetic to the “Jewish Problem” in Russia and both men accepted Russia’s official denials of any prescriptive measures without further inquiry.³⁸

While Blaine was trying to find out what was happening, the House of Representatives acted on its own initiative. In a resolution, in language much watered down from the original draft, it requested that President Benjamin Harrison communicate, “if not incompatible with the public interest,” any information that he had concerning “enforcement of prescriptive edicts about the Jews in Russia.”³⁹ Despite the onslaught of published reports, Smith and Wurts continued to deny the truth of the “rumors,” relying primarily on the declarations of the Russian government that such rumors were groundless, and Secretary Blaine informed the President and Congress in October of 1890 that the information obtained indicated “a disposition on the part of the Russian government to mitigate rigid enforcement of existing laws applicable to the Jewish people”

³⁵ See Executive Document 470: *Message from the President of the United States [Benjamin Harrison] in answer to the resolution of the House of Representatives of August 20, 1890, concerning the enforcement of prescriptive edicts against th Jews in Russia, a report of the Secretary of State [James Blaine]*, p 126. October 1, 1890

³⁶ *Letters, Straus to Alvey Ade*, Second Assistant Secretary of State, (a position he held for 38 years), August 7, 1890. See also Exec. Doc. No. 470, 51st Congress, 1st Session, October 1890, for correspondence from Ade to U.S. legation in St. Petersburg.

³⁷ *Ibid.*

³⁸ *Firmness in the Right*, p. 216. George Wurts was considered to be the source of articles which appeared in the *New York Herald* that were antagonistic to the Jews and upheld the Russian government’s actions. See *New York Times*, May 15, 1891, p.4., col. 6; Straus to N. Joseph, May 14, 1891. Smith and Wurts accepted Russia’s statement that there were no *new* edicts without enquiring whether previously issued edicts were being enforced for the first time.

³⁹ House of Representatives resolution dated August 20, 1890. See Exec. Doc. 470, *supra*. The original resolution, introduced by Mr. Naker of New York and assuming the truth of the reports, asked President Harrison to transmit a protest against “inhuman and barbarous acts” to the Russian government; *New York Times*, August 3, 1890, p. 1, col. 6.

although there might be individual cases of strict application.⁴⁰ At the same time, prominent American Jews continued to seek ways to ascertain and place the “necessary facts” before the Department of State, suggesting, for example, that “our brethren in London and Paris establish such communications throughout Russia to gather detailed facts..., surrounded by sufficient evidence...” so that the Jewish leaders were not dependent on published reports that were sometimes contradictory.⁴¹

Blaine continued to receive, almost daily, communications contradicting Smith and Wurts and, in a long letter written in February of 1891, which detailed the oppressive measures that were being implemented according to his sources, instructed Minister Smith in St. Petersburg, to inform the Russian minister of foreign affairs of the American government’s legitimate concern.⁴² That concern was legitimate, according to Blaine, because the expulsion edicts would have and were having a direct impact on the United States as the number of *destitute* immigrants reaching American shores, and in need of immediate and possibly continuous assistance, was continuing to rise substantially⁴³

⁴⁰ Exec. Doc. No. 470, 6. The report was contradictory, both admitting and denying the rumors. For example, it also referred to newspaper articles, including one appearing in the *Jewish Chronicle*, which “admitted” that the laws governing the Jews had been violated and that “the gradual and undisturbed advance of the Jewish population into prohibited districts would seem to have attained a stage where sufficient reasons appeared to the Government for repelling it.” In other words, the Jews were violating the law (against which the United States government had officially protested at the time of their promulgation) and thus responsible for the government’s actions!

⁴¹ *Letters*, Straus to Julian Goldsmid, December 2, 1890. The concern of American Jewry was fueled by dramatic increases in immigration of Russian Jews; in December of 1890, Straus wrote to the Baroness de Hirsh that 4,000 immigrants a month were entering New York (more than double the rate. It appears that Straus’ request fell on deaf ears; it wasn’t until the summer of 1892 that such information was collected by Commissioner Weber.

⁴² *Firmness in the Right*, p. 221, citing *Foreign Relations*, 1891, p. 740.

⁴³ Letter from Blaine to Smith, dated February 18, 1891, and reproduced in *Firmness in the Right*, p. 220. After a dip in 1889, the number of Jewish immigrants began to rise, although the impact of the expulsions was not really felt until 1891 and 1892. The following statistics, indicating the number of Jewish immigrants from Russia for the period of 1889 to 1893 are illuminating: 1889–18,338; 1890 – 20,981; 1891–43, 457; 1892–64, 253; 1893–25, 161. (Samuel Joseph, *Jewish Immigration to the United States, 1881-1910*, (New York, AMS Press, Inc. (1967 reprint; orig. pub. 1914), p. 162.) A marked increase in the monthly statistics for September 1890 (the largest number since 1885) was reported in the *New York Times* on October 17, 1890; to what extent the increase represented increased Jewish immigration is not known. In 1891, an average of 7,500 a month were coming into New York; *New York Times*, December 21, 1891, p. 9, col. 1. The number of immigrants coming from Russia in the last

Reports reaching Blaine's attention indicated that close to a million families (almost half of the entire Russian Jewish population) could be affected by enforcements of the edicts.⁴⁴ Thus it was not simply a matter of dictating Russian internal policy or interfering with that country's administration of municipal law. As it had earlier in the 1880s, the United States was hoping that pressure from foreign powers would result in internal reforms and obviate the need for massive emigration, a sentiment shared by the Jewish leadership at the time.⁴⁵ It wasn't until April of 1891, after the Passover expulsions of Jews from Moscow,⁴⁶ that Smith and Wurts, faced with incontrovertible evidence, acknowledged the accuracy of the alleged "rumors."⁴⁷

six months of 1891 (46,710) was over twice as much as the number which came during the corresponding time period in 1890 (20,934); *New York Times*, February 15, 1892.

⁴⁴ Other reports were more conservative; see, e.g. *New York Tribune*, March 6, 1891, p. 5, col. 2, in which the figure 2,000,000 people is mentioned. While this figure may sound exorbitant, strict enforcement of residential limits resulted in a great deal of internal migration back to the already very congested Pale of Settlement. Between 1890 and 1914, 1.75 million Jews emigrated from Russia to the U. S. Close to that number may have "immigrated" internally to the Pale of Settlement, creating not only more congestion but much greater poverty. Artisans may have suffered the most as supply far exceeded needs and income available to pay for such services.

⁴⁵ A similar sentiment about the dangers of sudden massive emigration was expressed by the *American Hebrew*, the leading Jewish newspaper at the time: "If humane impulses were not sufficient to induce them [America and the Great Powers of Europe] to exercise the power of allied and concerted warning, they would be driven to it by the stupendous danger involved in an attempt to transplant suddenly and simultaneously four million people from their homes in one country and foreign lands." (August 1, 1890, p.1).

American interest in Palestine as a home for the Jews increased markedly at the time; see, e.g. a petition submitted to President Harrison by a conference of Christians and Jews on March 5, 1891, as reported in the *New York Tribune*, March 6, 1891, p. 5, col. 2; the petition included among its signatories such people as J. Pierpont Morgan, Russell Sage, Charles Scribner, and John D. Rockefeller. In April of 1891, the American minister to Russia suggested the Russian minister of foreign affairs that an international conference be convened to consider the question of restoring Palestine to the Israelites. Mr. de Giers, the Russian Foreign Minister, indicated that if the United States would propose such a conference, Russia would co-operate. This was six years before Herzl wrote *The Jewish State* and seven years before the first Zionist congress was convened. Adler & Margolith, *Firmness and Right*, p. 224. In a letter to Baron de Hirsch, dated January 13, 1891, Oscar Straus referred to a discussion with the Turkish minister to the United States, the gist of which was that the Sultan would be willing to set aside a portion of his empire for the persecuted Jews of Russia in return for help with the payment of the Russian Indemnity Debt. The island of Rhodes was mentioned as a possibility; Palestine was not. Straus concluded his letter by stating that "from my short experience in the Orient, I feel convinced that the Russian Jews are more adapted to Oriental countries than any other." Straus also sought the help of the British ambassador to further his Turkish strategy.

⁴⁶ See discussion below.

⁴⁷ Adler & Margolith, *Firmness and Right*, Smith to Blaine, April 20, 1891, p. 225. No formal protest was registered at this time.

But questions about what was really going on persisted; for example, the fact that Jewish banking firms, such as the Rothschilds, continued to finance Russian loans was presented as evidence that the reported persecutions were either not true or greatly exaggerated.⁴⁸ The main sources of information were reports in the newspapers which were unsatisfactory and contradictory.⁴⁹ For example, in August of 1891, while the Weber Commission was in Russia, the *New York Times* reported that the United States State Department had been informed that the expulsion orders had been suspended in response to pressure from the United States. Officials within the State Department itself denied receiving any such information.⁵⁰ And the United States consul at Odessa stated at the end of July that no native Russian Jews were being expelled.⁵¹

Oscar Straus, for one, felt a pressing need to “lay before the enlightened people of the world a true statement of this most terrible and inhuman persecution, as cruel in many respects as the Spanish Inquisition was and of more consequence, because a far greater number are affected by it.” It is at this point, in the early summer of 1891, that one detects a change in established Jewry’s attitude towards immigration and immigration legislation. Straus, along with other Jewish leaders, began to privately accept the increase in immigration as inevitable and felt it necessary that “a care should be had that the public throughout this country should not become prejudiced by reason of insufficient, and often, false reports respecting the details of the expulsion, the causes therefore & c.”⁵² Concerned about the movement to further restrict immigration, Straus felt that “an authorized and public statement exhibiting the cruelties of the persecution” would arouse public

⁴⁸ *Letters*, Straus to N. Joseph, May 14, 1891.

⁴⁹ *Letters*, Straus to Hirsch, June 5, 1891. Straus also believed that the “real truth” was being held back for political reasons and, as a result, universal interest based upon human sympathy had not been enlisted.

⁵⁰ *New York Times*, August 1, 1891, p. 1, col. 4.

⁵¹ *New York Times*, September 4, 1891, p. 1, col. 1.

⁵² Straus to Anon., dated July 2, 1891. Straus was specifically referring to articles that had appeared in the *New York Herald* on April 6 and April 7 of 1891.

sympathy and prevent passage of more exclusive legislation.⁵³ Such a statement would reveal the true nature of the expulsions and the fact that they were carried out so suddenly as to make it impossible for the expelled subjects to gather their property or liquidate their assets. They were thus pauperized, a status that did not enhance their desirability as immigrants and taxed the ability of the American Jewish community to help them.⁵⁴ Accepting the inevitability of the expulsions, Straus and others hoped that an “authenticated report” might marshal international intervention that would compel Russia to give the Jews a reasonable time in which to prepare for their forced emigration. Fewer pauperized immigrants would be the result.⁵⁵

American Jewry’s apprehension about the pauperized state of Russian Jews was justified. As early as February of 1891, before the Passover expulsions, the Department of State feared that enforcement of the May Laws would result in the immigration of elements that were “not assimilable” by virtue of their numbers and destitution.⁵⁶ This concern, applied to all immigrants, was reflected in congressional activity as well. It was in March of 1891 that the first comprehensive immigration statute was passed, placing control of immigration firmly under federal jurisdiction.⁵⁷ This statute concentrated on regulation and “selection” rather than reduction in the absolute numbers of immigrants, and added exclusions to the earlier laws in 1882 and 1885. One of those additional exclusions was of those immigrants “likely to become a public charge,” a category intended to strengthen the pauper exclusion of 1882. Any alien who became a public charge within one year of his arrival from causes existing prior to his landing could be returned. While the pauper

⁵³ *Letters*, Straus to Baron de Hirsch, June 5, 1891. (This was before passage of the Immigration Act of 1891.) Compare this attitude with that expressed in a letter from Straus to Baron de Hirsch, protesting the use of funds to aid emigration and dated November 11, 1889: “...the number of emigrants would be overwhelming to state it mildly, would be a calamity and misfortune not only for the emigrants, but for all American Jews;” See n. 12 *supra*.

⁵⁴ *Letters*, Straus to de Hirsch, June 5, 1891.

⁵⁵ *Ibid.*

⁵⁶ Blaine to Smith, February 18, 1891, *Firmness in the Right*, p. 220.

⁵⁷ See Chap. 551, Laws of the 51st Congress, Session II (hereinafter referred to as “Immigration Law of 1891.”) The laws of 1882 and 1885 were designed to meet specific local situations. For example, the 1882 law suspended Chinese immigration for a decade and the 1885 law prohibited contract labor. Higham, p. 99.

exclusion had been applied to persons highly likely to become chronically dependent on public charity – the aged, chronically ill, and handicapped – the public charge exclusion could be applied to able-bodied persons who temporarily might be dependent on public support.⁵⁸

Another related provision, especially significant for Eastern European immigrants, was the automatic detention of immigrants whose passage had been paid for by another person or who had been “assisted” by “others” to emigrate.⁵⁹ The statute did not specify who those “others” might be; a member of the Immigration Committee indicated that it applied only to municipal authorities who paid for the passage of idiots, paupers, and criminals in order to relieve themselves of providing for their support, while another member said it applied to the “padrone” system on which the tickets of large numbers of Italian men were prepaid in return for a percentage of their earnings once they arrived in the United States.⁶⁰ At no time during the Congressional debate was the question of the Russian Jew who might be assisted by a benevolent organization raised or debated. The immigrant, once detained on the grounds of being otherwise assisted, had to produce proof that he did not belong to an excluded class, i.e. was not likely to become a public charge. The Immigration Law of 1891, which also strengthened the exclusion of contract laborers contained in the 1885 statute, reflected the growing influence of organized labor. Labor viewed the rising number of immigrants with alarm; the immigrant was seen as a source of cheap labor who took away jobs from the native born

⁵⁸ There was no congressional debate on this exclusion nor did the report accompanying the bill address it, other than to say that it would strengthen the pauper exclusion. See report No. 3807, 51st Congress, 2nd Session.

⁵⁹ Immigration Law of 1891, Sec.1. This exclusion was generally not applied to immigrants whose passage had been paid by friends or relatives already living in the United States as long as they were not likely to become a public charge. But it did become responsible for the greatest number of deportations, depending on the immigration official who was inspecting the newly arrived immigrant, “poor physique” could become a reason for deeming that immigrant likely to become a public charge. Many of the deportations appealed by Jewish advocates were based on this exclusion. Interpretation of exclusions changed with the administration.

⁶⁰ Congressional Record, 51st Congress, 2nd Session, February 19, 1891, p. 2950.

and lowered wages.⁶¹ The era of the expanding frontier had come to an end and, although western and southern states still favored unrestricted immigration, the 1891 act marked the beginning of a restrictive approach.

Shortly after the Immigration Act was passed, a commission was appointed under the Secretary of the Treasury's authority to enforce the statute. Secretary Foster characterized the act as one prohibiting the immigration of alien contract laborers and saw that as a major focus of the commission. But the charge of the soon-to-be-named Weber Commission was much broader and included ascertaining as far as possible "[t]he principal clauses which operate in the several countries of Europe to incite emigration to the United States." Also to be investigated was the extent to which "criminals, insane persons, idiots, and other defectives, paupers, or persons likely to become a public charge" were encouraged or aided to migrate to the United States in violation of U.S. laws by relatives, societies, communities, or government authorities; at this point the "others," referred to in the statute itself, had been interpreted to include "societies" and "communities."⁶²

The Commission, as originally established, did not include John Weber, nor was an investigation of Russian Jews on its agenda. Its chairman was Charles Grosvenor, a Civil War veteran turned politician; other members included Dr. Walter Kempster, an expert in insanity; Terence Powderly, a leader of the Knights of Labor, who was to investigate contract-labor immigration; Judson Cross, a lawyer who was to pay particular attention to the criminal element; and H.J. Shulteis, an American Federation of Labor appointee considered to be highly prejudiced.⁶³ General Grosvenor disqualified himself by some inopportune remarks that reflected a politically unacceptable anti-German-

⁶¹ While Jewish immigrants were not a major source of concern here, they were included in the investigation of contract laborers. Testimony was elicited that the importation of Russian and Polish Hebrews had resulted in throwing American girls out of employment in the needle trades. See House Document #2579, 50th Congress, 1st Session, pp. 223-229.

⁶² *Report, Exhibit A*, dated June 26, 1891, 2-3. See discussion at 34-35 *infra* for Jewish advocates' successful petitioning of Secretary of the Treasury Charles Foster not to apply assisted immigration clause to Russian Jewish immigrants.

⁶³ *New York Times*, May 24, 1891, p.1, col. 7; June 19, 1891, p. 3, col. 4.

American bias. Weber was then appointed in his place at the last moment, only two days before the commission was officially charged on June 26, 1891. And it was after the Commission was charged that investigation of the situation of Russian Jews was added to the agenda, following a meeting between President Harrison and Oscar Straus and Jesse Seligman; based on the results of the investigation, the President would then take action. The Jewish leadership, beginning to accept the inevitability of emigration and immigration, had convinced the government that such an investigation was justified because of the “impoverished condition of the Russian emigrants” as a result of the *method* of expulsion; its suddenness made it impossible for the emigrant to make proper provisions, and maltreatment en route to the frontier robbed many refugees of the few possessions they managed to secure.⁶⁴ This marked a shift in the approach of the government as well as the American Jewish community, at least as its actions were interpreted by Oscar Straus. The fact of expulsion was accepted; it was the method that was now the focus of attention, according to the impression Straus had from his meeting with the President.⁶⁵

For Oscar Straus, the investigation of the situation in Russia by an official government commission, headed by New York’s Commissioner of Immigration, advanced his campaign to obtain accurate authoritative information, for the dual purposes of influencing public opinion and spurring government action.⁶⁶ Straus also sought to influence public opinion directly by arranging for the *New York Times’* London correspondent, Harold Frederic, to visit Russia and report on conditions.⁶⁷ Frederic’s trip

⁶⁴ *Letters*, Straus to Harold Frederic, June 30, 1891.

⁶⁵ *Letters*, Straus to de Hirsch, July 7, 1891. This approach was consistent with that advocated by Baron de Hirsch who believed that the condition of the Jews would improve only if they could leave Russia but that they must be allowed to leave gradually and quietly; *New York Times*, May 28, 1891, p. 1, col. 3.

⁶⁶ *Letters*, Straus to Harold Frederic, June 30, 1891.

⁶⁷ The articles appeared in the Sunday issues of the *New York Times* in October, November, and December of 1891. They also were published in book form under the title *The New Exodus: A Study of Israel in Russia* (reprinted Arno Press and the New York Times, New York, 1970). Other newspapers gave extensive coverage as well; see, e.g. *New York World*, July 12, 1891, p. 20, col. 1.

was subsidized by members of the American Jewish community; for Straus and others, it was particularly important that Christians bring the plight of the Russian Jews to the public's attention.⁶⁸

Straus was delighted with Weber's appointment as chair of the commission; he described Weber as "entirely in sympathy" and "fully impressed with the humanitarian aid of the question." Straus and Seligman gave Weber letters of introduction to Jewish leaders in Europe so that "he will fall in proper hands in Russia and be able to learn the true state of affairs and not be blinded by the official side which the Russian government is so skillful in presenting."⁶⁹ Thus armed, Weber and the other commission members sailed for Europe.

Weber had a history of allegiance with liberal causes; as a Union colonel during the American Civil War, he had been the commanding officer of the 89th Colored Infantry from Louisiana.⁷⁰ He then served in Congress for four years as a representative of New York, and, shortly after he was defeated in his third congressional race, he was appointed Commissioner of Immigration for the Port of New York in March of 1890. He served in that post until March of 1893 when he resigned under pressure. Described by the *New York Times* as a machine politician, he was a political appointment with no particular qualifications for the position; in that respect, he in no way differed from his contemporaries. But he was a humanitarian who believed that the blending of nationalities in the United States through immigration of diverse groups was responsible "for the splendid results of which we rightfully boast."⁷¹

⁶⁸ Letters, Straus to N. Joseph, March 6, 1891; Straus to Mayer Sulzberger, October 28, 1891.

⁶⁹ Letters, Straus to Baron de Hirsch, July 7, 1891.

⁷⁰ *Who's Who in America, 1903-1905*, p. 1573. (Chicago, A.N. Marquis & Co.). Weber chose that appointment over one to a Massachusetts regiment.

⁷¹ John B. Weber and Charles S. Smith, "Our National Dumping Ground: A Study of Immigration" *North America Review*, Vol 154, April 1892, 427. In this article, which appeared after Weber had completed his immigration investigation but before the report was published, Weber argued against the theory that the United States was becoming the dumping ground of Europe's refuse; his opponent in the debate was the president of the New York Chamber of Commerce and in favor of a literacy test as a guarantee of character and a way of improving the quality of the immigrants. Nevertheless, Weber was not free of the racial thinking of the times; he was against Chinese

As chairman of the Commission, Weber was able to control the nature and allocation of assignments; the decision was made that individual commissioners would take responsibility for different geographical locations. Weber justified special attention to Russia because the unusually large emigration indicated “abnormal causes.”⁷² He and Dr. Walter Kemper took responsibility for Russia and submitted by far the longest and most detailed report. Their report, the result of a four-week visit in Russia, conducted between August 15 and September 11, 1891, was quite remarkable because, based on interviews of hundreds of Russian Jews, it gave life to what before had been rumors. The report is in the form of a journal and somewhat disorganized; it does not seek to be analytical nor explain in any comprehensive way the reasons for Russia’s attitude.⁷³ However, this form creates a more immediate, powerful impact. Weber and Kempster were obviously sympathetic to the plight of the Jews, a sympathy not shared by some of the other members of the commission.⁷⁴ The report also contained in the appendix many valuable documents, including a summary of special and restrictive laws relating to the Jews in Russia, various documents required by Jews such as work and travel permits and passports, and copies of expulsion orders and “voluntary” agreements to leave.

The report on Russian Jews is based almost entirely on contacts with Jews and the Jewish organizations attempting to help them. Personal contact with the American legation and Russian officials was very limited. A promised interview with the Russian Minister of the Interior and letters of introduction never materialized.⁷⁵ Their only official

immigration because they were of a different race and therefore not assimilable; too many of them could “China-ize” America.

⁷² *Report*, p. 7.

⁷³ Compare with the report submitted by Andrew White, appointed minister to Russia in August of 1892, which depicts the situation in broad strokes and seeks to analyze the causes; reprinted in *With Firmness in the Right*, 455-468. His depiction and analysis reflected his professional life as an educator and historian.

⁷⁴ One member, H. J. Schulteis, was apparently a “loose cannon” who acted independently of the rest of the commission, under instructions that no one else had seen. His report is replete with stock anti-Semitic sentiments. For example, he claimed that the “alleged persecutions in Russia ... exist only in the fancy of Russo-phobists.” *Report*, pp. 4, 303.

⁷⁵ *New York Times*, reflecting a not uncommon sentiment, criticized the idea that American officials should desire to discuss emigration of Russian Jews to America with the Minister of the Interior: “If *Zeramim: An Online Journal of Applied Jewish Thought* 23

contact was with the chief of the commercial department who stated that emigration was something Russian officials were hardly aware of until recently (the subject was practically a new one according to this government functionary), that it was impossible to compel the Jews to return to the Pale, and thus, efforts to do so could not be a cause of emigration; it was largely stimulated by steamship companies. Weber and Kempster obviously did not accept this explanation.

The Report itself, as written by Weber and Kempster, fulfilled the hopes and goals of Straus and his colleagues, for it painted a picture of hardworking, able-bodied Jews, impoverished through no cause of their own; their pauperized status in no way reflected their own failings. The report is filled with heartbreaking vignettes and vividly dramatizes the economic impact of enforcing prescriptive edicts on all elements of Jewish society.⁷⁶ Every story described an able-bodied, hardworking, capable breadwinner who had suffered reverses and frequently been made destitute or near destitute because of the persecutions. The scope of the interviews made clear that all elements of Jewish society had been affected – substantial businessmen as well as poor craftsmen; those forced to move to the Pale as well as those residing within it. While each vignette told a tragic personal tale, collectively they served a larger purpose. By the inclusion of so many

the American Minister has been instructed to facilitate the emigration of Russian Jews to this country, he has been instructed to work in opposition to a general American sentiment." *New York Times*, August 25, 1891, p. 4, col. 2.

⁷⁶ Samuel Kusnets argues that short-term changes in immigration responded to the *pull* of economic conditions in the United States and long-term trends responded to the *push* from the country of emigration. He posited that general dislocation and economic strain accompanying the transition from a pre-modern agricultural economy to a modern industrial one where perhaps as responsible for emigration as legal restrictions and persecution. The increase in the years 1890-1892 clearly reflects Kusnets analysis: the push was due to the enforcement of the May Laws which further impoverished the already sagging economy of the Russian Jews (the result of a history of persecution and the general economic condition) and the pull emanating from America: freedom from persecution with its accompanying economic and educational opportunities, and equal political status. The picture presented by the *Weber Report* clearly implies that the current *increase* in emigration was due to persecution and not general economic conditions that impacted the entire Russian population. Of course, the intensification of restrictions may have been a response to the discontents and dislocations generated by the transition process. And the panic of 1893 is another example; as the U.S. experienced an economic crisis, Jewish immigration decreased. See Samuel Kusnets, "Immigration of Russian Jews to the United States," *Perspectives in American History* 9 (1975), pp. 35-124.

examples the authors created an image of an industrious people, impoverished by circumstances beyond their control. At the same time, through the inclusion of many examples of well-established businesses, both large and small, being effectively destroyed, and their owners being forced to emigrate, the report created the impression that many who sought to reach America were people of substance and experience.⁷⁷ In this way, the commissioners attempted to counter the objections that their colleagues in America were raising to continued immigration of persecuted Russian Jews: that they would be a drain on the American economy.⁷⁸

The report detailed both the methods used to persecute the Jews and the impact of those persecutions, thereby confirming the validity of other “unofficial” reports about the persecutions that had been circulating for over a year at the time of the investigation. The expulsions from the Moscow Province are described in some detail, starting with the predicament of the artisans who were expelled first, on the flimsiest of “legal” grounds.⁷⁹ The description of mass expulsion from Moscow, beginning on March 28, 1891, the first night of Passover, was especially chilling. The Jewish quarter was literally surrounded at night (called an “*oplava*”), its residents routed out of their beds and marched to the police station. Many people were given only twenty-four hours to leave town, others three months, and those with connections and substantial business interests up to a year; the length of time depended on one’s connections, the amount of bribe money available and the attitude of the official handling the case. Those who could not provide their own transportation to reach the Pale were sent in chains by *etape*, or forced march.

⁷⁷ For a similar characterization of the Russian Jews affected by the expulsions, see Samuel Joseph, *History of the Baron de Hirsch Fund*, pp. 36-37.

⁷⁸ A head tax to be paid by the immigrant and a literacy test were both advocated by restrictionists as means of sifting out the poorer classes so that only persons of some means would be admitted. See, e.g. *New York Times*, June 24, 1891, p. 4, col. 4: “It seems to us that there is no device so effectual for this purpose as a substantial tax upon immigration that would amount to a property qualification... There payment would be proof of his possession of the qualities that made him desirable as a settler and a citizen.”

⁷⁹ For example, tailors were expelled because the buttons on the clothes they sold were not manufactured by them. *Report*, p. 39.

Almost all Jewish residents of Moscow were affected by the March orders; up to 20,000 to 25,000 people were ordered to leave.⁸⁰ Men prominent in business circles, “whose children have been tenderly reared and highly educated,” had to leave also; included here were bankers and manufacturers with large factories.⁸¹ In addition, banks would no longer conduct transactions with Jewish businesses. Both the poor and the rich were not given enough time to raise the money needed to leave with some dignity; those with businesses could get next to nothing if they sold. Young Jewish women who did not reside with their families could live outside of the Pale only if they converted or became prostitutes.⁸² Humiliations, large and small, were described in detail, highlighting the arbitrary and unpredictable nature of actions taken. For example, Jews would be arrested for no cause and sent to prison in chains.⁸³ Even those who had served in the army no longer had any immunity from expulsion. After the expulsion orders, further restrictions were imposed by the mayor of Moscow. For instance, the hospitals under the jurisdiction of municipal authorities were ordered to deny treatment to Jews: a man bitten by a rabid dog was thus denied treatment at the only hospital in Russia equipped to treat hydrophobia.⁸⁴

Through its many case examples, the report dramatized the impact of the expulsions on all of Russia’s Jewish population. Driven into the Pale, those Jews who had formerly lived in the interior were forced to compete with the Pale’s residents for living space and work. In the case of work, supply exceeded demand; in the case of space and food, demand exceeded supply, driving up the cost of living. As a result, skilled and experienced people who had always been able to earn a living were suddenly homeless

⁸⁰ Mark Wischnitzer, *To Dwell In Safety* (Philadelphia, Jewish Publication Society, 1948), 69. The May Laws including many other residential restrictions resulting in expulsion. For example, Jews were expelled from their homes in small villages as the administration’s goal was to segregate the Jewish population further and separate them from the Russian peasants. They were only allowed to live now in more urban settlements with already large and poor Jewish populations: as an example, a small town with a Jewish population of 10,000 received 6,000 internal immigrants forced to flee their homes. See Andrew White, Report, p.460. And so, it is very possible that enforcement of residential restrictions resulted in one million forced relocations or more. See note 30 *supra*.

⁸¹ *Report*, p. 43.

⁸² *Ibid.*, p. 45.

⁸³ *Ibid.*, p. 48.

⁸⁴ *Ibid.*, p. 41.

and without any means of livelihood. And for those Jews remaining temporarily outside the Pale, their businesses had dwindled to nothing as they no longer had customers. Most of the Jewish customers had been expelled and non-Jewish customers were reluctant or fearful to patronize them.

In summarizing their impressions of the condition of the Jews in the Moscow Province, the commissioners stated:

We present these cases in detail to illustrate the fact that the pressure is general and forces out the rich as well as the poor – those who have or had the right of residence legally and by invitation, as well as those who presumed upon the toleration of former years, those who because they are Jews are first deprived of their passports, arrested for not having them, confined in prison to be sent in chains *per tape* – as well as soldiers who have been decorated for faithful service to their country, and who in their old age, instead of receiving pensions⁸⁵ are separated from their children, and ordered into the Pale, where only the strongest and most vigorous can hope for existence. In their general characteristics, the cases are similar, revealing a state of terror and uncertainty, paralyzing business and furnishing abundant cause for inciting emigration *which, as has already been stated, could be largely stopped by relieving the pressure* [emphasis added].⁸⁶

Besides visiting Moscow, the commissioners visited several cities and shtetls (“townlets”) in the Pale, including Minsk, Vilna, and Bialystok. Within the Pale, Jews were no longer allowed to live in villages; this designation was made arbitrarily, as were so many other official actions. Thus, a village could be larger than a town. Jews were expelled from their homes in these villages as the administration’s goal was to segregate the Jewish population further and separate them from the Russian peasants. They were only allowed to live now in more urban settlements with already large and poor Jewish populations: as an example, a small town with a Jewish population of 10,000 received 6,000 internal immigrants forced to flee their homes. And so, it is very possible that enforcement of

⁸⁵ Members of the United States Congress could identify with this indignity as the congressional record at the time was replete with discussions about pensions for Civil War veterans.

⁸⁶ *Report*, pp. 65-66. The commissioners were thus implying that Russia should be convinced to relieve the pressure.

residential restrictions resulted in one million forced relocations or more.⁸⁷ The general impression gathered was one of abject poverty. Talking about the Jews of Minsk, within the Pale, the commissioners wrote:

Willing and able to work, they are unable to obtain it; forbidden to work outside the city, forbidden to trade in the country, unable to leave the precincts where they now are, excluded from governmental work, it is no wonder they wish to fly somewhere where they can breath and have an equal chance in the struggle for existence. The only thing which prevents them from going *en masse* to other countries is their poverty.⁸⁸

In describing the work of self-help organizations, the Commissioners again described all applicants as willing and able-bodied, families as “desirable additions to any country.”⁸⁹

Nearly all of them are artisans or have been businessmen of some kind, and in general, their appearance indicates industry and character. All told the same story: the tailor, whose customers have left; the butcher, whose business has been ruined because of the exodus...Homes are destroyed, businesses ruined, families separated, all claiming that they are not criminals except that they are charged with being Jews; all expressing a willingness and anxiety to work, begging for the opportunity to begin life somewhere, where they do not know or do not care.⁹⁰

In their description of the Russian Jews, the commissioners appeared to be infected with racial thinking of the time, in this instance, a benign form of it, namely that the Jews were a good race, especially when compared with the Russians. At every opportunity they compared the Jew to the Russian peasant, to the Jew’s advantage. Jewish houses were neater; their superior intelligence and cultivation were unmistakable. They were literate and did not drink; the Russian was illiterate and drank to excess. The work of the Jewish

⁸⁷ See Andrew White, *Report*, p. 460. For further discussion about numbers, see n. 32 *supra*.

⁸⁸ *Report*, p. 67.

⁸⁹ *Ibid.*, p. 56.

⁹⁰ *Ibid.*, p. 58.

laborer was superior to that of the Russian laborer.⁹¹ And Jewish farms were neater than those of the Russian peasants.⁹²

The conclusions and recommendations drawn by the commissioners addressed both the actions of the Russian government and United States immigration policy. Persecution was identified as *the* cause of emigration; the propulsive force behind such persecution could be stopped by imperial edict or by “intimations to cease the persecutions.”⁹³ With regard to Russia, Weber and Kempster argued that the action of the Russian government could not be considered friendly to the United States in that it forced the Jews to come to the United States “impoverished in means and crushed in spirit” (thus echoing Secretary Blaine’s justification for the United States’ “legitimate concern.”)

To push these people upon us in a condition which makes our duty of self-protection war against the spirit of our institutions and the ordinary instincts of humanity calls for a protest so emphatic that it will be both heard and heeded.⁹⁴

While protesting continuance of Russian persecution, the report also addressed specific issues of importance to Russian immigration. In the charge from Secretary of State Foster, what needed to be done was to ascertain as far as possible the extent to which paupers or persons likely to become a public charge were encouraged or aided to migrate to the United States and by whom they were so encouraged or aided. The definition of “pauper” used by the commissioners was notable and no doubt influenced by their contact with so many Russian Jews who were *suddenly* impoverished. They defined pauper to exclude a person who was willing and able to work “even if his means were limited upon landing” and he was assisted by friends, relatives, or philanthropic persons, as long as they

⁹¹ Two years later, Weber characterized the Russian peasants as “good people, with a kind of arrested civilization. They seem to belong to a period in unison with present conditions,” *New York Times*, June 13, 1893, p.9, col. 7.

⁹² Some time was spent visiting the few remaining Jewish farming communities in order to counter prevailing belief that Jews did not take kindly to agriculture.

⁹³ Here the commissioners opined that protests “from all directions” had successfully stopped implementation of the May Laws shortly after they were promulgated in 1882; *Report*, pp. 100-101.

⁹⁴ *Report*, 101. It was submitted in February 1892.

were not leaning upon others for long-term support. Weber's definition of pauper seemed tailored to exclude almost all Jewish immigrants.

The greatest number of those arriving within the last year [1891], who because of special conditions surrounding their cases received assistance en route, were Jews; yet they rarely become a charge upon the public. Indeed, no race or nationality present so clean a record in such respect as they.⁹⁵

For the commissioners, the key consideration was that the immigrant be capable of obtaining a foothold and supporting himself and family with reasonable certainty, especially when he had been deprived of his material wealth due to pillage and plunder. In instances where the foothold was guaranteed by friends, family, and strong surrounding circumstances (which appears to be codeword for the assistance of benevolent organizations), a state of pauperism was even less likely to result. They argued that, based on their observations, the United States was not "a dumping ground for the refuse population of Europe" and that in place of consular inspection and any restricted immigration, they recommended the compulsory return of any criminals or paupers who had not yet obtained American citizenship.⁹⁶

The commissioners returned to the United States in October of 1891 and submitted their report to the Secretary of the Treasury and President Harrison the following month.⁹⁷ Shortly after the commissioners' return, Straus was still pursuing his strategy of capturing public sympathy and support, but with a difference: he also wanted to publicize efforts by

⁹⁵ *Ibid.*, p. 126.

⁹⁶ The immigration act of 1891 allowed for return within a year of landing.

⁹⁷ *Report*, p. 5; Straus to Harrison, November 11, 1891. The report was transmitted by Secretary Foster to the House of Representatives in February of 1892 at which time it received extensive coverage in the press. See, e.g. *New York Times*, February 25, 1892, p. , col. 1. However, printing was not ordered until May 1892, causing Colonel Weber to become somewhat impatient, and the report had not yet been published as of August 1892. Russian officials continued to deny the existence persecution and distribution of the report was banned in Russia. *New York Times*, June 11, 1893, p. 2, col. 1. Continued denial is contained in a dispatch from Charles Smith to Secretary of State Blaine, dated December 24, 1891 and reprinted in *Papers Relating to the Foreign Relations of the United States* (52nd Congress, 2nd Session, 1892-93), p. 363. Colonel Weber expressed the same sentiment in an article he wrote after being forced to resign his position. The language could have been lifted from his report. See Weber and Smith, n.57.

the Jewish community to “Americanize” the immigrant. He wrote to Meyer Sulzberger, Chairman of the Jewish Publication Society’s Publication Committee and one of its founders, referring to articles written by John Foord for the *World*. Straus wanted the recently organized Jewish Publication Society to publish these articles in pamphlet form and circulate them among the “religious class” in time for Christian clergy to draw upon them on Thanksgiving Day.

The reason why the Christian ministers perhaps have not enlightened their congregations is because they have not properly understood the question, and perhaps did not have material at hand to first instruct themselves. These articles...will give...the present status, together with what has been and is being done in this country towards Americanizing the immigrants.⁹⁸

Straus’ reflections are poignant, indicating as they do that the Christian clergy had not come out in support of the Russian refugees, even though there already had been extensive press coverage of their plight. Straus was now trying to make the information available in the most easily accessible form. This letter also indicated that immigration had now been accepted as inevitable by the Jewish community; the public needed to be convinced that the immigrants were and could be Americanized.

It is difficult to determine with any certainty what impact *Weber’s Report* had on the United States government; the Jewish community had hoped that the *Report* and extensive press coverage by Harold Frederic and others would result in a strong formal protest. Oscar Straus, in his correspondence, was uncharacteristically and notably silent about the *Report* and its impact. At the end of October, 1891, at the same time he wrote to Sulzberger seeking other means of enlisting public support, Straus wrote to Frederic championing Frederic’s suggestion that the United States should recall its diplomatic representative from Russia. Straus opined that the time and opportunity to make such a suggestion would soon present itself, but it would have to come from Christian sources

⁹⁸ *Letters*, Straus to Sulzberger, October 27, 1891.

rather than Jewish.⁹⁹ Shortly thereafter, President Harrison referred to the situation of the Russian Jews in his Annual Message to Congress, delivered on December 9, 1891; the Message was clearly and strongly influenced by the *Report*. Harrison's message was a masterful political statement; it neither satisfied nor really offended anyone, including Russia. "This government," he said,

has found occasion to express in friendly spirit, but with much earnestness, to the Government of the Czar its concern because of the harsh measures now being enforced against the Hebrews in Russia.¹⁰⁰

He went on to refer to harsh measures and the revival of anti-Semitic laws as the reason why a great number of Jews were forced to leave Russia because they could no longer find sustenance within the confines of the Pale. It justified the United States' concern because a decree to leave one country was an order to enter another one. But Harrison's message contained no threat of action, veiled or otherwise, that might be taken against Russia or pressure that might be applied.

This consideration [forced immigration], as well as the suggestion of humanity, furnishes ample ground for the remonstrances which we have presented to Russia, while our historic friendship for that government *can not fail to give assurance that our representations are those of a sincere well-wisher* [emphasis added].¹⁰¹

⁹⁹ *Letters*, Straus to Frederic, October 27, 1891.

¹⁰⁰ *Messages and Papers of the Presidents, 1789-1897*, vol. ix, 1889-97, 188 (Washington. 1898).

¹⁰¹ *Ibid.*, A cable from Charles Smith, the United States minister to Russia, to Secretary Blaine, dated December 24, 1891, was even more sycophantic towards Russia. Referring to President Harrison's views, Smith had reported to the Russian Minister of Foreign Affairs:

When he [President Harrison] felt it a duty to refer to the measures of a Russia against the Jews, he expressed the desire to approach the question from the standpoint of a true friend who earnestly wished well to this country ... He hoped that the government of Russia would find that its own best interests were served in mitigating the measures which entailed the practical banishment of so large a number of people; and if the Government felt unable to abandon these measures, the President hoped that it would at least be disposed to modify them, so that the removal would be extended over a long period of time.

Reprinted in *Papers Relating to the Foreign Relations of the United States* (52nd Congress, 2nd Session, 1892-93), p. 363.

The Russian Jew, while not called a refugee by President Harrison, was something other than an emigrant as his leave-taking was not voluntary. The President referred to the collective Jew in ambiguous terms, both complimentary and somewhat ominous:

The Hebrew is never a beggar; he has always kept the law – life by toil – often under severe and oppressive civil restrictions. It is also true that no race, set or class has more fully cared for its own than the Hebrew race. But the sudden transfer of such a multitude under conditions that tend to strip them of their small accumulations and to depress their energies and courage is neither good for them or us.¹⁰²

Based on immigration statistics, the President's Message, with its mild remonstrances, had no impact on Russian policy and practice; the number of Jewish immigrants from Russia in 1892 was 50 percent higher than it had been in 1891. It is difficult to determine what effect this message had on Congress. It could be, and was so interpreted by some Jewish spokesmen, as an endorsement of a restrictionist approach to immigration, of the sentiment that the probable pauper should be kept out.¹⁰³ Straus must have been disappointed in the President's message, given his hopes for strong official action. And yet, ever the consummate diplomat, he wrote to John Wanamaker, then Postmaster General, that the policy outlined by the President was "entirely satisfactory to us, and it would be unreasonable for us to ask for more, and unjust to be content with less."¹⁰⁴

While Straus's statement may have been the formal public posture of Jewish leaders, the Jewish community had asked for and expected more from their government and the American public. The *Weber Report* could not have been more sympathetic to the plight of their Russian brethren, yet it did not accomplish what Straus and his colleagues hoped for: sufficiently strong action by the United States to result in alleviation of the

¹⁰² *Messages and Papers of the Presidents*, p. 188.

¹⁰³ *American Israelite*, December 17, 1891, p. 4. Cf. *American Hebrew*, December 18, 1891, which believed that President Harrison's position on the matter "is strongly on the side of the Jews and that he will do whatever he can with propriety to better their condition in Russia." (emphasis added)

¹⁰⁴ *Letters*, Straus to Wanamaker, March 25, 1892.

plight of their Russian brethren, at least allowing for a steady and orderly emigration. Neither did all the other efforts at documenting and publicizing the persecutions appear to produce tangible results. And so two weeks after President Harrison's message, an unprecedented appeal to the general public appeared in the general and Jewish press, asking for its financial aid "for the single object of transporting these unfortunate victims of persecution from our city to places where they are desired and where they can and must become self-supporting."¹⁰⁵ The appeal was signed by most prominent Jewish leaders, including Seligman, Schiff, and Straus and vigorously endorsed by the *New York Times*. And it was followed with an appeal on Christmas Day, hoping that the ministers and priests would "lend the influence of the pulpits to their cause."¹⁰⁶

While with today these appeals for help might seem somewhat condescending to the intended beneficiaries, at the time it marked another milestone in the changing attitudes of the established American Jewish community towards Russian immigration.¹⁰⁷ Underlying the appeal was acceptance of immigration as an inevitable reality, an acknowledgment that American Jewish leaders were publicly declaring for the first time. The leadership may have been emboldened to "go public" because President Harrison had officially recognized the terrible predicament of the Russian Jews created by circumstances beyond their control. But Harrison's message also made clear that the United States was not prepared to apply the kind of pressure needed to make Russia take note, and that the only option was immigration. At the same time, the appeal, sensitive to the growing anti-immigration sentiment, was limited to transportation funds so that the immigrants could

¹⁰⁵ *New York Times*, December 21, p. 9; see *ibid* p. 4 for editorial vigorously endorsing the appeal. The appeal also appeared in the *American Hebrew* on December 24, 1891.

¹⁰⁶ December 25, *New York Times*, p.8. They also sent personal appeals to all ministers and priests as well as to citizens of "means and influence." By Christmas, they had raised almost \$10,000 (worth \$286,000 today) from these public appeals, a paltry sum compared to contributions made before the appeal (over \$68,000 today) but a start.

¹⁰⁷ A similar change in attitude can be seen in a letter from Oscar Straus to Baron de Hirsch, dated December 5, 1891 in which he writes that "Under the circumstances, I would like to see the number [of Russian emigrants that come to America] larger, were it not for the fact of our utter inability to adequately help those that are daily arriving..." This was a striking change from the earlier attitude which sought to limit the amount of funds available for newly arrived immigrants because it did not want the money used to foster emigration; see Joseph, *History of the Baron de Hirsch Fund*, p. 18.

be dispersed to places in the U.S. where they were needed and not concentrated in places where employment opportunities were limited and they would be competing with native-born laborers.¹⁰⁸ And the appeal contained a disclaimer, stating that “no encouragement is held out to induce immigration, nor are alms distributed.” The appeal is also significant because it was made to the general public; the Jewish community, feeling utterly overwhelmed by the volume of immigrants, was still trying to reach out to their Christian brethren. These appeals marked the first time that the Jewish community had appealed to the general public for help.¹⁰⁹

The Jewish community’s acceptance of the inevitability of Russian immigration, as evidenced by the public appeal, had been foreshadowed by its reaction to efforts by the government to exclude Russian immigrants on the ground that they were paupers who had been “assisted” by private organizations in violation of the Immigration Act of 1891. Before the 1891 Act had been passed, Jewish leaders had taken the position that the pauper exclusion provision of earlier legislation would preclude using overseas funds to assist emigration to the United States; persons in need of such assistance were *ipso facto* paupers.¹¹⁰ But the Act of 1891 ironically provided a way out: an immigrant could be assisted but nevertheless allowed to land if it could be shown affirmatively that the person was not a pauper or likely to become a public charge. In July of 1891, after the Weber Commission had been given its charge and the commissioners had sailed for Europe, Secretary of the Treasury Charles Foster issued an order directing immigration officials to strictly enforce certain provisions of the Act; he stated that immigrants aided by private organizations were to be considered “assisted” individuals. For the first time, Jewish

¹⁰⁸ Western and southern states, for example, were against immigration restrictions because they still needed manpower.

¹⁰⁹ As a condition for the right to settle, the first Jews settling in the Dutch colony of New Amsterdam had promised Peter Stuyvesant that they would see to it “that the poor among them shall not become a burden to the Deaconry or the [West India] Company, but be supported by their own Nation.” And the community kept its promise.

¹¹⁰ *Letters*, Straus to Baron de Hirsch, February 25, 1890. The Baron de Hirsch fund was being organized at this time and Straus wanted monies to be used to assist immigrants currently residing in the United States.

organizations, led by Simon Wolf, a prominent lawyer, challenged government policy affecting Jews,¹¹¹ arguing that “compelled” immigration should not be considered “assisted,” stating that no organization in the United States encouraged destitute “Hebrew refugees” to come to the United States and assuring the Secretary the no Jewish immigrant would become a public charge because they were “instantly taken charge of by their brethren” *after* they arrived and were then encouraged to disperse. Wolf and his colleagues received an immediate reply from Foster, who agreed that an immigrant who “through the action of others... is for the time being homeless and without property” should not be excluded; but at the same time Foster warned against any “tendency abroad” to stimulate the migration of destitute refugees. While basically accepting the interpretation that “assisted” immigrant did not include those given private financial aid after arrival, Foster emphasized the importance of widely distributing immigrant refugees throughout the U.S.¹¹²

While Weber’s investigation and report did not produce the governmental action desired by Jewish leaders, it did have short-term practical benefits for Russian immigrants, especially valuable during a time when restrictionist sentiment was increasing. No doubt influenced by what he had seen in Russia, Weber sought, during his tenure as Commissioner of Immigration at the Port of New York, to use the discretion afforded by the Immigration Act of 1891¹¹³ to assist the Russian Jews entering New York during the crucial years of 1891 and 1892. In this effort, he was assisted by his superior, Superintendent of Immigration William Owen, who was clearly influenced by Weber’s findings during his investigation.¹¹⁴ Weber and Owen supported the use of bonds and oral

¹¹¹ According to Esther Panitz, this challenge marked the first perceptible reversal in the attitude of the Jewish leadership towards restriction of immigration; see “The Polarity of American Jewish Attitudes Towards Immigration, 1870-1891” *American Jewish Historical Quarterly*, vol. 53 (December 1963), pp. 126-127.

¹¹² For Wolf and Foster letters, see Simon Wolf, *Presidents I Have Known*, pp. 158-162.

¹¹³ Because the exclusionary categories of “likely to become a public charge” and “assisted immigrant” were never defined, discretion and judgement played a large role in their implementation.

¹¹⁴ As superintendent, Owen testified before the congressional committee examining the 1891 immigration investigation, his testimony echoing Weber’s report: “The destitution of these people is

guarantees offered by benevolent organizations, such as United Hebrew Charities, stating that named immigrants would not become public charges.¹¹⁵ During Weber and Owen's coinciding terms of office, very few immigrants were barred, a fact which provoked the censure of the congressional investigating committee.¹¹⁶ This lenient approach produced a backlash as restrictionist sentiment increased.¹¹⁷ The Immigration Act of 1893, while not expanding the excluded classes either directly or by introducing a literacy test or head tax,¹¹⁸ introduced administrative features that further complicated the entry process and offered additional opportunities for barring immigrants.¹¹⁹ Nevertheless, the *Weber Commission Report* provided a documentary basis for bolstering the argument that the Russian immigrant/refugee, who was a candidate for exclusion because of poverty,

the result of an incident and not of their ability to earn an ordinary livelihood... the law did not contemplate these people likely to become a public charge." And in fact, there was no record of *any* Russian Jew becoming a public charge. *House Report #2090, "Immigration Investigation,"* 52nd Congress, 1st Session, p. 226.

¹¹⁵ *Ibid.*, p.226. These bonds and guarantees were contested by those who sought to restrict immigration.

¹¹⁶ From July 1, 1891 to June 30, 1892, only 780 immigrants were debarred as paupers at the Port of New York out of a total of 447,714 immigrants (less than 1/5 of 1%). The low rate caused the chair of the Committee on Immigration to comment that if the law had been properly enforced, these statistics indicated that the immigrants were "better than our own people" as there were more than that number of paupers in a comparable U.S. population! *Congressional Record*, March 2, 1893, 52nd Congress, 2nd Session, p. 2469.

¹¹⁷ In introducing the bill which became the Act of 1893, the chairman of the Immigration Committee stated:

Actual observation at the Port of New York convinced the Committee on Immigration that radical measures must be resorted to in order to secure proper inspection: that whilst there may not have been any willful negligence or dereliction of duty on the part of the Commissioner of Immigration at the Port of New York and his assistants in the execution of the laws relating to immigrants permitted to land, who, under a reasonable and proper construction of the laws now in force, should have been refused admission.

Congressional Record, March 2, 1893, 52nd Congress, 2nd Session, p. 2469.

¹¹⁸ Both were being advocated by those who wished to sift out the "off-scourings of Europe;" *New York Times*, March 19, 1893

¹¹⁹ For example, every bond and guarantee needed the written approval of the Secretary of the Treasury and the Superintendent of Immigration; and special inquiries had to be held by no less than four inspectors for every immigrant about whom there was some question of admission, with every inspector having the right of appeal should the decision not be to him liking. This complicated procedure was intended to curb the excessive power exercised by Commissioner Weber and correct a process in which only the immigrant had a right of appeal. Referring to the Immigration Act of 1891, the congressional investigating committee stated that "the present law... renders impulses from within, *but also exposes him to influences by outside pressure, formidable and potent* [emphasis added]," Report #2090, iv.

suddenly induced,¹²⁰ had the skill and the will to make it in the promised land. But it was an argument heard only by those who still believed that America was a land of opportunity for all nationalities and peoples eager and able to work.¹²¹

Ultimately, the American Jewish community's reliance on government action and its faith and hope that an informed public would respond positively seems to have been misplaced. The use of righteous Gentiles to provide an authoritative and compassionate voice through an officially convened commission, and a sympathetic and comprehensive portrayal of the suffering being endured by the Russian Jews in the press, did not have the desired impact. The public did not rally to the cause of Jewish suffering. The United States government did not strongly condemn Russia but only delivered a halfhearted slap on the wrist. And restrictionist sentiment appeared to be unmoved. The *New York Times*, which had published Harold Frederic's articles, even saw the persecution itself as additional reason for excluding the Russian Jews:

This enforced emigration lacks one most valuable quality that all voluntary emigration has, whatever it may lack, and that is the quality of enterprise. A man who leaves his country of his own accord and by his own efforts has given a presumption that he is likely to sustain himself elsewhere. But a man driven out of his country offers no such presumption and, as a matter of fact, the Russian exiles simply drop where they are dumped from a ship and wait inertly to be succored and supported.¹²²

It very well may have been the failure of this strategy to influence the American polity that convinced American Jewish leaders of the necessity to close ranks, welcome their Russian brethren and begin to fight against restricted immigration.

¹²⁰ Despite the devastating economic losses resulting from the expulsion orders, less than one-third of the immigrants coming to America required assistance; *New York Times*, December 21, 1891, p. 9. col. 1.

¹²¹ *New York Times*, for example, was strongly in favor of restriction and "sifting." While presenting a sympathetic portrayal of the suffering of Russian Jews, editorials again and again expressed the opinion the Jew should be refused admission because of their poverty, regardless of the cause. *New York Times*, June 24, 1891, p. 4, col. 4; August 8, 1892, p. 4, col. 2.

¹²² *New York Times*, August 7, 1892, p. 4, col. 2. Compare this attitude with the earlier whole-hearted endorsement of the appeal for the Transportation Fund to help the Jewish refugees. This term was first applied to the immediate victims of the enforcement of the May Laws by the media but not acknowledged by immigration officials.

Although the *Weber Commission Report* dramatically and without reservation documented Russia's brutal treatment of its Jewish subject, and sympathetically portrayed the capabilities and worthiness of these potential immigrants, it was practically ignored by the United States government and relegated to the library shelves to collect dust between the occasional perusals by students of Jewish history. However, this reaction, or rather lack of reaction, may have served as a catalyst for action by the leadership of American's Jews, for it signaled to Straus and his colleagues that the United States government could not or would not intervene: it would not censure Russia in any meaningful way nor would it recognize these beleaguered Jews as refugees, deserving of special treatment.

These Jewish leaders realized that the only option remaining for their Russian brethren was immigration; it was at this moment, just as the restrictionist movement was gathering momentum, that America's established Jewry began to advocate unrestricted immigration and, in a sense, declared their independence from the people who really ran America.

AFTERWORD

This immigrant experience of long ago is relevant for us today. In the late nineteenth and early twentieth centuries, Russian Jews had to fight for admission, largely because racial stereotyping took the form of doing everything possible to restrict their admittance. But given time and opportunity, and the colossal efforts of the established American Jewry, as well as their own prodigious efforts, the Russian Jewish immigrants did manage to gain entry, and they succeeded and became respected American citizens, fully recognized for their contributions to American society. May there be the same outcome for those who seek escape from persecution and poverty today. They deserve their chance, too.

A Moment When American Jews Rallied Together;

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