

LOUIS MARSHALL, THE JEWISH VOTE, AND THE REPUBLICAN PARTY

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Louis Marshall, one of American Jewry's most influential communal leaders between the mid-1890s and his death in 1929, was a life-long Republican whose support for the Republican Party never wavered. More than any other Jewish leader of the 1896-1928 era, Marshall endorsed Republican candidates for election, took an active part in intraparty squabbles, and worked closely with Republican congressmen and state legislators. During this era, moreover, during which most Republican politicians thought in terms of a Jewish vote, and developed their electoral strategies accordingly, Marshall's political advice and endorsement was often sought by political leaders hoping to appeal to Jewish voters. This essay analyzes Marshall's influential role in American politics generally, and in Republican Party affairs in particular, a subject long neglected by American Jewish scholarship. In so doing, it critically examines his often-noted commitment to the doctrine of Jewish political neutrality, of which he was the best known and most articulate proponent. In theory at least, Marshall continuously opposed the idea of a Jewish vote and the assumption that a Jewish candidate automatically was entitled to the support of Jewish voters. As this essay documents, however, Marshall's commitment to the ideal of Jewish political neutrality was much greater in theory than in practice.

Introduction

Between the mid-1890s and his death in 1929, Louis Marshall was one of American Jewry's most influential communal leaders and public servants.¹ Together with a small group of German-Jewish notables that included, among others, Jacob Schiff, Mayer Sulzberger, Cyrus Adler, Oscar Straus, Felix Warburg, and Judah L. Magnes, his brother-in-law, Marshall played an instrumental role in shaping and directing the institutional and political life of American Jewry. It can be said, without exaggeration, that Marshall put his "clear imprint" on every major communal initiative of his time.

While a good deal has been written about Louis Marshall's manifold contributions to American Jewish public life, his defense of Jewish rights and even his views on Zionism,² little attention has been given to his influential role in American politics generally, and in Republican Party affairs in particular. This essay will be a modest beginning in

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trying to critically assess Marshall's complex role in American political and governmental life, a subject long neglected by American Jewish scholarship.

Conservative in most social and economic matters, and unequivocally opposed to socialism, populism and the ideology of the Progressive Party, Louis Marshall was a life-long Republican, whose support for the Republican Party never really wavered. In every presidential election except one between 1896 and 1928, Marshall was a vigorous and vocal supporter of the Republican Party and its presidential ticket. William Jennings Bryan's candidacy for president on the Democratic ticket in 1896 and 1904 "decisively alienated" him from the Democratic Party, which he would never again support. Between 1896 and 1928, the consistent and unwavering Republicanism of Louis Marshall was unique within American Jewish public life. Throughout this period Marshall was unquestionably the most influential Jewish Republican in America not holding high elective or appointive political office. More than Jacob Schiff or any other Jewish communal leader of this era, Marshall endorsed Republican candidates for elections, took an active part in intraparty squabbles, and worked closely with Republican congressmen and state legislators.³ During this era, moreover, during which most Republican politicians thought in terms of a Jewish vote and developed their electoral strategies accordingly, Marshall's political advice and endorsement was often sought by political leaders hoping to appeal to Jewish voters. As Marshall's extensive correspondence, over many years, with officials of the Republican National Committee indicates, his political input and counsel was often solicited and appreciated.⁴ As his well-known Letter to the Editor of the Yiddish newspaper *Der Tag*, in support of the presidential candidacy of his friend Charles Evans Hughes in 1916, so well illustrates, his political advice was often sought — and was readily given — at election time by Jewish voters.⁵ As we shall see, although Marshall deplored the concept of a "Jewish vote," and the practice of Jewish bloc voting, he frequently used Jewish voting power — or, at least, the threat of Jewish voting power — as leverage in his dealings with political and governmental leadership in New York State and Washington.

Louis Marshall and the Doctrine of Political Neutrality

As one of the most influential Jewish Republicans of the 1896-1928 period, and as a long-standing, dependable and influential party supporter and contributor, Marshall had access to the inner circles of the Republican hierarchy "when the party was almost continually entrenched in Washington, D.C."⁶ Always ready to use his high

standing in the Republican Party to bring pressure on issues of Jewish concern, Marshall knew the potential of his political "clout," as is indicated by a remark he is reported to have made to President Coolidge's secretary: "I am not a politician, but you are possibly aware that a man's political influence is not to be measured by his blatancy or by his activity in seeking office."⁷

Although a pillar of the Republican Party, Louis Marshall was also the best-known and most articulate proponent of the ideal of Jewish political neutrality, the German-Jewish political style that Naomi W. Cohen has so cogently analyzed. "Political neutrality," as Professor Cohen has suggested, was the conception of political involvement adhered to by Marshall, Jacob Schiff, Oscar Straus, Mayer Sulzberger and other members of their German-Jewish leadership circle who, while ready "to accept eagerly the political responsibilities of voting and office-holding that citizenship entailed...laid down strict guidelines circumscribing the political activity of Jews as a group."⁸ This prescription for Jewish political neutrality, as espoused by Marshall and his colleagues, was predicated upon the assumption that "politics concerned the individual Jew but not the community. Jewish group interests, if indeed there were any, had no place under that name in any political forum."⁹ This assumption led, in turn, to the following guiding principles that Professor Cohen has enumerated in some detail: (1) It was wrong for Jews to band together in separate political clubs. (2) Rabbis or lay leaders had no right to advise the community on how to vote. (3) Jewish agencies must not use their influence to promote Jewish aspirants to political office. (4) Jews should not support a candidate just because he happened to be Jewish.

The issue of the formation of specifically Jewish political clubs was one that continually divided German Jewish leaders such as Marshall and the newly-enfranchised East European Jewish immigrants who, between the 1890s and World War I, were beginning to take an increasing interest in American politics and government. In 1895, Rabbi Joseph Krauskopf of Philadelphia sued for an injunction to prevent the founding of one such organization. His efforts aroused a public outcry against the club's bid for a charter, and the bid failed.¹⁰ Jewish political clubs were especially distasteful to Marshall, who argued that a Jewish citizen should have "no distinctively Jewish interests with respect to matters of government."¹¹

Marshall's opposition to the organization of Jewish political clubs was most forcefully articulated in a letter to Benjamin Marcus, in which he also delineated his philosophy of Jewish political neutrality in some detail:

My secretary informs me that you called to see me with regard to becoming a member of a committee to organize Jewish Taft Clubs throughout the United States.

While I am strongly in favor of the renomination and reelection of President Taft, I am utterly opposed to any plan whereby the Jewish people shall segregate themselves from the remainder of the citizens of this country for political purposes. We have no political interests which are different from those of our fellow-citizens. We would subject ourselves to just criticism if we organized political clubs of our own. There is no such thing as a Jewish Republican or a Jewish Democrat. We are either Republicans or Democrats. The sooner that it is understood that we do not recognize a wall of separation as between ourselves and those who advocate the same causes, and do not contribute to the creation of one, the better it will be for all of us.¹²

As recent scholarship has suggested, the posture of German-Jewish political neutrality that Marshall espoused had its antecedents in the Know-Nothing era, which had left an "indelible stamp" on American Jewish political behavior.¹³ The politically-impressionable new immigrants from Germany and Bavaria of the 1840s and 1850s witnessed both the abuses of "Protestant zealotry" in politics and also the attacks on Irish Catholics for reasons that included political separatism. Thus, for example, in 1854 the *Citizen* of New York City could write denying the existence of an Irish vote: We have always argued, the paper said, that "the Irish should not act together politically as Irish" or allow their votes to be delivered by priests or saloon keepers.¹⁴ Frightened by what might happen to a non-Protestant minority, immigrant Jews from Germany drew reinforcement for their disinclinations against overt Jewish political activity and Jewish bloc voting.

By the turn of the century, the prescription for Jewish political neutrality, espoused by Louis Marshall and his colleagues, was rooted, above all, in opposition to both the theory and practice of Jewish bloc voting, in a steadfast unwillingness to recognize the existence of a specific "Jewish vote." Thus, while Louis Marshall full-well recognized the power of Jewish voters, especially in New York State, he consistently refused to countenance any suggestion that American Jews voted as a group. Marshall's opposition to Jewish bloc voting stemmed, in part, from his not unwarranted fear that "there are always two who can play at the game."¹⁵ Jewish bloc voting could be potentially dangerous, he believed, by stimulating anti-Jewish counter voting. Marshall continuously called upon his fellow Jews not to vote as Jews but as American citizens; time and again he warned that in the polling booths Jews had to decide who would do the best job for the country.

Marshall's views on the "Jewish vote" were expressed in several letters that he wrote concerning Jewish support for the various presidential candidates during the 1912, 1916 and 1924 presidential elections.¹⁶ "It is needless to say," wrote Marshall, "that there is no such thing as a Jewish vote. It would be a misfortune if there were. As citizens we give our adherence to the several political parties in accordance with our political convictions. It would be just as bad for the Jews to vote as Jews as it would be for any other religious denomination to vote as Catholics, Methodists, Presbyterians or Free-Thinkers."¹⁷ As a friend and staunch supporter of Republican Charles Evans Hughes in the presidential election of 1916, Marshall wrote a letter protesting the appeal made by Henry Morgenthau and other Jewish Democrats urging American Jewry to support President Wilson because of what he had done for the Jews:

Not only is this an appeal to the Jews of America to favor the Democratic candidate for president, but it is based on the theory that they owe a special debt of gratitude to him because of the fact that he has made what the appeal terms a number of "brilliant appointments" of Jews to office. It is thus based on considerations which are an insult to the intelligence of the voters to whom it is directed, and in a sense degrades them politically by the intimation that they can be swerved in the exercise of their political franchise by racial or religious consideration...such an appeal [to the Jews] is a reflection upon their manhood and their citizenship.¹⁸

Marshall's views on Jewish voting were also illustrated by his shocked reaction to a speech made by Israel Zangwill at Carnegie Hall, on October 23, 1923, in which the noted Anglo-Jewish author had stated: "If there is no Jewish vote today — and by a Jewish vote, I do not mean a vote for Jews — it is a disgrace, not a policy to be commended. If Jews will neither use their vote to protect themselves nor to express their ethical conceptions, then they do not cumber the ground."¹⁹ In reply, Marshall issued a statement to the press publicly repudiating Zangwill's "indiscretion" and reassuring Americans that Jews did not desire such political self-segregation: "Our fellow citizens need not fear that Mr. Zangwill's views on this subject are shared by any appreciable number of the Jews of the United States." Zangwill, Marshall argued, misunderstood American conditions and had made his "utterly irresponsible" remarks purely for the sake of publicity. "We require no Jewish vote for any purpose," protested Marshall in concluding his exchange with Zangwill.²⁰

Marshall's protestations notwithstanding, politicians in both major parties did not share the Jewish political neutralists' assumptions concerning the nonexistence of a Jewish vote and the inappropriateness of making ethnic appeals aimed at Jewish voters. On the contrary, most New York City politicians thought in terms of a Jewish vote, and balanced their tickets and developed their electoral strategies accordingly.

By the time Louis Marshall had moved to Manhattan in 1894, the Jewish vote had become a significant factor in New York City politics. Republican reformers, working in municipal campaigns in the 1890s, had become aware of potential electoral support amongst Jewish immigrants. As Moses Rischin has noted, in some Tammany-controlled Lower Manhattan wards, Jewish immigrants from Eastern Europe "came to hold the balance of power," forming a "counterweight" to the regular Democrats.²¹ Theodore Roosevelt, who had been sensitive to new sources of urban Republican support during his years as Police Commissioner and Governor, did not forget his friends upon reaching the White House. Thus, in the presidential campaign of 1904, many American Jewish leaders such as Jacob Schiff, Mayer Sulzberger and Oscar Straus eschewed any pretense of political neutrality to support the candidacy of Roosevelt, who had gone out of his way to cultivate the good will, appreciation and votes of American Jews. So, too, the editor of the *American Hebrew*, Philip Cowen, who actively supported Roosevelt's candidacy, tried to circumvent the question of whether or not Jews should vote as Jews by agreeing that while there must be no such thing as a Jewish vote, Jews ought not to refrain from voting for a man who "has indisputably done things that entitle him to the good will of our people."²² Jacob Schiff, in actively promoting Roosevelt's candidacy, went so far as to say that he could not believe that any eligible Jew would fail to vote for the President. The Jewish Republican vote for Roosevelt, he reiterated both publicly and privately, could be significant, as indeed it was.

A majority of American Jews followed Cowen's and Schiff's advice and voted for Roosevelt. In the presidential campaign of 1904, Yiddish community leaders enrolled 4,000 voters in the Independent Roosevelt Committee. The Roosevelt landslide, moreover, nearly carried a Jewish Republican into Congress, a "feat never before approached" on the Jewish Lower East Side. The poet Menachem Dolitzky celebrated the defender of Russian Jews against Czarist barbarism in a "Psalm to Roosevelt" beginning: "Father of our Country, how shall we honor thy name?"²³

Despite their lip service to the ideal of political neutrality, a "growing ambivalence" as to the nature of Jewish political activity characterized the behavior of the leading Jewish supporters of the Republican Party. Thus, for example, Mayer Sulzberger, the first

president of the American Jewish Committee, and a pillar of the Republican Party in Philadelphia, called privately for a careful study of the Jewish vote at the same time that the Jewish notables arrayed at the Committee publicly continued to deny its existence.²⁴

Louis Marshall, although one of the leading proponents of the doctrine of Jewish political neutrality, shared Schiff's and Sulzberger's ambivalence. Indeed, even more than his German-Jewish colleagues, Marshall preached political neutrality while, more than occasionally, not practicing it. What Naomi W. Cohen has attributed to the political behavior of German-Jewish leadership generally — "they preached independence, but they hoped for a display of ethnic sensitivity on the part of the officeholder" — aptly described the actual behavior of Louis Marshall in particular.²⁵

Thus, while Marshall deplored the concept of a Jewish vote, he knew there were Jewish voters who might be instructed and advised on both candidates and issues, and he not infrequently sought to instruct and advise them. This was his objective, for example, when he began to publish a Yiddish newspaper, *The Jewish World*, in 1902. As Lucy S. Dawidowicz has noted, "Marshall wanted a Yiddish newspaper to support the Republican Party and the anti-Tammany forces associated with it."²⁶ In creating this newspaper, Marshall eschewed all pretense of political neutrality. He intended his paper to "support in the main" Republican candidates at election time, and to urge Jewish voters on the Lower East Side to rally to their support. Thus, during the 1902 electoral campaign, *The Jewish World* portrayed "the Democrats as demagogues and the Republicans as statesmen." During the 1903 municipal elections, moreover, it urged its readers to support the mayoral candidacy of Republican Seth Low and the election of the Republican-Fusion ticket he headed. On election day, November 3, *The Jewish World* published a final "Appeal to Jews," on its first Yiddish page and English page, to vote for Low and the Republican-Fusion ticket.²⁷

In order to place the paper on a self-sustaining basis, Marshall used his influence in the Republican Party to obtain some of the state government printing. *The Jewish World* was financed, in large part, also, by the generous contributions of Jewish Republicans such as Jacob Schiff, Felix M. Warburg, Adolph Lewisohn, Mortimer L. Schiff, Daniel M. Guggenheim, Simon Guggenheim, James Loeb and, Marshall's brother-in-law, Paul M. Herzog, who, together with Marshall, determined the policy and politics of the newspaper. Marshall, moreover, used his influence and contacts in non-Jewish Republican circles to generate financial support for the newspaper. Thus, for example, Marshall approached Henry Huddleston Rogers, a close associate of John D. Rockefeller and E.W. Harriman, and a "financial pillar" of the Republican Party, who contributed \$1,000 in cash to launch the paper.²⁸ One of the "many ironies" of the newspaper's creation was the contribution of

Rogers, who had no contacts with the Jewish poor and the immigrants and who was not known for his philanthropic benefactions. "His Republicanism," suggests Lucy S. Dawidowicz, "was his only conceivable interest in *The Jewish World*."²⁹

Despite Marshall's public disclaimers to the contrary, *The Jewish World* functioned as a Republican Party "organ" established to influence Jewish voters at election time. In one of his earliest articulations concerning the Jewish vote, Marshall pointed out to the editor of *The Jewish World* that he should recognize the fact that there were a growing number of Jewish voters, and that it was their duty to "exercise the voting privilege" as intelligent and well-informed citizens; since many read only Yiddish, Marshall argued, it was necessary for him and other Jewish Republican leaders to "advise and instruct" them on their political choices. In favoring and endorsing Republican candidates through *The Jewish World*, Marshall believed that he was working for a "balance" of political influence on the Jewish Lower East Side because all the other Yiddish papers backed Tammany Hall candidates.³⁰ Marshall's critics would, presumably, have viewed the political role of *The Jewish World* quite differently. Financed and "controlled" by Marshall and other Jewish Republicans who gave continuing lip-service to the doctrine of Jewish political neutrality, *The Jewish World* was staunchly and unabashedly anti-Tammany in all of its political advice and instruction.

Time and time again throughout his public career, moreover, Marshall used the Jewish vote as leverage in dealing with public officials on issues of Jewish concern. This was his strategy, for example, when in 1907, Marshall tried to enlist the political support of Governor Page of Vermont for the newly-organized American Jewish Committee's efforts against the Immigration Bill then being discussed by the United States Congress. After explaining the different arguments against limitation of immigration, Marshall added, rather meaningfully: "You would not only place me, but many of my friends who are deeply concerned in the outcome of the legislation, under lasting obligation to you, if you would support us in this endeavor to defeat a measure which, if it becomes law, will produce incalculable harm."³¹ The "obligation" mentioned was, of course, a political one. This implied promise of the political support of Marshall and many of his fellow Jewish voters who were similarly "deeply concerned" with the "outcome of the legislation" — who were now "under lasting obligation" to Governor Page — was the implicit *quid pro quo* for the Governor's help in defeating the bill.

Marshall also used the specter of the Jewish vote as leverage with public officials in his campaign for the passage of New York's Civil Rights Act, that Jeffrey Gurock has analyzed in succinct detail.³² On May 23, 1907, at the behest of Marshall and other influential members of the New York Jewish community, State Senator Martin Saxe, a

Republican representative of Manhattan's West Side, submitted to the New York State Legislature "an act to amend chapter 1042 of the laws of 1895...an act to protect all citizens in their civil and religious rights." Formulated in response to growing anti-Jewish discrimination in hotels and country clubs throughout New York State, this amendment was designed to strengthen existing legislation by "prohibiting the advertising of discriminatory or exclusionary practices in places of public accommodation and amusement." In lobbying for passage of the Saxe Amendment, notes Gurock, Marshall and his associates "conducted what may be called a 'textbook' campaign in minority politics," appealing to the political self-interest of Republican officials in Albany, and presenting their struggle for passage of the civil rights legislation as an issue of "great importance" to the leading Jews of the state. Urging Governor Charles Evans Hughes to use his good offices to promote passage of the bill, Marshall warned Hughes and other Republican leaders that the 850,000 Jewish voters in New York State were seriously concerned and would resent further non-action.³³

Marshall's readiness to invoke the Jewish vote and use it as leverage in his negotiations with government officials was especially apparent in the campaign for abrogation of the Russo-American Commercial Treaty of 1832. Debate over the Jewish vote and Jewish electoral support for the Republican Party during the Roosevelt and Taft Administrations revolved in part around the issue of religious freedom for Russian Jews and for American Jews seeking passports to travel freely in Czarist Russia. The history of the political campaign to abrogate the 1832 U.S.-Russian Commercial Treaty, and ensure the religious liberty of American Jews traveling abroad, led by Louis Marshall, Jacob Schiff, Mayer Sulzberger and their colleagues between 1908 and 1912, has been thoroughly and critically analyzed by contemporary scholars.³⁴ In the latter half of the nineteenth century, the Czarist government had begun to utilize clauses in this Russo-American Treaty, which guaranteed freedom of navigation and commerce as well as the free entry of residents of the signatory states, to subject American Jews visiting Russia to the same restrictions under which their Russian co-religionists lived. Despite repeated objections from the American government, the Russian regime remained adamant. It even suggested that the American government consider refusing passports to Jews intending to travel to Russia, "thereby sparing itself the embarrassment of having its citizens discriminated against by a 'Friendly' foreign power."³⁵

To Marshall, Schiff and the other leaders of American Jewry, U.S. government acquiescence to such restrictions upon American Jews by a foreign government relegated American Jews to second-class citizenship. During the presidential campaigns of 1904 and 1908, the issue of Russia's refusal to recognize the rights of American Jewish passport

holders had led Marshall, as Schiff, to wave the specter of the Jewish immigrant vote before Republican candidates Roosevelt and Taft. It was not unlikely, Roosevelt was reminded in 1904, that New York City's Lower East Side vote could decide the state and possibly the national election.³⁶ In 1908, the same message was conveyed to William Howard Taft. Working with Oscar Straus, Roosevelt's Secretary of Labor and Commerce, Marshall put pressure on presidential candidate Taft to secure Jewish electoral support by making an explicit statement on the passport question during the 1908 campaign.

Moreover, when an editorial containing "slurring remarks" about Russian Jewry appeared in 1908 in the Cincinnati newspaper owned by Charles P. Taft, brother of the Republican nominee, Marshall "openly warned" that it would be most expedient not to provoke the million Jews of New York, most of whom were voters.³⁷ Concerned lest his Democratic rival capture the Jewish vote by promises of recognition of American Jewish passports, Taft succumbed and in his campaign speeches committed the new administration to solve the Russian passport problem.

Because President Taft had spoken out forcefully on the issue during the campaign and at his inaugural, a positive policy was expected. The new administration, however, to the chagrin of Marshall and his colleagues, chose a "prudent silence."³⁸ A meeting with Taft's Secretary of State, Philander C. Knox, in May 1910, convinced Marshall and other Jewish leaders that the administration, campaign promises notwithstanding, was unwilling to press Russia for revision of the Treaty of 1832. As a result, a more concerted and forceful campaign for the abrogation of the treaty was launched on January 19, 1911, with a keynote address delivered by Marshall at a convention of the Union of American Hebrew Congregations. Marshall's speech, as Naomi W. Cohen has noted, "set the pattern both in content and tone for the entire campaign" for abrogation of the 1832 Treaty with Russia.³⁹ Reprinted in 35,000 copies and distributed to leaders of government, press and pulpit, Marshall's speech had immediate repercussions.⁴⁰ Taft invited Marshall, Schiff and other Jewish leaders to a conference at the White House. Marshall, warning that the Republican Party was likely to lose New York State if it failed to redeem its campaign pledges on this issue, looked forward determinedly to concrete action: "The time is past when sweet words will butter our parsnips," he is reported to have warned.⁴¹ When Taft, however, reiterated his opposition to revision of the treaty, stating privately that "I am President of the whole United States, and the vote of the Jews, important as it is, cannot frighten me in this matter,"⁴² Marshall intensified the public campaign for abrogation of the treaty, and began pressing for adoption of abrogation resolutions in Congress. In addition to making personal appearances before the House and Senate Committees on Foreign Affairs, Marshall

worked closely with Congressman William Sulzer who, through his position as Chairman of the House Foreign Affairs Committee, was leading the Congressional fight for abrogation of the treaty. Finally, on December 13, 1911, the House of Representatives passed a joint resolution, introduced by Congressman Sulzer, instructing President Taft to notify Russia of the American intention to abrogate the treaty. The 300-1 Congressional vote, orchestrated by Sulzer with the support of Marshall, demonstrated overwhelming national support for abrogation; at the instruction of Taft, Secretary of State Knox issued a notice of termination to the Czarist government. After the abrogation of the Russo-American Treaty of 1832, moreover, Marshall warned that if the Taft Administration negotiated a new treaty which disregarded Jewish rights, "the Jews would be justified in voting as a man against the party which would be guilty of such an attack upon their citizenship."⁴³

Marshall, the Jewish Vote, and the 1912 Election

The public debate over the Jewish vote in the New York gubernatorial election of 1912, and over Louis Marshall's oft-criticized role in trying to influence that vote, was related in part to political friendships formed, and political debts incurred, during the campaign to abrogate the U.S.-Russian Commercial Treaty. The 1912 New York campaign between William Sulzer, the Democratic candidate, and Oscar S. Straus, the candidate of the Progressive Party, has long interested students of the Jewish vote and American Jewish political behavior.⁴⁴

The 1912 election marked the coming-of-age of the East European Jewish vote in New York City. On the eve of the 1912 elections, as Moses Rischin has noted, the Yiddish press "was a political billboard."⁴⁵ All three parties heatedly contended for the support of the estimated 113,000 Jewish voters who comprised 23 percent of Manhattan's electorate.⁴⁶ The three-cornered race for the governorship of New York in 1912 allowed New York's Jews to "pay tribute" to the country's most distinguished Jew in public life, Oscar S. Straus, the former Secretary of Commerce and Labor who was now the Progressive Party candidate. Some Jewish newspapers, to be sure, while initially praising Straus, "soon took to vilifying him as one who openly desecrated the Sabbath and the Day of Atonement" and as one who "aligned himself with the suspected Ethical Culture movement."⁴⁷ In the words of the *Hebrew Standard*, for example, Straus was "first an American and then a Jew."⁴⁸ Much of the Jewish press, however, especially within Manhattan's Jewish Lower East Side, shared the view of the nationalist Yiddish daily, the *Warheit*, which hailed Straus as a truly great Jew, "a famous Jewish diplomat, scholar and communal worker," and a

symbol of the Jew's right to high office. A *Warheit* write-in and Yiddish theater straw poll, notes Rischin, disclosed that nearly 79 percent of Yiddish New York intended to vote for Straus.⁴⁹

Despite Straus' disapproval, moreover, the Progressive Party made electoral capital out of his Jewishness: Progressive journals "waxed eloquent" about how Straus' candidacy contributed to the "destruction of religious and racial prejudice in this campaign," and how "The Progressive movement is a development of the same aspirations for justice and human betterment that animated...the Hebrew prophets."⁵⁰ Progressive Party leaders called for statements or appearances by Straus to attract the Jewish vote, requests that Straus steadfastly turned down. Religion and politics were separate areas, he insisted, in reiterating his personal commitment to the principle of Jewish political neutrality, and he wanted no Jew to vote for him out of religious considerations alone.⁵¹

Straus' Democratic opponent, William Sulzer, on the other hand, took the offensive in appealing for the Jewish vote. His work for the abrogation of the U.S.-Russian Commercial Treaty, he told Jewish audiences, "had convicted the Czar in the court of public opinion"; by stopping persecution in Czarist Russia, he, Sulzer, had earned the praise of Russian Jewry and, presumably, the grateful votes of American Jews. Only two people hated William Sulzer, he reminded Jewish voters: the Czar and Oscar Straus.⁵²

Sulzer's candidacy against Oscar Straus created perplexing problems for Jewish voters throughout New York. While ethnic and religious loyalty dictated a vote for Straus, the principle of Jewish political neutrality notwithstanding, Sulzer had been deservedly honored by the Jewish community for his successful Congressional leadership in the campaign to abrogate the U.S.-Russian Commercial Treaty. In 1912, Louis Marshall was one of many New York Jews faced with the perplexing dilemma of who to support for governor, Sulzer or Straus. Marshall, as Schiff, resolved this dilemma by endorsing Sulzer, on the theory that it was more important to have a non-Jewish champion of Jewish rights and religious liberty in public office than a Jew. "A recurring theme in Marshall's political life," Morton Rosenstock has suggested, "was a partiality for gentile friends of the Jews."⁵³ This was, unquestionably, the case in 1912 in New York. To the surprise and consternation of many of Marshall's friends, and many of Straus' political supporters, Marshall wrote a public letter to a Yiddish newspaper endorsing Sulzer. Marshall's unanticipated endorsement of Straus has long fascinated American Jewish historians, who have gone to great lengths to analyze and explain it. Marshall, to the distress and surprise of many, eschewed any pretense of political neutrality in the elections, and appealed to Jewish voters on Sulzer's behalf. Marshall argued that Sulzer's work for abrogation, especially since he was

not Jewish, obligated Jews to support him. Marshall extolled Sulzer as "clean and upright" and always on the side of the people, "a man who would not be bossed or controlled by anybody," he told his Syracuse cousin.⁵⁴ With much of the Yiddish press, and many of his colleagues at the American Jewish Committee, supporting Straus, Marshall was criticized by some "for not supporting one of his own who was so qualified."⁵⁵ He was in the unenviable and seemingly inconsistent position of defending Sulzer's right to remind his Jewish constituents of his efforts on behalf of their cause in the abrogation campaign, and his right to solicit their votes on that basis. Marshall noted, in defense of his position, that Straus was doing the same thing in his appeal for Jewish votes.⁵⁶ "Because a political party has seen fit to nominate a Jew for high office," Marshall further maintained, the Jewish vote should not automatically be delivered to the Jew.

Straus, in turn, based his appeal to Jewish voters on his political and labor record, and publicly attacked Marshall's letter as an insult to the intelligence of the Jewish community. In lashing out against Marshall, he told his Jewish audiences that they did not need advice on how to vote from the "uptown" or "silk-stocking" Jews such as Marshall. For a while, as Jerome Rosenthal has noted, "it seemed like Straus and Marshall were the two opposing candidates."⁵⁷ Marshall's invective, in response to Straus' attacks, was equally biting: "What a low, contemptible ignoramus and despicable demagogue your friend Oscar Straus is," he wrote to his brother-in-law, Rabbi Judah L. Magnes, a few days before the 1912 election:

I cannot imagine anything as offensive to decency and dignity as his attempt to create a feeling on the part of downtown Jews against the uptown Jews on the theory that they are silk-stocking millionaires and therefore have no right to express their views on political questions....It would be the greatest misfortune if he should be elected.⁵⁸

Such public and personal dissension between two preeminent Jewish leaders was almost unheard of in American Jewish life, and Marshall received some criticism for deserting Straus in favor of Sulzer. Rabbi Stephen S. Wise, although a loyal follower of Woodrow Wilson, deplored the disservice to the Jewish community by Marshall and Schiff. Hoping to "lay the ghost" of a Jewish vote to rest, they had in fact invoked it, he correctly claimed.⁵⁹

On election day, Straus ran second to Sulzer in New York City, but well behind both Sulzer and the Republican contender in the state.⁶⁰ Surprisingly, also, the pro-Sulzer tactics of Marshall and Schiff had no "dramatic effect" on the electoral outcome. According to an analysis of the Jewish vote in New York City, in four out of five assembly

districts where Jews predominated, Straus received a majority of the votes. Marshall's appeals to Jewish voters on behalf of Sulzer seem, for the most part, to have gone unheeded. Torn between their admiration for and loyalty to their coreligionist, and their sense of political gratitude to a non-Jewish Congressman who had vocally espoused a controversial Jewish cause, the majority of Jewish voters chose the former over the latter.

Although Marshall backed Sulzer for Governor of New York in 1912, one of the few instances in which he failed to support the nominee of the Republican Party, he was a strong and vocal supporter of William Howard Taft in the presidential campaign of that year. The first major Democratic inroad into the Jewish vote at the national level occurred in 1912 when Woodrow Wilson ran for the presidency for the first time. The *Boston Jewish Advocate* believed he deserved the support of American Jewry because "he has made culture the shining purpose of his life,"⁶¹ a sentiment shared by a significant number of American Jews. The influential *American Israelite*, which had been an early supporter of Taft, "switched course during the campaign," attacking his stand on the Russian passport issue and finally praising the American people for their wisdom in electing Wilson.⁶² Much to the Republican Marshall's surprise and chagrin, Jacob Schiff, Henry Morgenthau, Solomon Solis-Cohen, Cyrus Alder, Samuel Untermyer and numerous other Jewish notables — many of whom had never before supported a Democrat — climbed upon the growing Wilson bandwagon.⁶³

As the preeminent Jewish Republican in America, Marshall was especially distressed by his friend Schiff's non-support of the Republican Party and its presidential candidate. Concerned about the impact of Schiff's "startling action" in gentile Republican circles, he asked Schiff if it meant "that you have concluded to abandon the Republican Party entirely?" Defending Taft's behavior on the Russian passport issue, Marshall insisted that the Republican Party "in my judgment represents the principle of constitutional government as we have received it from the Fathers of the Republic," and as such still merited Jewish support. "It stands four square against the forces of socialism and radicalism," he reminded Schiff. "It is the protagonist of law....It stands for representative government as contrasted with an unregulated democracy."⁶⁴ Taft with all his faults, argued Marshall, would be better for the "protection of those principles which have made this country great, than Wilson." Writing to Schiff on August 6, 1912, Marshall cautioned him that leaving the Republican Party "when its political fortunes were at a low ebb" would be misinterpreted in Republican circles and could cause Jews to be branded as "unreliable and political opportunists," especially in view of the uniquely preeminent position Schiff occupied within American Jewry.⁶⁵ Ignoring Marshall's entreaties and apologetics for the Taft Administration's unresponsiveness

on the Russian Commercial Treaty issue, Schiff backed Wilson unequivocally in 1912, as he would do in the presidential race of 1916 as well.

Louis Marshall and the Supreme Court: The Appointment that Never Was

Marshall's steadfast support of the candidacy of William Howard Taft during the 1912 election is especially noteworthy in light of the fact that, two years earlier, Taft had refused to consider appointing Marshall to the United States Supreme Court, despite a serious lobbying effort on behalf of Marshall's candidacy. The story of the campaign to promote Marshall's candidacy for the Supreme Court vacancy in 1910 has never been fully explored and analyzed by American Jewish historians or by students of the Supreme Court.⁶⁶ As Lloyd P. Gartner has noted, "Marshall's willingness to serve on the United States Supreme Court — and nowhere else — has been known," but until recently, "not his active effort to get there."⁶⁷

Louis Marshall was never interested in holding political office. The only governmental post that he seriously aspired to, and the one for which he considered himself eminently qualified, was that of Justice of the United States Supreme Court. Marshall, fifty-four years of age in 1910, was one of the most distinguished and respected constitutional lawyers in America. A long-standing member of the New York Bar Association Judiciary Committee, Marshall was elected or appointed a delegate to three New York State Constitutional Conventions, in 1890, 1894, and 1915, a record unequaled in New York judicial history. So great was his stature in the legal community that in 1915 he received more votes than any other delegate to the Constitutional Convention, including Elihu Root.⁶⁸ Marshall's advice was frequently sought concerning nominations to the New York State and the federal judiciary, advice that he readily and regularly gave.⁶⁹ Marshall also represented the Bar of the City of New York on the committee, consisting of members of the legislature and also representatives of the New York County Lawyers Association and State Bar Association, and engaged for many years in revising the corporation laws of the state.⁷⁰ His preeminent role in the revision of New York State's corporation laws gave him "wide recognition" as an authority in the corporation law field and as a skilled legal draftsman.⁷¹ Moreover, as an influential Republican and staunch "Taft man," and as a close associate of some of the highest ranking New York Republican lawyers such as Charles Evans Hughes and Elihu Root, Marshall had good reason to

believe that he had a chance to be seriously considered for a Supreme Court appointment.⁷²

The opportunity for Marshall to try to realize his longstanding ambition came with the death of Justice David Brewer on March 28, 1910. In his single term as President, Taft appointed six Justices to the Supreme Court, including one Chief Justice — up to that time more than any other president since George Washington.⁷³ Marshall's close friends within the Republican Party, such as Mayer Sulzberger and Jacob Schiff, were apparently well aware of his aspirations to sit on the Supreme Court. They acted immediately when, "in a rare personal request for assistance,"⁷⁴ Marshall asked them to speak to President Taft on behalf of his candidacy. Thus, on March 30, 1910, only two days after Justice Brewer's death, Jacob Schiff wrote to Mayer Sulzberger:

Our mutual friend, Mr. Louis Marshall, has been to see me today, to discuss with me the propriety of taking up his aspirations for the United States Supreme Court, in connection with the vacancy which has just occurred through the death of Judge Brewer.

Mr. Marshall expressed the hope that you and I would go personally and see the President, in order to urge the nomination, and while between ourselves be it said, I do not think Mr. Marshall's chances to secure the nomination are very great, but if you are willing to do what Mr. Marshall hopes we will, I am ready to go with you to see the President. In such case, would you be willing to write the President, asking for an appointment, telling perhaps of the purpose of which we seek this?⁷⁵

The correspondence between Mayer Sulzberger and William Howard Taft, and between Sulzberger and Jacob Schiff, recently edited by Lloyd P. Gartner, throws some interesting new light on the effort to secure Marshall's appointment. Upon receiving Schiff's letter concerning Marshall, Sulzberger immediately wrote President Taft:

Would you be inclined to favor Mr. Schiff and myself to the extent of receiving us on Thursday April 7th in order to give us an opportunity to advocate the appointment of Louis Marshall Esq. of New York as a Justice of the Supreme Court?

When Justice Peckham died, I wrote you in favor of Mr. Marshall's appointment and sent a full statement of his character, capacity and experience.⁷⁶

Taft wrote back to Sulzberger on April 1, saying that "I shall be very glad to see you and Mr. Schiff on Thursday, April 7, at 12:00, in respect to the matter that you mention in your letter."⁷⁷

The result of the meeting, at which Colonel Isaac Ullman of New Haven, a leading Jewish Republican of Connecticut and close supporter of Taft was also present, was disappointing. Taft is reported to have said, "Schiff, if you were President, would you name Sam Untermyer's partner to the Supreme Court?"⁷⁸ While Taft's statement angered Schiff, it made it abundantly clear to Schiff and the others advocating Marshall's appointment at the White House that Marshall had no chance. It does not seem likely that Marshall's partnership in the prestigious Untermyer law firm, which he had joined upon moving to New York City in 1894, was the sole or primary cause of Taft's refusal to seriously consider his nomination. To be sure, Untermyer — an influential Democrat and civic reformer, who urged regulation of public utilities and would later serve as Counsel for the Pujo Committee, which enacted legislation establishing the Federal Trade Commission and other reform measures — was an ideological and partisan opponent of the President, who apparently disliked him intensely. While Marshall and Untermyer do not seem to have been personally close or to have shared cases, the American public "was not expected to realize this or accept as proper that Untermyer, who was then receiving immense fees for arranging the widely detested trust combinations, could have his partner on the nation's highest court."⁷⁹ As Gartner has suggested, Schiff's skepticism over Marshall's chances, conveyed in his letter to Sulzberger, probably came from knowing Taft's antagonism to Untermyer.⁸⁰

The reasons for Taft's non-appointment of Marshall, however, were probably more complex, a product of the immense political considerations underlying the judicial appointment process. Indeed, apparently, Taft had already promised Justice Brewer's seat to Governor Charles Evans Hughes of New York, who accepted Taft's nomination later that month.

Taft had compelling political reasons to appoint Hughes over Marshall. Hughes was, in 1910, a youthful and vigorous 48 years old and "a bright new star in the Republican constellation,"⁸¹ who already had his eyes on the presidency. Taft had feared him as a potential rival in 1908; now he frankly regarded Hughes as "clear Presidential timber — stronger, indeed, than himself or Teddy Roosevelt."⁸² When he learned that Hughes "seemed prepared, indeed eager" to leave the political scene, Taft quickly wrote to him, offering him Justice Brewer's seat. Taft apparently had Hughes' acceptance "in his pocket" prior to his White House meeting with Sulzberger, Ullman and Schiff.⁸³ There is no question that Taft, with his eyes on his 1912 reelection campaign, felt that he had far more to gain politically from appointing Hughes than from appointing Marshall. Taft undoubtedly felt reasonably sure that the Jewish voters who had supported him overwhelmingly in 1908 would support him in 1912 as well. While Taft certainly lost sig-

nificant Jewish support by his vacillation on the Russian passport issue, it is unlikely that he lost comparable Jewish electoral support by his decision not to appoint the first Jew to the Supreme Court.⁸⁴ It might also be argued that if Taft had wanted to appoint a Jew to the Supreme Court in order to attract the Jewish vote, it would have been Mayer Sulzberger rather than Louis Marshall. A pillar of the Republican Party in Philadelphia, Sulzberger enjoyed the personal respect of Taft, who wrote that he was "proud to claim" Sulzberger as a friend.⁸⁵ More significant, perhaps, Sulzberger possessed an important qualification for the appointment that Marshall lacked — prior judicial service. When Taft entered the White House in 1909, Sulzberger had served with great distinction for fourteen years on the Court of Common Pleas, Philadelphia's principal judicial tribunal, the last seven of those years as President Judge.⁸⁶ Such arguments notwithstanding, it seems unlikely that Taft ever considered Sulzberger or Marshall for any of the five appointments he made to the Court during his tenure as President. As Lloyd Gartner has noted, the story that Taft offered a seat on the Supreme Court to Sulzberger, "who politely declined on account of his age and desire to pursue Jewish scholarship," seems unfounded.⁸⁷

Taft's decision was, of course, a personal disappointment to Marshall, whose one serious ambition for political office was thereby frustrated. It was, moreover, a disappointment for many within the Jewish community who would have been especially gratified by the nomination of Marshall as the first American Jew to serve on the Supreme Court. Only one other Jew, Judah P. Benjamin, had ever previously been offered a position on the Supreme Court. However, when President Millard Fillmore had offered Senator-elect Benjamin the court post in 1852, Benjamin had declined the nomination, preferring to go to the Senate.⁸⁸ Marshall's appointment to the court would have, undoubtedly, evoked the same pride amongst American Jews that had been evoked with the appointment of Oscar Straus as Secretary of Commerce and Labor in 1906. Marshall, even more than Straus, occupied a unique position in American Jewish public life as one of American Jewry's most respected and constructive leaders. Thus, one Jewish paper could write that "the report that the name of Mr. Marshall has been presented to the President for appointment to the Supreme Court as the successor of the late Justice Brewer...has been received with great satisfaction by a majority of the Jews of America."

It is no exaggeration to say that if Mr. Marshall should be appointed to this office, our Jewish population would view the appointment with more interest than any that has hitherto been made. We do not wish to say a single word against the Jews who have in the past been designated to high positions in this country,

but we wish to say that none among them is as popular among all classes of Jews as Mr. Marshall, and that none of them stood as high as he stands in Jewish public opinion.

Of all Jewish public men from "uptown," or among those who are referred to as German Jews, Mr. Marshall stands nearer to the East Side than any of them, and the virtue of Mr. Marshall in this regard is, that he has sought in all of his communal labors to pass beyond the boundaries of his class and to approach the Jewish Masses and to understand them.

Mr. Louis Marshall is not to be considered one of the ordinary Jewish leaders. He has a broader view and a deeper feeling than they have. In his case communal work is not charity as a business. In a certain sense he must be considered America. While we do not agree in all matters with Mr. Marshall, still we have never doubted in his uprightness, in his zeal, in his earnest wish to stand nearer to the people as far as it is possible to do so, and we say that his communal work has succeeded more than that of any other Jew in America.

The elevation of such a man to a high office would be the source of the greatest satisfaction to the Jews of this country.⁸⁹

Throughout his seventeen-year tenure as President of the American Jewish Committee (1912-1929), Louis Marshall remained the most influential and respected Jewish Republican communal leader in America, whose counsel at election time was solicited by Republican Party leaders and Jewish voters alike. "Probably Marshall's chief political role," as one of his biographers has suggested, "was instructor and advisor to Jewish voters in national presidential campaigns, especially during the 1920s."⁹⁰ In the post-war campaign of 1920, Marshall initially endorsed Herbert Hoover for the Republican nomination, praising him as "a sound man of affairs" with "transcendent ability." After Harding's nomination, however, Marshall switched his support and soon was on excellent terms with him. When Harding died, Marshall, "speaking for the Jews of America," as the *New York Times* put it, eulogized the late President in glowing words.⁹¹

The 1924 election, from the vantage point of Jewish voters, was notable because of the Ku Klux Klan issue. Marshall strongly believed that the best approach for the Republican Party on the Klan "was to ignore it," and he therefore opposed efforts by some Jewish Republicans to insert an anti-Klan plank into the party's platform.⁹² Despite his differences with the Republican Party leadership over their handling of the Klan issue, however, Marshall remained a staunch and vocal supporter of the Republican nominee, Calvin Coolidge — thus being one of the few German-Jewish leaders to actively campaign for the Republican ticket in 1924 — and publicly condemned a circular issued by the

Hebrew American League of New Jersey calling on Jews to vote for Davis because of Coolidge's less than forthright stand vis-a-vis the Klan.⁹³ Marshall's consistent support of Coolidge, in spite of the latter's non-committal attitude on the Klan, may have caused a certain diminution in his influence within Jewish circles for, as Marshall contemptuously noted, there were "a large number of pin-heads" who now regarded him as more of a Republican than a Jew.⁹⁴

Such criticism of Marshall was attributable to the fact that the Jewish Republicanism that he had championed and that had characterized so much of American Jewry during the first two decades of the century was beginning, gradually, to diminish. The last years of Marshall's leadership in American Jewish public life represented a transition during which his forthright Republicanism became increasingly unacceptable to the majority of Jews of East European descent who were reaching voting age.⁹⁵ In 1922, more Jewish Democrats than Republicans were elected to Congress for the first time since the Civil War. Despite the election of Coolidge in 1924, moreover, three new Jewish Democrats — Emmanuel Celler, Sol Bloom and Samuel Dickstein — were sent to Congress from New York City. As Lawrence H. Fuchs has correctly suggested, the election of Celler and Bloom from two Jewish congressional districts that had heretofore been Republican "was another sign that the Republican hold over the Jewish population was swaying."⁹⁶ During the 1920s, especially in New York after the rise of Al Smith, a growing number of Jewish voters tended to favor the Democratic Party and its candidates.⁹⁷ This was even true amongst Marshall's colleagues at the American Jewish Committee, and within the German-Jewish leadership circles from which they were drawn, a group that had once been predominantly Republican: Marshall's two immediate successors to the presidency of the American Jewish Committee, Cyrus Adler and Judge Joseph Proskauer, were both staunch Democrats rather than Republicans. During the presidential election campaign of 1928, Proskauer, Adler, Herbert and Irving Lehman, Henry Morgenthau Jr. and Nathan Straus, among several others, would all support Smith over Herbert Hoover. Indeed, Proskauer, one of Smith's closest personal friends and political confidants, would serve as Smith's campaign manager during the 1928 election.⁹⁸

Marshall, the Republican Party, and the Jewish Vote: The 1928 Election

During the presidential campaign of 1928, an election during which few prominent Jewish communal leaders supported the Republican ticket, Marshall gave "complete and warm" support to the Republican presidential candidate, Herbert Hoover. As his 1928 correspondence

with the Republican National Committee indicates,⁹⁹ Marshall contributed \$3,000 to the Republican Lawyers Committee for Hoover's campaign and, alone among the Jewish communal leadership, served as a member of the Executive Committee of the National Hoover-Curtis Lawyers Campaign Association. Throughout the 1928 campaign, there were strong indications that a growing number of Jewish voters, following the advice of Jewish leaders such as Herbert Lehman, Judge Joseph Proskauer and Rabbi Stephen S. Wise, were ready to abandon the Republican Party in favor of the Democratic nominee, Al Smith. Recognizing, moreover, that many Jewish voters might be influenced in favor of the Democratic nominee, as a reaction to the strong prejudice against Smith's Catholicism, Marshall tried to repudiate allegations of Republican bigotry and to eliminate the religious issue from the campaign. Speaking to large Jewish audiences in Boston, Brooklyn and elsewhere, Marshall praised Hoover's humanitarian job of administering war relief activities after World War I, during which Hoover had displayed "supreme indifference to religion," and the subsequent record he had achieved as Secretary of Commerce.¹⁰⁰

Marshall was also ready to speak to Jewish voters of the help he had received from Hoover, when Marshall had served as the President of the Committee of Jewish Delegations at the Peace Conference in 1919. The Republican National Committee, moreover, responded favorably to suggestions that Marshall publish a statement concerning "Mr. Hoover's interest in the Jewish people and...the assistance rendered by him to Mr. Marshall and others" during the framing of the Peace Treaty, with its recognition of Jewish minority rights, at Versailles.¹⁰¹ Such a statement, it was suggested to the Chairman of the Republican National Committee, "if it were given publicity," would be "a great benefit" in Hoover's campaign for Jewish votes.¹⁰²

Marshall's role during the 1928 campaign was especially controversial. When Marshall spoke on behalf of Hoover at Republican rallies, and accepted the honorary vice-chairmanship of a major Hoover public meeting at Madison Square Garden on October 13th,¹⁰³ he was "severely criticized" by some leading Jewish Democrats for misusing his leadership position within the Jewish community, by helping the Republican Party to appeal to the Jewish vote. One Anglo-Jewish newspaper, the *Chicago Chronicle*, admonished Marshall for acting hypocritically because "he had always opposed the participation of Jews in politics," and concluded that "every man has his price — even the greatest."¹⁰⁴ A New York Jewish attorney asked Marshall whether, in endorsing Hoover, he had acted as an individual, or wished the public "to believe that he was speaking for American Jewry." When Marshall replied that the question was "insulting, impudent and stupid," the lawyer instituted a libel suit which was subsequently withdrawn.¹⁰⁵ Another source of criticism concerning

Marshall's work on behalf of the Republican ticket centered on an invitation Marshall received to address a "nonsectarian meeting," under the most partisan auspices of the Maryland State Republican Committee, in Baltimore. The Republican Speakers' Bureau noted that Marshall's presence at the election-eve meeting on November 4th was especially desired "because of the effect among the Jewish people."¹⁰⁶ In thanking Marshall, "on behalf of my colleagues" at the Republican National Committee, Maurice Bisgyar assured Marshall the next day that "as you know Maryland is considered a doubtful state, and if anything will turn the tide in our favor it ought to be the last minute appeal that you made in behalf of Mr. Herbert Hoover."¹⁰⁷ This appeal, Marshall's critics justly claimed, was directed primarily towards Jewish voters. A distinguished Baltimore Jewish leader protested that invitations to the public meeting had been sent only to Jews and that the "manifest purpose" of Marshall's visit was "to use his prestige to influence Jewish voters in a political campaign,"¹⁰⁸ a blatant violation of the doctrine of political neutrality to which Marshall purported to subscribe. Marshall was deeply offended by this criticism and replied that he had "always deplored the Jewish vote," claiming that he "had never spoken on a political issue to a specifically Jewish audience, or used arguments directly aimed at Jews." Nonetheless, he argued, he had the right to express his opinions, "and Jews, like others, had the right to listen."¹⁰⁹

Conclusion

Throughout much of his public career, Louis Marshall found himself in paradoxical and, at times, uncomfortable positions. As one of the best-known and most articulate proponents of the concept of Jewish political neutrality in America, he was at the same time one of the pillars of the Republican Party and one of its most vocal and partisan supporters. Politics and religion, Marshall steadfastly maintained, were separate areas: In theory, at least, Marshall continuously opposed the idea of a Jewish vote and the assumption that a Jewish candidate automatically was entitled to the support of Jewish voters. (Hence, his support for William Sulzer over Oscar Straus in 1912.) Time and again he reiterated, as did other Jewish leaders of his era, that in the polling booths Jews had to decide only who would do the best job for the country. Throughout his public career, Marshall denied the legitimacy of appeals to Jewish voters being predicated upon religious considerations, sharing the view of Rabbi David Philipson that the very idea of a Jewish vote was both unJewish and unAmerican.¹¹⁰ In his lip-service to the doctrine of Jewish political neutrality, Marshall was consistent and unwavering. In 1927, Marshall tried to discourage a group of young

men from forming a political club to advance the interests of "Jewish young men who are deserving of recognition," a trend that he had voiced public opposition to for a quarter of a century. "You are playing with fire and with edged tools when you announce this as the ultimate purpose of your organization," he warned. "This idea of getting political recognition because one is a Jew is, to me, unspeakably shameful."¹¹¹ In 1928, Marshall could say to Democratic Congressman Emmanuel Celler: "Nobody has objected more strenuously and consistently than I have to the recognition of a Jewish vote, for there is none. I am happy to say that Jews have always exhibited independence in politics."¹¹²

Such rhetoric notwithstanding, Marshall's commitment to the ideal of Jewish political neutrality was much greater in theory than in practice. As Morton Rosenstock has noted, whether or not Marshall "deliberately" manipulated a Jewish vote, he "nevertheless used Jewish voting as leverage in dealing with governmental authorities" throughout his public career.¹¹³ Closely identified with the Republican Party and its leadership, Marshall seems to have had a much closer working relationship with the Republican National Committee than almost any other Jewish communal leader of his generation. Although Marshall only occasionally called upon American Jews to vote as Jews, he constantly reminded his fellow Jews how much the Republican Party had done for the Jewish people.

The concept of Jewish political neutrality also presupposed, at least in theory, a policy of non-interference in the political appointments of Jews to public office. Indeed, it can be argued that an assumption that the Jewishness of a public figure should be completely irrelevant to his consideration for appointive, as well as elective, office was central to the conception of Jewish political neutrality that Marshall continuously espoused. Indeed, one might have assumed that Marshall's espousal of the ideal of Jewish political neutrality within American politics would have led him to reject efforts to influence the appointments of Jews to political and governmental office; one might have imagined that such a posture would have led him to reject, unequivocally, Jewish efforts to lobby for his own appointment to high judicial office. Yet in this area also, Marshall's adherence to the doctrine of Jewish political neutrality was more in theory than in practice. On more than one occasion, Marshall was ready to eschew any pretense to such political "neutrality" when potential Jewish appointments to high governmental office were at stake. Nor was he ready to remain neutral when the appointment was his own.

Marshall's claim, in the aftermath of the 1928 election, that he "had never spoken on a political issue to a specifically Jewish audience, or used arguments directly aimed at Jews," cannot be supported by the available historical evidence. His decision to publish a Yiddish newspaper on the Lower East Side, as we have noted, was predicated

upon his desire for a Yiddish forum to support the Republican Party and the anti-Tammany reform forces associated with it, and to appeal to “a specifically Jewish audience” — the Jewish working class constituency of the Lower East Side — on behalf of Republican issues and candidates. Despite Marshall’s well-known pronouncements about Jewish voting, “*The Jewish World* took the typical politician’s approach to the Jewish voter,” appealing to Jewish voters specifically on behalf of the candidacies of fellow Jews. Thus, as Lucy Dawidowicz has noted, for example, the paper’s editorials in Yiddish and English urged the support of Judge Alfred Steckler, the Republican candidate for the Supreme Court, because “he was a Jew, because Jews were entitled to their ‘pro quota share’ of officials and because the Republican party was sympathetic to this Jewish claim, while the Democratic party failed to recognize it.”¹¹⁴

On more than one occasion, moreover, Marshall did indeed utilize political arguments at election time, directly aimed at Jews. Thus, for example, on the eve of the 1916 election, Marshall based his appeal to the Jewish voters of New York City’s Twentieth Congressional District, on behalf of Congressman Isaac Siegel, on the latter’s opposition to literacy tests for immigrants, an issue that interested Jewish voters as Jews. Marshall’s own “great satisfaction to endorse his candidacy, whole-heartedly and unreservedly,” as he advised Jewish voters of the Twentieth Congressional District, had to do with Siegel’s leadership in the Congressional opposition to this “restrictive legislation,” with which the Jewish community, as an organized community, was so vitally concerned.¹¹⁵

Marshall instructed his fellow Jewish voters at election time in other ways as well. In 1919, for example, Marshall sent a form letter to Jewish voters in New York, written on reverse sides in English and Yiddish, urging the election of “my partner, Mr. Irvin Untermeyer, who was running for State Supreme Court Justice!”¹¹⁶ Despite his well-known preoccupation with deploring the Jewish vote and denying its existence, Marshall consistently instructed Jewish voters on how to vote, whether or not they required his instruction. Stephen Wise’s ironic critique of Marshall’s partisanship during the Sulzer-Straus gubernatorial campaign of 1912 might well be applied to much of Marshall’s public career: Hoping to once and for all “lay the ghost” of a Jewish vote to rest, he in fact did much to invoke it.

Notes

1. The research for this article was completed while the author was a Loewenstein-Wiener Summer Fellow at the American Jewish Archives in Cincinnati. I would like to thank Dr. Abraham J. Peck, Mrs. Fanny Zelcer, and Mr. Kevin Proffitt, of the American Jewish Archives staff, for their hospitality and assistance during the course of this research.
2. See, for example, Morton Rosenstock, *Louis Marshall: Defender of Jewish Rights* (Detroit: Wayne State University Press, 1965); and Jerome C. Rosenthal, "A Fresh Look at Louis Marshall and Zionism, 1900-1912," *American Jewish Archives* (November 1980): 109-118.
3. David G. Dalin, "Jewish and Non-Partisan Republicanism in San Francisco, 1911-1963," *American Jewish History* (June 1979): 493.
4. Much of the correspondence with officials of the Republican National Committee that this writer has studied is contained in the Marshall Papers at the American Jewish Archives in Cincinnati, henceforth referred to as MP-AJA.
5. Marshall Letter to Editor of *Der Tag*, November 1, 1916, p. 9, MP-AJA.
6. Rosenstock, *op. cit.*, p. 54.
7. *Ibid.*, pp. 54-55.
8. Naomi W. Cohen, *Encounter with Emancipation: The German Jews in the United States, 1830-1914* (Philadelphia: The Jewish Publication Society of America, 1984), p. 129.
9. *Ibid.*
10. *Ibid.*, p. 134.
11. Charles Reznikoff, ed., *Louis Marshall: Champion of Liberty, Selected Papers and Addresses* (Philadelphia: The Jewish Publication Society of America, 1957), vol. I, p. 57.
12. Quoted in Reznikoff, *op. cit.*, vol. II, p. 809.
13. Naomi W. Cohen, *Encounter with Emancipation*, *op. cit.*, p. 131.
14. *Ibid.*
15. Rosenstock, *op. cit.*, p. 56.
16. See, for example, his Letters to Benjamin Marcus, March 8, 1912; to George Blumenthal, October 5, 1926; to Felix Fuld, October 31, 1924, in Reznikoff, vol. II, *op. cit.*, pp. 809-813; as well as Marshall Letter to Editor of *Der Tag*, November 1, 1916, MP-AJA, *op. cit.*
17. Reznikoff, *ibid.*, p. 812.
18. *Ibid.*
19. Rosenstock, *op. cit.*, p. 56.
20. *Ibid.*
21. Moses Rischin, *The Promised City: New York's Jews, 1870-1914* (Cambridge: Harvard University Press, 1962), p. 228.

22. Fuchs, *op. cit.*, p. 53.
23. *Ibid.*
24. Naomi W. Cohen, *Encounter with Emancipation*, *op. cit.*, pp. 330-331.
25. *Ibid.*, p. 142.
26. Lucy S. Dawidowicz, "Louis Marshall's Yiddish Newspaper: *The Jewish World*: A Study in Contrasts," *Jewish Social Studies*, XXV (April 1963): 118.
27. *Ibid.*, p. 121.
28. *Ibid.*, pp. 118-119.
29. *Ibid.*, p. 119.
30. *Ibid.*
31. Evyatar Friesel, "The Age of Optimism in American Judaism, 1900-1920," in Bertram Wallace Korn, ed., *A Bicentennial Festschrift for Jacob Rader Marcus* (Waltham: American Jewish Historical Society, 1976), p. 137.
32. Jeffrey Gurock, "The 1913 New York State Civil Rights Act," *AJS Review*, vol. I (1976): 93-120.
33. *Ibid.*, p. 103.
34. See, for example, Naomi W. Cohen, "The Abrogation of the Russo-American Treaty of 1832," *Jewish Social Studies*, 35 (January 1963): 3-41; and Gary Dean Best, *To Free a People: American Jewish Leaders and the Jewish Problem in Eastern Europe, 1890-1914* (Westport, Connecticut: Greenwood Press, 1982), pp. 166-205.
35. Abraham J. Karp, *Haven and Home: A History of the Jews in America* (New York: Schocken Books, 1985), p. 223.
36. Naomi W. Cohen, *Encounter with Emancipation*, *op. cit.*, p. 237.
37. Rosenstock, *op. cit.*, pp. 57-58.
38. Karp, *op. cit.*, p. 224.
39. Naomi W. Cohen, "The Abrogation of the Russo-American Treaty of 1832," *op. cit.*, p. 6.
40. Rosenstock, *op. cit.*, p. 75.
41. *Ibid.*
42. Karp, *op. cit.*, p. 225.
43. Rosenstock, *op. cit.*, p. 57.
44. The 1912 gubernatorial campaign between Sulzer and Straus is analyzed in considerable detail in Naomi W. Cohen, *A Dual Heritage: The Public Career of Oscar S. Straus* (Philadelphia: The Jewish Publication Society of America, 1969), pp. 205-224. The issue of the "Jewish vote" in this election is also given special attention in Abram Lipsky, "The Jewish Vote in the Recent Election," *The American Hebrew*, November 21, 1913, p. 95; and Abram Lipsky, "Is There a 'Jewish Vote' in New York?" *The American Hebrew*, October 24, 1913, pp. 707-708.

45. Rischin, *op. cit.*, p. 231.
46. *Ibid.*
47. Jonathan D. Sarna, "The Jewish Vote in Presidential Elections 1908-20, With Special Reference to Boston." Unpublished Paper, Brandeis University, January 1973, p. 8.
48. *Ibid.*
49. Rischin, *op. cit.*, p. 232.
50. *Ibid.*
51. *Ibid.*
52. Naomi W. Cohen, *A Dual Heritage: The Public Career of Oscar S. Straus*, *op. cit.*, p. 220.
53. Rosenstock, *op. cit.*, p. 58. Marshall wrote a letter to the Yiddish newspaper *Die Warheit* endorsing Sulzer, October 18, 1912, MP-AJA.
54. Louis Marshall Letter to Benjamin Stoz, October 3, 1912, MP-AJA; this letter is also quoted in Jerome C. Rosenthal, "The Public Life of Louis Marshall," unpublished Ph.D. dissertation, Hebrew Union College-Jewish Institute of Religion, p. 284.
55. Jerome C. Rosenthal, *ibid.*, p. 276.
56. Marshall Letter to *Die Warheit*, October 18, 1912, MP-AJA.
57. Rosenthal, "The Public Life of Louis Marshall," *op. cit.*, p. 276.
58. Louis Marshall Letter to Rabbi Judah L. Magnes, November 1, 1912, MP-AJA.
59. "As a result of a continued emphasis upon the Jewish vote, such as one did not imagine could ever be in American life," lamented Wise, "the nomination of (Straus) through no fault of his own, became a source of grief to every rightminded and truly earnest Jew." Naomi W. Cohen, *Encounter with Emancipation*, *op. cit.*, p. 222.
60. Naomi W. Cohen has noted: "While the Progressive Party proved strongest in urban areas such as Manhattan," contemporary observers did not agree on the significance of the Jewish vote in the gubernatorial contest. *The American Hebrew* refused to read any religious or ethnic factors into the results, but a non-Jewish periodical, the *Independent*, maintained that Straus' candidacy had evoked an anti-Jewish response." Cohen, *A Dual Heritage*, *op. cit.*, p. 222.
61. Weyl, *op. cit.*, p. 94.
62. Jonathan D. Sarna, "The Jewish Vote in Presidential Elections 1908-20, With Special Reference to Boston," *op. cit.*, p. 9.
63. *Ibid.*
64. Louis Marshall Letter to Jacob Schiff, August 6, 1912, MP-AJA.
65. *Ibid.*
66. Indeed, it is not even mentioned, no less discussed, in Jeffrey B. Morris, "The American Jewish Judge: An Appraisal on the Occasion of the Bicentennial," *Jewish Social Studies*, XXXVIII (Summer-Fall 1976),

- or in the standard history of appointments to the Supreme Court: Henry J. Abraham, *Justices and Presidents: A Political History of Appointments to the Supreme Court*, 2nd ed. (New York: Oxford University Press, 1985). Marshall's candidacy for the Supreme Court similarly goes unmentioned in the various biographies of William Howard Taft — e.g., Henry F. Pringle, *The Life and Times of William Howard Taft*, 2 volumes (New York: Farrar & Rinehart, 1939); Donald F. Anderson, *William Howard Taft* (Ithaca: Cornell University Press 1968) — and in the definitive scholarly study of Taft's role in Supreme Court appointments: Walter F. Murphy, "In His Own Image: Mr. Chief Justice Taft and Supreme Court Appointments," 1961 *Supreme Court Review*, 1961, pp. 159-193. The Marshall candidacy is likewise unmentioned in the widely-acclaimed Pulitzer Prize-winning biography of Charles Evans Hughes, who received the appointment that Marshall sought, by Merlo Pusey: Merlo J. Pusey, *Charles Evans Hughes*, 2 volumes (New York: Macmillan Co., 1951).
67. Lloyd P. Gartner, "The Correspondence of Mayer Sulzberger and William Howard Taft," Jubilee Volume of the *American Academy of Jewish Research Proceedings*, vols. XLVI-XLVII, 1979-1980, p. 131.
 68. Reznikoff, *op. cit.*, vol. II, p. 1008.
 69. *Ibid.*
 70. *Ibid.*, p. 1009.
 71. Rosenthal, "The Public Life of Louis Marshall," *op. cit.*, p. 697.
 72. *Ibid.*, p. 262.
 73. Henry J. Abraham, *op. cit.*, p. 164.
 74. Rosenthal, "The Public Life of Louis Marshall," *op. cit.*, p. 262.
 75. Quoted in Gartner, *op. cit.*, pp. 130-131.
 76. *Ibid.*, p. 131.
 77. *Ibid.*, p. 131-132.
 78. *Ibid.*, p. 132.
 79. *Ibid.*
 80. *Ibid.* According to Rabbi Stephen S. Wise, who visited Taft in the White House in 1911 to promote the candidacy of Abram I. Elkus for appointment to the federal court, Taft detested Untermyer personally, in addition to opposing him politically and ideologically. Stephen S. Wise, *Challenging Years* (New York: G.P. Putnam's Sons, 1949), pp. 145-146.
 81. Abraham, *op. cit.*, p. 166.
 82. *Ibid.*
 83. Stephen S. Wise, *op. cit.*, pp. 145-146; and Gartner, *op. cit.*, p. 132.
 84. Jacob Schiff's subsequent decision, for example, to abandon the Republican Party and support Woodrow Wilson rather than Taft in the 1912 election, had primarily to do with his disillusionment with Taft over his vacillation on the Russian passport issue and the abrogation

- of the 1832 Commercial Treaty. Mayer Sulzberger staunchly supported Taft in his re-election bid of 1912, despite Taft's refusal to consider the Marshall appointment.
85. Gartner, *op. cit.*, p. 139.
 86. For a discussion of Sulzberger's achievements as a judge, see Jeffrey B. Morris, "The American Jewish Judge: An Appraisal on the Occasion of the Bicentennial," *op. cit.*, pp. 203-204; and Louis E. Levinthal, *Mayer Sulzberger, P.J.* (Philadelphia, 1927). Biographical material on Sulzberger, generally, can be found in Moshe Davis, *The Emergence of Conservative Judaism* (Philadelphia: The Jewish Publication Society of America, 1963), pp. 362-365.
 87. Gartner, *op. cit.*, p. 130.
 88. On Judah P. Benjamin, see B.J. Hendrick, *Statesmen of the Lost Cause* (New York: Little, Brown, 1943); Bertram W. Korn, "Judah P. Benjamin as a Jew," *Publications of the American Jewish Historical Society*, 1905; G.G. Vest, "Judah P. Benjamin: A Senator of Two Republics," *The Menorah*, November 1903; Charles A. Madison, *Eminent American Jews: 1776 to the Present* (New York: Frederick Ungar Publishing Co., 1970), pp. 42-56; and Cohen, *op. cit.*, pp. 142-143.
 89. "Mr. Marshall as a Public Man," MP-AJA (Box No. 1619 of Marshall Papers).
 90. Rosenstock, *op. cit.*, p. 58.
 91. *New York Times*, August 6, 1923, p. 2.
 92. Rosenstock, *op. cit.*, p. 59.
 93. *Ibid.*
 94. *Ibid.*, p. 60.
 95. *Ibid.*, p. 63.
 96. Fuchs, *op. cit.*, p. 64.
 97. Rosenstock, *op. cit.*, p. 63.
 98. The definitive biography of Proskauer is Louis M. Hacker and Mark D. Hirsch, *Proskauer: His Life and Times* (University, Alabama: The University of Alabama Press, 1978).
 99. See, for example, the letters on Republican National Committee stationery from Willaim W. Hoppin, Vice Chairman of the Republican Lawyers Committee of the Republican National Committee, to Marshall, of September 29, 1928 and October 15, 1928, MP-AJA.
 100. Rosenstock, *op. cit.*, p. 61.
 101. William Rubin Letter to Dr. Hubert Work, Chairman of the Republican National Committee, September 7, 1928, MP-AJA.
 102. *Ibid.*
 103. Jerome C. Rosenthal, "The Public Life of Louis Marshall," *op. cit.*, p. 503; on the Republican National Committee's invitation to Marshall to serve as an Honorary Vice-Chairman at the Madison Square Garden

- Rally, at which Elihu Root served as Chairman, see the September 29, 1928 letter from James G. Harbord to Marshall, MP-AJA.
104. Rosenthal, *ibid.*, p. 504.
 105. Rosenstock, *op. cit.*, p. 61.
 106. John Q. Tilson Letter to Louis Marshall, October 20, 1928, MP-AJA.
 107. Maurice Bisgyer Letter to Louis Marshall, November 5, 1928, MP-AJA.
 108. Rosenstock, *op. cit.*, p. 61.
 109. Rosenstock, *ibid.*, pp. 61-62.
 110. Henry L. Feingold, *Zion in America: The Jewish Experience from Colonial Times to the Present* (New York: Columbia University Press, 1981), p. 212.
 111. Quoted in Deborah Dash Moore, *At Home in America: Second Generation New York Jews* (New York: Columbia University Press, 1981), p. 212.
 112. *Ibid.*
 113. *Ibid.*
 114. Lucy S. Dawidowicz, "Louis Marshall's Yiddish Newspaper: *The Jewish World: A Study in Contrasts*," *op. cit.*, p. 120.
 115. Louis Marshall Letter to the Electors of the Twentieth Congressional District, November 2, 1916, MP-AJA.
 116. Rosenstock, *op. cit.*, p. 58.