

The Jewish "Center of Gravity" and Secretary Hay's Roumanian Notes

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The rise of the United States to first rank as a world power in the late nineteenth and early twentieth centuries was accompanied by the rise of American Jewry to the position of leadership in the international Jewish community. There were many reasons for the emergence of American Jewry. One, certainly, was the increasing wealth and stature of individual Jews in the United States, particularly in the professions, publishing, mining, business and finance. Even more important was the rapid growth of the Jewish population in the United States, largely as a result of the immigration of Jews fleeing from economic and religious repression in Eastern Europe. These two factors were not unrelated. Two leading American Jews observed in 1901 that the Jewish population of the United States had grown rapidly, largely through immigration, to approximately one million. Ignoring other influences, they argued that the maintenance of the American "open door" for Jewish immigrants could be attributed to the influence of American Jewish leaders. The fact that the United States alone seemed capable, through these efforts and in this way, to contribute to the solution of the East European Jewish problem, meant, in their view, that the "center of gravity" for the solution of that problem had shifted from Western Europe to the United States.¹

¹ Jacob H. Schiff and Julius Goldman to Charles Hallgarten and Julius Plotke, November 12, 1901, Jacob H. Schiff Papers, American Jewish Archives.

This conclusion was somewhat premature in 1901, but in that year American Jewry began to contend with a problem which was to result in an even more dramatic confirmation that this shift in the "center of gravity" was, in fact, taking place. From 1881, scarcely a year had passed in Roumania without the addition of some new restriction on the educational and economic opportunities of the Jews of that kingdom.² Through the 1880's and 1890's the attention of international Jewry had been absorbed mainly with the periodic repression of Jews in Russia, but by 1900 the immigration of Roumanian Jews to the United States had increased noticeably, requiring that American Jewish leaders labor to ensure that the door be kept open for them.³ The tales of repression in Roumania, coupled with the physical evidence in the form of their coreligionists seeking entry at Ellis Island, led American Jewish leaders to also seek ways of ameliorating conditions in Roumania. Partly as a result of pressure from American Jewish leaders, the United States Government dispatched Robert Watchorn, of the Immigration Service, to Roumania on a fact-finding mission in 1900.⁴ Watchorn's report, published in *The American Hebrew* on October 19th and 26th, 1900, documented the disabilities under which Jews were forced to live in Roumania. *The American Hebrew*, like most American Jews, found the report to be "an indictment of Roumania for its treatment of the Jews."⁵

In defiance of the condemnation its behavior was engendering, however, the Roumanian Government further constricted the opportunities for livelihood of Jews in that country by additional restrictions in 1901. The most notorious was the Trades Law of March, 1901, which virtually prohibited the employment of Jewish workers in any trade.⁶ European Jewish leaders told their counterparts in the United States that the effect of such legislation would be to deprive some 60,000 Roumanian Jews of employment, driv-

² For a list of the principal restrictions in force against Jews in Roumania down to 1901, see *The American Hebrew*, October 10, 1902.

³ See, for example, Jacob Schiff to Philip Cowen, July 2, 1900, and July 6, 1900, Philip Cowen Papers, American Jewish Historical Society; *The American Hebrew*, July 20, 1900.

⁴ See, for example, Jacob Schiff to Philip Cowen, July 27, 1900, Cowen Papers.

⁵ *The American Hebrew*, October 26, 1902.

⁶ *Ibid.*, October 10, 1902.

ing many of them to leave the country.⁷ Most of these, of course, would be forced to immigrate to the United States. In London, Jewish leaders like Lord Rothschild sought action, without success, from the British Government.⁸

Roumanian Jews had legal rights, even though they were being ignored by their government. Roumania was a creature of the Treaty of Berlin of 1878, article forty-four of which provided that:

The difference of religious creeds and confessions shall not be alleged against any persons as a ground for exclusion or incapacity in matters relating to the enjoyment of civil and political rights, admission to public employments, functions and honors, or the exercise of various professions and industries in any locality whatever.

Another provision of the treaty stated that: "The subjects and citizens of all the powers, traders or others, shall be treated in Roumania without distinction of creed on a footing of perfect equality."⁹

In April of 1902, Jacob H. Schiff, widely regarded as the leading figure in the American Jewish community, and senior partner in the major banking firm of Kuhn, Loeb and Company, had a great deal on his mind. Not many months had passed since he and E. H. Harriman of the Union Pacific had been locked in a great financial battle with banker J. P. Morgan and railroad tycoon James J. Hill, the outcome of which had been the formation of the Northern Securities Company, a holding company designed to protect the interests of both sides. Now, in April of 1902, the Northern Securities Company was itself under attack, challenged in the Federal courts by the Theodore Roosevelt administration.¹⁰ Early in the month Schiff had the opportunity to travel to Washington to present his views in person to the President.¹¹ Schiff resolved to take advantage of the opportunity to also place before Roosevelt the

⁷ F. D. Mocatta to Oscar Straus, February 11, 1902, Oscar S. Straus Papers, Library of Congress.

⁸ F. D. Mocatta to Oscar Straus, March 31, 1902, *ibid.*

⁹ Max J. Kohler, "Jewish Rights at International Congresses," *American Jewish Yearbook* (1917-18), pp. 151-152.

¹⁰ A recent description of the Northern Securities issue is in Albro Martin, *James J. Hill and the Opening of the Northwest* (New York, 1976), pp. 508-519.

¹¹ Cyrus Adler, *Jacob H. Schiff: His Life and Letters* (Garden City, 1928), I, 411-412.

desirability of some action in behalf of the human rights of Jews in Roumania. Before leaving for Washington, Schiff met with Oscar Straus. Straus, a diplomat who was to become Roosevelt's Secretary of Commerce and Labor in 1906, was a prominent figure in the American Jewish community with extensive international contacts. Straus knew that there was little likelihood that any European government would make a move in behalf of Roumanian Jewry, and that European Jews, with little justification, hoped for some action on the part of the United States Government.¹² Schiff had advocated action by the United States Government, in cooperation with the European powers, at least as early as June, 1900,¹³ and on April 1, 1902, Schiff responded to a letter concerning the Roumanian situation, by replying that he was

thoroughly alive to the necessity of our moving so that, if possible, a better state of affairs may be brought about. The President has asked me to go to Washington on another matter and I expect to be there on Thursday, and hope when I talk to the President I shall have an opportunity to unofficially inter-rogate him as to what can be done by his administration towards an effectual relief of the horrible situation which exists.¹⁴

That same day Schiff had his meeting with Straus, at which he was briefed on Straus' understanding of the Roumanian situation. The next day Straus sent Schiff a memorandum to be presented to Roosevelt "regarding the inhuman treatment of the Jews by the Roumanian Government." Roumanian discrimination against Jews, in violation of the provisions of the Treaty of Berlin, was driving Jews to leave the country, with many of them arriving in the United States in a pauperized condition. This was a situation, Straus argued, which represented an unfriendly act by the Roumanians toward the United States, and which gave the United States the right "not only to protest but to remonstrate against such inhuman laws that discredit the age in which we are living." Straus cited the strong position which the United States had taken under President Ulysses S. Grant in the face of such persecution in

¹² Mocatta to Straus, February 11, 1902, and March 31, 1902, Straus Papers; for a brief discussion of Straus's role in the American protest to Roumania, see Naomi W. Cohen, *A Dual Heritage: The Public Career of Oscar S. Straus* (Philadelphia, 1969), pp. 124-126.

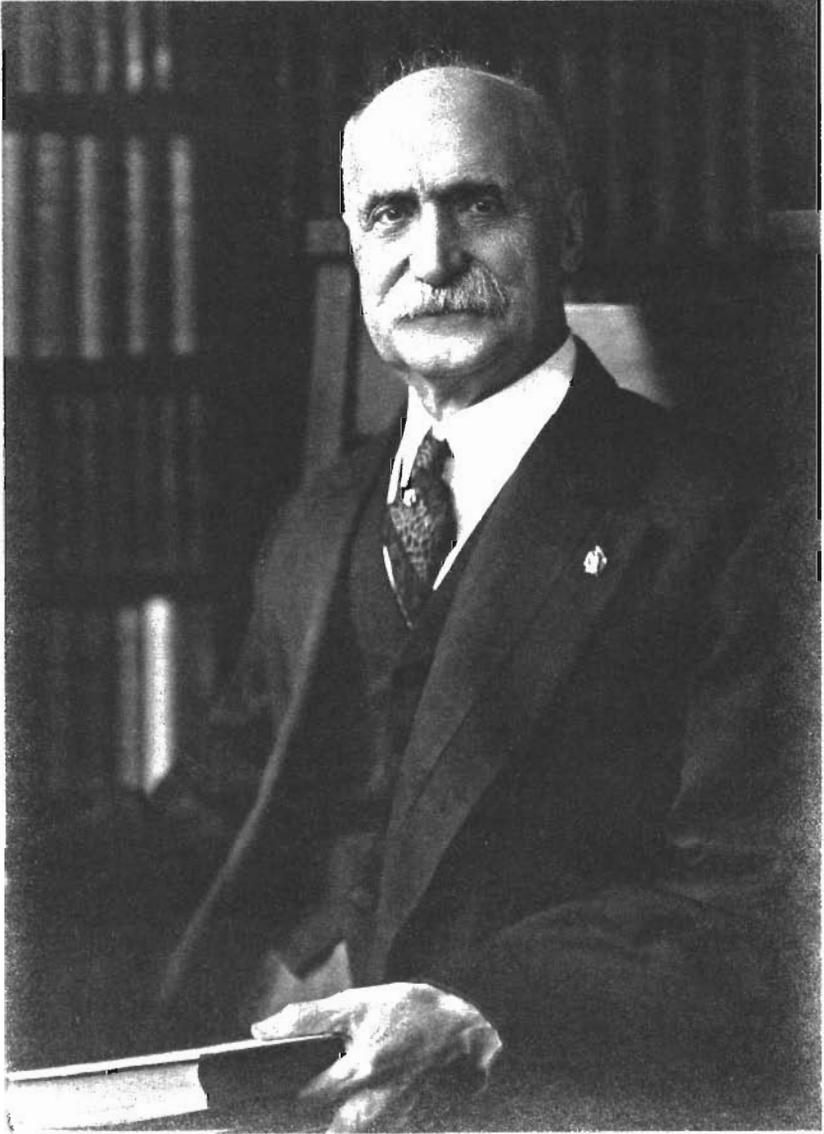
¹³ Schiff to the Jewish Colonization Association, June 14, 1900, Schiff Papers.

¹⁴ Schiff to Myer S. Isaacs, April 1, 1902, *ibid.*



Oscar S. Straus (1850-1926)

**U. S. ambassador to Turkey and Secretary of Commerce
and Labor under President Theodore Roosevelt**



Simon Wolf (1836–1923)

Prominent attorney and spokesman for
the American Jewish Community

Roumania in 1872, and argued that similar action would also be effective now. American initiative, he maintained, would not only have an impact on Roumania, but would also awaken enlightened European nations to take an interest in the situation there.¹⁵ After obtaining Straus's views, Schiff also consulted with Leo N. Levi, of the B'nai B'rith, on the Roumanian problem, in preparation for his meeting with Roosevelt.¹⁶

Thus well prepared, Schiff met with President Roosevelt on April 4, 1902. The conservative banker was quite a contrast to the impetuous and progressive Roosevelt, but in fact their ties were close. Like Roosevelt, Schiff was a New Yorker and a Republican, and his own relations with progressive reformers in that city were substantial. There were, of course, other reasons why Roosevelt could be expected to grant a careful hearing to a Jewish leader of Schiff's distinction. The Jewish vote was daily growing more substantial, especially in the Eastern cities, and campaign contributions from Jewish businessmen, like Schiff, were not unsubstantial. Schiff found the President uninformed about the persecutions in Roumania.

The President called in [Secretary of State John] Hay, and the latter, while explaining the difficulty under which this Government would labor in bringing the diplomatic pressure which Mr. Oscar Straus and I suggested, assured me that he felt very sympathetic, and promised that he would endeavor to take some action. Secretary Hay shortly afterward wrote me that he had further discussed the subject with the President and was keeping it actively before him.¹⁷

As a result of Schiff's meeting with the President, Straus was summoned to Washington later in the month for a conference on the subject with Roosevelt and Hay. At that meeting Straus pressed for action by the United States Government, presenting Roosevelt with another statement concerning the persecution of Roumanian Jews and the resultant immigration by large numbers of them into the United States.¹⁸ Pressure was also being exerted in Washington by Jewish lobbyist Simon Wolf, lawyer, Washington representative of B'nai B'rith, and chairman of the Board of Delegates of

¹⁵ Straus to Schiff, April 2, 1902, Straus Papers.

¹⁶ Schiff to Leo N. Levi, April 2, 1902, Schiff Papers.

¹⁷ Schiff to Adolph S. Ochs, May 14, 1902, in Adler, *op. cit.*, II, 153.

¹⁸ Straus to F. D. Mocatta, April 14, 1902, Straus Papers.

the Union of American Hebrew Congregations.¹⁹ It seemed that the United States might be moving to make some form of protest to Roumania. From Great Britain came continued assurances from Jews there that if the United States took the lead, Great Britain and other European powers could be expected to follow.²⁰

Weeks passed, however, and in mid-May the United States Government had not yet acted. Schiff wrote to Straus suggesting that he communicate with the Secretary of State to impress upon him "that we do not mean to let this matter sleep, and that the eyes of the world are upon us." For his part, Schiff was working to "induce some of our important newspapers to reprint the articles on the Roumanian situation which fill the European, and especially the German Press. . . . Such publications in our own press will serve both the purpose of bringing pressure upon our State Department as well as having its influence in Europe."²¹ Straus wrote, instead, to President Roosevelt, calling his attention to further reports of persecutions in Roumania, and arguing again that the United States had both the duty and the right to remonstrate against the Roumanian treatment of its Jewish subjects since it would "in all probability receive the largest number of those oppressed people who are forced by these restrictive and repressive laws to seek a refuge in foreign lands."²²

Roosevelt's desire to act, however, was delayed by Hay's ill health and by the concern of the Secretary with finding a proper diplomatic vehicle for such a protest.²³ Throughout June reports circulated that the matter was to be taken up by a cabinet meeting that month, while public protests against the Roumanians began to be held in such cities as New York and Philadelphia despite attempts by Jewish leaders to discourage such protests in favor of the direct pressure on the government which they felt was suc-

¹⁹ For Wolf's account see Simon Wolf, *The Presidents I Have Known* (Washington, 1918), pp. 184-186; see also the exchange of letters between Jacob Schiff and Max J. Kohler: Schiff to Kohler, March 15, 1916, and May 2, 1916, and Kohler to Schiff, May 1, 1916, in Schiff Papers.

²⁰ F. D. Mocatta to Straus, May 1, 1902, Straus Papers.

²¹ Schiff to Straus, May 14, 1902, *ibid.*

²² Straus to Theodore Roosevelt, May 15, 1902, *ibid.*

²³ Straus to F. D. Mocatta, July 18, 1902, *ibid.*; Hay to Roosevelt, July 17, 1902, Theodore Roosevelt Papers, Library of Congress.

ceeding.²⁴ Congressman Lucius N. Littauer, Republican from up-state New York, pressed Roosevelt for news on the progress of the protest and was told by the President on June 20th that Hay "was working as rapidly as possible, and that I could surely look forward to receiving a copy of the protest in a few days." The protest, however, was not forthcoming in "a few days," and on July 10th, Littauer pressed Roosevelt again for action, arguing the likelihood that other governments would follow the lead of the United States if it acted promptly.²⁵ A week later, on July 17th, Secretary of State Hay forwarded to Roosevelt the proposed note, writing that:

You will see in reading it that it has not been easy to handle, but I have availed myself of what seems our only excuse, the pending naturalization treaty with Roumania, to read them a pretty drastic letter on their duty to the Jews.²⁶

Roosevelt found the draft "admirable," and made sure that a copy was sent to Congressman Littauer so that Straus and Schiff could be apprised as to its contents.²⁷

Hay's protest took the form of a confidential instruction to the United States chargé d'affaires in Athens, who was responsible for representing this country to the Roumanian Government. As noted above, the instruction was with reference to a proposed naturalization treaty between the United States and Roumania. A tentative draft of such a naturalization treaty had been submitted previously to the Roumanian Government, a draft which followed the lines of one submitted to the Serbian Government. Now Hay used the pending naturalization treaty as a vehicle for furnishing the chargé d'affaires, Charles L. Wilson, with the opportunity to take up with the Roumanians the American position on their treatment of the Jews. After discussing the American naturalization of Roumanian immigrants, Hay examined the Roumanian immigration to the United States. After reviewing for Wilson the treaty rights guaranteed to Jews in Roumania, Hay wrote:

²⁴ Straus to Mocatta, June 6, 1902, and Littauer to Straus, June 9, 1902, both in Straus Papers; *The American Hebrew*, June 6, 1902; Straus to Lucius Littauer, [mid-June], 1902, Straus Papers.

²⁵ Littauer to Straus, July 10, 1902, *ibid.*

²⁶ Hay to Roosevelt, July 17, 1902, Roosevelt Papers.

²⁷ Roosevelt to Hay, July 18, 1902, and Hay to Roosevelt, July 21, 1902, *ibid.*

With the lapse of time these just prescriptions have been rendered nugatory in great part, as regards the native Jews, by the legislation and municipal regulations of Roumania. Starting from the arbitrary and controvertible premise that the native Jews of Roumania domiciled there for centuries are 'aliens not subject to foreign protection,' the ability of the Jew to earn even the scanty means of existence that suffice for a frugal race has been constricted by degrees, until nearly every opportunity to win a livelihood is denied; and until the helpless poverty of the Jew has constrained an exodus of such proportions as to cause general concern.

Such persecution could lead to only one of two results—submission or flight. The United States was a haven for the oppressed, but "its sympathy with them in nowise impairs its just liberty and right to weigh the acts of the oppressor in the light of their effects upon this country, and to judge accordingly." The fact that the Jews of Roumania were being forced to emigrate by virtue of the persecution in their home country, that the United States was virtually the only refuge open to them, and that they arrived in the United States in such an abject state that they were recipients of public charity from the time of their arrival, meant that "the right of remonstrance against the acts of the Roumanian Government is clearly established in favor of this Government." Roumania was forcing its Jewish subjects "upon the charity of the United States," and the United States Government could not be "a tacit party to such an international wrong."

It is constrained to protest against the treatment to which the Jews of Roumania are subjected, not alone because it has unimpeachable ground to remonstrate against the resultant injury to itself, but in the name of humanity. The United States may not authoritatively appeal to the stipulations of the treaty of Berlin, to which it was not and can not become signatory, but it does earnestly appeal to the principles consigned therein, because they are principles of international law and eternal justice, advocating the broad toleration which that solemn compact enjoins and standing ready to lend its moral support to the fulfillment thereof by its cosignatories, for the act of Roumania itself has effectively joined the United States to them as an interested party in this regard.²⁸

Hay's note, however, had scant effect. The subtleties of the note

²⁸ Hay to Charles L. Wilson, July 17, 1902, in U.S. Department of State, *Papers Relating to the Foreign Relations of the United States, 1902* (Washington, 1903), pp. 910-914, hereafter cited as *Foreign Relations*.

were apparently lost on Charles L. Wilson, the *chargé d'affaires*, who took up the note with the Roumanian minister to Greece primarily in reference to the naturalization treaty which was pending. To the extent that the Roumanian Jews emerged as a topic during the discussion, they were apparently brought up by the Roumanians as an argument against negotiating the naturalization treaty. The real purpose of the communication, to criticize Roumanian treatment of its Jews, was apparently ignored by Wilson.²⁹ From the beginning, however, Alvey A. Adee, draftsman of the note for Hay, had intended that it should be followed by "the next logical step, namely an appeal to the Berlin signatories to see that the provisions of article forty-four are carried out in Roumania in purpose and spirit as the framers meant it."³⁰ Adee suggested that either the United States should sound out Great Britain, urging her "to take the initiative as a signatory in calling upon the co-signatories" to enforce the terms of the treaty, with the United States simultaneously also addressing an appeal to them, or that the United States should, itself, take the initiative by sending identical notes to each of the seven signatory powers "using as much of the Roumanian instruction as will fit the case." Congressman Littauer, Jacob Schiff and Simon Wolf all suggested that the Hay note on Roumania should, itself, be sent to the signatory powers of the Treaty of Berlin. As Schiff wrote Littauer, he had seen the U.S. protest to Roumania and felt that:

it forms a masterful presentation of the conditions which justify our Government to make a remonstrance and protest. I have written to the President and Secretary Hay, thanking them, and, like you, suggesting that copies of the communiqué be delivered to the Signatories to the Berlin Treaty through our diplomatic representatives with these Powers. I do not think that the impression which will be made upon the Roumanian Government will be very great except if, at the same time, the Roumanian Government becomes aware that the Great Powers have been notified by our Government of the position it has assumed.³¹

²⁹ Charles L. Wilson to Hay, August 8, 1902, *ibid.*, pp. 914-915.

³⁰ Adee to Hay, July 29, 1902, John Hay Papers, Library of Congress.

³¹ Hay to Roosevelt, July 28, 1902, Roosevelt Papers; Adee to Hay, July 29, 1902, Hay Papers; Schiff to Littauer, July 28, 1902, in Adler, *op. cit.*, II, 153-154.

Secretary of State Hay agreed,³² and on August 11, 1902, the United States addressed identical notes to its diplomatic representatives to the British, French, German, Italian, Russian, Turkish and Austro-Hungarian governments, referring to the July 17th dispatch to Charles Wilson on the subject of Roumania, and adding that:

It has seemed to the President that these considerations, relating as they do to the obligations entered into by the signatories of the treaty of Berlin of July 13, 1878, should be brought to the attention of the Governments concerned and commended to their consideration in the hope that, if they are so fortunate as to meet the approval of the several powers, such measures as to them may seem wise may be taken to persuade the Government of Roumania to reconsider the subject of the grievances in question.

There followed the substance of the July 17th note concerning the repression of Jews in Roumania and the resultant immigration to the United States, but without the references to the proposed naturalization treaty which had been contained in the original note.³³

European Jewish leaders had told influential American Jews that if the United States Government could be induced to take the initiative in protesting Roumanian violations of the Treaty of Berlin, the European powers would follow the American lead. The signatories of the Treaty of Berlin, however, evinced little or no interest in the American initiative. Only the British responded with any degree of concern. According to U.S. Ambassador Joseph Choate, the British had replied to the American note

stating that His Majesty's Government join with the Government of the United States in deploring the depressed condition of the Roumanian Jews and in regarding with apprehension the results of their enforced emigration, and that

³² Hay to Roosevelt, July 28, 1902, Roosevelt Papers.

³³ A copy of the note is printed as Hay to McCormick, August 11, 1902, in *Foreign Relations, 1902*, pp. 42-45. Two of Hay's biographers have touched upon the Roumanian affair, both of them concentrating their efforts on demonstrating the domestic political motivations for the Roosevelt-Hay initiative. It is noteworthy that when a statesman like Hay acts in behalf of Jews, his biographers feel compelled to acquit him of either feelings of humanitarianism or sympathy for Jews, and to find his motivations elsewhere. See Tyler Dennett, *John Hay: From Poetry to Politics* (New York, 1934), pp. 395-397, and Kenton J. Clymer, *John Hay: The Gentleman as Diplomat* (Ann Arbor, 1975), pp. 76-78.

His Majesty's Government will place themselves in communication with the other powers signatory of the treaty of Berlin, with a view to a joint presentation to the Roumanian Government on the subject.³⁴

However, the British found no sentiment among the continental powers for such a joint presentation and the matter was dropped.³⁵ French Jewish leaders tried to stir the governments of France and Italy to action by their entreaties, but failed.³⁶

American Jewish leaders responded favorably to the note concerning Roumania and the circular note to the Berlin Treaty signatories which followed it. Schiff's attitude, that it was "a masterful presentation," has already been noted. Simon Wolf expressed himself as "thoroughly satisfied" with "the splendid letter of Mr. Hay, which is record making and bound to be of great service to our people at home and abroad."³⁷ Leo N. Levi, president of B'nai B'rith, felt "assured that a valuable step has been taken in the right direction on this side by the reiteration of the traditional policy of the Republic."³⁸ Oscar Straus sent complimentary letters to both Roosevelt and Hay. To the latter he wrote that:

You have formulated, as no one has done before you, the high ethical principles and humanitarian considerations that lie at the basis of international relations in directing the attention of the great powers of Europe to the persecutions of Roumania in violation of human rights and of the express provisions of the Berlin Treaty. The hearts of a suffering people pulsate with gratitude for this forceful display and humanitarian remonstrance in their behalf.³⁹

European Jewish leaders, unable to evoke actions from their own governments to protest the happenings in Roumania, had appealed to American Jewish leaders to seek such a protest from the United States Government, suggesting that if the United States

³⁴ Choate to Hay, September 3, 1902, in *ibid.*, pp. 549-550.

³⁵ John B. Jackson to Hay, March 21, 1903, and April 18, 1903, both in *Foreign Relations, 1903* (Washington, 1904), pp. 702-703; see also Lucien Wolf, *Notes on the Diplomatic History of the Jewish Question* (London, 1919), pp. 37-38.

³⁶ *The American Hebrew*, November 14, 1902.

³⁷ Wolf to Philip Cowen, September 19, 1902, Cowen Papers.

³⁸ Levi to Simon Wolf, September 10, 1902, Simon Wolf Papers, American Jewish Historical Society.

³⁹ Straus to Hay, September 30, 1902, and Straus to Roosevelt, October 1, 1902, both in Straus Papers.

took the initiative, at least some of the European powers would doubtless cooperate. American Jewish leaders like Oscar Straus had doubted the likelihood of any action from the United States Government, but made a determined effort.⁴⁰ Those efforts were rewarded by the Hay note to Wilson, and the identical notes to the signatories of the Berlin Treaty. Prominent American Jews, like Jacob Schiff, Oscar Straus and Simon Wolf, had demonstrated that they could and would act effectively in mobilizing the United States Government to act in behalf of Jewish human rights in Eastern Europe. The failures of their European coreligionists were made the more manifest when, despite the American initiative, no European nation joined the United States in taking up the cause of the Roumanian Jews. American Jewish leaders had recognized from the beginning that any American protest was likely to be ineffective unless joined by some of the European powers. Some of them were not very sanguine that diplomatic protests, even under those circumstances, would be very effective with the Roumanians. Jacob Schiff, for example, felt that only financial pressure upon the Roumanian Government could solve the problems of the Roumanian Jews.⁴¹ But the situation in Roumania could not be allowed to continue without protest. Only American Jews were successful in evoking action from their government. Even with the American precedent, European Jewish leaders had been unable to obtain action from their governments. The success of American Jewish leaders in contrast to their European coreligionists in 1902, was symbolic of the fact that the "center of gravity" of international Jewry was indeed beginning to shift to the United States.

⁴⁰ Straus to Littauer, September 24, 1902, *ibid.*

⁴¹ Schiff to Paul Nathan, October 10, 1902, Schiff Papers.