

# Commissioner Williams and the Jews

*Naomi W. Cohen*

The saga of the east European Jewish immigration to the United States from the 1880s to World War I has been told and retold. Some historians have also included the experiences of those immigrants who disembarked at Ellis Island. Alan Kraut, for example, relates in detail each step of the new arrival as he proceeded from one medical examination to another; Thomas Pitkin describes the right of the immigrant, who faced deportation for any reason, to appeal his case to a board of inquiry. More recently, Amy Fairchild's book, *Science at the Borders*, offers a novel interpretation by considering the medical inspection and the immigrant's admission or rejection as functions of America's expanding economy and the need to regulate the correspondingly expanding class of industrial labor.<sup>1</sup> Nor has William Williams, the commissioner of immigration at Ellis Island at a time when officials there were coping daily with hundreds and even thousands of immigrants,<sup>2</sup> escaped mention. Williams, who served one term under Theodore Roosevelt and another under William Howard Taft, incurred the fear and dislike of Jews during his tenure. But, since none of the accounts fully analyzes the reaction of American Jews to the plight of the Jewish immigrant on Ellis Island during those years, this essay attempts to fill some lacunae. It will focus primarily on the effect of Williams's policies on immigrant Jews, Max J. Kohler's defense of the new arrivals, and Congressional and executive hearings on policy at Ellis Island. It will also consider the question of whether Williams was an antisemite.

Connecticut-born Williams studied at Yale and received a law degree from Harvard. His Wall Street law practice was interrupted by two government assignments. At age thirty he served as counsel in the arbitration case of a dispute between the United States and Britain, and several years later he was an officer in the Spanish-American War. Independently wealthy, he, like Roosevelt and Taft, shared the tastes and prejudices of the Republican patrician class. Roosevelt appointed him commissioner of immigration at Ellis Island in 1902, a post that he held until 1905; Taft reappointed him in 1909, and he served until Woodrow Wilson assumed office four years later.<sup>3</sup> Empowered to interpret and administer immigration regulations, Williams was the ultimate authority at the port that received most immigrants. Whereas other speakers for the Protestant Establishment and the "first families" expressed their antipathy to immigrants through the legislation they supported, the offices they filled, the officials they knew, and the groups they organized, Williams was one who actually dealt daily with the newcomers. Just as his experiences as commissioner at Ellis Island were nurtured by his prejudices as an upper-class Republican and an immigration restrictionist, so in his eyes were his prejudices vindicated by his experiences.

Williams, a champion of immigration restriction, never hid his views. He stated openly at the time of his appointment that aliens had “no inherent right... to come here” and that America should take action, however drastic, to exclude all below a certain physical and economic standard. Indeed, the exclusion of “undesirable” aliens or races became his virtual obsession. At times Jewish critics called him antisemitic; most “undesirable” ethnic minorities and their press that defended unrestricted immigration saw him as an enemy. As a witness who once testified against him pointedly asked, why would a well-established multimillionaire “clamor to have the unpleasant job on Ellis Island... unless he wants to keep out the foreigners as much as possible?”<sup>4</sup> Williams’s first order to his staff, however, directed them to treat immigrants with “kindness and decency.”<sup>5</sup>

A zealous worker, Williams set out to improve the physical plant under his jurisdiction and, as the president had instructed, to uproot the fraud and corruption that existed at the depot under his predecessor. Roosevelt cautioned the new commissioner to avoid antagonizing the ethnic societies that complained about the boards of inquiry, but Williams, who was quick to answer all verbal and written criticism, defended his practices and suggested to Roosevelt that the attacks were motivated by a desire to embarrass the president politically. Moreover, he charged that the ethnic societies attacked the immigration authorities when their own business interests were involved. Those societies that agreed with him, he said, “are of the opinion, and so am I, that the rights of the immigrants already are, and since I took office have always been, scrupulously guarded.” Roosevelt appointed an investigative commission to hear the ethnics’ charges against Williams, but its report mostly upheld the commissioner’s actions.<sup>6</sup>

Williams harbored a particular aversion to the “new” immigration, or the waves that arrived from southern and eastern Europe—the Poles, Italians, Jews—after 1880. He approved of the “old” immigration, but he posited the “inferior” character of the later arrivals and their harmful effect on the country. Publicly airing his racist views, he spoke of the “constantly deteriorating quality of the recent immigration.” Although he did not ask for the exclusion of all new immigrants, he feared that too many undesirables were gaining entry. He insisted, therefore, not only on full compliance with the letter of the law, which he construed narrowly, but he looked for ways of raising the barriers against the so-called undesirables. Deportation was a favorite weapon. If would-be immigrants were not deterred by the law itself, Williams reasoned, increasing the number of deportees by a stricter reading of the law might well dissuade them. He also advocated the literacy test, a device that restrictionists increasingly favored.<sup>7</sup> Williams’s views of the undesirables did not antagonize the president. Indeed, Roosevelt, who welcomed the votes of the new immigrants, also believed in “superior” and “inferior” races. He was, however, more optimistic than

Williams. As Gary Gerstle has suggested, he thought that most races could be brought together and forged into a new and stronger American race.<sup>8</sup>

The commissioner explained his stand in a talk to Princeton students in 1904. Focusing on new immigrants such as the Italians, Poles, and Jews, he described them as urban groups that built their “colonies” in the cities. Those colonies, he said, “tend to perpetuate amongst the immigrants that ignorance of our laws, customs and political ideas which is one of their great dangers.” In his bleak picture he wasted no sympathy on the persecuted, nor did he acknowledge that the American city in those years was the new economic frontier, a magnet that drew rural native-born Americans as well as immigrants. Unlike the old immigrants, he said, a high percentage of the newcomers were assisted by others or were stimulated to cross the Atlantic by the often-fraudulent methods of steamship companies. The result was the arrival of thousands from “degraded classes,” irrespective of their physical or mental conditions. Not surprisingly, many were unsuited to support themselves and thereby compounded the number and problems of America’s poor. He added that even the Jews, a “very charitable people” who largely took care of their own, admitted that poverty—and here he quoted from a recent report of the United Hebrew Charities—was dramatically increasing in their community because of the immigrants. Since the lands from which the immigrants came were only too delighted to be rid of their “riff-raff or poorer elements,” he concluded that America’s only defense against the undesirables was self-defense.<sup>9</sup>

American Jews watched Williams and his policies apprehensively, since the new immigrants under attack included a seemingly endless flow of Jews from eastern Europe. As the condition of the latter continued to deteriorate at the turn of the century—an amalgam of socioeconomic hardships and physical persecution—the need to preserve a haven of opportunity and refuge for their fellow Jews became paramount. Although the right of asylum in the United States for fugitives from, say, pogroms, differed from the need to immigrate for economic reasons, most Jews who spoke out on behalf of the foreigners asked for both. To be sure, American Jews were ambivalent about the immigration of the Russian émigrés and not all consistently favored unrestricted entry; but the welfare of the oppressed united Jews of all classes: Reform and traditionalist, “uptown” (i.e., the established and acculturated element, primarily of German extraction) and “downtown” (the more recent arrivals, usually designated as Russians). Serious differences in manners and mores still separated the Germans from the Russians, and hints of rivalry between the two strata over leadership of the community figured into their responses to immigration, but common efforts on behalf of the eastern immigrants usually overshadowed the divisiveness. The leaders of pro-immigration societies, such as the American Jewish Committee (AJC) and the Union of American Hebrew Congregations (UAHC), employed various weapons in defense of immigration. They lobbied legislators

against restrictive laws and voted for anti-restriction candidates; they touted the immigrants' virtues in public speeches and printed articles; they weighed the advantages of alliances with other ethnic groups; and they maintained strict surveillance over federal immigration law and procedures.<sup>10</sup> Given the growing popular clamor for restrictive legislation, Jews, always a hyper-accommodationist minority, worried at times lest their posture made them out of step with their fellow Americans.

Williams took special note of the Jews on several occasions. He told Roosevelt at the time of the president's investigative commission that the charges against him, which had been brought by the German press, included items on anti-Jewish discrimination and were picked up by several Jewish organizations. Williams kept lists of relief-seeking new arrivals, which were tabulated by nationality, and he reported that in the second half of 1904, Jews had led the rest with 62 out of 259 relief applicants.<sup>11</sup> More interesting was an inquiry he ordered to determine whether one Jewish individual had had his passage paid by an organization in Europe. The facts uncovered by Williams's agent are not of special interest, but the number of hours and amount of energy spent on that specific case, as well as the agent's antisemitic report, are. The agent conducted eight interviews, which required him to travel from place to place in Manhattan—three interviews with the immigrant, two with the immigrant's uncle, one with the Hebrew Immigrant Aid Society, and two with Yiddish newspapers. The agent's report to Williams was highly unflattering to the particular immigrant and to Jews generally. Not only did he accuse Jews of lying, deception, and shirking military service in Russia, but he hinted at a virtual Jewish conspiracy, whose tentacles spread from Russia to Berlin to New York. The purpose of that network, he explained, was to sneak undesirable Russian Jews into the United States.<sup>12</sup>

When Williams took office, the important regulatory statute that dealt with undesirable immigrants was that of 1882. Denying entry to paupers, felons, and persons mentally or physically ill, the law included the famous LPC, or "likely-to-become-a-public-charge," clause. Roughly defined, LPC meant potential paupers, or those without jobs awaiting them or friends or relatives prepared to support them. It also excluded persons whose passage was paid for by others or who received assistance for immigration. Escape clauses provided that if the individual could prove before a board of inquiry that he or she did not belong to any of the specifically excluded classes, an assisted immigrant or one sent for by a relative or friend could gain entry. (The clause on assistance from relatives and friends, which somewhat alleviated the immigrant's hardships, was eliminated in a 1907 law.) The decisions of the boards of inquiry could be appealed to the commissioners and even to the Department of Commerce and Labor, which housed the Immigration Bureau, but the sheer volume of appeals elicited only cursory attention in Washington. Since those who interpreted and

administered the law made the final judgment, the fate of the immigrants at Ellis Island rested in the hands of the faceless immigrant inspectors and Williams.<sup>13</sup> The unlucky immigrants faced deportation, a prospect more daunting to Jews than to others, for in contrast to the average German or Italian deportee, the Jew often returned to rampant persecution.

The LPC clause above all irritated Jewish defenders. American communal stewards, usually the established Jews, cooperated with their European counterparts to facilitate the uprooting and transplanting of the east Europeans. Both old and new agencies under their direction provided relief for the refugees on their arrival. At the same time, the new immigrants who found employment immediately earmarked part of their meager earnings to pay the passage of relatives and friends still trapped in Europe. That type of assistance could legitimately raise the questions of whether the help was legal and whether those assisted were likely to become paupers or public charges. To reduce the potential number of rejections, the stewards urged the relief networks in Europe to weed out any undesirables bound for America.<sup>14</sup> They also pleaded with American government officials to maintain a lenient interpretation of the LPC clause that would allow the entry of those merely in need of an initial boost.

Bent on tightening up restriction, Williams used the weapons at his disposal. If Congress failed to enact harsher measures, he could circumvent the legislature by administrative, or executive, action. He was responsible only to the commissioner-general of immigration and the secretary of the Department of Commerce and Labor, and since he maintained strict control over his staff—men, he claimed, who were intelligent and hard working—he could rely on their compliance. One of his early orders required immigrants to show that they had at least ten dollars in their possession in addition to tickets for their destination. He was merely interpreting the LPC clause, Williams said. Protests against the order reached Washington, and Secretary of Commerce and Labor Charles Nagel forced Williams to give way. But although the sum demanded was no longer officially specified, the principle remained, and inspectors, doubtless desiring to impress Williams, still abided by it.<sup>15</sup>

Williams's critics were most incensed by his reliance on the boards of inquiry to justify orders for deportation. Immigrants who appealed the order did not know the evidence against them, nor did they have the right of counsel at the hearing. Often the language barrier precluded their understanding of the proceedings. Williams had assured Roosevelt when the latter had ordered an investigation that a representative of a reputable ethnic society could be present and that no charitable organization could charge that the immigrant faced "star chamber" (secret and arbitrary) methods. Nor was the foreigner denied the right to appeal a board's decision.<sup>16</sup> Williams's Jewish opponents may have expected contradictory reports from Philip Cowen, publisher of the *American Hebrew* and friend of the stewards. Cowen held the office of an immigrant inspector

and was privy to the commissioner's policies and the sensitive issue of deportation. Cowen's accounts, however, were mild and circumspect. In an early report to prominent Jews of New York, Cowen discussed the hardships imposed by interpretations of the LPC clause and the prohibition by the medical division of those with a "poor physique." He told them of his aid to several Jews who had been excluded, how he would have evaluated the cases, and the reputation he had gained as friend of the Jews. Despite the ethnics' criticism of the boards of inquiry, Cowen, at least in writing, had little to condemn on that score. The regular board members were "all right," he said, but questionable decisions came from those called on to fill vacancies. Cowen suggested that Jewish work at the port, then handled by three agencies—United Hebrew Charities, Hebrew Sheltering and Immigrant Aid Society, and the National Council of Jewish Women—be coordinated to enhance their effectiveness, and that American Jews counter the "pernicious" proselytizing from Christian missionaries.<sup>17</sup> On another occasion Cowen reported to government officials on behalf of the Jews. He had made a detailed survey of Jewish charitable and penal institutions and amassed considerable data on their work with recent immigrants. Since his numbers differed markedly from the inflated figures used by the Bureau of Immigration, he offered them as proof that the LPC clause had frequently been misused in cases of Jewish aliens. Jews scrupulously obeyed the immigration laws, he insisted, and reports that magnified their undesirability only aided the restrictionists.<sup>18</sup> In sum, the material indicates that instead of indicting Williams for antisemitic policies, Cowen, at least in writing, provided no specific proof that the commissioner was animated by Jew-hatred.

Williams was not silent even when out of office. In 1906 he twice delivered a lengthy paper titled, "The New Immigration: Some Unfavorable Features and Possible Remedies."<sup>19</sup> Sounding as if he were still under attack, he began with the following statement: "I have as little sympathy with those who would curtail all immigration as I have with those who would admit all intending immigrants, good, bad, or indifferent." But, he continued, since a significant portion of the current immigration was undesirable, their entry must be prevented. He denied that the distribution of immigrants to areas relatively underpopulated—a device incorporated by Jewish leaders in their Industrial Removal Office and Jacob Schiff's Galveston Plan,<sup>20</sup> projects of which Williams doubtless knew—would solve the mass immigration bound for the cities. As in the address of 1904, he elaborated on the faults of the new immigrants, the dangers of artificially stimulated immigration, and the social burdens imposed by immigrant-generated poverty. Williams's overall solution was to tighten the LPC clause and other restrictions, particularly on steamship carriers. And, since so many of the southern and eastern European undesirables were illiterate, he pushed for the imposition of a literacy test. He realized the difficulties in administering such laws, he said, but nonetheless they must be in place.

Sounding very much the racist, Williams unabashedly concluded with a dire warning on the danger of unrestricted immigration. Not only were many of the new immigrants unlikely to become assimilated, but their inferior racial character would ultimately have harmful effects on the future of America:

We owe our present civilization and standing amongst nations chiefly to people of a type widely different. . . . The wildest enthusiast on the subject of unrestricted immigration would hardly claim that the United States could be socially, politically or industrially what it is to-day had it been peopled exclusively by the races of Russia, Austria and Southern Italy, and particularly from the poorer elements of such races, which races, furthermore, have failed to place their own countries in the front rank of nations.

If millions more of the new immigrants sought to enter the country, he argued, the only recourse would lie in restrictive measures “far more radical” than any heretofore suggested. Admittedly, America had benefited from “good” immigration, but, “Charity begins at home. . . . However deep our sympathy may be for the oppressed of other countries, it should not stand in the way of our legislating primarily in the interest of our own people.” The commissioner’s challenge to the defenders of free immigration was clear: Which is your choice, to aid the victims of persecution who are forced to flee their countries or to defend the best interests of the United States?

Jewish representatives were temporarily relieved by two appointments during Roosevelt’s second term in office: that of Robert Watchorn to replace Williams and that of Oscar Straus to head the Department of Commerce and Labor. Watchorn, unlike his predecessor, sympathized with the immigrants, and he quickly repealed one of Williams’s last orders, i.e., the imposition of a ten-dollar tax on the entry of all new arrivals. Straus, the first Jew to serve in the cabinet, was an outspoken advocate of unrestricted immigration; his stand annoyed restrictionists, especially since the Bureau of Immigration was then housed in his department. The powerful senator of Massachusetts, Henry Cabot Lodge, a friend of Roosevelt and closely allied to the patrician-led Immigration Restriction League (IRL), complained to Roosevelt that Straus opposed restrictions on the entry of “poor Jews,” but without proof the president dropped the matter.<sup>21</sup>

When he was reappointed commissioner at Ellis Island in 1909, Williams pressed for additional legal regulations on immigration. He explained that the categories that Congress specifically excluded were minimal: “Even. . . strict exclusion makes it possible to keep out only what may be termed ‘scum,’ or the very worst elements that seek to come here.” He announced a policy of rigid regulation enforcement, with the recommendation that new arrivals have at least twenty-five dollars in their possession, in addition to a railroad ticket to a final destination. That recommendation, which the lower-ranking inspectors

interpreted as an order, attested to his determination to weed out paupers and those falling under the LPC clause.<sup>22</sup> The new policy affected both Jewish and non-Jewish aliens, but unlike during Williams's first term, some concerned Jews now took the initiative and fought back. Set against the backdrop of those years—when Jews grappled with the restrictionist Dillingham Commission on Immigration, when they challenged Russian restrictions on the entry and business activities of American Jews, and when many victims of that decade's pogroms added to the normal influx—the fact that they stretched their energies and resources to combat the procedures on Ellis Island is all the more noteworthy.

In July 1909, Max Kohler and Abram Elkus, representing the UAHC and the newly organized AJC, drew up a legal brief, "In the Matter of Hersh Skuratowski," which argued on behalf of four Russian Jews whose deportation had been ordered by a board of inquiry. The reason given was that they could not produce twenty-five dollars on their arrival. The brief charged that Williams had exceeded his powers by requiring the fee, first, because he was usurping a legislative power and second, because Congress had not required a fee of the immigrants. The brief also contended that the immigrants had been denied a fair hearing before the board of inquiry, an administrative rather than judicial body, thus abridging their right to due process of the law. The case was scheduled to be heard in a federal court, but meantime the board of inquiry granted the aggrieved parties a rehearing and rescinded the deportation order. The four Jews were spared, and since the constitutional question was now moot, a chance for a judicial ruling on assisted immigration and the boards of inquiry was lost. Kohler and Elkus were invited, however, to submit the brief and a list of suggested reforms to Secretary Nagel.<sup>23</sup>

The Skuratowski brief reflected the public face of German Jewish leaders like Kohler and Elkus. Kohler, a lawyer and amateur historian, was a Jewish patrician whose father and maternal grandfather were luminaries in the world of Reform Judaism. As a young federal assistant district attorney, Kohler developed a keen interest in the rights of Chinese immigrants and other aliens. In short order he became the watchdog of immigrants' rights. He diligently collected facts and statistics on the abuses of the boards of inquiry and deportation proceedings, and he wrote and spoke on the issue. Unlike his colleagues, he was the constitutional expert who contended that due process of law, as well as treaties and statutory law, protected aliens from arbitrary administrative proceedings that threatened their right to enter and remain in the United States. To Kohler it was the sanctity of law that fueled his attack on Williams. True, he and his circle were no more enamored of the Russian Jews than the restrictionists, nor were they oblivious to the social problems spawned by the mass immigration. They knew, too, that the racist charges against the "inferior" Jew besmirched the acculturated and Americanized Jews as well. But even as they attempted

privately to combat the entry of “undesirables” and to instruct the new arrivals on “proper” American behavior, they defended the immigrants to government officials and to the public. Since the Jewish condition in eastern Europe showed little sign of improvement, their overriding concern was to keep American doors open to the Russians.<sup>24</sup>

The ethnic press and immigrant aid societies’ ongoing vilification of Williams and his policies continued unabated.<sup>25</sup> As the following episode illustrates, established American Jews attempted to moderate the agitation of the new immigrants. In 1910 Williams attended the annual meeting of the Hebrew Sheltering and Immigrant Aid Society (HSIAS), at which the influential banker and philanthropist, Jacob Schiff, was the principal speaker. Seeking to mollify Williams but understanding the sentiments of the immigrant audience, Schiff chose his words judiciously. He lavished praise on the Russian immigrants, who helped make New York “a great commercial emporium,” but he totally ignored the issue of deportation under the LPC clause. Agreeing that New York City could no longer absorb the stream of Jewish immigrants comfortably, he stressed the need to deflect them to ports such as Galveston—a ploy both to garner support for his Galveston project and to limit the number facing the hardships of Ellis Island. The banker signaled the audience to applaud Williams warmly, and they did, at least out of deference to Schiff. Williams reciprocated by calling Jewish immigrants “promising citizens.” He could not, however, resist a favorite taunt: Too many of them could not speak English after four or five years in the country, meaning that “they haven’t absorbed our American spirit and haven’t learned about our American institutions.” That a good portion of the audience did not understand his words doubtless prevented any serious disruption; only Abram Elkus, a defender of the new arrivals, interjected a sharp retort. When the next speaker delivered his address in Yiddish, Williams suspected (wrongly) that he was being criticized. In the end, despite Schiff’s attempts to maintain harmony, the meeting failed to soften the animosity between the commissioner and the Jews.<sup>26</sup>

Established American Jews acted singly or through organizations. The UAHC had long been concerned with the issue of Russian immigration, and since its inception in 1906 the AJC had dealt with the specter of immigration restriction. Those two agencies took little part, however, in the National Liberal Immigration League (NLIL), which was also founded in 1906. An organization spearheaded by one Nissim Behar of the Alliance Israélite Universelle, the NLIL was officially nonpartisan and nonsectarian. Although it was prompted by the desire to ease the immigration of Russian Jews, and although Jews were its main directors, it aimed at making the fight against restriction an American rather than a Jewish issue. It concentrated mainly on intensive publicity campaigns and mass public rallies. In opposition to Williams, it vigorously opposed a higher head tax and a literacy test. Nevertheless, despite a national network

that linked it to other Jewish groups, it never gained the full cooperation of the AJC. Personality clashes and the NLIL's use of mass public protests kept the two agencies apart.<sup>27</sup>

While established Jews conducted their campaigns with the government and the new arrivals from eastern Europe, Russians who had immigrated after 1880 also spoke out on behalf of the immigrants. Their efforts often allied them with non-Jewish groups. A few weeks into Williams's second term, Jewish societies and newspapers mounted loud protests against practices on Ellis Island. The HSIAS complained about the twenty-five-dollar fee, Congressmen Henry Goldfogle of New York and Adolph Sabath of Chicago conferred with Williams about deportations of Jews, and the same congressmen and the grand masters of several Jewish fraternal orders resolved to ask Williams's superior, Secretary Nagel, for a meeting. While some protesters brought the matter directly to President Taft, public opinion and the press also took notice. The *New York World*, for example, wrote, "In this country a \$25 rule would have kept the great West a wilderness; would have preserved the Great American Desert to this day; would have deprived the Pacific Coast of its forty-niners and the railroad builders; would have kept Benjamin Franklin out of Philadelphia." Overall, however, reactions were mixed; some sharply criticized Williams and others supported him. One Boston newspaper supportive of the commissioner stated, "In view of the laxity of the past years, the public will put faith in the wisdom of the commissioner's policy of strictness."<sup>28</sup>

In the summer of 1909 the foreign-language press began a renewed and better-coordinated campaign against Williams. Seeking an investigation of the commissioner's methods, which, they maintained, explained the alarming increase in the number of deportations, Jacob Saphirstein, editor of the popular Yiddish daily, *Jewish Morning Journal*, laid the matter before President Taft. He had pleaded earlier with Williams, with the Bureau of Immigration, and with the Department of Commerce and Labor, but their answers had not satisfied him. Saphirstein called for an awareness that Jewish deportees more than the others faced persecution in Europe, and he quoted adulatory statements about the Jews by former President Benjamin Harrison and Secretary of State John Hay. But he insisted that he spoke for all groups and, indeed, for all humanitarians. His brief against Williams rested on the all-encompassing charge that the commissioner's misinterpretations of immigration law undid precedents of many years and violated immigrants' legal rights. Specifically, Saphirstein concentrated on the LPC clause, the alien whose passage to America was prepaid, and the star chamber proceedings of the boards of inquiry that heard appeals against deportation. At the same time, he handed the case over to an attorney, Charles Dushkind, who had represented two Yiddish dailies in immigrant appeals at Ellis Island before Williams took office.<sup>29</sup> In this instance,

Saphirstein and the new arrivals were displaying their independence from the established American Jews.

The very request for a hearing to air the grievances against Williams irritated the commissioner and his superiors. Not only had a similar session with Williams and Nagel taken place recently, but nothing qualitatively new had been added to the agenda.<sup>30</sup> Repeated meetings with “members of the Hebrew faith” were, as the officials thought, without substantial merit. Nagel and the commissioner-general of immigration passed the matter on to subordinates, and neither one planned to attend the hearing. For his part, Williams, who cleared his answer with Nagel, saw no need to meet again with those who challenged his authority. “To attempt to satisfy such parties is hopeless,” he proclaimed. Complainants, or those with an axe to grind, did not frighten him, he said, so long as he enjoyed the confidence of his superiors. In the end, however, Washington bowed to the request. Doubtless concerned about the political influence of the ethnic societies, who could resort to smear campaigns in the press during upcoming elections, officials agreed to go along with a hearing to “take the sting” out of the grievances. Regarding Saphirstein as a ringleader of the malcontents and the defenders of the east Europeans, Williams repeated some of his stock charges. He warned Nagel that if Saphirstein reached his goal of a liberal interpretation of immigration law, more undesirables from Europe would arrive and harm the very fabric of the nation. “We are hearing... too much about the alleged hardships suffered by immigrants, and too little about the welfare of our country.”<sup>31</sup>

After weeks of negotiations about the content and roster of participants, Assistant Secretary of Commerce and Labor Ormsby McHarg set a hearing for 27 September 1909, in Williams’s office.<sup>32</sup> Meantime, at McHarg’s suggestion, Dushkind prepared and circulated detailed memoranda, which drew largely on judicial decisions—many mentioned in the Skuratowski brief—in support of the anti-Williams side. Those memoranda were to serve as the outline for the ethnics at the hearing.<sup>33</sup> In addition to Simon Wolf of the UAHC and Saphirstein, who was speaking for the Jews, representatives of the Italian and German press also participated in the closed sessions. For the most part, however, it was Dushkind, speaking for the foreign-language papers, who dominated the discussion. Addressing the points he had made in his memoranda, he claimed that his purpose was not to advocate a liberal immigration policy but to show how Williams had knowingly and blatantly violated the law. Instead of acting fairly and justly in executing the law, the commissioner had usurped the rightful powers of the legislature. Sounding like Max Kohler on that point, he maintained that it was up to Congress, not Williams, to enact the proper legislation.

Thanks to the circulation of Dushkind’s preconference briefs, the officials present—Williams, McHarg, and Frank Larned for the Bureau of

Immigration—were well acquainted with the major issues to be discussed, i.e., prepaid passage, the LPC clause, and the immigrant's right to counsel and witnesses at the board of inquiry hearings. The only new points were Dushkind's account of his presence at inquiries before 1903 (which the government officials doubted) and the abuses of the steamship companies that attempted to lure prospective emigrants in Europe. Otherwise the discussion, usually between Dushkind and McHarg, went around and around as minute points of law and judicial decisions were defined and redefined. For example, when they discussed the LPC clause, the conference debated at great length the shades of meaning of the words "likely," "public," and "charge." The impatience of the federal officials colored the proceedings. They attacked Dushkind for alleged inconsistencies, and they defended Williams both for his regulations and his readiness to entertain visitors, including his critics, at Ellis Island. "The Commissioner has been courteous to a degree that would exceed my patience," McHarg announced at one point. Neither side convinced the other.<sup>34</sup> The dissatisfied ethnic societies learned that they would receive no relief from the Washington bureaucracy, and shortly thereafter they turned to Congress. Williams, however, dug in his heels: "I have every confidence in my own ability to conduct this office [properly] and, if the time ever comes when I feel unable to do this, I shall resign."<sup>35</sup>

Having fared poorly with representatives of the executive branch of the government, the ethnics turned to members of Congress. Thereby, their case against Williams directly entered the political arena. The Republican administration, now challenged by the Progressives, was on its way out, and Democrats in search of political capital for the elections of 1912 pounced on the issue, as it aroused strong popular emotions. As mentioned previously, Goldfogel and Sabath, both Democrats, had complained about the practices at Ellis Island at the beginning of Williams's second term. On 12 May 1911, another Democrat, Congressman William Sulzer of New York, a non-Jew and possible Democratic candidate in the next gubernatorial election, introduced a resolution in the House of Representatives authorizing the House Committee of Immigration and Naturalization to investigate complaints against Williams's administration regarding regulations and methods of decision-making.<sup>36</sup> When the hearings opened some two weeks later, Sulzer explained that Congress was obliged to consider the charges of the ethnics and their press against the "atrocities" and "inhumanities" practiced at Ellis Island.<sup>37</sup>

Determined to expose the alleged abuses, non-Jewish ethnic organizations joined the attack. German societies emerged as the leaders of both Jewish and non-Jewish groups. Aside from complaints about the physical conditions at Ellis Island, most witnesses spoke against unfair deportations, the tax for admission (which in some instances was as high as fifty dollars),<sup>38</sup> and abuses in connection with the LPC clause. In answer to the question, "Just in a word, what does an

immigrant go through when he comes to Ellis Island?” one witness said, “He goes through hell; that is the only explanation I know of.”<sup>39</sup>

Among the witnesses who spoke for the Jews, Joseph Barondess, a labor leader who identified himself as a representative of the Yiddish newspaper *Wahrheit*, supplied information on individual cases that documented what they called Williams’s inhumanity. Explaining why admission into the United States was a critical need for Russian Jews in particular, he said:

May I also say to you that many unfortunate people of my faith look upon the Atlantic Ocean as their international cemetery, because they have no place where to go. When a German is deported he can still sing the “Wacht am Rhein.” When an Irishman is deported he can still go to his home. But when my people are deported there is no home for them, and that is the reason why so many of my people are preferring death rather than to trust to blind fate, rather than to fall back into the clutches of... the Czar’s Government.

Aaron Levy of Philadelphia, active in organizations that supported unrestricted immigration, also testified. Attacking the boards of inquiry, he said in part:

The conditions surrounding the holding of the meetings of the boards of special inquiry are such as to make for the exercise of almost despotic power. Star chamber proceedings—a phrase that has been used repeatedly—are indulged in, it seems to me, and it seems to be the feeling of the people widely affected by these rulings that such an institution is un-American, is opposed to all principles of justice and fairness, and that these great United States should not be for a moment placed in the position of standing at the door and ruthlessly shutting people out by the use of unfair and unjustifiable means.<sup>40</sup>

The committee heard interesting testimony of a different sort from a former immigration inspector and frequent member of boards of inquiry at Ellis Island. Although he disagreed with some of Williams’s opinions on immigration, he thought that the commissioner was an able and honorable civil servant and that the alleged abuses were the work of Williams’s underlings:

The great trouble with Mr. Williams is that he is too strict, not only with the enforcement of the law, but he is also too strict with his subordinates, and the natural consequence is that the subordinates are trying to out-William Williams. They do not want to take any chances.... Some of these men hate him so much that they have made up their minds that they will enforce the law in so obnoxious a way as possible and in that way make Mr. Williams so unpopular that he will soon have to go.<sup>41</sup>

The hearings recessed and were resumed at the end of July. At that time the pro-Williams side introduced prestigious supporters besides Williams himself—Commissioner-General of Immigration Daniel Keefe, Secretary Nagel, and several congressmen—to contest the charges of abuse and inequity against the

commissioner and his administration. Williams spoke first, and before a generally sympathetic committee, he bitterly attacked Sulzer for his abusive remarks. Lacing into the testimony, or what he called the misstatements, of the previous witnesses, he accused Barondess of errors in fact. Armed to the hilt with scores of case records, the commissioner delivered a strong defense of his methods. No one had complained to him personally, he told the committee: "I wish you gentlemen would come and see what a happy lot most of the immigrants on Ellis Island are." Admittedly, he had increased the number of deportations, but that was necessary to execute the law properly. He did not oppose a congressional investigation, for he had nothing to hide. Nor would critics and criticisms sway him from carrying out the law. Williams's statement was that of a confirmed restrictionist: "We have some of the dirtiest people in the world to deal with," he said. Openly, however, he displayed neither racist nor ethnic prejudices. He did not talk specifically about Jews, saying only that southern and eastern Europe were areas "from which the most desirable immigrants do not come."<sup>42</sup>

By the end of the first day the sessions turned into a veritable debate, and many of the witnesses who had testified in May were permitted to offer rebuttals. Appearing again for the Jews, Aaron Levy took issue with the commissioner's remark that he worked to carry out the "express mandate" of congressional law. Much like Max Kohler, Levy argued that Williams's acts went beyond the law, that in fact Williams and his staff were usurping legislative powers. Discussing three cases in detail in which young, able-bodied immigrants were deported because they were headed for congested cities, he said that nowhere did the law rule against those foreigners. Therefore, deportation constituted an illegal and cruel injustice at the hands of "complacent" and "arbitrary" officials. Another deportation occurred because the immigrant had no money, despite the fact that a relative who promised to support him had substantial resources. That decision too, Levy said, was harsh and unwarranted. He challenged Williams directly:

Let us not forget that... a man vested with a little brief authority may do things that he has no right to do under the mandate of the people whose representative he is, and we are here to demand a compliance with the existing law, and to decry the employment of instrumentalities that defeat the objects and the purpose of the law.<sup>43</sup>

In the end, after Sulzer backed away from any ad hominem attacks on Williams, the committee took no action, and the resolution died.<sup>44</sup>

Although Nagel, Keefe, and even Taft upheld him publicly, Williams was concerned about his public image and looked for opportunities to defend himself and his methods in speeches—even one to a Jewish audience—interviews, and letters to *The New York Times*.<sup>45</sup> His annual report for the year ending 30 June 1911 had a decidedly defensive tone. He sympathetically described the work of the boards of inquiry that was so essential for excluding "the riffraff and scum

which is constantly seeking to enter.” He summarized the hearings on Sulzer’s resolution, and he stated that every specific complaint was met “and shown to be without foundation or based on a false or misleading statement of facts.” Again he blamed the German newspapers for stirring up trouble and inciting Sulzer. Also at fault were the inadequacies of the law and the unsavory practices of the steamship companies. In the report, Williams expounded his opinions yet again on the undesirable new immigration. He didn’t use the term “Jews,” but some of his words hinted broadly at them. The following passage is illustrative:

The new immigration, unlike that of the earlier years, proceeds in part from the poorer elements of the countries of southern and eastern Europe and from backward races with customs and institutions widely different from ours and without the capacity of assimilation with our people as did the early immigrants. Many of those... have very low standards of living, possess filthy habits, and are of an ignorance which passes belief. Types of the classes referred to representing alien races and nationalities may be observed in some of the tenement districts of Elizabeth, Orchard, Rivington, and East Houston Streets [the heart of the Jewish ghetto on New York’s Lower East Side].... They often herd together, forming in effect foreign colonies in which the English language is almost unknown.

The commissioner also contended that the new immigrants displaced American workers as tailors, cap makers, painters, carpenters, and bakers, which were all “Jewish trades” or trades to which immigrant Jews flocked.<sup>46</sup>

The publication of Williams’s report drew the applause of prominent restrictionists. Harvard Professor Robert DeCourcy Ward for one, a racist and a founder of the elitist IRL, congratulated the commissioner on the dignified manner in which he responded to his bigoted critics. Ward served on the committee on immigration of the National Conference of Charities and Correction (NCCC), and he hoped to use that post in support of the commissioner. He thought that Julian Mack, a Jew and president of the NCCC, had “packed” the organization’s committee on immigration, but although it consisted “almost entirely of Jews,” he, Ward, would do his best.<sup>47</sup>

The report also evoked various Jewish reactions. The most unusual response came from a group calling itself the Citizens’ Committee of Orchard, Rivington, and East Houston Streets. In a long, respectful, but not obsequious, letter to President Taft, members of the group condemned Williams for the unwarranted and “gratuitous” insults directed at them in his report. His remarks, they said, dealt with matters beyond his jurisdiction and would best serve to inflame the prejudices of his staff. Requesting a retraction, they recounted the virtues of the neighborhood and its residents. What made their petition unusual, however, were its lists of every householder on fifty-seven blocks and its statistical tables of occupations, social institutions, and business establishments. In greater detail

than a federal census, it fleshed out a small area in New York City that was more than 90 percent Jewish. A final section, which listed schools and libraries, included statements from district librarians that emphasized the residents' thirst for education and the children's use of public libraries. The letter failed to secure a retraction from the commissioner, but Senator James O'Gorman of New York brought it to Congress's attention, and it was printed as a Senate document.<sup>48</sup> (For portions of the petition, see Appendix.)

Aside from its substance, the petition of the Citizens' Committee was significant as a reminder of the rapid maturation and acculturation of the east European immigrants. First, as indicated by the number of real estate owners and professionals listed, it showed that residence within the ghetto did not preclude the possibility of vertical mobility. Second, the petition reflected a Jewish constituency that was rapidly absorbing American ways, in this case the use of the petition to register a protest or grievance within a democratic society. Third, the document presaged the shift in Jewish communal control away from a small number of self-selected stewards. In the prewar years, the defense of American Jewish interests rested almost exclusively in the hands of the established Jews, and it was customary for the masses to appeal to those uptown Jews to represent them on such matters. In 1911, however, the Lower East Side and its press acted independently. The Citizens' Committee petition was a high point in these immigrants' efforts, letting it be known that the newer arrivals themselves could decide when and how to respond without any signals from the uptowners. Many years would elapse before the shift of power was completed, but the process was underway.

At that time, however, the new immigrants were as yet unable to successfully challenge the power the AJC wielded over communal defense. More concerned than the UAHC, the AJC, a conservative agency of the established Jews, feared that the outrage of the Russian immigrants could lead to wildcat action or "inappropriate" agitation that would challenge the stewards' control. Publicly, they admitted that the situation at Ellis Island since Williams's return in 1909 was "distressing" and "necessitated some action," but their strategy ruled out "aimless and baseless agitation." They thought that the Skuratowski brief and Max Kohler's report in 1911 had been appropriate, but the rantings of the Yiddish press on the LPC clause and assisted immigration strengthened anti-Jewish restrictionist sentiment and simultaneously jeopardized the AJC's campaign on anti-Jewish discrimination in Russia. The group claimed, moreover, that the Ellis Island situation had improved after Kohler and Elkus made suggestions to Secretary Nagel in the wake of the Skuratowski episode. Since the AJC believed that discreet pressure of that sort was preferable to noisy publicity, downtown had to be curbed. Accordingly, the agency arranged small conferences at which Kohler, representing the AJC, met with representatives of other Jewish agencies concerned with immigration. At one such conference the other

agencies included the New York *kehillah*, a community-wide organization of numerous Jewish economic and social agencies, Jewish fraternal orders, and the American Jewish Society for the Regulation of Immigration. The conference in turn issued a lengthy statement that took exception to downtown's blanket criticism of Williams. Admittedly, deportations had increased, but:

The increased stringency in the administration of the law, of which complaint has been made, has in fact produced a result much less striking than might have been supposed, in view of the recent agitation. Thus, for example, during the month of July, 1909, there were 8155 Jewish immigrants who came to the Port of New York, of whom 280 were deported, and although the number of deportations shows a larger percentage than during any previous like period, these figures do not justify the statement which has been made in a portion of the Yiddish press, that America is closed to the Jews. On the contrary, it is the firm opinion of the members of the Conference that whilst... errors of judgment have undoubtedly occurred on the part of the commissioner and his subordinates, no race or religious prejudices have been evinced by them.

The statement protected the turf and the operative principles of the established Jews in the AJC. Aside from asserting the AJC's control of Jewish defense, Kohler may also have realized the futility of challenging racist arguments, particularly since ethnic counterarguments could well exacerbate the racist attacks. (As he himself said elsewhere, the mood of the country testified to a new "Know-Nothing Era.")

Although Kohler had been less circumspect where he had attacked both the findings of the Dillingham Commission and the arbitrary regulations and "unwarranted exclusions" by Williams and his staff that resulted from the star chamber methods of the boards of inquiry, he supported the efforts of the conference to improve public relations. Following his consistent emphasis on the sanctity of the law, the conferees defended the rights of those legally entitled to immigrate, but they pledged not to condone the entry of illegal arrivals, even if their exclusion appeared inhumane. "This conclusion is deemed to be correct not only because it is in recognition of and obedience to the law, but because in a large sense the immigration policy of the United States has been so entirely humane that minor hardships must be endured in the interests of the many." Thus, they presented a moderate compromise; they would defend the rights only of those permitted legal entry, proving thereby to public opinion that defense of Jewish interests made them no less attentive to American needs.<sup>49</sup> They may also have thought that scrupulous acceptance and observance of the law could lessen the clamor for additional restrictive legislation.

At a meeting of the UAHC in 1911, Kohler delivered a lengthy paper on the abuses of the aliens under Williams's administration. He opened with the assertion that Jews too wanted the enforcement of the immigration laws, that they also wanted to bar the physically defective and those likely to become a

public charge. Recalling the welcome extended by America to his generation, the old immigrants, he proceeded to demand “justice for all,” particularly for the persecuted Jews of eastern Europe. Figures proved, he said, that the percentage of exclusions and deportations at Ellis Island had increased sharply. Although other nationalities suffered as well, the persecutions in Russia and Romania made the Jewish plight worse. Two-thirds of the rising number of Jewish exclusions rested on the LPC clause and the “ever newer misconstructions of the law furtively forced upon inspectors at Ellis Island, day by day, breaking down their judicial attitude, and creating an atmosphere of uncertainty and anarchy and cowed timidity.” Decisions that rested on the LPC clause were often arbitrary, and they revealed how administrators usurped legislative powers. Nor did appeals to the boards of inquiry, where the alien labored under weighty obstacles, prove any sounder. In sum, it was not the law but how it was administered that was at fault. Kohler obviously was indicting Williams, but he refrained from calling the commissioner a racist or antisemite.<sup>50</sup>

Whatever the differences in tactics between the established Jews and the new arrivals, the established leaders quietly fumed over Williams’s 1911 report. While they continued to urge the government to take a more lenient approach to the LPC clause, they focused on Williams as well. Kohler had sharply attacked Williams’s administration at the session of the UAHC, and in 1911 Judge Julian Mack publicly criticized Williams before a nonsectarian audience.<sup>51</sup> Jacob Schiff, less conciliatory than at the HSIAS meeting, preferred to use his influence behind the scenes. He had received a letter from Professor Henry Osborn, president of the Museum of Natural History, asking him to curb the “outrageous misrepresentation” against Williams that came largely from “Hebrew sources.” Had not Henry Dannenbaum, one of the “prominent and intelligent Hebrews,” spoken publicly in support of Williams and against Jewish critics? Schiff was unmoved:

My own opinion of Commissioner Williams is that he means to be a conscientious official, but that his actions as Commissioner of Immigration at his Port are largely influenced by his evident restrictionist tendencies, and that instead of tempering justice with mercy, he does the reverse, and seeks to apply the law in as extreme a manner as he can stretch it.

If Osborn read Williams’s report, Schiff continued, he would agree that the opposition to the commissioner from non-Jewish as well as Jewish sources was justifiable. Schiff curbed his temper with respect to Osborn, but he did not spare Dannenbaum. “He ought to be ashamed of much he has said,” the banker asserted. Since Dannenbaum, the president of a district of B’nai B’rith in New Orleans, had broken ranks and joined the enemies of Jewish immigrants, Schiff complained to Adolf Kraus, head of the International Order B’nai B’rith: “I cannot see how the B’nai B’rith can remain silent and permit Mr. Dannenbaum

not only to remain a district leader, but even a member of the organization.” In fact he, Schiff, was prepared to resign if no action was taken.<sup>52</sup> Meantime, Williams gleefully circulated Dannenbaum’s speech. To Theodore Roosevelt he added a comment, doubtless a stab at Schiff, that in and of itself warranted the charge of antisemitism: “It has always seemed to me that there are a great many very estimable Jews who make the mistake (though unwilling to concede it) of considering the interests of their race before those of their country.”<sup>53</sup>

By that remark the commissioner broadened the issue. Instead of focusing solely on the repugnant character of the new immigrants, which was his wont, he raised an uglier threat—i.e., that the Jewish stand on immigration proved that Jews ranked loyalty to America below their partisan concerns. When Osborn renewed his correspondence with Schiff, he argued that Williams was acting only in America’s best interests. The Jewish banker was now forced into a defensive, and weaker, position. He insisted that Jews too thought in terms of the country’s interests and that they too agreed that those mentally, physically, and morally unsound, as well as paupers or those liable to become public charges, should be barred from entry. “What we object to,” he explained, “is that the law, as it exists, be twisted into new theories of construction [as done by Williams] contrary to established precedents and decisions of the courts.”<sup>54</sup>

Tensions between Williams and the antirestrictionists mounted in 1912. Following the report of the Dillingham Immigration Commission, many bills, including the literacy test, were introduced into Congress to restrict immigration still further.<sup>55</sup> While the friends of free immigration looked for support from the three major candidates—Republican Taft, Democrat Wilson, and Progressive Roosevelt—Williams’s office collected more articles from the foreign language press that, according to the commissioner, illustrated the “continued abuse of the Ellis Island authorities.” One from the Yiddish *Wahrheit*, for example, ran under a melodramatic title—“Vera Jaffee, Whose Intended Husband Was Killed By Williams’ Hangmen, On Ellis Island, Through The Most Inhumane Libel On His Sweetheart, Was After All Not Permitted To Land.” It went on to report that Jaffee, a young Russian woman engaged to be married, “was outrageously accused of having had illicit intercourse with the intended husband,” and despite her denial was taken before a board of inquiry. Applying “Jesuit”-like tactics, the board forced her to confess. The paper continued: “What could a poor, wretched, weak girl, who was surrounded by a band of inquisitors without a protector and not one friendly face around her, do?” The episode ended sadly for Jaffee; her fiancé, who had been hospitalized, died, and she was deported back to Russia. Williams accomplished what he wanted, the *Wahrheit* concluded, and “America was saved from the fearful danger of having two more Jewish immigrants!”<sup>56</sup>

In August of that year, Chicago Congressman Sabath, a Jew who called himself a fighter for the immigrants and the interests of the foreign born,

inserted a lengthy piece in the *Congressional Record* that combined a pitch for Wilson and the Democrats—the Democrats appreciated the immigrants while the Republicans (i.e. Roosevelt, Taft, and their subordinates) held narrow and biased views—with a denunciation of Williams. It was an “evil day” for immigrants and their friends, Sabath said, when Taft appointed the commissioner in 1909. Because of his “relentless course against the immigrant,” Williams’s name is “execrated” by every new arrival to American shores since his second term began. Sabath offered examples of the commissioner’s bigoted tactics and his prejudice against immigrants from southern and eastern Europe. In support of his charges, the congressman inserted statistics, testimony from the 1911 hearings, and the petition from the Jewish district on the Lower East Side. He claimed that the data showed that the commissioner’s administrators were “inexcusably harsh and arbitrary.”<sup>57</sup> Sabath’s accusations were not new, but his attack brought Williams and the procedures at Ellis Island to the attention of Congress.

Again, as he had in 1911, Williams sought to refute the witnesses who had testified against him. He wrote a scathing reply that accused Sabath of lying. According to the commissioner’s letter, Sabath indulged in misrepresentations; his facts and allegations were false, and, resorting to “tricky methods,” he maliciously ignored the defense of Williams at the congressional hearings of 1911 and Secretary Nagel’s statement on his behalf. Had Sabath made his case on the floor of the House rather than inserting his remarks in the appendix to the *Congressional Record*, Williams said, he would have been answered by his colleagues. Williams reminded the congressman of his, Sabath’s, visits to Ellis Island and of the frequent messages he had sent to the commissioner. To be sure, Sabath had had ample opportunity to complain to Williams if he had found anything amiss, but he kept silent for years until the political campaigns gained momentum.<sup>58</sup>

The Sabath/Williams exchange was widely circulated, and the commissioner drew the support of restrictionists in and out of Congress.<sup>59</sup> Henry Dannenbaum resurfaced too, congratulating Williams for his letter and promising its publication by a Jewish newspaper in Texas. Williams thanked Dannenbaum effusively and told him of another Jew, a lawyer in Boston, who called Sabath’s attack “an insult to the intelligence of all Jewish citizens, most of whom desire that the country shall receive at least the protection it now does from the defective and delinquent classes of Europe and Asia.”<sup>60</sup>

While such Jews spoke neither for the leaders nor the rank and file of American Jewry, Sabath’s attack led the strict restrictionists to add an openly antisemitic component to their brief. Prescott Hall, the guiding spirit of the patrician-led IRL, warned Sabath directly of an antisemitic backlash that could well result from his attack on Williams. Broadly hinting at Jewish

power and Jewish lust for control over Christian states, his words echoed long-lived stereotypes:

Your attack is not only malicious, but it is very ill-advised, for it is liable to convey to the public the idea that our Jewish citizens are opposed to the immigration laws and to the enforcement of such laws as Congress has passed. While this is not the attitude of a large number of Jewish citizens, it would be unfortunate if your remarks should represent them in the public mind; *for the time has not yet come when the American people is ready to surrender the government of this country to a minority of citizens of foreign birth of whatever race or country, nor do Hebrew citizens in my opinion desire this or desire that the country shall cease to be protected from the defective and delinquent classes of Europe and Asia.* (Emphasis added.)<sup>61</sup>

In the end, Sabath, like Sulzer before him, backed off. Both congressmen had based their cases against Williams in large measure on the emotional stories of the ethnic press and ethnic societies, but Williams, making good use of his legal skills, was the sharper debater. His office collected public comments about him, and since he knew what his attackers would say, he came well prepared to respond. A hard worker who was committed to his job and who labored to improve the physical facilities of Ellis Island,<sup>62</sup> he also knew the details of outstanding cases that had drawn accusations against the boards of inquiry and had ended in deportations. Of the same social class as his prestigious supporters, the commissioner had the confidence to dismiss the charges of the “lowly” foreigners. Nor were his opponents equipped to challenge his racist arguments or his accusation that they disregarded the national interest.

As in the Saphirstein hearing of 1909, neither side in 1911 and 1912 yielded or admitted defeat. The ethnic press was not silenced, nor did Williams modify his rulings regarding the LPC regulations and the boards of inquiry. With the aid of a highly disciplined staff, he gained approval and support from the public, particularly the restrictionists. His superiors in Washington, sensitive only to political signals, preferred to ignore the charges against him and to defend him against his critics. Most important, Williams was in tune with the spirit of restriction and racism that the vast majority of “proper” Americans increasingly shared, which would peak in the 1920s.

Congressmen Sulzer and Sabath, however, had not lost entirely. Their purpose may well have been to publicize the case of the immigrants, and in that they succeeded. Despite their failure with regard to Williams, both loyal Democrats chalked up points with the immigrant populations, specifically in New York and Chicago, in the preliminaries to the 1912 presidential race. Sulzer, for example, injected the issue of Jewish interests, including immigration, in the three-way election when he ran for governor of New York against a Jew, the Progressive candidate Oscar Straus. He may not have actually said,

“Whenever the name of William Sulzer is spoken to Jewish people they fall to their knees and thank God for his life,” but similar boasts helped earn him the votes of many Jews.<sup>63</sup>

Complaints about Williams subsided. Neither Roosevelt nor Taft had ousted the commissioner from office or even reprimanded him, but Wilson’s election only weeks after the Williams-Sabath exchange promised a change of personnel in the Bureau of Immigration. Concerned Jews now concentrated on the need to block the passage of further restrictive measures sparked by the report of the Dillingham Immigration Commission and aimed primarily at immigration from southern and eastern Europe. Their efforts were at best only a holding action. Indeed, Jewish defense and the entire Williams affair had no major impact on the arrival of tens of thousands of new eastern Europeans before World War I. After a temporary lull that followed the war and the Russian Revolution of 1917, the defenders of Jewish immigrants confronted a new and more serious upsurge of nativism that ultimately culminated in the harsh quota legislation of the 1920s.

Put in perspective, the account of Commissioner Williams and the Jews, albeit a relatively short story that lasted barely ten years, reflects aspects of the Progressive Era. Most striking is its illumination of the growth of the administrative branch of government, a favorite Progressive device, often at the expense of the enumerated powers of the legislature and the judiciary. Irrespective of his policies, Williams was primarily an administrator who interpreted and applied, and thereby shaped, the law to reflect his opinions and judgments. Like the Progressives who advocated centralized administration as a means of solving the economic and social problems of a corporate age, so did Williams behave with respect to the problems at Ellis Island. The Progressive Era also witnessed the entrenchment of nativism and racism in popular opinion,<sup>64</sup> and Williams was their spokesman on the matter of immigration.

The story of Williams and the Jews raises questions specifically related to antisemitism. On the basis of the evidence presented, is the claim that Williams was an antisemite justified? If he was, were the presidents who appointed him, Roosevelt and Taft, antisemites? Even more important, why didn’t the leading defenders of the Jewish immigrants, such as Max Kohler, accuse Williams openly of antisemitism? If Schiff or Straus or Sulzberger threatened elected officeholders with the Jewish vote, the politically conscious officials might have been more responsive to complaints about the commissioner. To be sure, Williams made no secret of his racist opinions and his aversion to the new ethnic groups from southern and eastern Europe, but despite the charges made by some Jews and their fellow ethnics, he was not an antisemite. He did not repeat the old anti-semitic stereotypes on which racist Jew-hatred was based; he saw fit in speeches to Jewish audiences to praise some Jewish characteristics, and the closest he came to outright hate-mongering was his comment to Roosevelt that some

“estimable” Jews ranked their Jewish interests above the needs of the nation. Williams shared the “polite” antisemitism and prejudices of the patrician class to which he belonged, but he was no more an antisemite than the men who chose him. Indeed, both Roosevelt and Taft were hardly Jew-haters. They too shared the same patrician biases, but their personal tastes did not interfere with their political and professional associations.

The principal defenders of Jewish immigration from Russia, the communal leaders in the UAHC and AJC such as Kohler and Abram Elkus, purposely shied away from openly accusing Williams of antisemitism. Sensitive to the currents of Jew-hatred particularly after 1880, they were restrained by a combination of reasons. For one thing, Jewish history had taught them the futility of combating the irrationality of Judeophobia. More important, as those who had long preached the necessity of acculturation, they believed that Jewish security in the United States depended on the minority’s accommodation to American law and traditions. Their accommodationist posture was accompanied by a faith in American exceptionalism. Never before had Jews in modern times enjoyed comparable freedoms and opportunities, and were their leaders to admit that America had succumbed to the age-old antisemitic canards now prevalent in racist garb on the European continent, they would become ideologically bankrupt. Were that to happen, their control of the newcomers, as in their admonitions on the dangers of noisy public agitation, would be considerably weakened. In sum, it appeared more advisable to argue that Williams had been guilty of *un-American* acts, i.e., administrative acts that usurped legislative powers or ran counter to accepted judicial opinions.

The case the Jews and their defenders put forward against Williams and on behalf of immigration from eastern Europe made little impression on the commissioner’s superiors. More to the point, it had no lasting effect. The entire episode faded in importance in the decade after the war when the currents of nativism and antisemitism swelled to new heights.

## *Appendix*

From the petition of the Citizens' Committee in answer to Williams's remarks as summarized on pp. 113–114. See n. 48 for full reference to printed source.

Hon. William H. Taft

Sir:

Although this report of Mr. Williams [for 1911] is supposed to relate solely to Ellis Island affairs, fully two pages are devoted to matters having no bearing whatsoever upon the affairs at Ellis Island, but are evidently interpolated for restrictionist purposes.

While the individual views of the commissioner are no concern of ours, we are vitally interested in that portion of his report which undertakes to reflect upon us... We deny emphatically that there is any truth in the strictures imposed by this public official upon the inhabitants of Orchard, Rivington, and East Houston Streets. A large proportion of them are citizens of the United States, loyal to their country and to its institutions, seeking by their industry to add to the well-being of the community in which they reside. Those who are not citizens intend to become such at the earliest opportunity. Although most of the residents of those streets are of foreign birth, they have come to this country for the purpose of establishing permanent homes, of rearing and educating their children as good Americans, and of enjoying the blessings of freedom, at the same time assuming and performing the obligations which residence and citizenship entail.

A survey of the district whose good name is involved in the strictures contained in Mr. Williams's report, indicating the nationalities and the moral, social, and industrial activities of the population in such district, is hereto appended. [Omitted here.] It is believed that the statistics thus presented for your consideration will demonstrate, not only that the statements made by Mr. Williams are false, but that they are libelous, and that no public officials should be permitted with impunity thus to malign a large and populous section of this great city.

Remarks of this character, emanating from one occupying the official position that Mr. Williams fills, are calculated to do great injury to those who are included within them. They are particularly objectionable because they are apt to arouse unwarranted prejudices against immigrants, and especially among immigration inspectors, who are his subordinates....

Under the circumstances we are impelled, not only for self-protection but because we believe it to be our duty as citizens, to protest against these wanton and unjustifiable reflections upon us; against this attempt on the part of a public official to discriminate among those who have passed through the gate

at Ellis Island, and who have become absorbed in the general population of this country.

Moreover, we consider the remarks to which we have taken umbrage as a gratuitous insult, because in making them Mr. Williams did not deal with any matter which came within his jurisdiction, which is confined to Ellis Island, but has seen fit, either maliciously or without knowledge of the conditions which he seeks to describe, to animadvert upon us and those who we represent, all of whom are striving to the utmost of their power to maintain the respect and good will of their fellow citizens.

We therefore respectfully pray that such action may be taken in the premises as will vindicate our reputation and that of our families and neighbors, and will result in the retraction of the libelous charge of which we complain.

Dated, New York, April 9, 1912.

## Notes

<sup>1</sup>Thomas M. Pitkin, *Keepers of the Gate* (New York: New York University Press, 1975), 45–46, 52; Alan M. Kraut, *The Huddled Masses* (Arlington Heights, IL: Harlan Davidson, 1982), 54–56, 59; Amy Fairchild, *Science at the Borders* (Baltimore: The Johns Hopkins University Press, 2003), especially part 1. A very recent book deals with the hospital on Ellis Island. Lorie Conway, *Forgotten Ellis Island* (New York: Smithsonian, 2007).

<sup>2</sup>Bureau of Immigration, *Reports of the Department of Commerce and Labor, 1909* (Washington, DC, 1910), 232, puts the daily number at five thousand for the peak year of 1907.

<sup>3</sup>Williams in *Who's Who in America*, 7, 1912–1913; Roosevelt appointed Williams at least in part because of a scandal that revealed corrupt practices by immigration officials. Kraut, 59–60.

<sup>4</sup>Pitkin, 44; *Hearings on House Resolution No. 166, Hearings Held Before the Committee on Rules, House of Representatives* (Washington, DC, 1911), 29 May 1911, 27.

<sup>5</sup>Henry P. Guzda, “Ellis Island a Welcome Site?” *Monthly Labor Review* 109 (July 1986): 31.

<sup>6</sup>Williams to commissioner-general of immigration, 23 April 1903, Williams to T. Roosevelt, 29 January 1903, New York Public Library, Williams Papers (hereafter cited as WP), box 5, file misc, New York; Pitkin, 53–54.

<sup>7</sup>Pitkin, 43–44, 48.

<sup>8</sup>Gary Gerstle, *American Crucible* (Princeton: Princeton University Press, 2001), ch. 1.

<sup>9</sup>“Remarks on Immigration,” address delivered to the senior class at Princeton, November 1904, WP.

<sup>10</sup>See “In Defense of the Immigrant,” *American Jewish Year Book* (hereafter cited as *AJYB*) 12 (1910–1911): 19–98 for the case made by the established communal leaders in the AJC.

<sup>11</sup>Williams to N. Bijur, 13 January 1905, WP, box 5, file misc.

<sup>12</sup>A. Tedesco to Williams, 9 December 1904, WP, box 1, file 12.

<sup>13</sup>E.P. Hutchinson, *Legislative History of American Immigration Policy* (Philadelphia: University of Pennsylvania Press, 1981), especially 102–103, 413–414; Pitkin, 45. In 1891 Secretary of the Treasury Charles Foster had yielded to the pleas of representatives of the UAHC that aliens assisted by private charities did not fall under the LPC clause. Foster conditioned the exemption with the proviso that the Jews would work to disperse those immigrants away from the eastern seaports. By the time Williams took office, the arrangement with Foster was no

longer observed. Esther Panitz, "In Defense of the Jewish Immigrant," *The Jewish Experience in America*, 5, ed. Abraham J. Karp (Waltham and New York: American Jewish Historical Society, 1969), 25–27.

<sup>14</sup>See my article, "Relocation and Relief," Hunter College Jewish Studies Program, *Occasional Papers*, no. 8 (New York, 2000).

<sup>15</sup>Pitkin, 56, 58–59.

<sup>16</sup>Williams to T. Roosevelt, 29 January 1903, WP.

<sup>17</sup>P. Cowen to M. Loeb et al., 14 December 1905, Papers of the National Committee for Relief of Sufferers by Russian Massacres, Correspondence Files, American Jewish Historical Society (hereafter cited as AJHS), NY. Cowen's autobiography, *Memories of an American Jew* (New York: International Press, 1932), provides no information on the alleged abuses of the boards of inquiry or of Williams's staff, and Williams's name is not mentioned even once.

<sup>18</sup>P. Cowen to F. Sargent, 22 February 1904, Philip Cowen Collection, AJHS, NY. Williams assigned Cowen to investigate the activities of a Jewish revolutionary from Russia who lectured to Yiddish-speaking audiences. P. Cowen to F. Sargent, 6 December 1907, Philip Cowen Collection, AJHS, NY. In 1906, for the information of the president, Cowen was sent to Europe to investigate the causes of the large emigration from Russia. Cowen, ch. 8.

<sup>19</sup>Printed copy in WP. One talk was delivered to the American Social Science Association.

<sup>20</sup>The Industrial Removal Office, created by the Baron de Hirsch Fund, sought to relocate immigrants from the Atlantic seaboard to less congested areas. The Galveston Plan encouraged immigrants to land at Galveston instead of the eastern ports and to then be dispersed to points in the Midwest. Samuel Joseph, *History of the Baron de Hirsch Fund* (Fairfield, NJ: A.M. Kelley, 1978), ch. 5; Naomi W. Cohen, *Jacob H. Schiff* (Hanover, NH: University Press of New England, 1999), 159–168.

<sup>21</sup>Naomi W. Cohen, *A Dual Heritage* (Philadelphia: Jewish Publication Society, 1969), 152–158; Pitkin, 53–56.

<sup>22</sup>*Reports of the Department of Commerce and Labor, 1909*, 230–232. A file in the Philip Cowen Collection contains circulars from Williams's office, many of which contained admonitions on the strict interpretation of immigration law. See memorandum by Williams, "The Terms 'Pauper' and 'Likely to Become a Public Charge,'" 1 August 1910.

<sup>23</sup>Panitz, 30–32; *AJYB* 12 (1910–1911): 347.

<sup>24</sup>Naomi W. Cohen, *Encounter with Emancipation* (Philadelphia: Jewish Publication Society, 1984), 241–246; see especially Max J. Kohler, *The Immigration Question, With Particular Reference to the Jews of America* (address delivered at the 22<sup>nd</sup> Council of the UAHC, *Proceedings of the UAHC*, 18 January 1911), 1–10; the *Proceedings* for that date include Secretary Nagel's response to Kohler.

<sup>25</sup>Williams charged that some of the immigrant aid societies were "grossly mismanaged," and he warned that he would respond with "drastic action." *Reports of the Department of Commerce and Labor, 1909*, 232. In 1909 alone more than sixty thousand cases were heard before boards of inquiry and more than ten thousand aliens were rejected. Marc L. Raphael, "The Jewish Community and Ellis Island," *Michael* 3 (1975): 172–173.

<sup>26</sup>*The New York Times* (24 January 1910); *American Hebrew* (28 January 1910); Mark Wischnitzer, *Visas to Freedom* (Cleveland and New York: World Publishing Co., 1956), 61.

<sup>27</sup>Rivka S. Lissak, "The National Liberal Immigration League and Immigration Restriction, 1906–1917," *American Jewish Archives Journal* 47 (Fall/Winter 1994):197–238; Naomi W. Cohen, *Not Free to Desist* (Philadelphia: Jewish Publication Society, 1972), 38–43, 48–50.

<sup>28</sup>*AJYB* 12 (1910–1911): 99–100; Pitkin, 58, 60–62; *Washington Star* (15 July 1909), WP; *Boston Daily Advertiser* (9 July 1909).

<sup>29</sup>J. Saphirstein to W. Taft, 19 August 1909, Williams to D. Keefe, 14 September 1909, unaddressed and undated memorandum from C. Dushkind, "In re Petition Against Alleged Unjust Exclusion of Immigrants," National Archives—Records of the Immigration and Naturalization Service, Series A—Part 3 (hereafter cited as RINS), Reel 5-0484, casefile 52600/13, Washington DC.

<sup>30</sup>J. Saphirstein to W. Taft, 19 Aug. 1909, RINS, Reel 5-0484, casefile 52600/13. In this letter the writer used the term "star chamber" proceedings. Williams answered the arguments in a long letter to Secretary Charles Nagel, 9 September 1909.

<sup>31</sup>Williams to C. Nagel, 9 September 1909, Williams to D. Keefe, 14 September 1909, O. McHarg to C. Nagel, 15, 18, 21, 30 September 1909, McHarg to J. Magnes, 30 September 1909, RINS, Reel 5-0484, casefile 52600/13. McHarg, disdainful of "these people," was concerned about the political implications of the issue.

<sup>32</sup>A stenographic report of the hearing can be found in RINS, Reel 5-0564, casefile 52600/13A. Unless otherwise noted, all material for this and the next paragraph comes from that report.

<sup>33</sup>Two undated memoranda by Dushkind, the first in RINS, Reel 5-0484, casefile 52600/13, the second to Nagel in RINS, Reel5-0564, casefile 52600/13A; in casefile 52600/13, see also O. McHarg to C. Nagel, 21 September 1909.

<sup>34</sup>See also Williams to C. Dushkind, 3 October 1909, RINS, Reel 5-0484, casefile 52600/13.

<sup>35</sup>Williams to O. McHarg, 14 April 1910, RINS, Reel 5-0564, casefile 52600/13A.

<sup>36</sup>Jews had testified before that committee a year earlier, when a hearing was granted to opponents of further immigration restriction. See reference in n.10.

<sup>37</sup>*Hearings on House Resolution No. 166*, 29 May 1911, 3–5, 50.

<sup>38</sup>*Ibid.*, 10 and 11 July 1911, 62–63.

<sup>39</sup>*Ibid.*, 29 May 1911, 15.

<sup>40</sup>*Ibid.*, 16–21, 28–35.

<sup>41</sup>*Ibid.*, 43.

<sup>42</sup>*Ibid.*, 10 and 11 July 1911, 51–94, 175–180.

<sup>43</sup>*Ibid.*, 10 and 11 July 1911, 136–142. In an answer directed to Levy and other Jews, Nagel claimed that he interpreted the law liberally on immigrant appeals, 180–185.

<sup>44</sup>*Ibid.*, 10 and 11 July 1911, 154–158.

<sup>45</sup>For example, *The New York Times*, 27 May 1911, 22 January, 2 February, 15 July, 11 October, 30 November 1912; Pitkin, 51–52, 57, 62.

<sup>46</sup>*Ellis Island, New York, Annual Report of the Commissioner of Immigration for the Port of New York... for the Year Ended June 30, 1911* (Washington, DC, 1911), especially 6, 15.

<sup>47</sup>R. Ward to Williams, 15 November 1911, WP, box 2.

<sup>48</sup>*Views on Immigration, Petition of Citizens of Orchard, Rivington, and East Houston Streets, New York City, Relative to the Reports of Officials and the Condition of Immigrants*, 62 Cong. 2 Sess., Sen. Doc. No. 785 (Washington, DC, 1912).

<sup>49</sup>*AJYB* 12 (1910–1911): 348–349; *Proceedings of the Union of American Hebrew Congregations, 1911*, 6596–6598, 6609.

<sup>50</sup>Published as Kohler, *The Immigration Question*.

<sup>51</sup>*AJYB* 14 (1912–1913):117.

<sup>52</sup>"Extract from Address of Henry J. Dannenbaum," 9 January 1912, WP, box 5; H. Osborn to J. Schiff, 22 January 1912, J. Schiff to H. Osborn, 25 January 1912, Schiff to A. Kraus, 25 January 1912, American Jewish Committee Archives, General Correspondence Files, Jacob Schiff file, NY.

<sup>53</sup>Williams to T. Roosevelt, 31 January 1912, WP, box 5, file misc.

<sup>54</sup>H. Osborn to J. Schiff, 11 March 1912, WP, box 2; Schiff to H. Osborn, 15 March 1912, Schiff Papers in archives of The Jewish Theological Seminary, NY; H. Osborn to Schiff, 22 Jan. 1912, Schiff Papers in files of the AJC, NY.

<sup>55</sup>The House Committee on Immigration and Naturalization held hearings in 1912 on various restrictive measures, and again Joseph Barondess and Aaron Levy testified, along with other defenders of liberal immigration. Their principal themes—America's tradition of welcoming the immigrant, the contributions of immigrants to the economy, and the immigrants' desire to Americanize rapidly—applied to all aliens and not merely Jews. Williams also made his views known and did not conceal his bias against the new immigrants. See for example *Hearings before the Committee on Immigration and Naturalization, House of Representatives*, 62 Cong. 2 Sess., (Washington, DC, 1912), especially 11 January, 17–24 February, 4–8 May 1912.

<sup>56</sup>"Instances of Continued Abuse of the Ellis Island Authorities by Certain Newspapers Printed in Foreign Languages," translation of article from the *Wahrheit* (14 July 1912), WP, box 5.

<sup>57</sup>*Congressional Record, Appendix*, 62 Cong. 2 Sess., 790–805 (23 August 1912). A letter from Sabath to Philip Cowen, 19 April 1910, indicates that the congressman had been long aware of the prejudice of Williams's administration. Philip Cowen Collection, AJHS, NY.

<sup>58</sup>Williams to A. Sabath, 17 September 1912, WP, box 5.

<sup>59</sup>R. Ward to Williams, 24 September 1912, WP, box 2, J. Lee to Williams, 27 September 1912, W. Dillingham to Williams, 27 September 1912, H. Danforth to Williams, 30 September 1912, A. Gardner to Williams, 30 September 1912, WP, box 5; editorial in *The New York Times* (21 September 1912).

<sup>60</sup>H. Dannenbaum to Williams, 23 September 1912, Williams to H. Dannenbaum, 26 September 1912, WP, box 2.

<sup>61</sup>P. Hall to A. Sabath, 23 September 1912, WP, box 5. For a study of the IRL see Barbara M. Solomon, *Ancestors and Immigrants* (Boston: Northeastern University Press, 1965).

<sup>62</sup>See Williams in *Reports of the Department of Commerce and Labor* for 1909 and 1911.

<sup>63</sup>Cohen, *A Dual Heritage*, 220–221.

<sup>64</sup>John Higham, *Strangers in the Land* (New York: Atheneum, 1973), especially chs. 4 and 5.