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Jewish Ethnic Identity and the Dissolution of the Black-Jewish Alliance

Nathan Gregg Caplin

A thesis submitted to the faculty of  
Brigham Young University  
in partial fulfillment of the requirements for the degree of  
Master of Arts

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## ABSTRACT

### Jewish Ethnic Identity and the Dissolution of the Black-Jewish Alliance

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Since the early 20<sup>th</sup> century, Jews promoted civil rights for Black Americans in law, society, and employment. The Jewish hand of friendship developed into a natural alliance of African-American and Jewish leaders committed to racial equality that blossomed in the 1950s and 1960s and culminated with the passage of the Civil Rights Act and the Voting Rights Act. Despite their long term mutual efforts towards racial equality, the Black-Jewish Alliance faltered after Jews and Blacks cooperated to achieve these victories, and their alliance lay in ruins by the late 1960s and early 1970s.

The Black-Jewish Alliance began to wane as government institutionalized racial preferences in education and employment. While observers argue affirmative action ended these communities' cooperation, government-mandated racial preferences merely highlighted the underlying cause of the disintegration of Black-Jewish Alliance: the transformation of Jewish American identity from racial minority to "white ethnic." The Jewish racial transformation—a gradual shift in their association with ethnic communities—augmented racial disputes between Blacks and Jews.

As Jewish identity shifted from perceived racial minority to American white ethnicity, the Black-Jewish racial fault line shook along the fronts of Black Nationalism and neoconservatism. These racial cleavages—spurred by the fluidity of Jewish ethnic identity—highlighted divergent Black and Jewish conceptions of the meaning and purpose of civil rights.

The chasm separating Black and Jewish conceptions of civil rights manifested itself in the 1970s when the champions of racial equality advocated competing sides of a still contentious philosophical war fought on the battlefields of the U.S. Supreme Court in *University of California Regents v. Bakke* (1978) and *DeFunis v. Odegaard* (1974).

Keywords: affirmative action, African American, alliance, anti-Semitism, Bakke, black, Black Nationalism, civil rights, ethnic, Jewish, neoconservatism.

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I express gratitude to my father Steven Caplin and my aunt Marilyn Dingfelder Caplin for inspiring the question my thesis addresses. Thank you to my father's fifth grade teacher, Mr. Thompson—and many African American educators like him—for breaking the color barrier in Miami to teach Latino, Anglo, and Jewish school children, and for instilling in my family gratitude for the extensive contributions of brave Black Americans like Mr. Thompson and our family's hero, Ralph Bunche.

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## CHAPTER 1

### THE DISSOLUTION OF THE BLACK-JEWISH ALLIANCE:

#### INTRODUCTION AND LITERATURE REVIEW

From the early 1900s, Jews—more than any other American ethnic group—fought to promote civil rights for Black Americans in law, employment, and education. The Jewish hand of friendship developed into a natural alliance of African-American and Jewish leaders committed to racial equality that blossomed in the 1950s and 1960s and culminated with the passage of the Civil Rights Act and the Voting Rights Act. Despite long-term mutual efforts towards racial equality, the Black-Jewish Alliance faltered after Jews and Blacks cooperated to achieve these two great legal victories—their alliance lay in ruins by the late 1960s and early 1970s. The Black-Jewish Alliance began to wane as government institutionalized racial preferences in education and employment. While observers argue affirmative action ended these communities' cooperation, it is more likely government-mandated racial preferences merely highlighted the underlying cause of the disintegration of Black-Jewish Alliance: the transformation of Jewish American identity from racial minority to “white ethnic.” The Jewish racial transformation—a gradual shift in their association with ethnic communities—augmented racial disputes between Blacks and Jews.

As Jewish identity shifted from perceived racial minority to American white ethnicity, the Black-Jewish racial fault line shook along the fronts of Black Nationalism and neoconservatism. These racial cleavages—spurred by the fluidity of Jewish ethnic identity—highlighted divergent Black and Jewish conceptions of the meaning and purpose of civil rights.

The chasm separating Black and Jewish conceptions of civil rights manifested itself in the 1970s when the champions of racial equality advocated competing sides of a still contentious



political fight, where Blacks strove for issues that would put them on “equal” footing after a century of severe inequality, and Jews fought to maintain the concept of complete racial equality. The Supreme Court debates illustrated the tension between proponents of “color blind” society and advocates of collective race equality, raged in the seminal legal battles of *University of California Regents v. Bakke* (1978) and *DeFunis v. Odegaard* (1974), the significance of which we will discuss in Chapter 4.

A more nuanced narrative of the Black-Jewish Alliance will provide a 21<sup>st</sup> Century prism through which Blacks and Jews may rebuild their social, political, and educational cooperation. Although the issues discussed may touch on decades-old controversies and disagreements, the purpose of this thesis is to explore why influential segments of the Black and Jewish communities cut off the cooperative partnership. I approach this work with hope for a long-term revival of Black-Jewish cooperation in economics, law, and education.

While Jewish actors in this misunderstood narrative do not reflect the views of all Jews, they are representative of the views of dominant players in the Jewish intellectual movement who contributed to the American civil rights movement. Within this small but influential group of Jews, tensions welled up in response to competing interests: civil rights and economic well-being of African Americans, and economic and educational equal opportunity for all, both of which Jewish intellectuals valued out of principle. Although the competing interests divided the Jewish community, for a time Jewish representatives in civil rights, law, and education, appeared to coalesce around the principles of equal opportunity rather than what some Jewish thinkers viewed as equality of outcome for African Americans.

Within the larger African American movement for civil rights and economic opportunity—an umbrella of Christian and Black Nationalist civil rights organizations—tensions

arose among the liberal and Christian branches of the Black civil rights movement and the much smaller (but nevertheless outspoken and influential) nationalist wing of the African American civil rights movement. While the former branch of the civil rights movement embraced Jewish cooperation in the quest for civil and economic rights, the latter rejected the Jewish hand of political friendship, opting instead to “close ranks”<sup>1</sup> and, as Stokely Carmichael encouraged, embrace an “ideology which speaks to [their] Blackness—nothing else.”<sup>2</sup>

When Black Nationalists and Jewish conservatives clashed, to the outsider, the Black-Jewish Alliance appeared to be sinking itself in internal war. These tensions were contextualized by an evolution of Black views of America and civil rights. The quest for equal rights for Blacks, who had been oppressed and accused of inferiority for centuries, necessarily involved rhetoric of Black pride.

Additionally, many civil rights leaders identified with the quest of Africans for independence from European control. The right of self-determination played a loud part in the rhetoric of 1960s civil and economic rights; this manifested itself in Black Nationalist perception that Jews impeded the Arab people's quest for self-determination.

At this same time, Jews became more integrated and accepted into white society. Jews staked out a place that was white, but also ethnically distinct. Part of that ethnic distinction was symbolized by the State of Israel, which became a poignant symbol in the Jewish-American quest for cultural self-determination. Thus, the inner battles between Black and Jewish civil

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<sup>1</sup> Stokely Carmichael and Charles Hamilton, *Black Power: The Politics of Liberation in America* (New York: Random House, 1967), 44. "Before a group can enter the open society, it must first close ranks."

<sup>2</sup> Clayborne Carson, "Black-Jewish Universalism in the Era of Identity Politics," in *Struggles in the Promised Land*, ed. Jack Salzman and Cornel West (New York: Oxford University Press, 1997), 188.

rights allies were amplified by the evolving views of Jews and Blacks regarding identity, self-determination, and what it means to be an ethnically or racially distinct American.

My nuanced approach to disagreements about why the Black-Jewish Civil Rights Alliance eventually failed demonstrates that Jewish ethnic identity was a fundamental variable in the life of the Black-Jewish Alliance, and that as Jewish identity shifted, the Alliance weakened to the point that less important factors, like Black Nationalism, neoconservatism, and affirmative action, caused Black-Jewish Alliance to dissolve.

### *The Black-Jewish Alliance's Background*

A cursory analysis of the relationship between Jews and African Americans<sup>3</sup> shows the former heavily involved in the development and leadership of civil rights organizations designed to advance Black equality, such as the National Association for the Advancement of Colored People (NAACP). Jewish Americans, as a whole, empathized with Blacks as victims of racial persecution because many Jewish immigrants faced similar discrimination and violence in the Old World, and Jews suffered discrimination in the U.S., albeit in a less malicious form than experienced by African Americans. Blacks, up until the late 1960s, often viewed Jews as “other”

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<sup>3</sup> Jews and African Americans are as varied and diverse as any other American religious or ethnic group; thus, it is unwise to paint either group with a broad historical brush. Throughout this paper the general term “Jews” refers to a specific group: Americans who identify themselves as religiously, culturally, or ethnically Jewish and who embrace intellectual and political progressivism, particularly applied to racial theories and interracial relations. Many of the “Jews” referred to in this paper resided in the Northeastern United States and were intellectuals, political activists, attorneys, or community lawyers, or the groups these leaders claimed to represent. Clearly, progressive, intellectual Jews were not confined to one region—they also lived in the American South and in urban areas on the West Coast. When discussing Jews who vary culturally and politically from those described above, I will use an identifying adjective, such as “orthodox,” “neoconservative,” or “southern,” to distinguish them from the foundational Jews of my paper.

I identify distinctions among diverse African Americans by location (in introductory phrases to quotes), by religion, or by self-imposed political labels. Like Jews, Black Americans are not a monolithic group. While I recognize the individual and sub-group diversity within each of these two great American minority communities, I submit that the leadership of these two minority groups and the civil rights organizations (that claimed to represent these separate communities) maintained distinct theories of the purpose of the Civil Rights Movement. These theories, I argue, are identifiable as uniquely African American or Jewish American in quality and origin.

racially—something not quite white but not Black, but a group they could identify with, nonetheless. Therefore, African Americans expected—and received—significant Jewish aid in the civil rights movement.

While reflecting on his civil rights leadership, Martin Luther King, Jr. observed “the art of alliance politics is more complex and more intricate” than most of its participants understand. A “true alliance” is the rare alignment of two distinct ethnicities’ interests, goals, and worldview. First, for an alliance to be long-lasting, the allies’ self-interest must be aligned. Second, the groups must share common goals that benefit all participating groups. Finally, neither ally “must have an outlook in basic conflict with the others.”<sup>4</sup>

Jews and Blacks were unified by King’s true alliance theory’s factors for several decades.<sup>5</sup> Throughout the 1940s, 1950s, and early to mid-1960s, Jewish and African Americans shared the first prong of the true alliance theory: the common interest of ending racism and anti-Semitism. The “ultimate logic of anti-Semitism and racism is identical: genocide for both groups.”<sup>6</sup> Their shared interest in ending racial and ethnic discrimination bolstered the Black-Jewish Alliance, pulling the two minorities together.

Before the Holocaust (in Hebrew, *HaShoah*),<sup>7</sup> many secular Jewish leaders held that European and North American societies should accept Jews as a noble, ethnic identity integrated

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<sup>4</sup> King Jr., *Where Do We Go From Here: Chaos or Community* (1967; repr., Boston: Beacon Press, 2010), 159. Martin Luther King, Jr. praised the importance of exploring the nuances of racial and political alliances: “It is no mere academic exercise to scrutinize alliance relationships. They are the keys to political progress.” (160).

<sup>5</sup> Samuel DuBois Cook, ed., *Black-Jewish Relations: Dillard University National Conference Papers, 1989–1997* (Franklin, TN: Providence House Publishers, 1999), xvi.

<sup>6</sup> Cook, ed., *Black-Jewish Relations*, xiii. Such logic came to fruition amidst the Nazi genocide against European Jews.

<sup>7</sup> *Shoah* is from the Hebrew, meaning “destruction” and “calamity.” *Ha* means “the”; therefore, *HaShoah* signifies “The Calamity” or “The Destruction.”

into the Gentile community. However, some post-Shoah thinkers advocated the erasure of Jewish ethnic identity for, paradoxically, reasons of survival. Only in America were they successful at this. American culture had developed so much of Judaism in it—from vernacular and diet to religion and legal philosophy—that civil rights (both on the left and the new right) were influenced by Jewish morality and philosophy.

In Chapter 2, we will explore King’s true alliance theory, especially in terms of the common goals Blacks and Jews shared—through the 1950s and early 1960s. The Black-Jewish Alliance worked to bury race-based hiring, educational opportunity, and voting restrictions. However, after achieving the Civil Rights Act (1964) and the Voting Rights Act (1965), the Black-Jewish Alliance lost connective common goals, thus weakening their alliance. Black leaders embraced affirmative action as a means to achieve collective equality, while Jews saw affirmative action as an impediment to their collective and individual progress, thus common goals of the Black-Jewish Alliance faded.

Furthermore, by the 1960s, the Jewish march toward whiteness accelerated at a pace that worried many Jews, including promoters of Jewish assimilation. Jews had to put a break on their slide toward whiteness; they had to distinguish themselves from white America—opposition to affirmative action was the perfect catalyst to establish their bona fide American credentials, preserve their distinct, millennia-old ethnic identity, and be accepted by all races, especially the largest one.

The Jewish goal was full integration, not to disappear through full assimilation. Jews desired to fully integrate into the only society that ever accepted them, but they wanted to be full partners—to enter the American experience at an equal level with those English-speaking immigrants who formed the nation. Unlike other “white” immigrant groups, Jews would not

relegate their ethnic identity to cultural celebrations in order to become white. Unlike various other European ethnic minorities, who figuratively spit on Blacks to raise their own status to that of whiteness (employing anti-Black racism to combat racism against their own nationality), American Jews attempted to modify the definition of American identity. The Jewish collective propelled America in a unique cultural direction toward individual freedoms and racial integration, thus allowing Jews to simultaneously remain totally Jewish and completely American.

At the point where the self-interest of Jews no longer intersected with the self-interest of Blacks, rhetoric between the groups began to heat up, culminating in bitter exchanges between Jewish moderates and neoconservatives offended by the Black Power movement and Nation of Islam's anti-Semitic rhetoric and Black leaders' offended by Jewish attempts to fully integrate and assimilate into white America.

By the 1970s, the most imperative prong of Dr. King's theory—allies must share complimentary worldviews—was completely broken. This new alliance-ending development—some Jews and Blacks now held antithetical civil rights philosophies—reared its head in two controversial United States Supreme Court battles: *Marco DeFunis v. Charles Odegaard* (1974) and *University of California Regents v. Bakke* (1978).

W.I. Thomas once observed, “If men define a situation as real; it is real in its consequences.”<sup>8</sup> Because Jews had been defined as a racial minority, the real Jewish experience in the U.S. prior to the mid-1960s was projected through the prism of racial minority. Although the experiences of Jews and Blacks were defined by their own racial perceptions of themselves and also by society's racial perception of Blacks and Jews, Rabbi Robert J. Marx argues that all

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<sup>8</sup> As quoted by Henry Etzkowitz and Gerald M. Schaflander, *Ghetto Crisis: Riots or Reconciliation* (Boston: Little Brown, 1969), 145.

who enter this discussion of Black and Jewish relations must “remember...that we are...not labels.” Using “the word ‘Black’ or the word ‘Jewish’” broadly “is to assume a uniformity that simply does not exist.”<sup>9</sup> Nevertheless, for purposes of organization and logic, I will employ “Jew” and “Black” to describe the Black and Jewish civil rights actors who combined their efforts to achieve extraordinary success.

Black-Jewish relations weakened as Jews embraced “whiteness” and become more integrated into white-American society. Blacks did not necessarily oppose Jewish interests; rather, Black interests diverged from *white* interests. As Jews opposed racial quotas and early forms of “affirmative action,” some influential Black civil rights leaders believed they were no longer cooperating with an oppressed partner, but rather dealing with a white ethnic group. Many Black civil rights activists viewed Jewish interests as identical to “white” interests—Jews had become part of America’s majority culture and just “happened to be Jewish.” Many Jews desired to be labeled white and to reap the social privileges conferred by that identity. However, when historical white advantages and privileges were weakened by affirmative action policies, Jewish and Black Americans began to develop inimical interests; nonetheless, many Americans did not agree with the Jewish hope of integration.

Most historians do not define Black-Jewish Alliance as mere cooperation between Christians and Jewish religionists. Therefore, to be consistent, one must frame Black-Jewish relations (at least initially) as cooperation and conflict between two distinct ethnicities, if not socially-constructed races. To ignore this racial context is to impose late 20th Century morals on a prior time of racialism. The fact is this: The Black-Jewish Alliance is contextualized by the

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<sup>9</sup> Robert J. Marx, “Black-Jewish Relations: Connections and Differences,” in Black-Jewish Relations: Dillard University National Conference Papers, 1989-1997, ed. Samuel DuBois Cook (Franklin, TN: Providence House Publishers), 131.

racial constructions applied by each ethnicity to themselves and to each other. With this in mind, scholars ought to contextualize early Jewish-African American relations as encounters between two racial minorities.<sup>10</sup>

In Chapter 3, we analyze the second factor in the break-up of the Black-Jewish Alliance: the rise of “Black Power” and Black Nationalism. While these twin racial theories are beyond the scope of this paper, some background on the role of Black anti-Semitism in African American-Jewish interactions will provide context to each community’s civil rights conceptions. Jews, in Black-Nationalist consciousness, appeared targets for their Jewishness more than for Jewish transformation toward whiteness. However, such logic cannot completely contextualize the political activities of certain Black Nationalist movements that genuinely promoted anti-Semitism. As Black Nationalism seemed to despise ethnic Jews more than it detested whites, the common interest prong of the Black-Jewish Alliance—a joint commitment to ending racism and anti-Semitism—weakens in the late 1960s.

As frustration mounted with insufficient progress in the traditional civil rights movement, urban Black leaders such as Stokely Carmichael<sup>11</sup> argued that Blacks should employ a new tactic to achieve equality—“It’s not a question of right or left, it’s a question of Black.”<sup>12</sup> While Carmichael led the ideology of Black Power, Elijah Muhammad and Malcolm X helped Black Nationalism blossom through the theological and political organization, the Nation of Islam. Although a majority of ordinary African Americans did not subscribe to the Black Nationalist

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<sup>10</sup> When Jews became “white,” the Black-Jewish Alliance faltered because interests began to conflict.

<sup>11</sup> Carmichael would later become “Kwame Ture,” adopting the “first name of Kwame Nkrumah... and the last name of Sekou Toure of Guinea... whom Carmichael great admired.” See “The Death of Stokely Carmichael (later Kwame Ture) 1941-1998,” *The Journal of Blacks in Higher Education* No. 22 (Winter 1998-1999): 81.

<sup>12</sup> Clayborne Carson, “Black-Jewish Universalism in the Era of Identity Politics,” in *Struggles in the Promised Land*, ed. Jack Salzman and Cornel West (New York: Oxford University Press, 1997), 188.



movement, African-American social views—toward the U.S. in general and Jews in particular—were influenced by Black Nationalism.

In contrast to Black Nationalists, moderate and liberal Black and Jewish civil rights activists, such as Martin Luther King, Jr. and Bayard Rustin, adopted the peace movement as a component of their civil rights quest. King and Rustin desired to meld the civil rights movement and the anti-war movement into a grander coalition of progressive rights organizations.<sup>13</sup>

Black anti-Semitism became more influential among average African Americans when Stokely Carmichael and Malcolm X became revered as leaders of impoverished African-American urban residents. Although from WWII to the early 1960s, Black political and religious leaders did not allow the apparent anti-Semitism of the Harlem masses to thwart their civil rights alliance with Jewish leaders, anti-Jewish rhetoric began to crack the carefully-crafted alliance. Eventually, the feelings of many impoverished African Americans toward Jews was adopted by Black leadership in the late 1960s—James Baldwin alluded to this anti-Jewish ground swell in 1955 when he reported that nearly all his Black interviewees expressed antipathy or jealousy toward the Jews.<sup>14</sup> When leaders of Black urban communities resorted to anti-Semitic rhetoric to illustrate concepts of social justice, the lay Black population joined in the rhetoric. In addition to Black Nationalism, some African American leaders declared that perceived Jewish racism toward African Americans—on an economic level—explained, if not justified, anti-Jewish feelings in urban areas.<sup>15</sup>

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<sup>13</sup> Lenora E Berson, *The Negroes and the Jews* (New York: Random House, 1971), 126.

<sup>14</sup> James Baldwin, *Notes of a Native Son*, 6th ed. (Boston: Beacon Press, 1955), 70-71.

<sup>15</sup> Gary Marx's sociological study found that in 1967 Blacks were more likely than whites were to "accept negative economic stereotypes" of Jews. Northern African Americans with at least some college education were more likely to be anti-Semitic than white northerners with some college education—53 percent of college-educated northern African Americans were either "low," "high," or "very high on anti-Semitism," while 47 percent were

With the growth of the Black Nationalist movement, a minority of Jewish civil rights sympathizers created a movement that would become known as neoconservatism. The combination of Black Nationalism and neoconservatism immediately eviscerated the “common interest” prong of Dr. King’s true alliance theory, which had previously melded the African American-Jewish Alliance. By the end of Chapter 3, we see that Black Nationalists’ commitment to ending anti-Semitism had waned to an incredible extent, while neoconservatives suddenly became willing to defend white culture and criticize the later iteration of the civil rights movement.

*Black and Jewish Conceptions of Civil Rights and Legal Battles over Affirmative Action*

In Chapter 4, my analysis concludes that most Jews applauded the goals of affirmative action, but opposed (in principle) several of the proposed means of achieving those goals, including racial quotas which allocate a specific percentage of job and educational opportunities to members of a particular ethnicity. The third element of Dr. King’s true alliance theory—that both allies share philosophical views—crumbled as Jews opposed and Blacks supported affirmative action. Divergent conceptions of civil rights in the African-American and Jewish communities disintegrated the third and most important prong of the true alliance theory. Jews desired the rule of law, not the rule of mobs and majority whims, and certainly not the majority culture. Many Blacks seemed to view civil rights as a vehicle for collective rights and group protections; however, many Jews viewed individual equality and equal opportunity as the thrust of civil rights.

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“non-anti-Semitic.” See Gary T. Marx, *Protest and Prejudice: A Study of Belief in the Black Community* (Westport, CT: Greenwood Press, 1967), 146.

Although Jews did not want separation from white America, Jewish Americans did not long to be fully assimilated to white culture either. American culture was fraught with barriers to Jewish goals of integration because white American culture was defined primarily by European Gentile culture—particularly Anglo-European traditions, language, and legal systems. Therefore, Jews, seeking to become fully American, had to choose between remaining separate and racially distinct or integrating and becoming white. The larger Jewish desires for the rule of law came at a price: the ethnic distinction of Jews.

Chapter 4 continues the analysis of the US Supreme Court cases *DeFunis* and *Bakke*, which dealt with racial preferences in higher education. The opposition to racial quotas was led by Jewish groups, although Jews were arguably less threatened by racial quotas than some other white ethnicities. A number of Jewish organizations viewed affirmative action battles as means to evangelize the American legal system—to spread the belief of true equality, individuality, and liberty to a nation burdened by racial divisions of the past. It also allowed Jews to take a leading role in civil rights once again, after they had been rejected by the Black Nationalist leaders they first helped fund and promote.

The Jewish divergence from Black conceptions of civil rights, accompanied the widespread transformation from Jew, from “racially other,” to ethnic white. Jewish rights groups claimed that Jewish-Americans encountered racial persecution from 1800 to the end of World War II, enjoyed mostly “equal opportunity” during the 1950s and 1960s, but were lumped into the white majority in the 1970s. Most Jews, regardless of their liberalism and commitment to civil rights, felt discriminated against with the implementation of affirmative action policies. They felt punished for being racially distinct in the late nineteenth century and the first half of the twentieth century (a time of overtly anti-Semitic persecution), and then punished again for

being racially integrated or assimilated in the late 1960s and 1970s, especially when Jews had only received “equal opportunity” during the previous decade. A significant portion of Jewish intellectuals and leaders feared that in order to attain higher minority ratios in employment and higher education, schools and employers might discriminate against Jews in their quest to lower the ratio of “whites” in the work place and universities. Therefore, Jews viewed themselves as a double-punished minority, serving as a sacrificial token of white reparations in the place of non-Jewish whites who had oppressed them only two decades earlier.

#### *Literature Review of the Dissolution of Black-Jewish Alliance*

Several historians argue that African Americans and Jews enjoyed a special understanding of one another due to common interests and shared persecution. They suggest that enslaved Blacks and their grandchildren often identified with Old Testament Israelites who suffered in bondage and finally found freedom in a Jewish homeland. Such historians suggest Jews were “universalist” in their commitment to human liberty; thus, American Jews zealously promoted racial equality and, in turn, joined the African-American cause largely because of altruism and a commitment to social justice. Jonathan Kaufman argues that Jews were disproportionately represented and committed to Black Americans’ civil rights and that Jews were the best allies of African Americans during the movement.<sup>16</sup> Hasia Diner expands the historical idea of Black and Jewish cooperation by arguing Jewish-American identification with Negroes (and a commitment to their cause) was found not merely among the leadership and

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<sup>16</sup> Jonathan Kaufman, *Broken Alliance, The Turbulent Times Between Blacks and Jews in America* (New York: Charles Scribner’s Sons, 1988).

elites of the two communities, but this cooperation was also apparent between ordinary Jews and African Americans.<sup>17</sup>

Nathan Glazer, an academic and sociologist whose opposition to affirmative action and Black Nationalism may have contributed to the intellectual development of neoconservatism, argues that while Jews and Blacks were allied during the civil rights movement<sup>18</sup> and Jews certainly supported Black civil rights organizations' goals in the 1960s, Afro-militancy and its Marxist and collectivist economic philosophy alienated a number of liberal-leaning American Jews.<sup>19</sup> Later that decade, affirmative action finally broke the alliance because Black Americans supported equality of outcome, while Jewish Americans supported equal opportunity with no guarantees.

Other historians, like Harold Cruse, argue that Jewish promotion of Black civil rights was self-interested. Cruse argues that a racial "triangle" of "Anglo-Saxon nationalism, black nationalism, and Jewish nationalism" places Jews in a position where they must simultaneously "take a pro-Negro integration position" to advance Jewish civil rights and "an anti-black nationalist position" to calm Anglo-Saxon nationalists tempted by rightist ideologies in the face of Black Nationalism.<sup>20</sup> Cruse suggests that while Jewish civil rights advocates were committed to "aiding and abetting Negro integration (assimilation)," Jewish "Zionists" opposed

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<sup>17</sup> Hasia Diner, *In the Almost Promised Land: American Jews and Blacks, 1915-1935* (Westport, CT: Greenwood Press, 1986).

<sup>18</sup> Nathan Glazer, "Blacks, Jews, & the Intellectuals," *Commentary* (April 1969): 39; Clayborne Carson, "Black-Jewish Universalism in the Era of Identity Politics," in *Struggles in the Promised Land*, ed. Jack Salzman and Cornel West (New York: Oxford University Press, 1997), 191-92.

<sup>19</sup> Glazer, "Jews and Blacks: What Happened to the Grand Alliance," in *Jews in Black Perspectives*, ed. Joseph R. Washington, Jr. (London: Associated University Press, 1984), 105-07.

<sup>20</sup> Harold Cruse, *The Crisis of the Negro Intellectual* (New York: Morrow, 1967), 481-84

“assimilation” for Jewish Americans.<sup>21</sup> When Blacks suggested Jews had infiltrated their civil rights organizations for self-interest, Jewish American activists were turned away in the same manner as other white Americans who worked in civil rights. Cruse maintained, “Negroes truly have a Jewish problem”—“far too many Jews” from Jewish-only civic groups are “involved in every civil rights and American-African organization, creating policy.” Cruse called Blacks to embrace “cultural nationalism” because “the Negro in America” would “never achieve any kind of equality” until they lead in Black civil rights.<sup>22</sup>

Michael Rogin and Raymond Mohl suggest the Jewish involvement was an important of the civil rights movement and that antagonism between the groups existed and merely manifested itself more abundantly after certain goals—legislation ensuring racial and religious equality—were met.<sup>23</sup> However, the apparently natural alliance between Blacks and Jews fell apart in the 1960s and 1970s because Black Nationalists sided with Arab countries against Israel and promoted anti-Semitism.<sup>24</sup> In *A Right to Sing the Blues*, Jeffrey Melnick approaches “Black-Jewish relations” as discussion of the partnership and competition “or some blend thereof—

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<sup>21</sup> Cruse, *The Crisis of the Negro Intellectual*, 484.

<sup>22</sup> Cruse, *The Crisis of the Negro Intellectual*, 494.

<sup>23</sup> Raymond A. Mohl, *South of the South: Jewish Activists and the Civil Rights Movement in Miami, 1945–1960* (Miami: University Press of Florida, 2004), 32-33; Michael Rogin, *Blackface, White Noise: Jewish Immigrants in the Hollywood Melting Pot* (Berkeley: University of California Press, 1996); Jeffrey Melnick, *A Right to Sing the Blues: African Americans, Jews and American Popular Song* (Cambridge, MA: Harvard University Press, 1986). Diner and Cruse unfairly characterize Jewish agitation for civil rights. Jews acted not only for self-interest, but likely out of sincere concern for civil rights. Often, Jews felt historical ties to Blacks based on mutual race-based rejection by white America. It is true that participation in the civil rights movement earned Jews higher racial (now ethnic and religious) status in America, as “whites.” Nevertheless, charity also spurred Jews to help African Americans gain equal rights, under the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

<sup>24</sup> Murray Friedman, *What Went Wrong? The Creation and Collapse of the Black-Jewish Alliance* (New York: The Free Press, 1995), 195-212; Lenora E. Berson, *The Negroes and the Jews* (New York: Random House, 1971), 126-130; Max Geltman, *The Confrontation: Black Power, Anti-Semitism, and the Myth of Integration* (Englewood Cliffs, N.J.: Prentice Hall, Inc., 1970), 5-8; Robert G. Weisbord and Arthur Stein, *Bitter Sweet Encounter: The Afro-American and the American Jew* (Westport, CT: Negro Universities Press, 1970), 172-178; Weisbord and Richard Kazarian, Jr., *Israel in the Black American Perspective* (Westport, CT. and London: Greenwood Press, 1985), 40-45.

within the controlling American racial system of Black and white.” Jews proved their white credentials, in a sense, by “learning to use their access as *Jews* to African Americans and Black music” and promulgated Jewish identity through Black art.<sup>25</sup> Melnick rejects “mythological” casting of an historic Black-Jewish Alliance,<sup>26</sup> but Jews did enjoy a “special access to the music of the oppressed.”<sup>27</sup> Therefore, one must assume a “special relationship has linked African Americans and Jews.” Melnick observes that the story of Black-Jewish relations was painted primarily and “most powerfully” by Jewish Americans; he also notes the striking absence of female characters from most narratives on Black-Jewish relations.<sup>28</sup>

Samuel DuBois Cook, the first Black professor of Duke University, declared, “Alienation between Jews and Blacks is a denial of history.”<sup>29</sup> From 1989 to 1997 Dillard University held the Annual National Conference on Black-Jewish Relations,<sup>30</sup> facilitated by Samuel DuBois Cook, President of the university.<sup>31</sup> Dr. Cook edited a powerful compilation of speeches and papers delivered at the Annual National Conferences on Black-Jewish Relations. The tone of the anthology is conciliatory; for example, Cook argued in 1999 that the time was “ripe to get on with the vital business of healing broken community between Blacks and Jews. The need is

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<sup>25</sup> Jeffrey Melnick, *A Right to Sing the Blues: African Americans, Jews and American Popular Song* (Cambridge, MA: Harvard University Press, 1986), 12.

<sup>26</sup> Melnick, *A Right to Sing the Blues*, 5.

<sup>27</sup> Melnick, *A Right to Sing the Blues*, 14.

<sup>28</sup> Melnick, *A Right to Sing the Blues*, 11.

<sup>29</sup> Cook, ed., *Black-Jewish Relations*, xv.

<sup>30</sup> Cook, ed., *Black-Jewish Relations*, xx.

<sup>31</sup> Professor Cook was the first Black professor at Duke University and was elected the university’s “Outstanding Professor” in 1968. Dr. Cook headed Dillard from 1974-1997. See Samuel DuBois Cook Society, “Biographical Note,” [http://www.duke.edu/web/cooksociety/cook\\_Brochure2007.pdf](http://www.duke.edu/web/cooksociety/cook_Brochure2007.pdf) (accessed February 26, 2012).

great.”<sup>32</sup> Unlike most other writers, Cook argues that Blacks and Jews “belong to each other...not only within the continuum of experience but also because of the ethics of cosmic kinship and the moral imperatives of the Beloved Community of all God’s children.”<sup>33</sup> Cook argues, “As a Black man, I find Black anti-Semitism especially dreadful, painful,” and the “terrible logic of anti-Semitism and racism is...the bifurcation of human beings at the fundamental...level” and “final estrangement and alienation from the moral order.”<sup>34</sup> “Whatever separates Jews and Blacks pales into insignificance in comparison to what unites us.”<sup>35</sup>

In contrast to critics of the Black-Jewish Alliance’s effectiveness and moral authority, Cook argues the Black-Jewish Alliance should be “heal[ed]” and restored. I embrace Samuel DuBois Cook’s sentiments and hopes. Like Professor Cook, I believe Blacks and Jews may join together to achieve education and social reforms for the benefit of all people, as they did for nearly half the 20th Century. The same narrative that culminated in Jewish-Black cooperation on the Civil Rights Act, the Voting Rights Act, and Supreme Court opinions that struck down the legal remnants of racism, should be reanimated today among religious leaders, academics, and attorneys in both of these communities.<sup>36</sup>

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<sup>32</sup> Cook, ed., *Black-Jewish Relations*, xv.

<sup>33</sup> *Ibid.*

<sup>34</sup> Cook, ed., *Black-Jewish Relations*, xiii.

<sup>35</sup> Cook, ed., *Black-Jewish Relations*, xiv.

<sup>36</sup> Cornel West’s assessment of Black-Jewish cooperation is profound: The Black-Jewish Alliance was a “moral endeavor that exemplifies ways in which the most hated group in European history and the most hated group in U.S. history can coalesce in the name of precious democratic ideals....” See Jack Salzman, “Introduction” in *Struggles in the Promised Land*, ed. Jack Salzman and Cornel West (New York: Oxford University Press, 1997), 17, quoting Cornel West.



Greenberg penned a preeminent work on Black and Jewish Relations in the 20<sup>th</sup> Century: *Troubling the Waters*.<sup>37</sup> Melnick, Adolph Reed Jr., and Cheryl Lynn Greenberg argue that Jews and African Americans are very diverse within their own groups and cannot be labeled as allies or antagonists as a whole.<sup>38</sup> Greenberg observes that “failures of liberals in the previous decade to live up to their stated civil rights commitments,” Black Nationalism’s appeal grew.<sup>39</sup> She asserts that American Jews’ advocacy for civil rights appears “strongly related to Jewishness as a historical, ethnic identity” and their “stress [on] social activism and cultural pluralism...”<sup>40</sup>

Greenberg argues—and Reed concurs—that “both groups have polarizing internal differences based on class, region, gender, politics, generation, occupation, and a host of other less tangible factors. . . There is a relationship between the civil rights organization in both communities that fought for many of the same goals, sometimes separately and sometimes in collaboration,” but there was a more contentious relationship in labor unions, business dealings, and even the more radical groups of the civil rights movement.<sup>41</sup> Greenberg asserts that Blacks and Jews joined together at a time when their goals overlapped, and she deftly casts the Black-Jewish relationship as two partners in the larger movement of 20<sup>th</sup> Century political liberalism.

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<sup>37</sup> Cheryl Lynn Greenberg, *Troubling the Waters: Black-Jewish Relations in the American Century* (Princeton: Princeton University Press, 2006).

<sup>38</sup> Melnick, *A Right to Sing the Blues*; Adolph Reed Jr., *The Jesse Jackson Phenomenon* (New Haven: Yale University Press, 1986); Greenberg, *Troubling the Waters*, 5.

<sup>39</sup> Greenberg, *Troubling the Waters* 13.

<sup>40</sup> Greenberg, *Troubling the Waters*, 5.

<sup>41</sup> Greenberg, *Troubling the Waters*, 3.

Black and Jewish approaches to civil rights and the ramifications of Jews “becom[ing] more white” is treated in Greenberg’s “How Affirmative Action Fractured the Black-Jewish Alliance,” *The Journal of Blacks in Higher Education* 52 (Summer 2006): 85-88, 87. Greenberg observes, “Some of the explanation for the growing estrangement of blacks and Jews lay in the fact that by virtue of their increased security Jews had become more ‘white,’ or in any case, decidedly less ‘other.’”

Lenora E. Berson's 1971 sociological tour de force *The Negroes and The Jews* arises out of her study of the 1964 Philadelphia Riot, during which Black Americans attacked and looted various businesses, including "632 Jewish stores."<sup>42</sup> The "relationship between the Negro and the Jew" was more than "the cruel juxtaposition of buyer and seller." Blacks and Jews, due to their "minority status and the history of prejudice and persecution," worked together to "create a web of social, political and economic connections which is at times complementary and at times conflicting, and always complex."<sup>43</sup> Berson—in her brimming sociological study of anecdotes, insights, and complex characters, which reads like a novel—explores the "major roles" of Blacks and Jews in the "social revolution that has transformed twentieth-century America." Perhaps sensing the portents of Black Nationalism, she warned the newly-fractured Black-Jewish Alliance could revive the "road of racism."<sup>44</sup>

Clayborne Carson argues that the relationship was strained by civil rights legislation's slow progress in Black ghettos, harsher forms of direct action by Black and leftist Jews, the reaction of Black leaders to lack of progress, and Jewish organizations' reaction to Black Nationalists. Carson explains and rationalizes the rise of Black Nationalism, but he does not justify the accompanying Black anti-Semitism.<sup>45</sup> In 1967, when the Student Nonviolent Coordinating Committee (SNCC) circulated an anti-Israel article in *SNCC Newsletter*, Jews suffered "betrayal" because many "saw black support for Israel as a reasonable quid pro quo for

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<sup>42</sup> Lenora E. Berson, *The Negroes and the Jews* (New York: Random House, 1971), 3.

<sup>43</sup> Berson, *The Negroes and the Jews*, 9.

<sup>44</sup> Berson, *The Negroes and the Jews*, 9.

<sup>45</sup> Carson, "Black-Jewish Universalism in the Era of Identity Politics," 191; Carson, "Blacks and Jews in the Civil Rights Movement," in *Jews in Black Perspectives*, ed. Joseph R. Washington, Jr. (London: Associated University Press, 1984), 113.

previous Jewish support for the civil right movement”; however, Carson points out “extensive [Jewish] involvement” in the civil rights movement “made [Jews] potential targets” for Black separatists and nationalists.<sup>46</sup> Proximity and familiarity of Jews to Blacks bred anti-Semitism and weakened the Black-Jewish alliance.

Greenberg and Carson argue a special relationship between Jews and Blacks blossomed in the Civil Rights movement, but the African American-Jewish relationship solidified decades before, because of Black and Jewish historic slavery, joint suffering as minorities, and the Jewish universalistic belief in civil rights (that surfaced most poignantly in the twentieth century).<sup>47</sup> Clive Webb and Leonard Dinnerstein demonstrate the break between southern Jews and northern Jews in their interests and fears regarding the Civil Rights movement. Southern Jewish businessmen, at times, tried to downplay or discourage the civil rights activity of the North based on their legitimate fear of Ku Klux Klan attacks and persecution by other racists.<sup>48</sup>

Similar to my position that the Black-Jewish Alliance was contextualized by the racial constructions applied by each ethnicity to themselves and each other and that early twentieth-century Jews and Blacks should be analyzed as racial minorities, Karen Brodtkin argues Jews were once a recognized racial minority, but worked hard to be “white.”<sup>49</sup> In “Is the Jew White?” Leonard Rogoff enquires into shifting Jewish identity’s contribution to the “breakdown of

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<sup>46</sup> Carson, *In Struggle: SNCC and the Black Awakening of the 1960s* (Cambridge: Harvard University Press, 1981), 266-69.

<sup>47</sup> Greenberg, *Troubling the Waters*, 154-55; Carson, 177-79.

<sup>48</sup> Clive Webb, *Fight Against Fear: Southern Jews and Black Civil Rights* (Athens and London: University of Georgia Press, 2001), xvi, 72-74; Leonard Dinnerstein, “Southern Jewry and the Desegregation Crisis, 1954-1970,” *American Jewish Historical Quarterly* 62 no. 3 (1973): 231-41.

<sup>49</sup> Karen Brodtkin, *How Jews Became White Folks and What that Says About Race in America* (New Brunswick: Rutgers University Press, 1998). David R. Roediger, *Colored White: Transcending the Racial Past* (Berkeley: University of California Press, 2002), 55-67, highlights the way white immigrants dealt with affirmative action.

Jewish-African American relations" He notes that if "race matters, then the extinction of the idea of the Jew as racially different may be a factor in explaining the breakdown of Jewish-African American relations."<sup>50</sup>

Matthew Frye Jacobson expands Brodtkin and Rogoff's explorations into Jewish whiteness—and into the whiteness of numerous other ethnic groups—in his seminal tome, *Whiteness of a Different Color*. Jacobson argues "non-Anglo-Saxon" European immigrants were considered neither white nor "Caucasian" until they navigated and negotiated American concepts of race for multiple generations.<sup>51</sup> Jacobson points to dates between 1924 and 1965 as the period most white ethnic immigrant communities journeyed from "inconclusively white" to "Caucasian."<sup>52</sup>

It appears from a bird's-eye-view that when Jews became full-fledged whites, the Black-Jewish Alliance faltered. Their alliance flourished when both sides were minorities; nevertheless, the alliance began to dissolve as Jews accepted white status in America. In other words, Black-Jewish relations in America flourished when Jews were Jews, then dissolved due not to anti-Jewish sentiment, but because one of the minorities in the alliance became part of the white majority.<sup>53</sup> Throughout the chapters that follow, my thesis identifies the ramifications of Jewish ethnic-fluidity on Black-Jewish relations.

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<sup>50</sup> Leonard Rogoff, "Is the Jew White? The Racial Place of the Southern Jew," *American Jewish History* 85, no. 3 (1997): 229-30, <http://search.proquest.com/docview/228248382?accountid=4488> (accessed April 5, 2012).

<sup>51</sup> Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge and London: Harvard University Press), 201-202; See Jacobson's Chapter 3: "Becoming Caucasian".

<sup>52</sup> Jacobson, *Whiteness of a Different Color*, 91-107. Secular Jewish civic organizations engaged in a "feverish and self-conscious revision of the 'Jewish race.'" (188).

<sup>53</sup> I argue Black-Jewish relations were undermined when Jews became "whites." Blacks did not oppose Jewish interests—they diverged from white interests. When Jewish interests became more like white interests, Blacks felt like they were no longer cooperating with an oppressed minority but with the white majority who just "happened to be Jewish."

*The History of Jewish Ethnic Identity was the  
Foundation of Jewish American Opposition to Affirmative Action*

Affirmative Action, contextualized by Jewish socially constructed racial identity, has been overlooked in much analysis of the break-up of the Black-Jewish Alliance. Many historians who address affirmative action in the context of interethnic conflict present a cursory argument on the issue and describe the face-value positions of Jewish organizations and Black institutions. Unfortunately, pointing to superficial reasons for Jewish resistance to affirmative action does not completely reveal the foundational civil rights philosophies of Jews because the Jewish organizations that fought against affirmative action, predominantly opposed official recognition of the socially-constructed racial minority status of Jews. I argue that changing Jewish racial status is invaluable in explaining Jewish opposition to affirmative action.

Jewish historians, who eschew nationalism and admire American pluralism, seem reluctant to consider Jews racial or ethnic minorities, even historically. However, some left-wing Jewish scholars (and a few nationalist Jewish organizations) are more likely to participate in the uncomfortable, though important exercise of recognizing the historic racial identity of Jewish Americans, but few of these individuals are historians. These leftwing and nationalist Jews often deal with contemporary politics and social issues, not historical phenomena. This situation correlates with Jewish historians' superficial treatment of affirmative action because historians of Black-Jewish relations tend to concentrate on conflicts and alliances, not 1970s affirmative action.

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Many Jews wanted to be racially white; nonetheless, many Americans did not agree with the Jewish hope of integration.

This line of analysis fails when applied to Black Nationalists who were genuinely and actually anti-Semitic. Some Black Nationalists despised ethnic Jews more than they opposed Anglos and other non-Jewish whites.

Affirmative action, a blow to the Black-Jewish union, did not present itself as a major point of contention until the late 1960s. Thus, the late date of affirmative action has helped the issue remain in the domain of sociologists, journalists, and political scientists. It is time to bring affirmative action into its proper context within historical analysis; affirmative action is a major factor in dissolution of Jewish and African American cooperation. Affirmative action's role in the break-up of Black-Jewish relations needs to be analyzed by in greater depth.

### *Conclusion*

A number of historians have delved into Jewish-American beliefs regarding affirmative action and Jewish conceptions of civil rights. However, many historical treatises on the impact of affirmative action on Black-Jewish relations have not been fully contextualized by the transformation of the racial identity of Jews; rarely have these works emphasized this important factor. Chapter 2 endeavors to explore Jewish perceptions of their own racial identity and Black views of Jewish racial identity, which transformed prior to and during their conflict over affirmative action programs.

## CHAPTER 2

### JEWISH RACIAL IDENTITY AND AFFIRMATIVE ACTION:

#### THE BREAKUP OF THE BLACK-JEWISH ALLIANCE

A number of historians have delved into Jewish-American beliefs regarding affirmative action and Jewish conceptions of civil rights; however, the historical treatises on the impact of affirmative action on Black-Jewish relations have not been fully contextualized by the transformation of the racial identity of Jews, nor have many historians emphasized this critical factor as a catalyst for the breakdown in what had been a strong alliance between the two groups. In this chapter, we will explore how Jewish perceptions of their own racial identity and Black views of Jewish racial identity morphed prior to and during their conflict over affirmative action programs.

Blacks and Jews shared the second prong of Dr. King's true alliance theory—common goals, especially in striving toward racial equality—through the 1950s until the early 1960s. During the high water mark of the Black-Jewish Alliance, these communities cooperated to end racial discrimination in voting, education, and employment.<sup>1</sup> However, after achieving the Civil Rights Act (1964) and the Voting Rights Act (1965), the Blacks and Jewish Americans began to prioritize differing goals, thus weakening the alliance. As numerous Black leaders embraced affirmative action as a means to achieve collective equality, and Jews saw affirmative action as anathema to individual progress, the common goals of the Black-Jewish Alliance faded and the new goals of Blacks and Jews clashed.

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<sup>1</sup> The most productive and cooperative years of the Black-Jewish Alliance spanned from the end of World War II to the middle of the 1960s when the Civil Rights Act (1964) and the Voting Rights Act (1965) became law.

Black-Jewish relations weakened as Jews embraced “whiteness” and became more integrated into white-American society. Blacks did not necessarily oppose Jewish interests; rather, Black interests diverged from *white* interests, and Jews were becoming whites. As Jewish goals and interests aligned with whites, and with Black advocating divergent goals, especially regarding affirmative action, characteristics which encapsulate the first and second prongs of Dr. King true alliance theory, we begin to see the root causes of a now fractured relationship.

Despite efforts by Jewish organizations to abandon their ethnic identity and “become white,” as James Baldwin noted,<sup>2</sup> many Blacks viewed Jews as ethnically, if not racially, distinct from “whites” during the Civil Rights Era. Cheryl Lynn Greenberg acknowledges that race “has meaning in the United States (and most of the rest of the world) based on the widely divergent historical experiences of populations whose ancestors came from different continents... In other words, ‘race’ has historical meaning because people acted as if it had meaning.”<sup>3</sup> Therefore, whether or not Jews *should* be cast as a distinct ethnic group is irrelevant in this analysis because, as W.I. Thomas points out, “If men define a situation as a real; it is real in its consequences.”<sup>4</sup> Because Jews were considered as a racial minority by both Black Americans and the white majority, the reality of Jewish experience prior to the mid-1960s was contextualized by their status as a racial minority.

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<sup>2</sup> James Baldwin, “Negroes Are Anti-Semitic Because They’re Anti-White,” *The New York Times Magazine*, 9 April 1967.

<sup>3</sup> Greenberg, *Troubling the Waters*, 5.

<sup>4</sup> Quoted in Henry Etzkowitz and Gerald M. Schaflander, *Ghetto Crisis: Riots or Reconciliation* (Boston: Little Brown, 1969), 145. *Ghetto Crisis* was a history of Etzkowitz and Schaflander’s attempt to create an integrated cooperative in in the Bedford-Stuyvesant neighborhood, the “[l]argest concentration of all Blacks within a single, circumscribed area” in the United States.



### *History of Affirmative Action in the Context of Jewish Racial Consciousness*

While African American-Jewish political cooperation was a fragile alliance prior to the battle over racial preferences, affirmative action was the most destructive internal battle of the Black-Jewish Alliance.<sup>5</sup>

John F. Kennedy introduced “affirmative action” into the federal code in 1961 via presidential executive order with the goal of creating equal employment opportunity.<sup>6</sup> Under Kennedy’s order, business owners must “affirmatively” seek employees without consideration of race or ethnicity. In 1965, President Lyndon B Johnson expanded the order to cover non-profit organizations and institutions of higher learning, but his order did not explain how to implement affirmative action. Several years later, the Office of Federal Contract Compliance (under the Department of Labor) authorized new regulations to promote affirmative action compliance requiring every company with more than 50 employees to maintain and implement a “written affirmative action program.”<sup>7</sup>

Throughout these years, the departure from “opportunity” and emphasis on “representation” was not yet a reality. In fact, the federal government never explicitly stated it intended to help a particular group—such as Black Americans—until 1971. While the Equal

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<sup>5</sup> “Tragically, the alliance of Black and Jew is beginning to dissolve.” See “The Black and the Jew: A Falling Out of Allies,” *Time*, 31 January 1969, 55.

<sup>6</sup> Executive Order No. 10925; quoted in Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy* (New York: Basic Books, 1975), 46.

<sup>7</sup> The “written affirmative action program” was also required of companies with federal contracts exceeding fifty thousand dollars. The Department of Labor issued a declaration describing a proper affirmative action program:

A necessary prerequisite to the development of a satisfactory affirmative action program is the identification and analysis of problem areas inherent in minority employment and an evaluation of opportunities for utilization of minority group personnel. . . . Each contractor shall include in his affirmative action compliance program a table of job classifications. . . . The evaluation of utilization of minority personnel shall include . . . an analysis of minority group representation in all categories. U.S. Department of Labor, *Part 60-1-Obligations of Contractors and Subcontractors*, Title 41, Code of Federal Regulations (May 1968), as quoted in Nathan Glazer, *Affirmative Discrimination*, 46-47.

Employment Opportunity Commission (EEOC) collected race statistics from employers, such as the number of applicants who were “Orientals,” “American Indians,” “Spanish Americans,” or “Negroes,” federal “guidelines” did not assert that “deficiency” of protected classes in employment was a “breach of affirmative action” policy.<sup>8</sup>

Affirmative action, as defined by federal administrative agencies, eventually abandoned equal employment opportunity in favor of equal employment results at the turn of the 1970s.<sup>9</sup> At the urging of Black organizations, the Department of Labor increased regulations designed to achieve race and gender balance in the work place:

An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor’s good faith efforts must be directed to correct the deficiencies and, thus to increase materially the utilization of minorities and women, at *all levels* and in *all segments* of his workforce where deficiencies exist.<sup>10</sup> (Italics added)

Numerous Jewish organizations balked at the affirmative action requirements, not because they desired to discriminate against Blacks, but because newly-hired minorities might not be ready for “all levels” of the employer’s workplace, if certain levels required considerable experience in the field.<sup>11</sup>

Glazer and other pro-civil rights Jewish academics, activists, and professionals lamented that affirmative action transformed from “equal opportunity” into equal “results,” at the expense

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<sup>8</sup> Glazer, *Affirmative Discrimination*, 47.

<sup>9</sup> Glazer, *Affirmative Discrimination*, 47-49.

<sup>10</sup> U.S. Department of Labor, *Part 60-2.11-Affirmative Action Programs*, Title 41, Code of Federal Regulations (December 4, 1971), as quoted in Nathan Glazer, *Affirmative Discrimination*, 48.

<sup>11</sup> Requiring equal “utilization” in “all segments” of his workforce, would require the employer to have an equal number of male and female secretaries, regardless of the personal preferences of men and women in general. The zeal to overcome racism was distorted by government’s refusal to recognize employment preferences (that generally, but not always existed) between sexes. However, many feminists favored affirmative action as a tool to break the gender-based employment hurdles .

of the 1964 Civil Rights Act's goal of colorblind government and society. Under affirmative action, federal agencies sometimes deemed low levels of minority employment as evidence of racial discrimination, even when employers had utilized federal agency-approved "procedures" in good faith to attract and hire minorities. Jewish Americans feared racial quotas lurked behind statistically determined "equal employment opportunity." Glazer argued that referring to government affirmative action quotas as "equal opportunity" was an "example of the misnaming of reality in an age in which words are easily distorted into their opposites."<sup>12</sup>

Glazer further argued that the EEOC violated law by using statistics to prove discrimination in the work place. Federal agencies were able to skirt the Civil Rights Act with the "assistance of courts" that ruled that a "simple imbalance—under which the EEOC can require nothing—can be redefined as itself a showing of discrimination." However, when discrimination was discovered (in this case with statistics, a supposedly illegal method of discrimination measurement), future Departments of Justice and EEOC would have power to require "back pay for classes of individual who themselves have suffered no discrimination, the setting of quotas for employment of individuals of specific groups for given jobs." Jews and other civil libertarians asked, "When does [racial] imbalance" in employment (a threshold that does not allow the government to intervene) "become discrimination" (a threshold that requires the government to force employers to hire, regardless of qualifications)?<sup>13</sup>

Advocates of affirmative action argued that increased federal micromanagement of private businesses and their employee roles was justified because southern white bosses were expert in claiming to follow nondiscriminatory procedures, but avoiding the results of

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<sup>12</sup> Glazer, *Affirmative Discrimination*, 48-49.

<sup>13</sup> Glazer, *Affirmative Discrimination*, 49.

nondiscrimination. Southern whites kept schools segregated, despite court orders. They avoided integration in housing, despite federal agencies' demanding the contrary. White southerners even prevented African Americans from voting despite the 15th Amendment, the Voting Rights Act of 1965, and appeals to their collective conscience. In response to the "subterfuge" of southern racism, federal courts applied statistical standards to achieve equal rights for Blacks. Because white trade unions and white southerners effectively prevented Blacks from enjoying certain employment opportunities, federal courts applied statistical standards (at the urging of the executive branch and Black civil rights organizations) to measure the progress of EEOC mandates.<sup>14</sup>

Numerous Jewish organizations believed the Civil Rights Act of 1964 and its unprecedented enforcement mechanisms would reverse the results of anti-Black prejudice and anti-Semitic quotas. They were correct about the reversal of anti-Jewish discrimination—anti-Semitism diminished in the wake of civil rights legislation. The past friendship of the two minorities made the sting of the Black-Jewish Alliance's death more intense.<sup>15</sup> Blacks expected that Jews of "all people should know what it is to be discriminated against," and to support African Americans—as Jews had in the past—in their quest for proportional representation in the professions. However, many Jewish organizations bristled at Black America's harsh criticism, especially after decades of gratitude and cooperation.<sup>16</sup> Blacks felt Jews were stuck in the past, while the latter felt African Americans had betrayed the meaning of civil rights.

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<sup>14</sup> Glazer, *Affirmative Discrimination*, 50.

<sup>15</sup> Paul L. Montgomery, "Blacks and Jews Viewed as Drawing Closer Again," *New York Times*, 14 April 1975, 60. The head of the New York City Commission on Human Rights, Eleanor Holmes Norton, suggested "[n]o two ethnic groups in the history of the United States have had better relations."

<sup>16</sup> Peter I. Rose, "Blacks and Jews: The Strained Alliance," *Annals of the American Academy of Political and Social Science* 454 (March 1981): 66.

### *Jewish Opposition to Affirmative Action*

While American Jews were zealous allies and promoters of Black civil rights, Jews did not necessarily see affirmative action and racial preferences as a civil right. Jewish opposition to affirmative action, which African American organizations argued was an extension of the civil rights movement, astonished many Black leaders. The Jewish conception of civil rights was one of individual merit and a colorblind government. This view clashed with Blacks' calls for a color-conscious state that would guarantee equal opportunity through group rights. Blacks and Jews drifted farther apart when Jews joined white ethnic groups in opposition to what Blacks called "affirmative action" and what Jews viewed as "racial preferences."<sup>17</sup>

The remaining factor that inhibits in-depth historical understanding of Jewish and African American clashes and cooperation is that many historians refuse to recognize that Jews were racially distinct in the consciousness of many Blacks. Jews were *not* merely a minority religion; they were also a minority ethnic group and, in the eyes of many Americans, a minority racial category. Historical analysis of Black-Jewish relations regarding affirmative action is contextualized by the racialness of Blacks *and* Jews.<sup>18</sup> To ignore the racial metamorphosis of Jewish Americans, regardless of one's commitment to racial liberalism or fear of persecution, stunts accurate contextualization of African-American-Jewish history. Even though Jews find the idea discomfoting, African Americans—along with many other Americans in the early to

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<sup>17</sup> Jews cut the traditional ropes that tied Jewish wellbeing to Black wellbeing and formed new ties with white ethnic groups, such as Greeks, Poles, and Italians. This shift in Jewish racial identity is evidenced by arguments of Jewish civil rights organizations in several affirmative action court cases in 1970s.

<sup>18</sup> Cheryl Lynn Greenberg wrote that "some of the explanation for the growing estrangement of blacks and Jews lay in the fact that by virtue of their increased security Jews had become more 'white,' or in any case, decidedly less 'other.'" See "How Affirmative Action Fractured the Black-Jewish Alliance," *The Journal of Blacks in Higher Education* 52 (Summer 2006): 85-88.

I argue that the Jewish transformation from Jewish minority to "white" informed and influenced all the factors in the dissolution of the Alliance— I suggest "race" is the primary reason for (and element in) the weakening of Black-Jewish friendship.

mid-twentieth century—believed Jews were a distinct race. Despite possible adverse political ramifications, to understand the Black-Jewish Alliance and its eventual dissolution, a historian must view the relationship through the respective prisms of two distinct, if only perceived, races—Blacks and Jews.

### *Historical Jewish Racial Consciousness*

The late 19<sup>th</sup> and early 20<sup>th</sup> Jewish immigrants to the new world wished to integrate, but they also desired to maintain their unique culture. These new Jewish-Americans did not merely want full integration into United States society (the only society to accept Jews as near-equals, since pre-Inquisition Iberia and ancient Israel) but they also wished to be full partners—to enter the American experience at an equal level as those British and Scottish immigrants who established the nation.<sup>19</sup> Unlike other white immigrant groups, Jews would not relegate their ethnic identity to cultural celebrations in order to be fully assimilated whites. Unlike countless European ethnics who spit on Blacks to raise their own status to that of whiteness (by adopting the worst characteristics of racial thought to be accepted as white), Jews attempted to modify the definition of Americanism and who and what it encompassed. Collective Jewish *baaynflusn* shaped America's cultural channel, thus allowing Jews to simultaneously remain totally Jewish and completely American.<sup>20</sup> The idea of equal integration and ethnic preservation in Judaism is a self-preservation technique employed by Jews for centuries to preserve their identity and save Hebrew lives from anti-Semites.

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<sup>19</sup> Some would argue that most of the new world and nearly all British colonies accepted Jews as full citizens. Although, this was perhaps *legally* a fact, the level of *social* acceptance of Jews in the United States of America exceeded that of any nation since ancient Israel.

<sup>20</sup> The Yiddish *Baaynflusn* or באַאיינפֿלוסן means “influence.”

### *Early Jewish Racial Identity*

To understand the role of Jews in American civil rights and their partnership with Black Americans, we must recognize that Jewishness, until recently, was viewed as a racial identity, in addition to a religious identity. As early as the 1200s, English-speaking societies began to view their Jewish neighbors as not only religiously other, but *racially* other. Medieval art oft-times portrayed the "other" by blending physical characteristics of Blacks and Jews.<sup>21</sup> When a Jew left his religion and became Christian, he was still racially Jewish in Medieval gentile eyes.<sup>22</sup>

In Medieval England (which influenced modern Anglo-American law and racial conceptions) both Jews and Blacks were decidedly "other." Medieval "pictorial" texts "link[ed] Jew and Blacks." William Chester Jordan notes that "Jew" and "Blackness" in the patois of the Middle Ages evoked images of "judgment" and "evil."<sup>23</sup> He demonstrates that medieval manuscripts suggested Jews were inferior based on speculations "on the biological nature of Jews."<sup>24</sup> While 19<sup>th</sup> Century Blacks identified with Jewish slavery in Egypt, the Jews empathy

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<sup>21</sup> See M.L. Kaplan, "Jessica's Mother: Medieval Constructions of Jewish Race and Gender in 'The Merchant of Venice'." *Shakespeare Quarterly*, 2007: 5 and 11. Kaplan also quotes Ruth Mellinkoff, *Outcasts: Signs of Otherness in Northern European Art of the Late Middle Ages*, 2 vols. (Berkeley: University of California Press, 1993), 1:129:

The desire to defame certain members of society was so great that little attention was given to which attributes were appropriate, and physical features that might seem right for one racial or ethnic group were sometimes applied indiscriminately to others. Moreover, features typically associated with those of blacks or Jews or others were occasionally portrayed together in ways that would rarely occur on an actual person.

<sup>22</sup> Kaplan asserts that the "central elements of modern racist thinking are present in medieval constructions of a Jew as an inferior religious and physical other whose nature, as his immunity to conversion testifies, is determined by his body, not by his belief." (13).

For more analysis of how converted Jews remained Jewish, Kaplan points to Jonathan M. Elukin, "From Jew to Christian? Conversion and Immutability in Medieval Europe," in *Varieties of Religious Conversion in the Middle Ages*, ed. James Muldoon (Gainesville: University Press of Florida, 1997), 171–89.

<sup>23</sup> William Chester Jordan, "The Medieval Background," in *Struggles in the Promised Land*, ed. Jack Salzman and Cornel West (New York: Oxford University Press, 1997), 53.

<sup>24</sup> Jordan, "The Medieval Background," 60.

for Blacks (who still suffered consequential burdens from their ancestors' enslavement) derives in part from Jews' bondage in England in the 13<sup>th</sup> Century.<sup>25</sup>

*Benjamin Disraeli, 1804-1881*

*"[N]o existing race is so much entitled to the esteem and gratitude of society as the Hebrew"*<sup>26</sup>

We can see the "otherness" of being Jewish in arguments about Jewish race throughout the Jewish European experience. We see this especially in the writings of and reactions to Benjamin Disraeli, the most successful Jewish ethnicity preserver/defender and the first Prime Minister of Great Britain of Jewish heritage. The Christian-Jewish Disraeli argued that Jews should preserve their cultural and ethnic heritage and celebrate their distinct racial identity, while integrating into British society by being even more successful at Anglo achievements than Anglos.

Disraeli, the Earl of Beaconsfield, claims that Jews should be identified based on their "race," and that he, as a Jewish-Christian, was a member of a "noble [Jewish] race."<sup>27</sup> Disraeli condemned anti-Semitism in a peculiar manner: the future prime minister argued that Jews leaned toward liberalism only because Europeans (those who represented conservative culture) refused to permit Jews to integrate into society and persecuted the Jews, thus driving Jews to lead and embrace the French Revolution, its iterations, and proletariat-based rebellions: "But

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<sup>25</sup> Kaplan, "Jessica's Mother," 11-12. The Oxford Council of 1222 reinforced the concept of Jewish submission and "inferiority" by banning Jews from owning Christian slaves, while Christians could own Jewish slaves.

<sup>26</sup> Disraeli, *Lord George Bentinck: A Political Biography* (London: Archibald, Constable, and Co, 1905), 322. (Originally published in 1852). *Project Gutenberg*, "Ebook of Lord George Bentinck" (Release Date: 2006-12-03), <http://www.gutenberg.org/files/20007/20007-h/20007-h.htm>

<sup>27</sup> Adam Kirsch, *Benjamin Disraeli* (New York: Schocken Books Inc., 2008), 129.



existing society has chosen to persecute this race which should furnish its choice allies, and what have been the consequences?”<sup>28</sup>

Disraeli lays out his position in his 1852 novel, *Lord George Bentinck: A Political Biography*. Disraeli argues that gentile persecution of Jews led to the “outbreak of the destructive principle in Europe”—the revolt against “tradition and aristocracy, against religion and property.” He continues: “Destruction of the Semitic principle, extirpation of the Jewish religion, whether in the Mosaic or in the Christian form, the natural equality of man, and the abrogation of property, are proclaimed by the secret societies who form provisional governments...”<sup>29</sup>

Disraeli declares controversially that “men of Jewish race are found at the head of every one” of the revolutionary societies. He also observes European anti-Semitism is the primary stimulus for “the people of God[‘s]” leadership in what some call subversive ideologies:<sup>30</sup>

The people of God cooperate with atheists; the most skillful accumulators of property ally themselves with communists; the peculiar and chosen race touch the hand of all the scum and low castes of Europe! And all this because they wish to destroy that ungrateful Christendom which owes to them even its name, and whose tyranny they can no longer endure.<sup>31</sup>

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<sup>28</sup> Disraeli, *Lord George Bentinck*, 323-24.

<http://books.google.com/books?id=AJHSAAMAAMAJ&printsec=frontcover&dq=lord+george+bentinck&hl=en&sa=X&ei=F3E7T76zPIPi0QGgouS0Cw&ved=0CDIQ6AEwAA#v=onepage&q=proclaimed%20by%20the%20secret%20societies%20who%20form%20provisional%20governments&f=false> (accessed January 3, 2012).

<sup>29</sup> Disraeli, *Lord George Bentinck*, 324.

<sup>30</sup> Disraeli argues that Jews are natural promoters of British conservatism, but traditional European society’s rejection of Jewish integration has led to Jewish energy and thought being enlisted in favor of anti-Establishment sentiment.—it is, after all, the Establishment that has persecuted and murdered Hebrews during the diaspora.

<sup>31</sup> Disraeli, *Lord George Bentinck*, 324.

Disraeli assures British elites that Jews are naturally opposed to the abolition of classes, state, religion, and property, even though these class abolitionist ideologies seemed to spring up among thinkers of Jewish extraction, including Karl Marx in 1848.

Although Disraeli's praise of the Jewish people was sincere, Adam Kirsch notes that Disraeli's promotion of the contributions of Jews—as a race—were taken and twisted by anti-Semites in the late 1800s and early 1900s to justify anti-Jewish racism. Kirsch claims that Disraeli's embrace of race would decades later “interact[] with the paranoid suspicions of anti-Semites to disastrous effect.”<sup>32</sup> Perhaps Disraeli could not have known his writing would be employed by anti-Semites to denigrate the Jewish “race” toward the turn of the century.<sup>33</sup>

However, I argue that the real fault lies not with philo-Semitic proponents of Jewish racial identity, but rather lies at the feet of Jew-hatred that found expression in racial, religious, and national philosophies over more than a millennium. Disraeli is not to blame, for whether Jews were considered a race or merely a religion, anti-Semitism was ever present in Europe whether in the form of religious bigotry or ethnic bigotry.<sup>34</sup> Disraeli continues his praise of his people:

The native tendency of the Jewish race, who are justly proud of their blood, is against the doctrine of the equality of man. They have also another characteristic, the faculty of acquisition. Although the European laws have endeavoured to prevent their obtaining property, they have nevertheless become remarkable for their accumulated wealth. Thus it will be seen that all the tendencies of the Jewish race are conservative. Their bias is to religion, property, and natural aristocracy; and it should be the interest of statesmen that

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<sup>32</sup> Adam Kirsch, *Benjamin Disraeli*, 134, see also 131-136.

<sup>33</sup> Adam Kirsch, *Benjamin Disraeli*, 133-136.

<sup>34</sup> In fact, anti-Jewish hatred exists in parts of Europe that is neither (superficially) religiously nor racially motivated, but takes its form in unfair and disproportionate screed against Israeli Jews.

this bias of a great race should be encouraged, and their energies and creative powers enlisted in the cause of existing society.<sup>35</sup>

Although often conciliatory, even when attacked for his Jewish heritage, Disraeli occasionally traded witty barbs with anti-Semites, including an incident cited in many an article. Disraeli allegedly retorted to an “Irish reformer” who insulted his Jewish race: “Yes, I am a Jew, and when the ancestors of the right honorable gentleman were brutal savages in an unknown island, mine were priests in the temple of Solomon.”<sup>36</sup>

Disraeli continues by arguing that “ungrateful” Europeans have barred the use of Jewish “energies and creative power” from promoting Europe’s conservative traditions:

When the secret societies, in February, 1848, surprised Europe, they were themselves surprised by the unexpected opportunity, and so little capable were they of seizing the occasion, that had it not been for the Jews, who of late years unfortunately have been connecting themselves with these unhallowed associations, imbecile as were the governments, the uncalled-for outbreak would not have ravaged Europe. But the fiery energy and the teeming resources of the children of Israel maintained for a long time the unnecessary and useless struggle. If the reader throw his eye over the provisional governments of Germany and Italy, and even of France, formed at that period, he will recognize everywhere the Jewish element. Even the insurrection, and defence, and administration of Venice, which, from the resource and statesmanlike moderation displayed, commanded almost the respect and sympathy of Europe, were accomplished by a Jew—Manini—who, by the bye, is a Jew who professes the whole of the Jewish religion, and believes in Calvary as well as Sinai,—'a converted Jew,' as the Lombards styled him, quite forgetting, in the confusion of their ideas, that it is the Lombards who are the converts—not Manini.<sup>37</sup>

Disraeli issues a stern rebuke to racist Britons and other Europeans. The Earl of Beaconsfield punctuates his plea for Jewish liberation with prophecy:

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<sup>35</sup> Disraeli, Lord George Bentinck, 324.

<sup>36</sup> William Safire, “Gift of Gab,” *New York Times*, 12 December 2004, [http://www.nytimes.com/2004/12/12/magazine/12ONLANGUAGE.html?\\_r=1](http://www.nytimes.com/2004/12/12/magazine/12ONLANGUAGE.html?_r=1) (accessed February 15, 2012).

<sup>37</sup> Disraeli, Lord George Bentinck, 324.

Thus it will be seen, that the persecution of the Jewish race has deprived European society of an important conservative element, and added to the destructive party an influential ally.<sup>38</sup>

When Disraeli argues that “the persecution of the Jewish race has deprived European society of an important conservative element and added to the destructive party an influential ally,” he uses “conservative element” to signify the British aristocracy and “destructive party” to include agents of European social discord.

Disraeli continues his argument for allowing Jews to integrate, while maintaining their distinct ethnic or “race” identity, with an appeal to the British upper class’s penchant for art, philosophy, and music: “The Greek, nevertheless, appears exhausted. The creative genius of Israel, on the contrary, never shone so bright; and when the Russian, the Frenchman, and the Anglo-Saxon, amid applauding theatres or the choral voices of solemn temples, yield themselves to the full spell of a Mozart or a Mendelssohn, it seems difficult to comprehend how these races can reconcile it to their hearts to persecute a Jew.”<sup>39</sup> Disraeli claims Mozart as evidence of the Jews’ artistic contributions and talents, alluding to Mozart’s librettist, Lorenzo Da Ponte.<sup>40</sup> The Jewish-Catholic Da Ponte shared Disraeli’s dual religious and ethnic identities. Da Ponte wrote the “texts of three of Mozart’s greatest operas,”<sup>41</sup> including *Don Giovanni*.

We have shown that the theological prejudice against the Jews has no foundation, historical or doctrinal; we have shown that the social prejudice, originating in the

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<sup>38</sup> Disraeli, *Lord George Bentinck*, 324-25.

<sup>39</sup> Disraeli, *Lord George Bentinck*, 321.

<sup>40</sup> The Jewish-Catholic Da Ponte (born Emanuele Conegliano) “reworked Tirso’s play” (“Don Juan”) “as a libretto for Wolfgang Amadeus Mozart’s” *Don Giovanni* (1787). David P. Goldman points out “that between the notes” of *Don Giovanni*, “I was hearing the muffled anguish of the Spanish Jews.” “Divine Justice: The hidden story of *Don Giovanni*, Mozart’s Jewish opera,” *Tablet*, 31 October 2011, 2. <http://www.tabletmag.com/jewish-arts-and-culture/music/81821/divine-justice/2/>, accessed February 22, 2012. See also “Curtain Rises on Mozart’s Jewish Tie” [http://www.jewishjournal.com/travel/article/curtain\\_rises\\_on\\_mozarts\\_jewish\\_tie\\_20060120/](http://www.jewishjournal.com/travel/article/curtain_rises_on_mozarts_jewish_tie_20060120/) (accessed February 21, 2012).

<sup>41</sup> Paul Nettl, “Jewish Connections of Some Classical Composers,” *Music and Letters* 45.4 (1964): 341-42.

theological but sustained by superficial observations irrespective of religious prejudice, is still more unjust, and that no existing race is so much entitled to the esteem and gratitude of society as the Hebrew. It remains for us to notice the injurious consequences to European society of the course pursued by the communities of this race, and this view of the subject leads us to considerations which it would become existing statesmen to ponder.<sup>42</sup>

In his speeches and writing, Disraeli appeals to the forum in which he operates—the British Parliament—by aligning the Jewish “race’s” natural inclinations with the socio-cultural dogma of British aristocracy. Disraeli—a fully integrated British subject who also promotes his Jewish ethnicity—calls on his colleagues to end Anglo Anti-Semitism by appealing to Parliament and the British upper class’s desire to promote English values around the globe. Benjamin Disraeli also highlights the Jews’ natural affinity for British values and their talented ability to spread ideas.

In contrast to Disraeli’s positive view of Jewish racial identity, various pseudo scientists argued that Jews were an inferior race devoid of talents found innately in European peoples. Most in the Britain and North America viewed Jews as "racially other," as did Disraeli, but many were anti-Semitic in their assessment of Jewish racial identity. Robert Knox, M.D., in *The Races of Men* (1850) attempted to refute Disraeli's argument that the Jewish race was "noble," arguing that "the long list of names of distinguished" Jews provided by Disraeli were not actually of "Jewish descent" because Dr. Knox could not observe "a single Jewish trait in their countenance."<sup>43</sup> Knox confidently describes his version of the characteristics of the Jewish race based on his visit to the "Jew quarter of Amsterdam." After visiting the synagogue for a time and comparing the profile of Jewish men to an Egyptian statute, he confidently proclaimed, "the

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<sup>42</sup> Disraeli, *Lord George Bentinck*, 321-22.

<sup>43</sup> Robert Knox, MD, *Races of Men: A Fragment* (Philadelphia: Lea & Blanchard, 1850), 140. [http://books.google.com/books?id=XwQXAAAAYAAJ&printsec=frontcover&source=gbs\\_ge\\_summary\\_r&cad=0#v=onepage&q&f=false](http://books.google.com/books?id=XwQXAAAAYAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false) (accessed March 2, 2012).

ancient Copt and a large section of the Jewish people were one and the same race, with slight differences, however."<sup>44</sup>

One may find it almost amusing to read the portions of Knox's analysis of the "Jewish Race."<sup>45</sup> Based on a solitary visit to a "crowded" Amsterdam synagogue, Knox determined the scattered Jews of Europe were "naturally...without a musical ear; and they have no national airs that I can discover."<sup>46</sup> That Knox made such an observation only a few years after the passing of the great Christian composer of Jewish extraction, Felix Mendelssohn, is laughable, then again, perhaps Knox is merely echoing composer Richard Wagner's attacks on Mendelssohn published in *Das Judenthum in der Musik* (1850).<sup>47</sup>

Refuting Knox and Wagner's assessment of Jewish artistic ability, Scottish Protestants in 1839 embarked on a mission to the "nation of Israel" in the Galicia region of the Austrian Empire. The protestant missionaries observed a traditional wedding where Jews "played well on the violin, violoncello, cymbals tambourine, and a harp of a singular shape, which they said was

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<sup>44</sup> Knox, *Races of Men*, 137.

<sup>45</sup> Knox, *Races of Men*, 137.

<sup>46</sup> Knox, *Races of Men*, 137.

Knox criticized Disraeli's observation that the "Jewish race" contributes much to humanity, by claiming such a view is "no merely a fable...but is absolutely refuted by all history." The Jew, Knox claimed, "has no ear for music as a race, no love of science or literature; that he invents nothing pursues no inquiry." (131-32). Yet, Mendelssohn, Einstein, Harold Bloom, J. Robert Oppenheimer, and Maimonides might come to the reader's mind.

Defending his assessments, Knox caps his diatribe with the claim that Jewish "skill in metallurgy has not been made out satisfactorily." (142), an odd critique more reminiscent of "Tobiah the Ammonite's" rhetorical reliance on a "fox"—in his attack on Nehemiah— than of Wagner's pseudo-academic criticism of Mendelssohn.

See Nehemiah 4:3 (King James Version): "Now Tobiah the Ammonite *was* by him, and he said, Even that which they build, if a fox go up, he shall even break down their stone wall."

<sup>47</sup> Richard Wagner, *Judaism in Music (Das Judenthum in der Musik) Being the Original Essay together with the later Supplement*, trans. Edwin Evans (London: William Reeves, 1910), 17, 32-39.

Jewish, not Christian” and that the harp was “pleasing.”<sup>48</sup> Throughout these opposing views, the common thread of European assessments of Jewish artistic ability is contextualized by a deep-seated assumption that the Jewish people constituted a unique racial category.

In summary, 19<sup>th</sup> Century British and North Americans considered Jews racial minorities in the context of imperialism. In fact, Anglo “[i]mperialist discourse frequently represented Jews as the domestic colony of the British empire, and assumed that, like the 'natives' abroad, Jews at home were members of an inferior non-white race.”<sup>49</sup> The commentary of Disraeli and other writers clearly demonstrate that Gentiles and Jews viewed Jews as racially distinct in English-speaking nations in the mid-19<sup>th</sup> Century.

*20<sup>th</sup> Century Case Law and Jewish Racial Identity*  
*Rollins v. State of Alabama (1922): Deep South Inquisition into Whiteness?*

The idea that Jews were a distinct race continued into the 20<sup>th</sup> Century. Jewish racial distinctions were prevalent throughout American culture and society in law, social sciences, media and official government practices. Historians who analyze the fluidity of racial whiteness seek out US court cases demonstrating Anglo and Nordic prejudice against “inconclusively” white ethnic groups. *Whiteness of a Different Color* notes the *Rollins v. State* (1922) a miscegenation case,<sup>50</sup> in which a southern judge held that Jim Rollins (a Black man) was not

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<sup>48</sup> The missionaries noted that the Jewish wedding feast and music brought to their minds “the feast at the marriage of Cana.” Andrew Alexander Bonar and Robert Murray M’Cheyne, *Narrative of a Mission of Inquiry to the Jews: From The Church of Scotland in 1839* (Edinburgh: William Whyte & Co., 1845), 417.

For an electronic copy, see [http://books.google.com/books?id=\\_z-beZILwhYC&pg=PA415&dq=The+Jews+of+Galicia+in+1839&hl=en&sa=X&ei=JO1aT8GkKceJiAL817mzDg&ved=0CEEQ6AEwAg#v=onepage&q&f=false](http://books.google.com/books?id=_z-beZILwhYC&pg=PA415&dq=The+Jews+of+Galicia+in+1839&hl=en&sa=X&ei=JO1aT8GkKceJiAL817mzDg&ved=0CEEQ6AEwAg#v=onepage&q&f=false)

<sup>49</sup> Michael Galchinsky, “Permanently Blacked’: Julia Frankau’s Jewish Race,” *Victorian Literature and Culture* 27.1 (1999): 172-73; <http://journals.cambridge.org/action/displayFulltext?type=1&pdfType=1&fid=47890&jid=VLC&volumeId=27&issueId=01&aid=47889> (accessed March 8, 2012).

<sup>50</sup> *Rollins v. State*, 92 So. 35 (Ala. Ct. App. 1922).

guilty because his “Sicilian accomplice was inconclusively white.” Matthew Frye Jacobson mentions *Rollins v. State* as “a good way of understanding racial distinctions” along the lines of “Mediterranean” and “Hebrew.”<sup>51</sup> This case illustrates how critical many considered the question of one’s racial identity during this time.

One particular interpretation of *Rollins* demonstrates the precarious racial status of Mediterranean immigrants in the United States. For example, some academics assert that *Rollins v. State* demonstrates that Sicilians (along with Jews) were not under law classified as genuinely white. However, though the proposition that Jews and some other immigrants (such as Sicilians) were perceived as non-white by the American populace is supported by political and cultural evidence, this proposition is not settled by American case law.<sup>52</sup>

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<sup>51</sup> Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press), 95.

<sup>52</sup> Ian Haney Lopez observed the unsettled ethnic status of Arab-Americans, at least in the eyes of the law. In 1942, a Michigan Court declared Arabs non-white. But in 1944, a Massachusetts judge found that Arab-Americans are, in fact, white. *White By Law: The Legal Construction of Race* (New York: New York University Press, 2006), Appendix A, 167.

Interestingly, genetic research by the *American Journal of Human Genetics* discovered a high correlation of DNA markers between Israeli Jews and Palestinian Arabs, despite having rarely intermixed. The research suggests Jews and Arabs in the Holy Land share common ancestors. See Almut Nebel, DvoraFilon, et al., “The Y Chromosome Pool of Jews as Part of the Genetic Landscape of the Middle East,” *American Journal of Human Genetics* 69 (November 2001): 1095–1112.

Our recent study of high-resolution microsatellite haplotypes demonstrated that a substantial portion of Y chromosomes of Jews (70%) and of Palestinian Muslim Arabs (82%) belonged to the same chromosome pool... Altogether, the findings indicated a remarkable degree of genetic continuity in both Jews and Arabs, despite their long separation and the wide geographic dispersal of Jews. (1096)

Despite the genetic similarities between Jews and Arabs, I have found no 20<sup>th</sup> Century, American court cases that conclude Jews are not *legally* white. This is more evidence of the socially-constructed nature of racial identity. I argue racial identity is determined by a social process *outside* of the courtroom and within a community, and that often courts reflect this socially constructed racial assessment *after* the larger community has navigated it.



Post-Reconstruction U.S. courts rarely categorized white immigrant communities as racially “other”<sup>53</sup> as some interpretations of *Rollins v. State* assert (even if the jurists who oversaw these courts were prejudiced)<sup>54</sup> because post-14<sup>th</sup> Amendment constitutional law tended to emphasize equal application of law, rather than majority rule.<sup>55</sup> *Rollins v. State* is no different.<sup>56</sup>

When the Court of Appeals of Alabama considered Jim Rollins appeal from his conviction in a lower court, it ruled in Rollins favor, not because it saw Sicilian Italians as “non-white” but because evidence of one’s most recent nation of residence does not prove one’s race beyond a reasonable doubt.

The Alabama court did not rule—or even mention in dicta—that Sicilians were inconclusively white. The Court of Appeals held that a person’s racial heritage cannot be determined (beyond a reasonable doubt) merely by analyzing the racial characteristics commonly found in the nation from which a person emigrates, for this simple reason: Even if Sicilians are white, evidence that a person hails from Sicily is not conclusive evidence that such a person shares the racial characteristics of virtually all Sicilians.<sup>57</sup>

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<sup>53</sup> Asians and Latino-Americans have faced the uncaring and prejudiced decisions of American courts. Professor Ignacio M. Garcia explores and explains how American courts permitted anti-Latino prejudice by categorizing Hispanics as “white.” *White But Not Equal: Mexican Americans, Jury Discrimination, and the Supreme Court* (Tucson: The University of Arizona Press, 2009).

<sup>54</sup> However, this is not to say that American courts from the time of colonization to the mid-20<sup>th</sup> Century have not enforced and created discriminatory laws against Blacks and Native American Indians.

<sup>55</sup> Perhaps law’s emphasis on individual rights over the collective was one reason American Jews were so attracted to the legal profession.

<sup>56</sup> The language of the Alabama Court of Appeals might be interpreted as rejecting the theory that mere residence in a majority white nation is sufficient evidence to determine one’s racial heritage. Apparently, some jurors and judges assumed that Sicily was entirely European, and therefore, entirely “white.”

<sup>57</sup> Although Sicily and many other European regions were significantly more homogeneous racially than the US at the time, the Court likely considered the fact that individuals of unique racial heritage may live in tolerant,

In other words, the *Rollins* court likely would rule that, by itself, a person's recent residence—emigrating from, say, France or Spain or Britain—would be insufficient evidence to prove one's race—Black or white. It's likely that the Court would rule that evidence showing a defendant's birth place was London would be insufficient by itself to prove a person is white, thus negating one of the elements of miscegenation case. While mass migrations to Europe were rare during the 19th and early 20<sup>th</sup> centuries—most migration was away from Europe—the existence of North African immigrants among the southern Italian population was probably possible in the eyes of the Court. The question for the *Rollins* court was whether the woman who slept with Jim Rollins had any “Negro blood in her veins.”<sup>58</sup>

More likely this case serves as a symbol of the broader and deeper duality of American constitutional law. The Court, with grand language, granted Fifth Amendment due process rights to an individual Black citizen, and then implicitly sanctioned Alabama's anti-miscegenation laws, grossly violating Black citizens' substantive due process rights under the 5<sup>th</sup> and 14<sup>th</sup> Amendments. The Court held that material facts in the *Rollins* case were “essential to a conviction in this case, and, like any other material ingredient of the offense must be proven by the evidence beyond a reasonable doubt and to a moral certainty.”<sup>59</sup> The evidence did not definitively prove the Defendant's racial heritage.<sup>60</sup>

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but racially homogeneous nations, thus indicating the weakness of relying on evidence of person's most recent country of origin to determine that person's racial identity.

The faulty logic of relying on a defendant's country of origin to determine his race is obvious, as no nation is comprised of a single ethnic group. While there may be majority and minority groups within a nation, there are also persons of mixed blood and race. Just being from a particular country, therefore, does not reveal a person's race.

<sup>58</sup> *Rollins v. State*, 18 Ala. App. 354, 355 (Ala. Ct. App. 1922)

<sup>59</sup> *Rollins v. State*, 355-356 (Ala. Ct. App. 1922)

<sup>60</sup> Mere evidence that a person's most recent residence was England, for example—in the absence of other information—cannot be relied upon to prove “beyond a reasonable doubt” that he is a white.

For the same reason the Alabama Court of Appeals could not determine the race of a person based on her previous residence, Sicily, the same court would likely not “rule a person white” based solely on evidence that she moved from England. Individuals of African descent (descended from slaves in the commonwealth) were common in England. The Court did not say that Sicilians were inconclusively white, the Court merely held that a co-defendant’s most recent geographical location does not prove—beyond a reasonable doubt—one’s whiteness. Italians, Hispanics, and Jews—despite possible alternative readings of Alabama ruling—were white by law.

The Court held the State did not *prove beyond a reasonable doubt* that Edith Labue was white, and therefore, failed to prove Jim Rollins violated the Alabama miscegenation statute:

There was no competent evidence to show that the woman in question, Edith Labue, was a white woman, or that she did not have negro blood in her veins and was not the descendant of a negro. This fact was essential to a conviction in this case, and, like any other material ingredient of the offense must be proven by the evidence beyond a reasonable doubt and to a moral certainty.

For the errors pointed out let the judgment of conviction pronounced against this defendant in the circuit court be reversed, and the cause remanded.<sup>61</sup>

The Court noted that prosecutors presented no evidence that the woman was ethnically Sicilian.

The State “merely” put forth “testimony show[ing] this *woman came from Sicily*,” which “can in no sense be taken as conclusive” that Miss Labue “was not a negro or a descendant of a negro.” Showing that the Miss Labue was born in Sicily merely proved that her most recent geographical residence was Sicily, not that Labue was white, or as the court said “not a...descendant of a negro.”<sup>62</sup> If the state of Alabama had proved, for example, the woman

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<sup>61</sup> Rollins v. State, 355.

<sup>62</sup> Rollins v. State, 356. The Court concluded, “It affirmatively appearing that the manner by which the so-called confessions of this defendant were obtained was in almost every particular repugnant to the rule governing

“came from” North Dakota, the reasonable inference might be that Labue is a white woman; nevertheless, evidence of North Dakota residence would not *prove beyond a reasonable doubt* that a person is not Black. The Court’s holding was right—*Rollins v. State* was not an indication that statute or constitutional law considered any European ethnicity “not white.”

Despite the Court’s ruling (which did not cast Sicilian immigrants as inconclusively white), numerous segments of society *did* imagine that Italians were inconclusively white, and many more Americans cast Jews into the same racial category.

*The National Geographic Magazine:  
Jews Were Considered Racially Distinct from European Ethnicities*

Social scientists of the early 20<sup>th</sup> Century hypothesized that each “race” maintained immutable, observable characteristics and that understanding these racial characteristics was essential to managing and solving global concerns.

For example, the cover of a 1918 issue of the *National Geographic Magazine* offered a broad sociological, cultural, and political study of the “Races of Europe.”<sup>63</sup> The article, penned by Edwin A. Grosvenor, L.H.D., LL.D., advertised a “Map of Europe and Adjoining Portions of Asia and Africa in 19 Colors, Together with 62 Illustration of Racial Types.”<sup>64</sup> The National Geographic Society’s publication described Dr. Grosvenor’s history as “An Account Which Removes the Padlock of Technicality from the Absorbing Story of the Mixture of Peoples in the Most Densely Populated Continent.”

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such testimony, it was error of the most grievous nature to allow the state, over the objection of defendant, to prove same.”

<sup>63</sup> Edwin A. Grosvenor, “The Races of Europe: The Graphic Epitome of a Never-ceasing Human Drama. The Aspirations, Failures, Achievements, and Conflicts of the Polyglot People of the Most Densely Populated Continent,” *The National Geographic Magazine*, 34 (December 1918).

<sup>64</sup> *Ibid.*

*National Geographic* argued that “‘The Races of Europe’ not only provides material of fascinating interest to the casual reader, but contains the authoritative groundwork for the student of the most intricate and at the present time the most vital problem which diplomists, statesmen, and humanitarians, have set themselves to solve.”<sup>65</sup>

It is confidently believed that this number of the GEOGRAPHIC will prove a work of lasting value; for however political boundaries in Europe may be changed by treaties or by conquest, and however ethnographic delimitations may be affected by migration and immigration, *racial characteristics and traits* are fairly constant from generation to generation and *are materially modified only through the centuries.*<sup>66</sup> (Italics added)

*National Geographic* referred to ethnicities (primarily defined by their culture and linguistic heritage) as “races.” However, the survey implied that Jews are connected by race and history, rather than merely language or nationality. The identity of Jews and the identities of all other European “races” were defined by “racial characteristics and traits” that remain “fairly constant from generation to generation and are materially modified only through the centuries.”<sup>67</sup>

The *National Geographic* survey remarked that the central characteristic of Jewish identity was the Hebrews’ transformative and adaptive talents. Rabbi Mar Samuel taught that “‘everywhere ‘the law of government is the binding law,’ and that it was [Jew’s] religious duty, not from expediency, but from moral obligation, to conform to and obey, as far as possible, the laws of any country in which they were found.”<sup>68</sup> The article noted that Jews “pray for the peace

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<sup>65</sup> Grosvenor, “The Races of Europe,” *National Geographic Magazine*, 536.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid, 501.

of the place wherein they dwelt,”<sup>69</sup> something “Hebrews” continued to do before, during, and after the successful American civil rights movement they helped lead.

The *National Geographic Society* went on to declare that and Persians and Gypsies were more closely related to Europeans than Jews were related to Europeans. According to social science of the time, Jews were lumped in Arabs and Maltese, while every other ethnic group or nationality in Europe, Eurasia, the Middle East, and North Africa qualified for the umbrella identity of “Aryan.” The Jews of 20<sup>th</sup> Century Europe were considered ethnic outsiders.<sup>70</sup>

A genetic study published in the National Academy of Science, found “most Jewish populations were not significantly different from one another at the genetic level.” The study found Jews are genetically distinct from Europeans, but Jews are closely related to “Palestinians and Syrians.”<sup>71</sup> Some studies seem to strangely echo the *National Geographic Society’s* position that Jews are not just religiously unique, but ethnically distinct, in European and American societies.

A generation later, the tribulation and agony of the Jewish people would increase exponentially; the result of the Holocaust would set the children of Israel on a course of integration and assimilation that had not been seen since their time in ancient Babylon. And while American Jews’ emphasis on assimilation over cultural preservation would preserve their race and catapult their socio-economic status in the U.S. in the 1950s and 60s, their decision to

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<sup>69</sup> Ibid.

<sup>70</sup> See *Appendix 1: “A Diagram Showing the Relationship of the Peoples of Europe,” The National Geographic Magazine* (December 1918), 534. “Map of Europe and Adjoining Portions of Asia and Africa in 19 Colors (Size, 20x24 inches), Together with 62 illustrations of Racial Types,” *The National Geographic Magazine* (December 1918).

<sup>71</sup> MF Hammer, A. Oppenheim, et al. “Jewish and Middle Eastern non-Jewish populations share a common pool of Y-chromosome biallelic haplotypes,” *Proceeding of the National Academy of Sciences of the U.S.A* 97.12 (June 6, 2000): 6769-74.

emphasize cultural assimilation over cultural and religious distinction was a key factor that fractured and shattered the once great Black-Jewish Alliance.

While Europe, during its “ignorant and brutal age[s],” blamed Jews for shedding the “blood of the Savior,” pre-Shoah, American, gentile writers condemned ancient Europeans’ hatred of Jews. In fact, The National Geographic’s 1918 European survey notes that “under the mask of piety, every foul passion robbed and maltreated the Jews. The laws against them were more merciless than the mobs...with rare exceptions, injustice persecution and proscription were their invariable, universal lot...”<sup>72</sup>

In 1918, Jews numbered 14 million worldwide, with nearly 70% of their population residing in Europe, at this time, only 3 million Jews lived in the U.S.<sup>73</sup> However, by 1948 fewer than 4 million survived in Europe.<sup>74</sup> The number of Jews worldwide today is the same as the Jewish population nearly a century ago – 13.4 million.<sup>75</sup>

Most white Americans and Europeans saw Jews as racially other; however, Jews were admired for their accomplishments and contributions to society. For example, National Geographic cast Jews as outsiders in the European community, but simultaneously celebrates the achievements of the “sons and daughters of Israel” in politics, diplomacy, finance, drama, art,

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<sup>72</sup> Grosvenor, “The Races of Europe,” 501.

<sup>73</sup> Ibid. 502, citing “The Jewish Year Book.”

<sup>74</sup> This calculation of European Jews includes all of Russia. “Jewish World Population – Table 1” at “The Given Names Data Bases,” <http://www.jewishgen.org/databases/givennames/dbdespop.htm> (accessed April 3, 2012).

<sup>75</sup> Jewish numbers hovered around 11 million, immediately after Nazis and their accomplices murdered 6 million Jewish children and adults during the Axis’ race-based genocide. “World Jewish Population, 2010” *Current Jewish Population Reports* (Storrs, CT: Mandell L. Berman Institute –North American Jewish Data Bank, 2010), 17, “TABLE 2. WORLD JEWISH POPULATION ESTIMATES: ORIGINAL AND REVISED, 1945-2010.” PDF. [http://www.jewishdatabank.org/Reports/World\\_Jewish\\_Population\\_2010.pdf](http://www.jewishdatabank.org/Reports/World_Jewish_Population_2010.pdf); see also “World Jewish Population,” *Jewish Virtual Library*, <http://www.jewishvirtuallibrary.org/jsourc/History/worldpop.html>

and literature.<sup>76</sup> Nevertheless, the American magazine crowns the British and their English-speaking cousins "the most enterprising, the most wealthy, and the most intelligent in the world."<sup>77</sup> In other words, while Jews were largely accepted in Anglo society, the "sons and daughters of Israel" were rarely considered the equal to the Anglos who wielded positions of power in the U.S.

The "fires" of tribulation the Jews suffered *prior* to the Holocaust "intensified their remarkable domestic and racial devotion."<sup>78</sup> Unfortunately for the Black-Jewish Alliance, American Jews' "remarkable...racial devotion" appeared to diminish after World War II and eventually dwindled to the point that some Jewish leaders insisted the U.S. government label them merely a "religion," rather than a people or ethnicity.

The philosophy of preserving Jewish ethnic and religious identity, while simultaneously integrating into the nation in which they sojourn, is key to Jews' talent and ability to "adapt to any habitat."<sup>79</sup> Jews' "racial suppleness which bends but never breaks," arose from the Jews' unique version of integration. The Jewish combination of cultural assimilation and ethnic preservation is the key factor in Judaism's "possibility of existence in a foreign country."<sup>80</sup> "Through tribulation and agony, unexampled in the life of any other people, it has enabled the Jewish race to survive."

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<sup>76</sup> Grosvenor, "The Races of Europe," *National Geographic Magazine*, 502.

<sup>77</sup> *Ibid.*, 533.

<sup>78</sup> *Ibid.*, 502.

<sup>79</sup> *Ibid.*, 501.

<sup>80</sup> *Ibid.*, quoting Graetz.



## 20<sup>th</sup> Century Considerations of Jewish Race in the Media

The news and other mass media played a significant role in transforming Jewish racial identity and acceptance. Jews were cast as a racial minority in the media for decades. Not until after the Holocaust did American media begin to portray Jews as “white.” Through the 1960s, media accounts suggested Jewish Americans were a distinct ethnic group, apart from the white community, as evidenced by a 1969 *New York Times* article on Jews and an art exhibit called “Harlem on My Mind.”

*The Outlook*, a popular and sophisticated American magazine in print from 1870 to 1935, published Walter Weyl’s 1910 account of “David Kaplan: Russian Jew.” Weyl’s story of Kaplan presents the ostensibly tautological fact that “all Jews spend the last remnants of the day’s strength in learning and learning.”<sup>81</sup> Acknowledging the Jewish disposition for formal education, Kaplan attends night school, despite the fact his cellar-book-store employer insists Kaplan “ha[s] not the brains” for high intellectual endeavors.<sup>82</sup> Although Kaplan is racially distinct as a Jewish-American, the new immigrant is thoroughly American. David completes his night school lesson with a “chorus of ‘My country ‘tis of thee,’” and becomes emotional as he sings the patriotic hymn along with his fellow Jewish immigrants.<sup>83</sup> In two years of school, Kaplan never missed a lesson—learning English quickly and embracing American history and politics.

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<sup>81</sup> At least this was a truism in the character Kaplan’s eyes. Walter E. Weyl, “David Kaplan: Russian Jew,” *The Outlook*, 22 January 1910, 196. See <http://www.unz.org/Pub/Outlook-1910jan22-00191?View=PDF>.

<sup>82</sup> Weyl, “David Kaplan: Russian Jew,” 194. David’s book-selling, Jewish employer, “a stooping, bespectacled intellectual,” told him, “You will never be a Socialist, Kaplan. You have not the brains.”

<sup>83</sup> Weyl, “David Kaplan: Russian Jew,” 196. He learned English quickly and embraced American history and politics.

While gentile Americans understood Jews to be “American,” they saw the Jewish “love of learning” as inherently “racial.” The *Outlook* notes, “In American cities the Jew, impelled by his racial love of, has sought the printed page.”<sup>84</sup> Weyl illustrates the early-to-mid 20<sup>th</sup> Century concept that Jews can become fully American, while retaining their racial identity.”<sup>85</sup>

The Jews who arrived in America, according to Weyl’s early 20<sup>th</sup> Century observation, brought “with [them] little money, few clothes, and only a few books but much idealism.”<sup>86</sup> This hopeful “idealism” embraced by Jewish “race” was the connective force that upheld Black and Jewish cooperation.

*The New York Times: Jewish Identity and “Harlem on My Mind”*

In 1969, the New York Metropolitan Museum of Art displayed a collection called “Harlem on My Mind.” The museum issued a catalogue describing the Harlem piece: “[B]ehind every hurdle that the Afro-American has yet to jump stands the Jew who has already cleared it.” The catalogue then declared, “[T]he already badly exploited black’ was allowed ‘to be further exploited by Jews.’”<sup>87</sup> When New York Mayor Lindsay condemned the anti-Semitic art, the young author of the piece—an African American sophomore at the University of Bridgeport—responded, “I don’t see what the Mayor is mad about. What I wrote was true.”<sup>88</sup> The anti-

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<sup>84</sup> Weyl, “David Kaplan: Russian Jew,” 199.

<sup>85</sup> In early 20<sup>th</sup> Century America Jews from all over the globe were considered racially Jewish, despite their country of origin. The author of “David Kaplan: Russian Jew,” described “Spanish and Portuguese Jews from Portugal, Holland, Brazil and Dutch South America” as “those men of *one race but all nations.*” (191).

<sup>86</sup> Weyl, “David Kaplan: Russian Jew,” 200.

<sup>87</sup> Martin Arnold, “Paintings Defaced At Metropolitan; One a Rembrandt,” *New York Times*, 17 January 1969, A1

<sup>88</sup> Arnold, “Paintings Defaced At Metropolitan,” A1.

Semitic substance of the display, as described in the catalogue, is this: “[C]ontempt for the Jew makes us feel more completely American in sharing a national prejudice.”<sup>89</sup>

Even as he defended, in good faith, Jews and criticized the exhibit’s catalogue for its anti-Semitism and “stereotypes” of Puerto Ricans and Irish, Mayor Lindsay seemed to cast Jews in another racial category,. Mayor Lindsey claimed “Harlem On My Mind’s” several “sections on intergroup relations” were “racist. It suggests that black Americans have joined a national majority not by their efforts for justice and dignity, but through anti-Semitic feelings.” The mayor then distinguished between the “white community” and the “Jewish community” when he went on to say, “This is slander on both the black and white community, as well as an insult to the Jewish community.”<sup>90</sup>

#### *Official Military Practice: The Dog Tags of WWII*

As late as the late 1940s, several decades after American social science experts writing for National Geographic assured readers that Jews were a separate and distinct race from Anglos, the U.S. Army recognized these distinctions throughout World War II. The US government issued dog tags to servicemen during World War II, which identified the religious affiliation of each man. The dog tags labeled the serviceman Catholic, Protestant, or Hebrew; however, the dog tags did not identify whether the wearer was of a particular race, with the exception of Jewish-Americans.

The idea of a Jewish race was implicit in the “religious” symbol chosen for Jewish dog tags. Gentile dog tags included explicitly religious identification—“C” noted Catholic soldiers

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<sup>89</sup> Geltman, 3. See Berson, *The Negroes and the Jews*, 418.

<sup>90</sup> Arnold, “Paintings Defaced At Metropolitan,” A1.

and “P” identified protestant servicemen. The US Army, however, labeled Jews as an ethnic group, not a religious identity. In the armed forces, Jewish Americans were labeled not with a “J” for “Jewish” (which is indicative of religious identity) but rather categorized Jews with “H” for Hebrew.<sup>91</sup> The label Hebrew connotes an ethnic or racial heritage rather than mere religious preference.

During the WWII, the Sephardic Jewish Ralph de Toledano rejected the military’s request to place an “H” on his Army identification, due to his opposition to labeling Jews.<sup>92</sup> Toledano argued that because he was an atheist, he should not be labeled “Hebrew”<sup>93</sup>; however, the Army viewed Jewishness as a “race,” rather than a religion. The Army during WWII labeled all Jews “Hebrews” (even those like Toledano who did not practice Judaism) thus emphasizing Jewish American’s distinct racial identity, which was based on tradition and heritage, rather than religion.

From the 19<sup>th</sup> Century to WWII, influential politicians, government policy, and respected social science experts categorized Jews as racially distinct from most Europeans and white Americans. Most Jews also viewed themselves as ethnically—if not racially separate—from whites. However, by the time the Holocaust’s horror became well-known—and the Nazi’s racist reasons for murdering millions of Israelites—Jews became uncomfortable and even fearful of being labeled racially *other*.

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<sup>91</sup> George, H. Nash, “Forgotten Godfathers: Premature Jewish Conservatives and the Rise of *National Review*,” *American Jewish History* 87.2 (1999): 149. <http://pao.chadwyck.com/PDF/1331439751138.pdf> (accessed March 8, 2012).

<sup>92</sup> Toledano was an anti-communist liberal, but moved rightward as he saw the results of communism and the behavior of liberal politicians. See Nash, “Forgotten Godfathers.”

For a discussion of the military policy and reactions to it, see Ralph de Toledano, *Lament for a Generation* (New York: Farrar, Straus, and Cudahy, 1960).

<sup>93</sup> Nash, “Forgotten Godfathers,” 149.

### *Changing Jewish Racial Identity – 1940s to 1950s*

Before the Holocaust, many secular Jewish leaders held that European and North American societies should accept Jews as a noble, ethnic identity integrated into Gentile community. However, post-Shoah thinkers advocated the erasure of Jewish ethnic identity, paradoxically for reasons of survival. Only in America were they successful at this, American culture has so much of Judaism in it, from vernacular, to diet, religion, and legal philosophy—in fact civil rights (both on the left and the new right) were defined by Jewish morality and philosophy.

In the early twentieth century, Jews were a persecuted racial minority in the United States.<sup>94</sup> Jewish civil rights leaders and their contemporaries had experienced employment discrimination, only a few decades prior to Supreme Court affirmative action cases *DeFunis* and *Bakke*, in which Black and Jewish organizations argued against each other in amicus briefs.<sup>95</sup> While mid-century, Jews began the process of becoming ethnic whites (like Greeks, Poles, and Italians) in the conscience of America, Jews remained racially distinct from other whites in the collective mind of America.<sup>96</sup>

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<sup>94</sup> For example, anti-Semitic quotas for prestigious universities diminished Jewish presence in law and other professional schools. See Ira Katznelson, *When Affirmative Action Was White: Untold History of Racial Inequality in Twentieth-Century America* (New York: W.W. Norton & Company, 2005), 102-03; Harold S. Wechsler, *The Qualified Student: A History of Selective College Admissions in American* (New York: John Wiley, 1977); Marcia Graham Scott, *The Half-Opened Door: Discrimination and Admissions at Harvard, Yale, and Princeton, 1900-1970* (Westport, CT: Greenwood Press, 1979).

<sup>95</sup> *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978); see *DeFunis v. Odegaard*, 416 U.S. 312 (1974).

<sup>96</sup> Katznelson, 103; Geroid Tanquary Robinson, “Racial Minorities,” in *Civilization in the United States: An Enquiry by Thirty Americans*, ed. Harold E. Stearns (London: Jonathan Cape, 1922).

## *Jewish Fear of Quotas*

When racial minorities were ubiquitously discriminated against in employment and education, Jews were included in that group, although anti-Semitic discrimination was significantly less severe than anti-African American racism. However, when minorities and women were granted “preference” by governments, universities, and large businesses—via 1970s-era affirmative action—Jewish Americans were excluded from minority status. Jews were now characterized as part of the white majority,<sup>97</sup> even though American Jews were commonly discriminated against in housing, employment, and even education as late as the 1950s.

One example of this discrimination occurred when my newlywed grandfather, Harvey Caplin, browsed apartments in 1952. After searching Miami, Florida for a small apartment with his bride, he discovered a flat they liked and could afford. However, upon speaking with the manager, Harvey and his bride were turned away. The white manager asked, “I’m sorry, are you Jews?” The manager continued, “I’m sorry, but we don’t rent to Jews.”<sup>98</sup>

Betty Holloway Caplin, my grandmother, described her emotions after being rejected:

I had never encountered anything like that before. I was twenty three years old and this was June 1952. The lady apologized again and said she could not show us the apartment or rent to us.

We just walked away. Grandpa was familiar with this sort of thing.<sup>99</sup>

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<sup>97</sup> Edward S. Shapiro, “World War II and American Jewish Identity,” *Modern Judaism* 10 (February 1990): 80-81.

<sup>98</sup> Betty Caplin, “Email Interview conducted by Nate Caplin,” September 16, 2010.

<sup>99</sup> Harvey Caplin was used to anti-Semitism, including being barred from hotels and other establishments in the South, but his new LDS bride was not. Betty continued: “Grandpa was familiar with this sort of thing, but it was completely unknown to me.”

Instead they “rented a pretty little apartment where several of Grandpa's friends lived. One of his friends was married to someone who had gone to high school with me. It was a courtyard apartment and we had a lot of fun sharing weekend breakfasts and visiting on the grounds. It was a happy first year of marriage for us and I was always so happy that we had been turned away. We avoided the pitfalls of a lot of headaches and discontent living at the other place.” (Ibid.)

Whether Jewish organizations promoted civil rights because of sincere concern for African American discrimination or other reasons, pro-Jewish groups experienced job discrimination along with African Americans. For example, white racists were also often anti-Semitic, which made Jews and Blacks joint victims of Southern employment discrimination. Because Jews empathized with African Americans, they nearly universally opposed racial discrimination in educational and employment opportunities.

Jews' fear of ethnic-quotas was justified. Only thirty years before the Supreme Court issued the *Bakke* decision, which limited a university's ability to use race as a factor in the admission of students, Jews were banned from nearly one in three jobs in America.<sup>100</sup> In certain districts of New York and New Jersey, Jews were disproportionately represented in some professions and government jobs.<sup>101</sup> It was possible that mixed-ethnicity Jews might be counted as "Jews" in race-based quota plans. Jewish civil rights organizations recognized racial quotas discriminated against Jews only several years earlier.

In 1938, the *Workers' Defense League* explained that in the southern United States "substantial evidence indicat[ed] a growing anti-Semitism," including a "campaign" to

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<sup>100</sup> Stephen Steinberg, "How Jewish Quotas Began," *Commentary* 52 (1971): 68.

<sup>101</sup> Self-identified Jews represented less than 3 percent of America, but they made up one of every five American attorneys. Friedman, 312; Russell G. Pearce, "Reflections on the American Jewish Lawyer," review of *Rabbis and Lawyers: The Journey from Torah to Constitution*, ed. Jerold S. Auerbach (Bloomington, IN: Indiana University Press, 1990).

When the U.S. Commission on Civil Rights was created, 75 percent of Jewish-American males held white-collar jobs, "compared with 38% of white Protestants," and more than 50 percent of Jews were members of one of the professions or in a managerial position, compared with approximately one-quarter of non-Jewish whites. Joe R. Feagin and Clairece Booher Feagin, *Racial and Ethnic Relations*, 4th ed. (Englewood Cliffs, N.J.: Prentice Hall, 1993), 157-58; see also Barry R. Chiswick, "The Labor market Status of American Jews," in *American Jewish Handbook*, ed. M. Himmelfarb and D. Singer (New York: American Jewish Committee, 1984), 137.

“boycott...Jewish business men,” and Jews were confronted with “increasing social discrimination and tightening of quota systems in schools as well as loss of job opportunities.”<sup>102</sup>

*The Erasure of Jewish Racial Identity from the Collective Conscience of America: “Exodus” and the Anti-Defamation League*

*“White Jews” and Film: Exodus (1960)*

The film *Exodus* (1960), directed by Jewish immigrant Otto Preminger,<sup>103</sup> romantically portrayed establishment of the young nation of Israel and accompanying trials confronted by Jews, British, and Arabs during this most momentous of shifts in Middle East politics and society.<sup>104</sup> Central to the film, based on the Leon Uris’ tale of the same name, is Ari Ben Canaan and Kitty Fremont’s romance, a culturally unlikely but cinematically predictable relationship that illustrated the similarities and distinctions of Jews and Gentiles.

Ari Ben Canaan (the Jewish hero of the story), played by Paul Newman, was a native Jewish Palestinian,<sup>105</sup> while Katherine “Kitty” Fremont was a nurse and Presbyterian from the Midwest, certainly an archetype of Gentile whiteness. The native Palestinian Jew (born to a Jewish-Russian-Palestinian immigrant, Barak Ben Canaan) engages in an interesting dialectic with Kitty, his Indiana, Protestant friend. In the scene, Ari Ben Canaan brings Kitty to an

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<sup>102</sup> Frank McCallister, “Memorandum of Proposed Study of Southern Anti-Semitism,” August 8, 1938, p. 1 and “Report on Survey of Anti-Semitism in the South,” 1939, quoted in Cheryl Lyn Greenberg, “The Southern Jewish Community and the Struggle for Civil Rights,” in *African Americans and Jews in the Twentieth Century*, 124-25.

<sup>103</sup> Otto Preminger was a Jewish immigrant to the United States. For Preminger’s background and successes, see Otto Preminger, *Preminger: An Autobiography* (Garden City, New York: Doubleday, 1977).

<sup>104</sup> *Exodus*, DVD, directed by Otto Preminger (1960; New York: MGM, 2002). *Exodus* starred Paul Newman and Eva Marie Saint.

<sup>105</sup> Paul Newman was Jewish-American actor whose father was Jewish; Newman identified as Jewish.



outcropping overlooking the Valley of Jezreel—the area his father cultivated after fleeing

Russia:

Ari: The Valley of Jezreel. If you dug straight down far enough there, you'd find the ruins of Megiddo. You'd find the very same paving stones that Joshua walked on when he conquered it. Do you know your Bible?

Kitty: In a Presbyterian sort of way.

Ari: That's Mount Tabor.

Kitty: I remember. Where Deborah gathered her armies.

Ari: That's where she stood when she watched Barak march out to fight the Canaanites: "So Barak went down from Mount Tabor, and men with him." It's in the Book of Judges. The Canaanites had iron chariots.....but Barak had men...3200 years ago.

- That's when the Jews first came to this valley
- It wasn't just yesterday or the day before.

Ari, still clinging to his Jewish racial identity, tells Kitty he wants her to know he's a Jew—what it means to be a Jew, that Israel is in his blood. But Kitty responds by tamping down Ari's excitement.

Kitty: Isn't your father's name Barak?

Ari: In Russia, he was Yakov Rabinski.  
But when he came here, he took the name of Deborah's general.  
He called himself Barak Ben Canaan.  
Barak, the son of Canaan, and this valley became a Jewish land once again.

(excitedly, defensively): He can give you the date every clump of trees was planted there, to the month!

Kitty: Don't get excited. We're not debating now. I'll grant anything you say.

Ari: I just wanted you to know that I'm a Jew... This is my country.

Kitty: I do know. I understand.

Ari: Sometimes it's not that easy.

Paul Newman's character suggests that Kitty should reject the then-liberal American concept that there are no differences between peoples, that differences are "made up." The

Palestinian, Israeli Jew becomes defensive when the Indiana woman insists that all people—regardless of religion or race—are identical. Ari is frustrated when the white American denies his Jewish racial identity, as though she were adopting the politically correct, history-denying speech of the Anti-Defamation League:

Kitty: It's the easiest thing in the world, Ari.  
All these differences between people are made up. People are the same, no matter what they're called.

Ari: Don't ever believe it. *People are different.*  
They have a right to be different. They like to be different.  
It's no good pretending the differences don't exist, they do.  
They have to be recognized and respected. I recognize them – I respect them.

Kitty: Don't you understand that you make me feel like a Presbyterian...when you can't, for just a minute or two, forget that you're a **Jew**?  
You're wrong, Ari...  
There are no differences.

Kitty contrasts herself from Ari by Presbyterianism, rather than her gentile or American identity, which is a technique employed by the director to identify Jews only through their religion and to erase from the minds of gentile viewers Jews' distinct racial identity, which still existed in popular culture.

*Exodus* ultimately reinforces the secular Jewish establishment position of Jews as white, achieved partially through the casting of Newman in the lead role. For example, when British military man, Major Caldwell, says he “can spot [a Jew] a mile away,” Ari Ben Canaan (who adopts a British persona for intelligence purposes) puts him to the test. Ari asked Major Caldwell, “You mind looking into my eye, sir? It feels like a cinder.” As Caldwell peers into the eyes of the Palestinian Jew, he pronounces, “You know, a lot of [Jews] try to hide under

gentile names, but one look at their face, you just know.”<sup>106</sup> But even after staring at Ari, *Exodus* emphasizes that a person cannot identify Jews merely by looking at them; in other words Jews were not like Blacks—they were white and could blend. This would prove true for many Assimilationist Jews (who recognized also conceded their racial “otherness,” at least in the context of Gentiles’ perceptions of Jews) changed the spelling of their names, or even transformed their names altogether to appear more thoroughly white.<sup>107</sup>

Elite Americans—from denizens of newsrooms to policy makers in DC—adopted the post-Shoah concept that Jews were white alone. The only difference between Kitty, the white Presbyterian, and Ari, the Israeli Jew, was their religious preference, at least in the minds of intellectuals. The larger American society, though, had yet to adopt or even envision such a view of Jews. In the minds of the general public, Jews were racially distinct from European gentiles and their white North American cousins.

Otto Preminger’s film *Exodus* was a bridge that promoted elite conceptions of Jewish ethnic identity (a view that safeguarded against anti-Jewish persecution) to the general American public. In the same vein, *Gentlemen’s Agreement* (1947), directed by Elia Kazan, in which

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<sup>106</sup> “Memorable Quotes for Exodus (1960),” IMDB, <http://www.imdb.com/title/tt0053804/quotes?qt0478698>, (accessed February 18, 2012).

<sup>107</sup> Like Major Caldwell’s “hiding” Jews, some American Jews modified their surnames to appear and sound “gentile.” Hebrew, Yiddish, and other generally Semitic surnames distinguished Jewish Americans as racially and ethnically “other.” Adopting a gentile name mitigated Jews’ racial otherness, their ethnic distinguishability. Jews maintained their ethnic and religious identity, while modifying their names to become “white,” or in other words, more “American,” as the majority understood it. For example, Al Jolson was originally, “Asa Yoelson.”

My great grandfather Morris *Caplin* (born in 1905, London, England) either adopted or more likely was given at birth an Anglicized version of his father Hyman’s (born 1865, Bedetich, Russia) name *Kaplan*.

Phillip Green (Gregory Peck) adopts the Jewish surname “Greenberg” and explores anti-Semitism in Connecticut, appears to achieve the same result, though less stridently.<sup>108</sup>

However, *Exodus* vacillates between the mirages of Anti-Defamation League (ADL) policy—which claimed Jews were not an distinct racial group—and the reality he experienced since his childhood—that Jews are an ethnicity as much as a religious group. Later in the film, he swings back to reality, leaving “Caucasian,” liberal propaganda behind: After Kitty ate lunch with Ari’s family at Barak’s small farm, meeting Ari’s mother, eating Israeli food, and visiting with Ari’s sister, Kitty realizes she is welcome, but that she is stranger, even around her Jewish romantic. Kitty admits that Ari was right—there are differences—great differences—between Jews and Gentiles, between Americans and Israelis, between “whites” and Hebrews. The scene opens with Ari introducing Kitty to a kibbutz: “You’re just going to love it here, Kitty... What’s the matter? You act like a stranger,” to which Kitty replies, “I feel like one.”

Ari: I guess I’d feel the same way, too, if I suddenly found myself in Indiana.  
You just don’t understand us yet.

Kitty: Stop saying that. I can understand just as well as you can. I didn’t come here to fight with you...I came to say goodbye, Ari.

Ari: What? You don’t really mean that.

Kitty: You were right. *We are different.*  
I’ve been feeling the difference all afternoon...I feel (pause) *outside.*

The way your mother and father...They were perfectly charming, I don’t mean that, but...the way they looked at me, the way your sister talks to me...It doesn’t make any sense to discuss it, no sense at all.

Ari: If it doesn’t make any sense to discuss it, we’ll just forget it.

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<sup>108</sup> *Gentleman’s Agreement*, DVD, directed by Elia Kazan (1947; New York: Twentieth Century Fox, 2000).

Ari Ben Canaan represents a portion of the post-Holocaust, U.S. Jewish establishment, which calculated that navigating the racial landscape of post-war United States—in a manner that respected Jewish ethnicity and distinction—was too dangerous and it would make “no sense at all” to the white Americans. Therefore, like Ari, the Jewish establishment decided, “If being ethnically Jewish and fully American doesn’t make any sense to Gentiles, then we’ll just forget it.” And Jews did, by becoming “whites.”

### *Jewish Organizations Attempt to Minimize Jewish Racial Distinction*

Because of anti-Semitism, in Europe and America, the Anti-Defamation League (“ADL”) debated whether they should promote the notion that Jews are merely a religious group, not an ethnic group and definitively nonracial. The ADL argued that the “ultimate solution” to avoiding another Final Solutions was “full assimilation.” In the future, the ADL hoped Jew would no longer be considered an “ethnic group.”<sup>109</sup>

Jewish organizations were concerned that Americans viewed them as racially different. Their worry increased dramatically after news of anti-Semitic atrocities in Nazi Germany and the rest of Europe in the late 1930s and during World War II. In the wake of the Holocaust, the Anti-Defamation League began to recognize the advantages and necessity of Americans, not to mention Germans, altering their perception of Jewish racial identity and embracing the perception of Jews as whites united by religious culture.

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<sup>109</sup> Greenberg, *Troubling the Waters*, 116, quoting “Sidney Levine to Horace Marston,” 27 November 1944, Anti-Defamation League.

Greenberg argues the Israel movement was ethnicity-based. This appears to have worked against American Jews’ movement to become white.

The ADL was aware that Jews were killed because of their perceived ethnic and racial differences, not their religious preferences.<sup>110</sup> In 1930-40s Germany, official policy held that Jewish converts to Catholicism or Lutheranism were still Jewish—they were part of an inferior race, not just members of a religion or culture, according to Nazi principles. While *The Jews and Their Lies* were used as propaganda to influence religious anti-Semites in Germany, it was only a tool, not a doctrine of Nazi beliefs. This explains why even Christian Jews were murdered in the death camps, despite generations of Christianity practiced in their Jewish homes.<sup>111</sup>

Jacobson notes that after World War II, the atrocities of Nazi racial science led anti-racists to embrace the idea of ethnic identity place of racial identity.<sup>112</sup> This paper argues that the racial transformation of Jews was a key variable in the equation of the Black-Jewish Alliance, which began to fade by the late 1960s and nearly disappear by the late 1970s, as Jews worked to become “white.”

### *Many Jews Recognized Themselves as a Distinct Ethnic Identity*

Despite the attempts by Jewish Civil Rights to eviscerate Jewish ethnic identity in favor of assimilation, numerous Jews on the ground recognized and celebrated their ethnic identity, even in the face of anti-Semitic prejudice.

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<sup>110</sup> See “The Anti-Jewish Legislation of Nazi Germany from 1933-1945,” prepared by the United States Holocaust Memorial Museum, Washington, DC., included in Michael J. Bazyler and Sam Garkawe, “Holocaust, Genocide, and the Law” (paper and course guide for Whittier Law School’s Israel Study Program, presented at Bar-Ilan University, Summer 2007), Appendix 1.

The “Reich Citizenship Law” of 1935 “defines a *Jewish Mischlinge* (person of mixed blood) as anyone who is *descended from one or two Jewish grandparents...a full-blooded Jew is anyone descended from at least three Jewish grandparents.*” (48)

<sup>111</sup> Even if the Jew spoke only German—he was a Jew by *race*. Jackson Spielvogel, *Hitler and Nazi Germany: A History* (Upper Saddle River, New Jersey: Prentice Hall, 2005), 1 and 273.

<sup>112</sup> Jacobson, *Whiteness of a Different Color*, 187-88. The “horrors of Nazi Germany were in fact part of what catapulted American Hebrews into” whiteness.

For example in the 1940s, Jewish young men at Miami High School performed a Jewish jingle at sporting events.<sup>113</sup>

Izzy, Ikey, Jakey, Sammy,  
We're the boys who eat no hammy!  
We play football, we play soccer,  
We keep matzos in our locker!  
Ay, Ay, Ay, Miami High!

This Jewish sporting chant illustrates the conundrum Jews navigated so deftly: Young Jews integrated into structures of American society (such as football, soccer, and fight songs) but retained their Jewish identity by infusing Jewishness into American customs.

*African American Perception of Jewish Racial Identity*  
*Because Jews are the best Christians – Black Mississippian (1964)*<sup>114</sup>  
*Jews are almost like Negroes – Black resident of Chicago (1967)*<sup>115</sup>

As late as 1960, huge numbers of Americans still understood Jews to be racially “other,” which perhaps explains the Exodus film’s hints that Jews should be considered white. However, American scholars had adopted nearly a decade earlier the theory that European immigrants were “unquestionably white Caucasian.”<sup>116</sup> Jacobson’s portrayal of American elites’ perception of Jews as Caucasian (partly as a safeguard against anti-Jewish sentiment) is based on substantial evidence. I argue, however, that most ordinary white Americans, and especially Blacks who

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<sup>113</sup> Harvey Caplin, “Interview by Nate Caplin,” 2005.

<sup>114</sup> Ronald Smothers, “Jews and Blacks Recall the Decades of Partnership,” *New York Times*, 30 November 1988, A20.

<sup>115</sup> Gary T. Marx, *Protest and Prejudice*, 150.

<sup>116</sup> Jacobson, 109. Jacobson argues that most scholars viewed “immigrants and their children and grandchildren as unquestionably Caucasian.” Jacobson is no doubt correct, but I argue ordinary Caucasian Americans, and especially Blacks who were civil rights activists, saw Jews as ethnically distinct from other white Americans.

were active civil rights, saw Jews as ethnically and sometimes racially distinct from other white Americans.

As Jews opposed racial quotas and early forms of “affirmative action,” some influential African American leaders believed Jews were no longer an oppressed partner, but rather a white ethnic group. However, before civic Jewish establishment guided the community into white society, Blacks had a highly positive view of Jewish Americans. Many Black Americans from various economic backgrounds—ranging from impoverished denizens of housing projects to middleclass professionals—viewed Jews as a distinct race, separate from the “whites” in general.

Throughout the 1960s, Paul Jacobs conducted interviews in Southern California ghettos to ascertain Black conceptions of Jews and found most African Americans viewed Jewish residents and merchants as non-white “Jewboys.”<sup>117</sup> The 1966 interview in Watts recounts six “Negro women” describing the difference between whites and Jewish Americans. One Black woman described a Jewish businessman as “‘Leon the Jewboy’ [who] drives a truck into the housing project, takes out a rack filled with clothes and rolls it from door to door trying to sell... merchandise on credit.” The woman explained that “‘Jewboys’ weren’t the same as white people.” After Jacobs inquired how the interviewees were able to distinguish Jews from others, he recalled “one woman patiently explained it to me as if I was a slow-witted but nice child.” She declared, “The white man don’t have time to be knockin’ on no door, and that Jew, that’s his stick.”<sup>118</sup> Jacobs characterized the *ebonicization* of the Yiddish *shtick* as “cross-culturization at its best or worst,” because Blacks adopted the Yiddish term not out of affection for Jewish

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<sup>117</sup> Paul Jacobs, Untitled article, *Midstream Magazine*, December 1966, quoted in *Negro and Jew: An Encounter in America*, ed. Shlomo Katz (New York: The Macmillan Co., 1967), 74-76.

<sup>118</sup> *Ibid.*, 75. Another Black resident explained the difference between Jews and whites, mostly economically: “He’ll tell you, you don’t have to pay me but a dollar or whatever you got, you just give it to me and I’ll come back.” Another woman concurred, “The white folks don’t do *that*.”



culture but perhaps to better express anti-Jewish ideas. To Black urban residents Jews were easily distinguishable from white men and even acted differently. Another Black woman stated, “Now I know a Jew isn’t a white man and besides he talks like a Jew.”<sup>119</sup>

In Gary Marx’s survey on anti-Semitism, Marx asked randomly selected Blacks their views on Jewish Americans, and many responded that Jews were distinct from white Americans. A Pittsburg “foundry worker” stated that he “hates white[s]” but that he “always felt friendly toward a Jew.”<sup>120</sup> A Black worker in a New York City dress factory argued, “Jews are just Jews not white,”<sup>121</sup> and a Manhattan “laundry worker” noted, “They [Jews] understand colored better because they have been through some of the same kind of discrimination.”<sup>122</sup> The belief that Jews and whites were racially distinct was so common that Jewish racialness was assumed in the African American community.<sup>123</sup>

Blacks sometimes saw their Jewish brothers’ plight in 1930s Nazi Germany as analogous to their own Jim Crow suffering in America. Socialist Appeal, written by C.L.R. James<sup>124</sup> in the late 1930s, argued that American democracy was not too distant from Germany “democracy”:

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<sup>119</sup> Ibid., 75.

<sup>120</sup> Gary T. Marx, *Protest and Prejudice: A Study of Belief in the Black Community* (Westport, CT: Greenwood Press, 1967), 126.

<sup>121</sup> Marx, *Protest and Prejudice*, 142.

<sup>122</sup> Marx, *Protest and Prejudice*, 126.

<sup>123</sup> When Jacobs asked the Black residents of Watts in his interview “whether any of the white storekeepers in the area cheat,” in addition to the Jewish storekeepers, the interviewees did not flinch. One replied, “They all cheat. They have to cheat ‘cause we don’t have nowhere else to go. . . . So you want it, you need it, so I’ll make you pay for it. You know you’re gonna buy it.” (Jacobs, 76)

<sup>124</sup> C.L.R. James was a Trinidadian and Afro-Britain communist author, sportswriter, scholar, and activist. James later argued that Stalinism was like slavery; for example, James noted, “Stalinists” denigrated workers as “our loafers, our triflers, our grabbers, flouting labor discipline, looking sullenly askance at their work which leads to flaws in output, to damaged equipment and tools, to breakdown in production schedules, and to other negative manifestations which retard the increase of production.” James, *State Capitalism and World Revolution* (Chicago: Charles H. Kerr Publishing Company, 1986), 113-135, quoting S. Kovalyov, “Communist Education of the Worker

When Roosevelt and the other so-called lovers of “democracy” protested to Hitler against his treatment of the Jew, Hitler laughed scornfully and replied, “Look at how you treat the Negroes. I learned how to persecute Jews by studying the manner in which you Americans persecute Negroes.” Roosevelt has no answer to that. Yet he will call on Negroes to go to war against Hitler.<sup>125</sup>

Interestingly, James married a young, radical Jewish author named Selma Weinstein, who later wrote *The Power of Women and the Subversion of Community* (1972). Selma Weinstein James was later the spokeswoman for the English Collective of Prostitutes.<sup>126</sup> Weinstein argued later in life that Jews and Arabs were racially connected, giving credence to the theory that leftists reject the liberal notion that Jews are white.<sup>127</sup>

Although anti-Semitism was a part of the Black consciousness, anti-Jewish sentiment was less prevalent among southern Blacks than the southern white population, and prior to the late 1960s, African Americans were more pro-Semitic than whites were as a whole.<sup>128</sup> An

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and the Elimination of Capitalist Survivals from the Popular Consciousness” (Washington, D.C.: Public Affairs Press, 1948), accessed at Libertarian Communist Library, <http://libcom.org/library/state-capitalism-james-clr>, February 18, 2012.

<sup>125</sup> Quoted in Jacobson, *Whiteness of a Different Color*, 111.

<sup>126</sup> Selma Weinstein James established the International Wages for Housework Campaign in 1972, see “Selma James Book Tour,” <http://www.selmajamesbooktour.net/node/1>, accessed February 17, 2012; see also “All Women Count,” <http://www.allwomenscount.net/EWC%20WoC/SelinHamHigh.htm>, (accessed February 17, 2012); “Selma James,” *Libertarian Communist Library*, <http://libcom.org/tags/selma-james>, (accessed February 17, 2012).

Selma Weinstein James later became a vociferous opponent of Israel, founding the rabidly anti-Israel “International Jewish Anti-Zionist Network.” See “Selma James 80 on 15 August this year,” *Global Women’s Strike*, <http://www.globalwomenstrike.net/content/selma-james-80-15-august-year> (accessed February 17, 2012).

<sup>127</sup> “Second, Arab and Jewish people are both Semitic people, one race. What divides us is not race, but that those who rule Israel are of European origin with the traditional European racism against people who are not industrialized. This is one reason that there has been so much racism in Israel against Jewish people from the Middle East. The other is that both Arabs and Jews originating in the Middle East tend to be people of colour. These are the racist divisions among us that are exploited so Israel can conquer on behalf of the US.” Selma Weinstein James, “A Jewish woman speaks out against the Israeli State at the Global Women’s Strike Anti-War Picket, Parliament Square,” *Global Women’s Strike*, 30 September 2003, <http://www.globalwomenstrike.net/content/a-jewish-woman-speaks-out-against-israeli-state-global-women%E2%80%99s-strike-anti-war-picket-parlia> (accessed February 17, 2012).

<sup>128</sup> Paul Okami, “Intolerable Grievances Patiently Endured: Referent Cognitions and Group Conflict as Mediators of Anti-Jewish Sentiment among African-Americans,” *Political Psychology*, 13 no. 4 (December 1992): 732-33.

illustration of this phenomenon occurred when Charney Bromberg, a civil rights activist who worked in Mississippi during Freedom Summer, was identified as a Jew by a Mississippi Black woman. Because most residents of the Deep South were unfamiliar with Jews, Mr. Bromberg asked how this woman how she knew the civil rights activist was a Jew. “Because,” the woman replied, “Jews are the best Christians.”<sup>129</sup> In one 1979 description of Black feelings towards Jews, a Black participant stated, “I think of Jews as almost being Black.”<sup>130</sup>

The cooperation between Jews and Blacks in their quest for equal rights extended overseas, as well. In 2011, twelve Jewish anti-apartheid activists were honored by Sierra Leone, Liberia, and Gambia “the extraordinary sacrifices made by Jews to the liberation of their African brethren.” The stamp sheet features portraits of several Jewish men and women with the caption, “Legendary Heroes of Africa.”<sup>131</sup> Most notably, Jews in South Africa were overrepresented in the anti-apartheid movement, just as Jewish Americans were heavily overrepresented in the American Civil Right Movement. The honorary stamp issuance of Gambia noted that within “the anti-Apartheid South African Liberation struggle, it was estimated that Jews were over represented by 2,500 percent in their proportion to the governing population.”<sup>132</sup>

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<sup>129</sup> Ronald Smothers, “Jews and Blacks Recall the Decades of Partnership,” *New York Times*, 30 November 1988, A20.

<sup>130</sup> Okami, “Intolerable Grievances,” 727.

<sup>131</sup> “Legendary Heroes of Africa,” <http://www.legendaryheroesofafrica.com/> (accessed 3 March 2012).

<sup>132</sup> The Gambian “Legendary Heroes of Africa ” Stamp Sheet.

See <http://legendaryheroesofafrica.com/gambia.html>, accessed 3 March 2012.

See also Judy Siegel-Itzkovich, “12 Jews honored on Africa stamps as Apartheid fighters,” *The Jerusalem Post*, 3 March 2011 ( <http://www.jpost.com/JewishWorld/JewishNews/Article.aspx?id=210275> (accessed 3 March 2012)).

## *Black Anti-Semitism*

As Jewish racial identity transformed during the 1960s, many Black Americans, noted James Baldwin in his 1967 piece “Negroes Are Anti-Semitic Because They’re Anti-White,” believed Jews had become “white American[s]”:

...if one decides that black or white or Jewish people are by definition, to be despised, is one willing to murder a black or white or Jewish baby[?]: for that is where the position leads. And *if one blames the Jew for having become a white American*, one may perfectly well...be speaking out of nothing more than envy.<sup>133</sup> [Italics added]

Baldwin argued Black anti-Semitism is present in America because the “Negro is really condemning the Jew for having become an American white man.”<sup>134</sup>

Answering Baldwin’s theory of Black anti-Semitism and critique of Jewish American’s embrace of whiteness, Rabbi Robert Gordis argued “that hatred is as disastrous to its perpetrator as to its victim.”<sup>135</sup>

Baldwin suggests that Jewish Americans’ journey from minority to “white American,” is a cause for Blacks’ antipathy, frustration, and “envy” toward Jews, as he described a decade earlier in “Notes of a Native Son.”<sup>136</sup>

Black anti-Semitism became more influential among average African Americans when Stokely Carmichael and Malcolm X became revered as leaders of impoverished African-

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<sup>133</sup> James Baldwin, “Negroes Are Anti-Semitic Because They’re Anti-White,” *The New York Times Magazine*, 9 April 1967.

<sup>134</sup> Ibid. For Baldwin’s arguments, see: <http://search.proquest.com.erl.lib.byu.edu/hnpnewyorktimes/docview/117679944/1356600ADC1576DD1D4/3?accountid=4488> (accessed March 8, 2012).

<sup>135</sup> Robert Gordis, “Negroes Are Anti-Semitic Because They Want a Scapegoat,” *New York Times*, 23 April 1967, 130. He also argued that some Blacks bought into anti-Semitism because it made them feel at least “better than the Jew.” For Robert Gordis’ response: <http://proquest.umi.com.erl.lib.byu.edu/pqdweb?did=83657514&Fmt=10&VInst=PROD&VType=PQD&RQT=309&VName=HNP> (accessed March 11, 2012).

<sup>136</sup> James Baldwin, *Notes of a Native Son*, 6th ed. (Boston: Beacon Press, 1955), 70-71.

American urban residents. Although from WWII to the early 1960s, Black political and religious leaders did not allow the apparent anti-Semitism of the Harlem masses to thwart their alliance with Jewish leaders, anti-Jewish rhetoric began to crack the carefully crafted alliance. Eventually, the feeling of many impoverished African Americans was adopted by Black leadership in the late 1960s.

James Baldwin alluded to this anti-Jewish ground swell in 1955, when he reported that nearly all his Black interviewees expressed antipathy or jealousy toward the Jews.<sup>137</sup> When leaders of Black urban communities resorted to anti-Semitic rhetoric to illustrate concepts of social justice, the lay Black population joined in the rhetoric. In addition to Black Nationalism, some African American leaders declared that perceived Jewish racism toward Blacks—on an economic level—explained, if not justified, anti-Jewish feelings in urban areas.<sup>138</sup> Even the “Negroes” in Harlem identified with the Jews because of their shared history of persecution and slavery, and the God of Israel’s deliverance of His people from bondage inspired hope in many repressed African Americans.<sup>139</sup> The “devout Negro considers that he is a Jew, in bondage to a hard taskmaster and waiting for a Moses to lead him out of Egypt.”<sup>140</sup> In addition, the

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<sup>137</sup> Baldwin, *Notes of a Native Son*, 70-71.

<sup>138</sup> Gary Marx’s sociological study found that in 1967 Blacks were more likely than whites were to “accept negative economic stereotypes” of Jews. Northern African Americans with at least some college education were more likely to be anti-Semitic than white northerners with some college education—53 percent of college-educated northern African Americans were either “low,” “high,” or “very high on anti-Semitism,” while 47 percent were “non-anti-Semitic.” See Gary T. Marx, *Protest and Prejudice: A Study of Belief in the Black Community* (Westport, CT: Greenwood Press, 1967), 146.

<sup>139</sup> Baldwin, *Notes of a Native Son*, 67-69.

<sup>140</sup> *Ibid.*, 67.

persecuted Black man often identified with the Jew, and southern Protestants sometimes labeled Jews as “Jewish Negroes.”<sup>141</sup>

Chapter 3 explores the lamentable results of Black Anti-Semitism and Jewish anti-Black rhetoric on the already-weakened state of the Black-Jewish Civil Rights Alliance.

*Martin Luther King and other Black Leaders Defend Jews and Jewish Participation in the Civil Rights Movement*

In the face of the Black Power movement, mainstream Black leaders defended their relationship with Jews, despite disagreements over government-created racial preferences. Civil rights guru Bayard Rustin, for example, reminded African Americans that “Jews are an absolutely essential part of the coalition that is needed to obtain equality for Negroes. They have played an historic role in this coalition. In fact, they were the first group to join the Negroes.”<sup>142</sup>

Rustin eviscerated Stokely Carmichael for telling Blacks to avoid Jewish aid and cooperation:

If I have been beaten fifteen times, if I have been jailed twenty-eight time, if my buddies have been murdered in Mississippi, if I have paid fines of over eight thousand dollars and have made all these sacrifices, but the situation in housing, schools and jobs gets worse and worse, then there is something wrong with our tactics. *So what do I do? I turn against just those people who have helped me the most and in the order upon which I have depended upon them and which I had faith in them—Dr. King, Phil Randolph, Roy Wilkins, Whitney Young, the Jews, then Unions*<sup>143</sup> [Italics added]

Of all ethnic groups, Rustin valued Jewish support for civil rights, as they were ranked only after Dr. King and other great civil rights leaders for their contributions to racial equality.

Dr. King shared Rustin’s affinity for Jews, and King later pressed Black Americans to avoid “the persisting myth that the Jews of America attained social mobility and status solely

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<sup>141</sup> Leonard Rogoff, “Is a Jew White? Racial Place of Southern Jew,” *American Jewish History* 85 no. 3 (1997), 195-97.

<sup>142</sup> Lenora E. Berson, *The Negroes and the Jews* (New York: Random House, 1971), 129-30.

<sup>143</sup> Ibid.

because they had money.” Dr. King warned against the “persisting myth that the Jews of America attained social mobility and status solely because they had money.” King argues, “It is unwise to ignore the error for many reasons. In a negative sense it encourages anti-Semitism and over estimates money as a value. In a positive sense the full truth reveals a useful lesson.”<sup>144</sup>

King identified the reasons for Jewish-Americans’ great success: “Jews progressed because they possessed a tradition of education combined with social and political action.”<sup>145</sup> Additionally, before his death, King joined Rustin’s defense of Jews, declaring, “It would be impossible to record the contribution that Jewish people have made toward the Negro’s struggle for freedom, it has been so great.”<sup>146</sup>

Black leaders, such as Roy Wilkins, and role models like baseball king Jackie Robinson, understood the concept of Jewish racial identity, because they believed Jewry’s worldwide suffering perhaps exceeded even that of Blacks. Wilkins, a Black civil rights leader, pointed out that Jewish Americans and Blacks were “great minorities of similar experiences.”<sup>147</sup> Baseball great Jackie Robinson shared a connection with Jews. For example, after observing anti-African-American proposals at the 1964 Republican Party National Convention, “I had a better understanding of how it must have felt to be a Jew in Hitler’s Germany.”<sup>148</sup>

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<sup>144</sup> King, *Where Do We Go From Here*, 163.

<sup>145</sup> *Ibid.*

<sup>146</sup> Rose, “Blacks and Jews: The Strained Alliance,” 55.

<sup>147</sup> Roy Wilkins, *Standing Fast: The Autobiography of Roy Wilkins* (New York: De Capo Press, 1994), 269, quoted in Greenberg, 236.

<sup>148</sup> Quoted in Greenberg, 235; see Gary Younge, “Different Class,” *Guardian* (London Newspaper), 23 Nov. 2002; Jackie Robinson was the first Black player to break the anti-color barrier in American baseball’s Major League. Ultra-conservative Barry Goldwater was nominated over the more liberal Nelson Rockefeller in the 1964 Republican Party National Convention.

### *Black Criticism of Jewish Whiteness*

Black conservatives who opposed race-based quotas were suspicious of the Jewish reasons for battling affirmative action—some African Americans believed that Jewish opposition to affirmative action was as much a product of Jews' white privilege as Jews' commitment to color-blind policies and racial equality. Glenn Loury claimed the experience of immigrants in America is an unreasonable standard to which to hold African Americans.

Loury argues that Blacks, unlike white ethnic immigrants, were barred from the American “melting pot”; therefore, African Americans could not progress economically at the same rate Jews and other white ethnics did. Jews *were* victims of racial discrimination, but Loury dismissed the immigrant “paradigm” as “woefully simplistic” for the African-American experience, since Blacks were denied “equal humanity,” based on “racial ideology” of “skin color.” Furthermore, when Blacks left the South for economic opportunity in the North, Jews, Italians and other immigrants had already claimed most of the manufacturing jobs.<sup>149</sup>

Loury, then a professor of economics at Harvard University, continued his emphasis on the stark contrast between Jewish and African American experiences:

I believe the straightforward application of the melting pot model to the current Black underclass is inappropriate. The answer to the question, “Why don't they pull themselves up the way our parents did when they first came?” might well be: “Because they don't face the same structure of economic opportunities, and are burdened with social and psychological encumbrances which your parents did not face.”<sup>150</sup>

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<sup>149</sup> Glenn Loury, “Responsibility and Race: Ethnic America: Melting Pot or Mosaic,” *Vital Speeches of the Day* 49 (15 April 1983): 398-399; quoted in Nancy Haggard-Gilson, “Against the Grain,” in *African Americans and Jews in Twentieth Century*, ed. V.P. Franklin, Nancy L. Grant, Harold M. Kletnick, and Genna Rae McNeil (London: University of Missouri Press, 1998), 172.

<sup>150</sup> Loury quoted in Nancy Haggard-Gilson, “Against the Grain,” 173. Loury later changed his position on affirmative action while a professor at Boston University. But Loury's change probably began in 1996 when he refused to campaign on behalf of California's 1996 voter initiative, Proposition 209, which would outlaw racial and gender preferences in hiring and educational opportunities by state government and state entities. He claimed that he was “still Black,” and while Loury could intellectually accept the “transcend[ence]” of race in America, it had not occurred.



The “Melting Pot paradigm,” while available to Jews because they were white, was unavailable to African Americans who lived with the legacy of slavery, harsh segregation, and the very color of their skin.

Loury echoes Bayard Rustin’s 1964 analysis of the “integration of the Negro into all aspects of American life.”<sup>151</sup> As a Civil Rights activist and political leftist, Rustin argued the “myth” of integration was propelled “by facile analogies with the experience of various ethnic groups, particularly the Jews.”<sup>152</sup> Rustin listed three reasons why African American and Jewish experiences—in America—were incommensurate:

First, Jews have a long history as a literate people, a resource which has afforded them opportunities to advance in the academic and professional worlds, to achieve intellectual status even in the midst of economic hardship, and to evolve sustaining value systems in the context of ghetto life. Negroes, for the greater part of their presence in this country, were forbidden by law to read or write, [which produced a culture of illiteracy and little introduction to reading and writing to young Blacks in their homes]. Second, Jews have a long history of family stability, the importance of which in terms of aspiration and self-image is obvious. The Negro family structure was totally destroyed by slavery and with it the possibility of cultural transmission (the right of Negroes to marry and rear children is barely a century old). Third, Jews are white and have the option of relinquishing their cultural-religious identity, intermarrying, passing, etc. Negroes, or at least the overwhelming majority of them, do not have this option. There is also a fourth, vulgar reason. If the Jewish and Negro communities are not comparable in terms of education, family structure, and color, it is also true that their respective economic roles bear little resemblance.<sup>153</sup>

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Some activists and scholars accused Loury of wanting “back in” to the African American fold. Orlando Patterson, Harvard sociologist and well-known African American statesman, stated, “Glenn [Loury] had argued so powerfully against affirmative action that the shift in position struck me more as a signal to the Black community that he wanted back in, rather than a strongly intellectual change of heart.” Loury responded weakly by saying, “I don’t know if I want to concede the point to Orlando, that there’s no intellectual substance to the change of mind.” He then admitted, “I think that’s a pretty astute observation on his [Patterson’s] part...as long as I can give a more-or-less cogent account of what the current position is, I don’t worry about the insincerity problem.” See Adam Shatz, “Glenn Loury’s About Face,” *New York Times Magazine* 20 January 2002.

<sup>151</sup> Bayard Rustin, “From Protest to Politics: The Future of the Civil Rights Movement,” in *Down the Line: The Collected Writings of Bayard Rustin*, ed. Bayard Rustin (Chicago: Quadrangle Books, 1971), 113.

<sup>152</sup> Rustin, “From Protest to Politics,” 113.

<sup>153</sup> Ibid.

Rustin, however, neglected to mention the *numerus clausus*—quotas that defined the maximum number of Jews allowed at prestigious universities and students and professors. Rustin, unlike Loury (perhaps because of differing political ideologies),<sup>154</sup> confronted the central difference in the American Black and Jewish experience—a matter of color.<sup>155</sup> Jews did change their socially constructed race from “other” to “white ethnic,” while Blacks could not do so because of their color. Many African American civil rights groups believed affirmative action programs were necessary to ensure racial minorities were granted equal footing with their privileged white neighbors, be they newly-minted white Jews or long-time Anglo Saxons.

*Culmination of Jewish Opposition to Affirmative Action and Whitening of Jewish Racial Identity – 1960s-1970s*

From mid-century to the late 1960s, a number of Jewish civil rights organizations worked to destroy the concept of a Jewish “race,” because if Jews were a white ethnic group—or better yet merely a white religious group—American Hebrews would be fully assimilated and thus experience social progression in the United States. The problem such pro-assimilation Jews had with affirmative action was that whites were suddenly “disadvantaged” at the same time Jews were breaking into the white majority. However, even minority-centric Jews feared affirmative action, because it might lead to quotas based on ethnicity, which would be disproportionately painful to Jews in academia, public education, and government employment.

Black-Jewish cooperation foundered when Jews ceased to be seen as a socially constructed “racial” minority and were ubiquitously accepted as a “white” ethnic group.

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<sup>154</sup> Jewish liberals of the Civil Rights Era argued that color is—or at least should be— insignificant in employment, education, and all of society. Therefore, Jewish liberals treated color as an insignificant factor. This hopeful colorblindness correlates with Jewish historians’ reluctance to admit that Jews were viewed as racially “other” in the minds of early twentieth century whites and mid-twentieth century African Americans.

<sup>155</sup> This term was likely popularized by A. Leon Higginbotham, Jr., *In the Matter of Color: Race and the American Legal Process, the Colonial Period* (New York: Oxford University Press, 1978).

Affirmative action policies made Jews keenly aware that what was good for minorities was not necessarily good for them in the post-Civil Rights Act era, and racial preferences helped African Americans realize that Jews were “whiter” now than a couple of decades ago.

Jewish American leaders argued that for Jews to become truly Caucasian, they must challenge the perceived definition of “white American.” Jews would modify the reality of whiteness by redefining and influencing the views and perceptions of white Americans. However, to successfully achieve this goal, Jews would necessarily be required to sacrifice some social goals they shared with Blacks. However, most Jews desired to integrate, rather than disappear through full assimilation. Jews desired to be fully integrated into the only society that ever accepted them—the United States—but Jews also desired to be full partners—to enter the American experience at an equal level with those English-speaking immigrants who formed the nation. Unlike other white immigrant groups, Jews would not relegate their ethnic identity to cultural celebrations in order to be white. Many Jews’ racial perception of their own Jewish identity was unusually nuanced. Jews intended to fully integrate into American society and did so successfully, but American Jews also created a separate niche of identity and did not consider themselves totally assimilated—the cultural pot had melted Jews, but they somehow remained recognizable. The Jews were simultaneously ethnic and white, simultaneously totally Jewish and completely American.

The western world’s view of Jews in 1960 was quite similar to its views half a century earlier.<sup>156</sup> In fact, Jewish ethnic transformation from racial minority to white seemed to conform to the West’s historical view of the Jew’s ability to remain distinct but also adapt. Jews did not

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<sup>156</sup> In 1964, the Anti-Defamation League conducted a survey on anti-Semitism, and found that nearly 30% of Americans were prejudiced against Jews. See Nathan Guttman, “What’s Behind the FBI’s Crime Report,” *Forward*, 4 December 2009, <http://forward.com/articles/119660/what-s-behind-the-fbi-s-hate-crime-report/> (accessed April 14, 2012).

want to be separate from America, but its culture was fraught with barriers to Jewish integration because white culture was defined primarily by European gentile culture—particularly Anglo-European language and legal tradition. Therefore, Jews, seeking to become fully American, had to choose between remaining separate and racially distinct, or integrating and becoming white. The larger Jewish desires of the rule of law came at a price: the ethno-racial distinction of Jews.

When Jews became full-fledged whites, the Black-Jewish Alliance faltered. Their alliance flourished when both sides were minorities; nevertheless, the alliance began to dissolve as Jews accepted white status in America. In other words, Black-Jewish relations in America flourished when Jews were Jews, then dissolved due not to anti-Jewish sentiment, but because one of the minorities in the alliance became part of the white majority.

However, by the 1960s, the Jewish march toward whiteness accelerated at a pace that frightened even the assimilationist Jews. They had to put a break on their slide toward whiteness, they had to distinguish themselves from white America, and opposition to affirmative action was the perfect catalyst to establish their bona fide American credentials, preserve their distinct, millennia-old ethnic identity, and be accepted by all races, especially the largest one. African Americans and Jews drifted apart as the pace of Jewish whitening increased. Jewish resistance to affirmative action programs might have been spurred by a frustrating realization that Jews enjoyed pro-white policies for “only” two decades.

With the implementation of affirmative action, Jews were disadvantaged by racial preferences and became synonymous with white America. Jews argued that they had not enjoyed full economic and educational opportunities until recently; thus, they should not be “punished” for the racial discrimination of white Gentiles. As racial preference programs favoring African Americans and other persecuted minorities came on the scene, Jewish

Americans remembered the unfair private system of anti-Semitic quotas only two decades earlier. Jews promoted Black civil rights in the face of anti-Semitic quotas; however, with the introduction of quotas favoring non-whites, the majority position became attractive to Jews because new schemes introduced to level the playing field for minorities excluded Jews. Under the racist, white-favoring quota systems and under leftist pro-minority quota system, Jews were disadvantaged.

Neoconservative and even liberal Jews worried that their employment and educational progress would stagnate if racial quotas were reintroduced with implementation of quota-based affirmative action. A less charitable explanation of Jewish opposition to affirmative action suggests that the “Hebrew” minority enjoyed decades of “white-skin privilege” and were disappointed that their complete privileges as whites were shortened by government programs designed to mitigate inequality in education and work place. However, when Jews joined the racial majority and became a mere religious minority and ethnic group, African Americans felt betrayed by Jewish Americans, a group considered almost “kin.”

## CHAPTER 3

### THE DISSOLUTION OF THE BLACK-JEWISH ALLIANCE:

#### BLACK NATIONALISM AND NEOCONSERVATISM

This chapter will examine the second factor in the break-up of the Black-Jewish Alliance: the rise of “Black Power” and Black Nationalism.<sup>1</sup> While a full representation of these twin racial-political theories is beyond the scope of this paper, some background on the role of Black anti-Semitism in African American-Jewish interactions will provide context to issues of each community’s civil rights conceptions. However, such logic cannot completely contextualize the political activities of certain Black Nationalist movements that genuinely promoted anti-Semitism. Some Black Nationalists despised ethnic Jews more than they detested Anglos and other whites.

As Jews “whitened,” their alliance with the African American community weakened and began to crack. Changing Jewish racial identity led to tensions with their Black American allies (who also underwent a transformation of racial consciousness from the 1950s to the 1970s; the same time Jews were making their transformation complete).

The new Jewish understanding of their own transforming racial identity led to tensions between liberal Jewish activists, Black civil rights activists, and Black Nationalists. Black Nationalists (and some moderate Black civil rights activists) perceived Jews as sellouts and directed their anti-racist (and anti-white) rhetoric at Jews. The nationalists gave voice to vociferous rhetoric, heavily accented with anti-Semitism. Jews felt betrayed, and so did Blacks.

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<sup>1</sup> For additional analysis of the Black Power movement, see Jeffrey O.G. Ogbar, *Black Power: Radical Politics and African American Identity* (Baltimore and London: The Johns Hopkins University Press, 2004). For history of the interaction between Jews and Black Power advocates, see Seth Forman, *Blacks in the Jewish Mind: A Crisis of Liberalism* (New York: New York University Press, 1998). For a sympathetic treatment of the Black Panthers, consider Huey Newton, *War Against the Panthers: A Study of Repression in America* (New York: Harlem River Press, 1996).

### *Jewish Identity Transformation and the True Alliance Theory*

Common interests, the first necessity for a true alliance, diverged for Blacks and Jews in the face of harsh rhetoric from leaders and writers of both ethnic groups. As the self-interest of Jews no longer intersected with the self-interest of Blacks, rhetoric between the groups began to heat up, culminating in bitter exchanges between Jewish moderates and neoconservatives<sup>2</sup> offended by the Black Power movement's anti-Semitic rhetoric and the Black leaders offended by Jewish attempts to integrate. The rhetoric of Black Nationalists was so harsh and violent that many Jewish leaders and academics questioned whether Black Nationalists shared the common interest of ending racism and anti-Semitism.

The two main parties in the grand civil rights alliance were now flinging verbal barbs. The culmination of the Jewish racial transformation from ethnic minority to white ethnic proved the death of the Black-Jewish Alliance. Jewish identity transformation induced a rhetorically deafening reaction from Black Nationalist and African American radicals. In fact, mounting evidence convinced Jews that Black Nationalists had not only abandoned their commitment to ending anti-Semitism, but that radicals were toying with the idea of segregation, anathema to the grand alliance of Blacks and Jews that Martin Luther King, Jr. and Bayard Rustin admired.

In reality, Jewish opposition to Black Nationalism was an effective way for Jews to meld themselves into white Gentile society. Many non-Black, ethnic immigrant became white

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<sup>2</sup> The neoconservative movement's intellectual history originated at the City College of New York among a group of young Jews (later labeled the New York Intellectuals), including well-known scholars and influential opinion makers, such as Irving Kristol, Nathan Glazer, Harold Rosenberg, and Norman Podhoretz. For an informative but concise description of the neoconservatism, see James Traub, "Nathan Glazer Changes His Mind, Again," *The New York Times*, 28 June 1998. <http://www.nytimes.com/1998/06/28/magazine/nathan-glazer-changes-his-mind-again.html?src=pm> (accessed April 4, 2012).

See also Alan M. Wald, *The New York Intellectuals: The Rise and Decline of the Anti-Stalinist Left from the 1930s to the 1980s*. (Chapel Hill: University of North Carolina Press, 1987); Alexander Bloom, *Prodigal Sons: The New York Intellectuals and Their World* (New York: Oxford University Press, 1986).

Americans by contrasting their racial identity against Black racial identity.<sup>3</sup> However, Jews, zealous advocates of civil rights, were not willing to denigrate “Negroes” as a whole to lift their economic and political standing—they never engaged in such behavior in the move from racial minority to “white.” While Black Nationalism, as a political movement, gave Jews a unique opportunity to contrast themselves with the most persecuted people in the history of the United States, lamentably, some Jews, mostly neoconservatives, took advantage of this racial contrast opportunity, thus contributing further to the termination of the Black-Jewish Alliance.

### *Black Nationalists Reject the Black-Jewish Civil Rights Model*

As Black frustration mounted with perceived slow and insufficient progress toward civil rights, urban African-American leaders such as Stokely Carmichael argued that Blacks needed a new tactic to achieve equality—“an African ideology which speaks to our Blackness—nothing else.”<sup>4</sup> Carmichael led the ideology of Black power, while Elijah Muhammad and Malcolm X helped Black Nationalism blossom through their theological and political organization, the Nation of Islam. Although a majority of African Americans did not subscribe to Black Nationalism, African-American social views—toward the U.S. in general and Jews in particular—were influenced by Black Nationalism.

While moderate-to-liberal Black and Jewish civil rights activists tried to merge the peace movement with the quest for racial liberty and equality, Black Nationalism rejected the mainstream Civil Rights movement’s attempt to link the anti-war fight and the fight for racial equality and justice for African Americans. African American leaders who valued racial equality

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<sup>3</sup> See Jacobson, *Whiteness of a Different Color*, 186-88.

<sup>4</sup> Clayborne Carson, “Black-Jewish Universalism in the Era of Identity Politics,” in *Struggles in the Promised Land*, ed. Jack Salzman and Cornel West (New York: Oxford University Press, 1997), 188.



and racial justice, more than other political goals, rejected the peace movement and promoted Black Nationalism. But by 1966, Black Nationalists replaced the civil rights phrases “Freedom Now” and “We Shall Overcome” with militant rhetoric, such as “Black Power,” “Race Pride,” “Black Dignity” and “The Third World,” and Black Nationalist leadership, led by Carmichael, decisively “detached itself” from Jewish civil rights leaders.<sup>5</sup> Carmichael asserted that Black Nationalist organizations, along with the Student Nonviolent Coordinating Committee (SNCC), must “reject the assumption that the basic institutions of this society must be preserved. The goal of Black people must *not* be to assimilate into middle-class America, for that class...is without a viable conscience as regards humanity.”<sup>6</sup>

Carmichael and co-author Charles Hamilton stated in *Black Power: The Politics of Liberation in America* (1967) the primary tenet of Black Power: "Before a group can enter the open society, it must first close ranks."<sup>7</sup> The proverbial “American pot [had] not melted,”<sup>8</sup> they argued, Black Americans were required develop "group solidarity" to "operate effectively from a bargaining position of strength in a pluralistic society"<sup>9</sup> Carmichael and Hamilton went so far as to argue that “middle class” values were “the backbone of institutional racism.”<sup>10</sup>

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<sup>5</sup> Berson, 126.

<sup>6</sup> Stokely Carmichael and Charles Hamilton, *Black Power: The Politics of Liberation in America* (New York: Random House, 1967), 40.

For analysis of Carmichael and Hamilton’s arguments, see Cheryl Lynn Greenberg, *Troubling the Waters: Black-Jewish Relations in the American Century* (Princeton: Princeton University Press, 2006), 220.

<sup>7</sup> Carmichael and Hamilton, *Black Power*, 44

<sup>8</sup> Carmichael and Hamilton, *Black Power*, 45.

<sup>9</sup> Carmichael and Hamilton, *Black Power*, 44.

<sup>10</sup> Carmichael and Hamilton, *Black Power*, 41. Carmichael and Hamilton argued the “middle class... wants good schools for *its children*,” but not necessarily for others. “At the same time, many of its members sneak in to the black community by day, exploit it, and take the money home to their middle-class communities at night to support

The Black Power movement saw whites, a group which now included Jews, as obstacles to the Black organization's ability to "close ranks" and develop a "position of strength in a pluralistic society."<sup>11</sup> Black Nationalists also rejected the notion of "integration":

Integration as a goal today speaks to the problem of blackness not only in an unrealistic way but also in the despicable way. It is based on complete acceptance of the fact that in order to have a decent house or education, black people must move into a white neighborhood or send their children to a white school. This reinforces, among both black and white, the idea that 'white is automatically superior and 'black is by definition inferior.<sup>12</sup>

While Carmichael and Hamilton rejected integration, they embraced "integrity." They argued that integrity means "self-acceptance, not chauvinism—in being black"<sup>13</sup>

Because Jews were often the only non-Blacks to have influence in these organizations, the Black Power movement criticized Jews with as much, if not more, force as they criticized white society in general.<sup>14</sup> However, Carmichael was open to rekindling Black-white cooperation after achieving "solidarity." For example, SNCC's "working paper" on the development of "Black Power" envisioned a time of racial separation to build Black strength, then cooperation with poor whites, then a re-engagement with the larger white society, which would, include Black organizations rekindling their relationships with Jewish organizations and leaders.<sup>15</sup>

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their operas and art galleries and comfortable homes. When not actually robbing, they will fight off the handful of more affluent black people who seek to move in..."

<sup>11</sup> Carmichael and Hamilton, *Black Power*, 44.

<sup>12</sup> Carmichael and Hamilton, *Black Power*, 54.

<sup>13</sup> Carmichael and Hamilton, *Black Power*, 54.

<sup>14</sup> Peter Rose, *Mainstream and Margin: Jews, Blacks, and Other Americans* (New Brunswick, NJ: Transaction, Inc., 1983), see generally Chapter 8: "Blacks and Jews: The Strained Alliance (1981)."

<sup>15</sup> "Black Power: SNCC Speaks," *The Radical Education Project* (Ann Arbor, MI: Students for a Democratic Society, 1966), 4. "An excerpt from SNCC's 'working paper' on Black Power."

In response to Jewish and other non-Blacks criticism of Carmichael's emphasis on race, he asserted "no other group would submit to being led by others." He noted that "Italians do not run the Anti-Defamation League of B'nai B'rith, Irish to chair Christopher Columbus Societies." But when Blacks "call[ed] for black-run and all-black organizations," they were "cast in the category of the Ku Klux Klan."<sup>16</sup>

However, SNCC was quite radical, at least in the eyes of the mainstream civil rights organizations, like Martin Luther King Jr.'s Southern Christian Leadership Conference. By way of illustration, a 1967 "Counter Intelligence Research Project," commissioned by the Department of Defense, found that "SNCC's militant attitude has aggravated the leaders of the moderate civil rights group like SCLC." In 1966, King declared that "he could not countenance the current violent approach resorted to by SNCC and hoped he would not have to take a public stand against SNCC."<sup>17</sup>

*Anti-Semitism and Civil Rights: Black Power Players Remove  
Jews from the Movement*

Around 1966, SNCC transformed its methods and ideology when the Atlanta separatists, replaced the integrationist leadership and implemented nationalist ideology and propaganda.<sup>18</sup> Some in the new Black leadership developed and sharpened these propaganda techniques while

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See <http://asp6new.alexanderstreet.com/sixt/sixt.object.details.aspx?id=1003083065e> (accessed March 6, 2012); see "Excerpts From Paper on Which the 'Black Power' Philosophy Is Based," *New York Times*, 5 August 1966, 10.

<sup>16</sup> Carmichael and Hamilton, *Black Power*, 49.

<sup>17</sup> Department of Defense, "Student Non-Violent Coordinating Committee (SNCC)," 10 October 1967, p. 7. [http://www.aavw.org/protest/carmichael\\_sncc\\_abstract06\\_full.html](http://www.aavw.org/protest/carmichael_sncc_abstract06_full.html) (accessed March 13, 2012).

<sup>18</sup> Clayborne Carson, *In Struggle: SNCC and the Black Awakening of the 1960s* (Cambridge, MA: Harvard University Press, 1981), 195-201.

working with Jews in radical and socialist organizations in Harlem, the Bronx, and Brooklyn.<sup>19</sup>

As these events transpired, the SNCC moved away from the liberal, mainstream Jewish conception of civil rights—including equal opportunity—to “broader political and economic objectives,” which included Black political philosophy.<sup>20</sup>

The new Black Nationalist movement criticized and condemned “cooperative Jewish agencies” and viewed the civil rights movement not as a “part-time reformist affair” for middle class liberals but “a full-time...commitment to the creation of a new society.”<sup>21</sup> A component of Black Nationalism urged virtual segregation—the antithesis of the traditional civil rights movement. Because of the segregationist strain in Black Nationalism, leaders who worked with whites in general and Jews in particular, were usually viewed as less loyal to the African race. Although, most “outsiders” (non-members of SNCC) thought of Stokely Carmichael as “anti-white firebrand, Carmichael was seen by Black separatists inside the SNCC as unwilling to expel the white activists who remained in the group.”<sup>22</sup> Separationist Black Nationalism gained influence over SNCC and perpetrated *ad hominem* attacks on Carmichael and James Forman “to force them to end the group’s ties to whites.”<sup>23</sup>

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<sup>19</sup> Radical Afro-American-Jewish politics developed in and around New York when Jewish socialists allied themselves with Black civil rights activists. The interaction in northern urban areas of leftist Blacks and Jews created a political culture of anti-capitalism and racial equality that drew heavily on universalist concepts in Jewish and African American traditions. See Carson, “Black-Jewish Universalism in the Era of Identity Politics,” 185-86.

<sup>20</sup> Carson, “Blacks and Jews in the Civil Rights Movement”, 118-19.

<sup>21</sup> Berson, 126.

<sup>22</sup> Carson, “Black-Jewish Universalism in the Era of Identity Politics,” 187.

<sup>23</sup> *Ibid.*, 187-88.

*Black Power and Its Reaction to Jewish Americans’  
Shifting Ethnic and Racial Identity*

Black Nationalists like Stokely Carmichael—who were influenced by Jewish-African American radical political culture in New York and looked to Jews as a potential ally in the quest for Black Power and Black rights—began to over-emphasize anti-Semitism to diminish their past cooperation with Jews in order to maintain leadership positions and “Black authenticity.” An expression of this abandonment of Jewish friendship in exchange for power within the Black Nationalist movement occurred when Carmichael’s SNCC expelled all whites from their organizations, including liberal Jewish Americans, “by a one-vote margin.”<sup>24</sup>

Some organizations argued that Carmichael’s “deal” was justified and should not be viewed as a power grab. However, it is clear that regardless of Carmichael’s motivation—self-interest or self-sacrifice—he abandoned, at least temporarily, Marxist thought he developed during his association with northern Jewish radicals in favor of racial politics, which relied on “African ideology” based on “Blackness—nothing else.”<sup>25</sup>

Black elites had legitimate reasons to question Jews’ ability to identify with the underprivileged minorities they fought to help, such as Blacks and the poor. For example, even though many Jews were liberal and even socialist, most were middle to upper class. The Jewish radicals that argued for the “worker,” the “poor,” and the “black,” were rarely blue-collar workers, rarely poor, and hardly ever Black (although some African Americans converted to Judaism in Harlem). Although “non-Jewish whites in the teaching, banking, medical, legal, and engineering professions sought to prohibit Jewish Americans from employment”—for example,

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<sup>24</sup> Carson, “Black-Jewish Universalism in the Era of Identity Politics,” 188.

<sup>25</sup> Carson, “Black-Jewish Universalism in the Era of Identity Politics,” 188.

numerous employment advertisements during the Great Depression often prohibited Jewish applicants—by 1957, 75 percent of male American Jews held white-collar jobs, “compared with 38% of white Protestants.” Further evidence of the gap between white and Jewish (not to mention the chasm between Black and Jewish economic success) was the fact that at least 50 percent of Jewish Americans held a professional or a managerial position, while only one-quarter of non-Jewish whites were employed as managers or professionals.<sup>26</sup> The stark financial and professional contrast between white gentiles and American Jews was even more pronounced when Blacks and Jews were compared.

Some radical Blacks began to question Jewish Americans’ status as a bona-fide persecuted group. They argued Jews had “sold out,” and Black Nationalists presented evidence of American Jews’ success as evidence of their abandonment of Negroes. Some Black Americans noted this disparity and agreed with the Black Nationalist point of view.<sup>27</sup>

### *Prevalence of Anti-Semitism among Blacks*

Before the onset of Black Nationalism and Black Power, African Americans (as a group) were more likely to be philo-Semitic than were whites as a group. But by the late 1960s, anti-

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<sup>26</sup> Joe R. Feagin and Clairece Booher Feagin, *Racial and Ethnic Relations*, 4th ed. (Englewood Cliffs, N.J.: Prentice Hall, 1993), 157-58; see Barry R. Chiswick, “The Labor market Status of American Jews,” in *American Jewish Handbook*, ed. M. Himmelfarb and D. Singer (New York: American Jewish Committee, 1984), 137.

<sup>27</sup> This mistrust of Jews’ commitment to the civil rights movement was arguably unjustified. Perhaps no other White ethnic group was so involved in the fight to ensure equality to all Americans and end racism. Legal scholars and Jewish community leaders defended even the most radical Black factions, such as the Black Panthers, even though Black Nationalist organizations often advocated anti-Jewish political positions. Former Supreme Court Justice Arthur Goldberg, head of the American Jewish Committee, provided pro bono legal representation to the Black Panther organization after a “Chicago shootout in which two Black Panthers were shot dead by police,” even though the Black Panthers were heavily criticized for violence against police, according to Max Geltman’s *The Confrontation: Black Power, Anti-Semitism, and the Myth of Integration*, 9. The American Jewish Congress also provided legal and financial services to Black Panthers when “almost all” of the Black Nationalist organization’s leadership were imprisoned. See Geltman, 9.

Semitism became relatively prevalent in Black consciousness. However, scholars noted that Southern Blacks were less anti-Semitic than their white counterparts.<sup>28</sup>

In the mid-1960s, before Black Power found wide audiences, one poll showed Black American strongly identified with Jewish Americans. A Black interviewee stated, “I think of Jews as almost being black.”<sup>29</sup> In the same 1967 survey, an African American woman in Chicago echoed the sentiment saying, “[Jews] are more tolerant...I’ve seen Jews bend over backwards, go out of their way...not a person to put you out on the street.”<sup>30</sup> A Birmingham man noted that Jewish landlords allow African American tenants more of “a chance to pay,” when Black tenants failed to pay rent—whereas, “the white man will want to put you out the minute you...get behind.”<sup>31</sup>

Black anti-Semitism became more influential among ordinary African Americans when Stokely Carmichael and Malcolm X became revered as leaders of impoverished African-American urban residents. Although from WWII to the early 1960s, Black political and religious leaders did not allow the apparent anti-Semitism of the Harlem masses to thwart their liberal civil rights alliance with Jewish leaders, anti-Jewish rhetoric began to crack the carefully crafted alliance. Eventually, the feeling of many impoverished African Americans was adopted by Black leadership in the late 1960s.

An analysis of interviews with Jews who grew up in urban areas with African Americans and the early writings of novelist James Baldwin, explain the sources of anti-Semitism in the

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<sup>28</sup> Okami, “Intolerable Grievances Patiently Endured,” 233.

<sup>29</sup> Okami, “Intolerable Grievances Patiently Endured,” 232-34.

<sup>30</sup> Gary T. Marx, *Protest and Prejudice: A Study of Belief in the Black Community* (Westport, CT.: Greenwood Press, 1967), 144, 150.

<sup>31</sup> *Ibid.*, 144.

Black community prior to the 1960s<sup>32</sup> and how those feelings among Blacks increased as Jews whitened. One reason some Jews discriminated against Blacks may be explained by a fear of defending a minority who was (by far) more discriminated against than Jews. Several historians noted that Southern Jewish merchants feared offending whites who opposed integration and civil rights.<sup>33</sup> Additionally, Jews were confronted with the choice of racial tolerance toward Blacks and accompanying white persecution or implementing racial restrictions of white society against Blacks based on economic circumstances and social structure of the US. Novelist, James Baldwin, claimed the Black hated the Jew because of his skin color, not his Jewishness, and because the Black needed someone to blame who was fathomable and familiar.<sup>34</sup> Because the whites who personally ran businesses in Harlem from post WWII to the 1960s were often Jewish, Blacks lashed out at their neighbors and business contacts (Jews) when expressing frustration at white oppression: “The grocer was a Jew, and being in debt to him was very much like being in debt to the company store. The butcher was a Jew...”<sup>35</sup> Baldwin argued, “It is bitter to watch the Jewish storekeeper locking up his store for the night, and going home. Going, *with* your money is his pocket.” He claimed that when Jews donate money “to civil rights,” Jewish donations “can be looked on as conscience money merely...”<sup>36</sup>

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<sup>32</sup> Harvey Caplin, interview by Nathan Caplin, 23 August 2005; see James Baldwin, *Notes of a Native Son* (Boston: Beacon Press, 1955), 72.

<sup>33</sup> Clive Webb, *The Fight Against Fear: Southern Jews and Black Civil Rights* (Athens, GA: University of Georgia Press, 2001), 89-104; also consult Raymond A. Mohl, *South of the South: Jewish Activists and the Civil Rights Movement in Miami, 1945–1960* (Miami: University Press of Florida, 2004).

<sup>34</sup> Baldwin, *Notes of a Native Son*, 68-72.

<sup>35</sup> James Baldwin, “Negroes Are Anti-Semitic Because They’re Anti-White,” *The New York Times Magazine*, 9 April 1967, 228; *The Price of the Ticket: Collected Nonfiction, 1948-1985* (New York: Macmillan, 1985), 425.

<sup>36</sup> Baldwin, “Negroes Are Anti-Semitic Because They’re Anti-White.”



In that same vein, Berson interviewed a man in Harlem, whose father left his employment as an “itinerant” North Carolina minister to seek economic opportunity “during the first great migration” of southern Blacks to northern cities. Whatever hope the minister intended to provide his son, Earl, was dashed when he “deserted his family when Earl was four.”<sup>37</sup> Earl experienced difficult situations in life, including serving time in jail. Through his interactions with Jewish Americans, he seemed to have developed antipathy toward Jews. “You want to know why we hate Jews?” Earl asked Berson. “I’ll tell you why. When I was born the doctor was a Jew,” and so were Earl’s teachers. He angrily observed,

The landlord is a Jew... The man who gives credit at the store is a Jew. The man who takes back what bought when you can’t make the gyp payments is a Jew. The man at the employment agency is a Jew. The man who hires you is a Jew, and the man who fires you as soon as you finish paying the commission to the other Jew for getting you the job is a Jew.<sup>38</sup>

Additionally, many Black Nationalists might embrace Earl’s suspicion of Jewish motives for aiding and participating in the civil rights movement: “You know all those Jews in the civil rights marches and going down South—you why they do it? They it to take the heat off themselves.” Earl argued the Jewish purpose for contributing to the civil rights movement was because Jews “got a bad conscience because they live on black dollars. We had the riots because of the Jews.”<sup>39</sup>

Baldwin asserted that every group needs a scapegoat to vent at and punish for situations imposed by the larger society and circumstances beyond anyone’s control. Therefore, people

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<sup>37</sup> Berson, 8.

<sup>38</sup> Berson, 8.

<sup>39</sup> Berson, 8-9.

blamed a culture that was vulnerable and accessible. As Baldwin explained, “hatred must have a symbol. Georgia has the Negro and Harlem has the Jew.”<sup>40</sup>

### *Black-Jewish Cooperation Influenced by Views of Jewish Identity*

African American attitudes toward their Jewish neighbors centered on the fact that while Jews were a persecuted people like themselves, Jews also “exploited” the Black man as much as the white man did. Black leaders may have understood that Jews helped their civil rights cause financially, legally, and in the media. While an ordinary African American might know that his school was built by Julius Rosenwald,<sup>41</sup> his only interaction with them was in the pawnshop or delicatessen. In Blacks’ collective conscience, the Jew theoretically helped the Negro cause, but in everyday life, Jews took advantage of Blacks. Blacks in poor neighborhoods viewed Jews dually – the outside Jews (who were a majority) helped them, but those Jews were foreign and faraway for residents of the ghetto; the Jewish business owners seemed to hurt Blacks. Another example of this duality was illustrated in the 1950s when my grandfather visited a pawnshop in Florida. A Black man worked as a security guard. When the Miami Jewish pawnshop proprietor demanded of several Black patrons: “Get your damn hands off the glass, you Niggers,” the Black security guard immediately threw the Blacks out of the store.<sup>42</sup> My grandfather was appalled. The security guard’s loyalty to the Jewish storekeeper is an indication of the obvious

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<sup>40</sup> Baldwin, *Notes of a Native Son*, 72.

<sup>41</sup> See Peter M. Ascoli, *Julius Rosenwald: The Man Who Built Sears, Roebuck and Advanced the Cause of Black Education in the American South* (Bloomington: Indiana University Press, 2006), 135-59.

Julius Rosewald delivered an anti-racist address at the opening ceremony of the “Wabash Avenue YMCA in Chicago” on June 15, 1913:

The man who hates the black man because he is black has the same spirit as he who hates the poor man because he is poor...I am the inferior of any man whose rights I trample under foot. (162)

<sup>42</sup> Harvey Caplin, “Interview,” by Nathan Caplin, 23 August 2005.

economic benefit for security guard. At the time this offensive incident occurred, both Jews and Blacks were prohibited from patronizing hotels, housing, and clubs in various areas of Florida.

*Black Nationalism Influences Some in the Black-Jewish Alliance to Embrace in Anti-Semitism*

By the late '60s, Blacks' dual view of Jews had shifted from neutral or sympathetic to negative, spurred by the Black Nationalists' anti-Jewish rhetoric. In 1968 and 1969, anti-Jewish voices rang throughout the African American communities in New York, Harlem, and Detroit.

A December 1968 broadcast of the "Julius Lester Program,"<sup>43</sup> featured a segment with Lester Campbell (a teacher at Junior High School No. 271 in New York City), in which he read his student's poem entitled "Anti-Semitism."

Hey, Jew boy, with that yamulka [sic] on your head  
You pale faced Jew boy — I wish you were dead  
I can see you Jew boy — no you can't hide  
I got a scope on you — yeh, you gonna die  
I'm sick of your stuff  
Every time I turn 'round — you're pushin' my head deeper into the ground  
I'm sick of hearing about your suffering in Germany  
I'm sick about your escape from tyranny  
I'm sick of seeing in everything I do  
About the murder of 6 million Jews  
Hitler's reign lasted for only 15 years  
For that period of time you shed crocodile tears  
My suffering lasted for over 400 years, Jew boy  
And the white man only let me play with his toys  
Jew boy, you took my religion and adopted it for you  
But you know that black people were the original Hebrews  
When the U.N. made Israel a free independent State  
Little 4-and 5-year-old boys threw hand grenades  
They hated the black Arabs with all their might  
And you, Jew boy, said it was all right  
Then you came to America, land of the free  
And took over the school system to perpetrate white supremacy  
Guess you know, Jew boy, there's only one reason you made it

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<sup>43</sup> The "Julius Lester Program" was carried by WBAI-FM Radio, New York City.

You had a clean white face, colorless, and faded  
I hated you Jew boy, because your hangup was the Torah  
And my only hangup was my color.<sup>44</sup>

This poem by a young Black student demonstrates the contradiction of claims, loyalties, traditions and prejudice that young Blacks faced when smashed between elderly Blacks who identified with ancient Israel and “young bloods,” as described by Stokely Carmichael, who rejected the Black-Jewish cooperation in favor of revolutionary ideals. Strangely, though, even while Blacks push away Jews, they acknowledged the connection between the Egyptian oppression of Hebrews and white oppression of Black Americans.

The young author of the poem appeared to be influenced by the Nation of Islam’s memetic insistence that Blacks and Arabs are joined by color, even while coopting Jewish history as his own. The author claims the suffering of Arabs should be described as Black. Jews were once allied with African Americans through historical suffering, but the diminution of anti-Jewish persecution in the U.S. catapults Jews from Black allies to interlopers and ultimately—at least from the Black Power perspective—to white oppressors in less than a decade.

The poem was a reflection of anti-Semitism found not only among Black Nationalist leaders, but also among average African Americans who were influenced by the Black Power movement and its leadership. While sentiments expressed in this poem might have been spoken in 1950s Harlem, the identification of Israel as an outlet for hatred of Jews is evidence of Black Nationalism’s influence permeating common citizens within Black society. The poem also

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<sup>44</sup> In re Complaint of United Federation of Teachers, New York, N.Y., Concerning Station WBAI-FM, New York, N.Y., Fairness Doctrine, 17 FCC 2d 204 (1969); Henry Raymond, “Teachers Protest Poem to F.C.C.,” New York Times, 16 January 1969, 48. The irony of the poem is that the young author refers to early America (where many were enslaved) as “the land of the free.” The student poet then claims that Jews fled Europe in the face of the Shoah and pogroms to “perpetuate white supremacy” against Blacks. Some African Americans—lashing out at the only whites they interacted with, primarily out of frustration with an unjust, white society—blamed centuries of American racism on Jews. There is rich irony in blaming Jewish immigrants for the evils of European-American enslavement of Africans when Jews fled European brutality themselves.

expresses the white-hot frustration between Blacks and the larger society, and the African American need to vent frustration on a tangible representation of white oppression. The most immediate and convenient target that represented white institutions and institutional racism was the Jew, the white ethnic who was most willing to associate with and work in impoverished neighborhoods dominated by Blacks, a dangerous work environment for whites.

The month after the poem aired, the chairman of the Afro-American Student Association, a representative of Parents and Students of Bedford-Stuyvesant, and a student were guests on the “Julius Lester Program” and all agreed that the poem was representative of the Black community’s sentiment toward American Jews. They further declared that “most students agreed with the young poet.”<sup>45</sup> Tyrone Woods, a youth representative of the Parent and Students of Bedford-Stuyvesant, attacked Jews who claimed to identify and understand Black Americans:

It tickles me really, the fact that nine out of 10 of them [Jews] will tell you that they are with you...they understand your persecution...that’s a lot of hog-wash, you see, because...what Hitler did is nothing in terms of what has been done to Black folks....[M]ore power to Hitler. Hitler didn’t make enough lampshades out of them. He didn’t make enough belts out of them.<sup>46</sup>

James Baldwin who declared, “I refuse to hate the Jews...because I know how it feels to be hated,” minimized the Shoah:

One does not wish, in short, to be told by an American Jew that his suffering is as great as the American Negro’s suffering. It isn’t and one that it isn’t from the very tone in which [the Jew] assures you that it is.... The Jew is a white man, and when white men rise up against oppression, they are heroes: when black men rise, they have reverted to their native savagery.

Baldwin noted that the Jewish resistance to Nazi extermination in Warsaw “was not described as a riot, nor were the participant maligned as hoodlums: the boys and girls in Watts

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<sup>45</sup> “School Girl’s Poem Defended by Youths on WBAI Program,” *New York Times*, 24 January 1969, 94.

<sup>46</sup> *Ibid.*

and Harlem are aware of this,” which informs “their attitude toward the Jews.” “It is galling,” he asserted, “to be told by a Jew whom you know to be exploiting you that he cannot possibly be doing what you know he is doing because he is Jew.”<sup>47</sup>

Baldwin asserted that Jewish suffering, rather than “increase[ing] the Negro’s understanding” actually “increases the Negro’s rage”:

For it is not here, and not now, that the Jew is being slaughtered... because he is an American. The Jewish travail occurred across the sea and America rescued him from the house of bondage.<sup>48</sup>

However, Baldwin argues that “no country can rescue” the Blacks. “What happens to the Negro here happens to him *because* he is an American.”<sup>49</sup> Other examples of African-American anti-Semitism surfaced later that year, in May of 1969, when a spokesman of Independent Congress of Racial Equality (CORE), “a breakaway movement from the parent organization” CORE, began a speech at Junior High School 111 in Brooklyn by sneering, “If a black teacher says that Hitler killed three million Jews and he’s told six million, then Hitler was a better man.”<sup>50</sup> Jewish Americans who served the Civil Rights movement felt wounded by the anti-Semitic overtones of Black frustration at racial equality’s slow pace.<sup>51</sup>

Stokely Carmichael celebrated the fact that the SNCC, under his leadership, adopted the “Black Power movement” and rejected “integration movement” due to the latter “movement’s

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<sup>47</sup> Baldwin, “Negroes Are Anti-Semitic Because They’re Anti-White.”

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> Geltman, 4.

<sup>51</sup> See Greenberg, *Troubling the Waters*, 13, where she argues that Black Nationalism was “spurred by... failures of liberals.”

middle-class orientation” and “subconscious racism.”<sup>52</sup> Carmichael opposed the mainstream Jewish and moderate Black civil rights leaders because such liberals foreswore violence and embraced peaceful civil disobedience. Therefore, according to advocates of Black Power, the moderate Black-Jewish Alliance advocates alienated “the black proletariat” — Blacks “who clearly understood the savagery of white America, and who were ready to meet it with armed resistance.”<sup>53</sup> Stokely Carmichael argued the nonviolent Civil Rights movement embraced by the Southern Christian Leadership Conference and the Jewish socialists (who influenced Carmichael’s political development) ignored the intensity of the young Black men oppressed by the institutions and framework the liberal Black-Jewish Alliance worked within.<sup>54</sup> Carmichael compared African American “young blood[s]” revolutionary sentiment to the philosophy of communist icon Che Guevara and his revolutionary fighters:

Hatred as an element of the struggle, relentless hatred of the enemy that impels us over and beyond the natural limitation of man, and transforms us into effective, violent, selected and cold killing machines.”<sup>55</sup> – Che Guevara

Carmichael asserted “Black Power” should be the force to organize young Black men “to fight by any means necessary, for the liberation of our people.”<sup>56</sup>

Carmichael rejected liberalism for the precise reason Jews were drawn to the American political and social philosophy: western liberalism over-emphasized equality of individuals and not the welfare of an ethnicity as a whole. He said, “The Negro problem does not resolve itself

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<sup>52</sup> Stokely Carmichael, *Stokely Speaks: Black Power Back to Pan-Africanism* (New York: Random House, 1971), 88.

<sup>53</sup> Carmichael, *Stokely Speaks*, 88.

<sup>54</sup> Carmichael, *Stokely Speaks*, 88.

<sup>55</sup> Carmichael, *Stokely Speaks*, 88.

<sup>56</sup> Carmichael, *Stokely Speaks*, 88-89.

into the problem of individual Negroes living among white men, but rather of Negroes as a class that is exploited, enslaved, and despised by the colonialist, capitalist society, which is only accidentally white. But since it is accidentally white, that's what we talk about – white Western society.”<sup>57</sup>

Carmichael stated he admired Jews and encouraged African Americans to emulate the Jewish people to gain success, but later “reformed” his opinion.<sup>58</sup> He asserted that Blacks should not follow the Jewish path, as he had done in his youth. Carmichael jabbed Jewish liberal pacifism and loudly proclaimed his rejection of the Civil Rights mitzvah of nonviolence, and he swore to all who would listen: “If white America decides to play Nazi, we're going to let them know the black people are not Jews” who were carried off to concentration camps “like zombies.” Blacks will “fight back to the death.”<sup>59</sup>

#### *Weakening Alliance: The Role of Anti-Zionism*

Another strain on the once-powerful, Black-Jewish Alliance was anti-Israeli rhetoric as a vehicle for venting Black Nationalist ideologies. The clash between Black Nationalist support for Arab governments and Jewish advocacy for Israel surfaced as a substantial factor in the dissolution of the Black-Jewish Alliance in the late 1960s.

At the time of Israel's reestablishment, Black leadership supported the (re)creation of Israel, for which the Jewish America community was profoundly grateful. Under Secretary of State, African American statesman, Ralph Bunche, negotiated the creation of the Jewish state on

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<sup>57</sup> Carmichael, *Stokely Speaks*, 78.

<sup>58</sup> Carson, “Black Jewish Universalism,” 189; citing Earl Raab, “The Black Revolution and the Jewish Question,” *Commentary* (January 1969), 30.

<sup>59</sup> Carmichael, *Stokely Speaks*, 94.



behalf of the United Nations. Additionally, the NAACP lent vital support for the Jewish homeland. The executive director of the NAACP, Walter White, successfully influenced many African nations regarding the importance of a place of refuge for persecuted Jews, and African nations cast crucial votes at the United Nations to establish Israel.<sup>60</sup> Furthermore, the NAACP lauded the Jews' victory over hostile Muslim nations by issuing a resolution celebrating the "valiant struggle of the people of Israel for independence serves as an inspiration to all persecuted people throughout the world."<sup>61</sup>

However, a critical split would later occur among some Black civil rights leaders—especially the African American nationalists—and Jewish civil rights leaders in 1967 over the Arab-Israeli Six-Day War.

During this time, the Black Power movement advocated the antithesis of Dr. King's message regarding Black-Jewish cooperation. When *Black Power* magazine published a poem stating that Muslims "couldn't kill the Jews too soon,"<sup>62</sup> the Jewish community was flabbergasted. Various Black Nationalist leaders seized the Arab-Israeli conflict as opportunity to sever tenuous ties with Jewish leaders by attacking Israeli-Jews in print and speech. With King's death came the death of African American support for Israel. Stokely Carmichael and other Black Nationalists maintained the polar opposite position of Dr. King, regarding Israel. Although Carmichael was the intellectual product of Afro-Jewish radicalism, he spurned his

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<sup>60</sup> Melanie McAlister, "One Black Allah: The Middle East in the Cultural Politics of African American Liberation, 1955-1970," *American Quarterly* 51 no. 3 (1999), 629.

<sup>61</sup> *Ibid.*; Weisbord and Kazarian, *Israel in the Black American Perspective*, 20-22.

<sup>62</sup> As quoted in Weisbord and Kazarian, 42, citing "The Black Panther Party—The Anti-Semitic and Anti-Israel Component," *American Jewish Committee*, (Unpublished report 23 January 1970); Weisbord and Kazarian, 42.

Jewish friends and allies to prove his loyalty to the “race” and commitment to Black Nationalism.

Within the most staunchly anti-Israel (and specifically anti-Jewish) segments of the Black Power movement, the most violent rhetoric was reserved for Jews rather than whites in general. For example, Carmichael, the former head of the Student Nonviolent Coordinating Committee (SNCC), advocated a foreign exchange program for revolutionary fighters, in which Arabs would fight a guerilla war against American Jews and other whites in the U.S., while American Blacks might fight Israelis in the Middle East. Stokely wanted to establish an “international system of guerrilla warfare” and welcomed foreign fighters “who are willing to come to the United States and help us fight...and we will be willing to do the same.”<sup>63</sup> Carmichael stated that capitalist nations support one another (as in the case of Israel), and that Third World nations must engage in the same game. Giving credit to western nations for Israel’s victories (while American Jews gave credit to God), Carmichael argued, “Israel is an imperialist country backed by the imperialist West and when she was in trouble all of them stood behind her and backed her up.”<sup>64</sup> Carmichael encouraged the Third World to employ “our men” to support Arab “liberation forces” against Israel “because they’re [the United States] willing to back them [Israel] up with their guns, their money, and their men, and we must begin to do the same.”<sup>65</sup>

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<sup>63</sup> Senate Committee of the Judiciary, Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws, *Testimony of Stokely Carmichael: Excerpts of Undated Recorded Interview Given By Stokely Carmichael to Mario Menendez, Editor of Mexican Magazine, ‘Sucesos’, During Carmichael’s Stay in Havana*, 91<sup>st</sup> Cong., 2<sup>nd</sup> sess., 1970, 16 and 27, <http://babel.hathitrust.org/cgi/pt?view=image;size=100;id=uc1.%24b643363;page=root;seq=33;num=27> (accessed 3 March 2012).

<sup>64</sup> *Ibid.*, 27.

<sup>65</sup> *Ibid.*

Every two months, SNCC issued a newsletter, some of which were vociferously critical of Israel and American Jews. The SNCC claimed that Jews in Israel were “bias[ed]...against dark skinned Jews.” The organization embraced its new anti-Jewish spiel, claiming Israel only won the 1967 Six Day War “through terror, force, and massacres,” while SNCC ignored the fact that three Arab armies were threatening the Jewish state’s existence. SNCC leadership accused Jews of being tools of imperialism, claiming, “Israel is and always has been a tool and foothold for America and British exploitation in the Middle East and Africa.”<sup>66</sup> The SNCC pulled out the ultimate anti-Semitic card when it argued that Israeli Jews “imitate their Nazi oppressors” in their “atrocities against the Arabs.”<sup>67</sup>

Black Muslims, such as Malcolm X, had already argued, in the early 1960s, that Blacks should support the Arab cause and oppose the Jewish State *not* because of a shared religion; rather, because of their shared status as *people of color*. Malcolm X encouraged Arabs “as a colored people,” in a 1960 Boston University speech, to “make more effort to reach the millions of colored people in America who are related to the Arabs by blood. These millions of colored peoples would be completely in sympathy with the Arab cause!”<sup>68</sup> The Black Panther Party mimicked the Nation of Islam and SNCC in their anti-Semitic rhetoric against Jews, while focusing on Israel as an excuse for Jew-bashing.<sup>69</sup>

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<sup>66</sup> Kathleen Teltsch, “S.N.C.C. Criticized for Israel Stand,” *New York Times*, 16 August 1967, 28.

<sup>67</sup> Ibid.

<sup>68</sup> McAlister, 622, quoted by C. Eric Lincoln, *The Black Muslims in America* (New York: W.B. Eerdsman, 1994), 169.

<sup>69</sup> The Black Panther Party published the following poem in its magazine :  
“We’re gonna burn their towns and that ain’t all / We’re gonna piss upon the Wailing Wall...That will be ecstasy, killing every Jews we see.” Quoted in Kaufman, *Broken Alliance*, 81.

However, Martin Luther King Jr. took exception to the anti-Semitic rhetoric employed by some Black Nationalists. King, a balanced and moderating influence during his political career, warned against Black Nationalism as far back as his incarceration in Birmingham jail, where he chastised white moderates satisfied with the status quo and asserted that if Negroes were driven towards “black nationalist groups...the best known being Elijah Muhammad’s Muslim movement,” America would enter a “frightening racial nightmare.” King labeled the ominous racial nightmare as one of “bitterness.”<sup>70</sup>

Later Dr. King condemned anti-Zionism as anti-Semitic racism. At a conference for the Rabbinical Assembly in March of 1968, a week before his assassination, Dr. King took an extraordinarily pro-Israel position:<sup>71</sup>

Peace for Israel means security, and we must stand with all our might to protect its right to exist, its territorial integrity. I see Israel as one of the great outposts of democracy in the world, and a marvelous example of what can be done, how desert land can be transformed into an oasis of brotherhood and democracy. Peace for Israel means security and that security must be a reality.<sup>72</sup>

Traditional African American liberals viewed Jews as co-victims and Israel as a representation of freedom, ethnic self-determination, and a safety from racist majorities.

Dr. King also concurred with Jewish civil rights activists, condemning anti-Zionist rhetoric as anti-Semitic diatribe. In another speech shortly before his assassination, King gave a speech to African American students at Harvard and gauged their opinions by asking a variety of questions, including questions about Israel. “When one young Black expressed a view hostile to

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<sup>70</sup> Martin Luther King Jr., “Letter from Birmingham City Jail,” *The New Leader*, April 16, 1963, p. 8. <http://www.thekingcenter.org/archive/document/new-leader-mlks-letter-birmingham-jail#> (accessed April 3, 2012).

<sup>71</sup> Weisbord and Kazarian, 39-40.

<sup>72</sup> Weisbord and Kazarian, 40, quoting “Conversation with Martin Luther King,” *Conservative Judaism*, 12 (Spring 1968), 12.

Zionism, Dr. King impatiently responded: ‘Don’t talk like that! When people criticize Zionists, they mean Jews. You’re talking anti-Semitism.’”<sup>73</sup>

Nearly a decade later, joining King’s advocacy for Jewish residents of the Holy Land, Bayard Rustin assured Jewish Americans that Blacks valued their unique relationship with Jews and argued Black anti-Semitism was wildly exaggerated. Rustin proposed forming a special committee of African Americans to increase support for Israel’s security and to heal a point of contention in Black-Jewish relations.<sup>74</sup> In April of 1975, more than one hundred African-American leaders gave their support to Rustin’s proposed Black Americans to Support Israel Committee (BASIC).<sup>75</sup> Rustin formally established BASIC in 1976, accompanied by adulation from Black organizations and leaders, including home-run hero Hank Aaron.<sup>76</sup> Rustin argued that some African Americans were anti-Semitic because “third world propaganda. . . led them to believe that they have an obligation to support Arab demands.” On the contrary, Blacks must remember “the abysmal and tragic history of Arabs in regard to blacks and black Americans.” Israel was the only democratic nation in the Middle East, said Rustin. Arabs started the slave trade and “supported anti-Black movements” in North Africa; therefore, Rustin opined, it was natural for African Americans to support Zionism. He went on to suggest that “less than three per cent” of Blacks embraced anti-Semitism.<sup>77</sup>

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<sup>73</sup> As quoted in Weisbord and Kazarian, 39-40; Seymour Martin Lipset, *Encounter*, December 1969.

<sup>74</sup> Paul L. Montgomery, “Blacks and Jews Viewed as Drawing Closer Again,” *New York Times*, 14 April 1975, 60.

<sup>75</sup> *Ibid.*

<sup>76</sup> Greenberg, 236.

<sup>77</sup> Montgomery, “Black and Jews Viewed As Drawing Closer Again,” 60. Rustin argued that African American anti-Semitism was rare and that Black Nationalists distorted Jewish perceptions of his racial community. Rustin stated, “All investigations have shown that the anti-Semitic element in the black community is less than three

Black Power advocates and Black Nationalists largely ignored the impassioned pleas of King and Rustin and instead followed Carmichael's reasoning regarding Israel. Black Power remained pro-Third World and anti-white, which translated into solidarity with Arabs. Black Nationalists embrace of anti-Israel politics further weakened the Black-Jewish Alliance. However, because liberal Black leaders supported Israel, the Black-Jewish Alliance would not falter yet.

### *Jewish and African American Responses to Black Nationalism*

Jewish leaders also condemned the violence promoted by Black Nationalist groups like the Black Panthers because of their commitment to nonviolence and the fact that African American violence in urban areas resulted in Jews as the main victim.<sup>78</sup> When questioning the health of the Black-Jewish Alliance, Rabbi Arthur Hertzberg pointed out that African American youth burned or destroyed approximately 750 business buildings and small stores during the Watts riot in 1965—over 65% of those destroyed businesses were owned by Jews.<sup>79</sup>

Numerous Rabbis and other Jewish leaders argued that just as African Americans had become more ethnically conscious, so should the Jews. Jews should worry about their own problems, they argued—the days of the Black-Jewish Alliance were over.<sup>80</sup> For example, in

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per cent of it. The reason we are establishing this committee is to give institutional evidence that the overwhelming majority of black people and their leadership are not anti-Semitic, and are in fact pro-Israel.”

Regarding Arab demands, Rustin argued “Arabs initiated the slave trade, supported anti-black movement s in African countries . . . and hurt developing nations in Africa and poor blacks here through the oil boycott.”

<sup>78</sup> Stokely Carmichael advocated and predicted “guerilla warfare” in the streets of American cities. Carmichael celebrated the fact that the “rebellions” in L.A. and New York “are going to lead to guerilla warfare.” Carmichael, *Stokely Speaks*, 79-80. Jews, for the most part, feared and rejected Black Nationalist violence.

<sup>79</sup> Arthur Hertzberg, “Negro-Jewish Relations in America: A Symposium,” (1966) in *The Jewish 1960s: An American Sourcebook*, ed. Michael E. Staub (Lebanon, NH: Brandeis University Press, 2004), 111.

<sup>80</sup> Greenberg, 5, noted that 90 percent of Jews and Blacks highly value their ethnicity as an indicator of their identity.

1964—in response to anti-Semitic attacks in Crown Heights, Brooklyn—Hassidic Jews initiated a neighborhood defense force to protect Jews from attacks by Black militants. Another response was to fight African American militancy with Jewish militancy: Myer Kahane founded the Jewish Defense League in 1968, a group that advocated self-defense for Jews.<sup>81</sup>

Many Jewish leaders voiced concern for Black Nationalist organizations that used Israel as a platform to voice anti-Semitism in the domestic forum. One example of Black Nationalists driving away Jews from the Civil Rights movement is the case of Rabbi Harold Saperstein, a liberal civil rights activist who supported nonviolent Black Nationalism, but ended his support for SNCC upon encountering heated anti-Semitic rhetoric. In a letter to H. Rap Brown (chairman of SNCC), Saperstein wrote that he left the organization because, in his estimation, SNCC leaders had “become a mouthpiece for malicious Arab propaganda [which] undermines my confidence in their judgment.”<sup>82</sup> Other Jewish-Americans echoed Rabbi Saperstein’s concern and frustration. Malcolm A. Tarlov, for example, “commander of the Jewish War Veterans of the United States” argued that the SNCC does not “deserve either the financial or moral support of Americans, whatever their race or religion” because the organization was “anti-Semitic” and “pro-Communist.”<sup>83</sup> The American Jewish Congress’s executive director, Will Maslow stated definitively that SNCC has “disqualified itself from any claim to be taken seriously in the struggle for human decency.” Maslow reasoned that the civil rights movement and Jewish liberals should refuse “room for racists in the fight against racism.”<sup>84</sup>

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<sup>81</sup> *Bridges and Boundaries: African American and American Jews*, ed. Jack Salzman (New York: Braziller/Jewish Museum, 1992), 250-252.

<sup>82</sup> Carson, “Black-Jewish Universalism in the Era of Identity Politics,” 188.

<sup>83</sup> Kathleen Teltsch, “S.N.C.C. Criticized for Israel Stand,” *New York Times*, 16 August 1967, 28.

<sup>84</sup> *Ibid.*

SNCC was also labeled anti-Jewish by Bernard Katzen of the New York State Commission for Human Rights, the Jewish Labor Committee, and Dr. Martin Peretz of the National Conference for New Politics. The leftist Jewish Labor Committee claimed that SNCC “now irrevocably joined the anti-Semitic American Nazi party and the Ku Klux Klan” and was a beacon of racism in America. Rabbi Israel Miller of the American Zionist Council backed up the Jewish Labor Committee’s claim when he condemned an SNCC anti-Zionist newsletter as “crude and unadulterated anti-Semitism.”<sup>85</sup>

In addition to Rustin and Dr. King’s defense of a Jewish state in the Middle East, one Black Nationalist leader experienced an awe-inspiring change of heart regarding his anti-Israel positions. Eldridge Cleaver, a former Black Power leader, replying to a UN resolution unfavorable to Israel’s self-determination, claimed the resolution was “repugnant to human reason and historical fact” and that Jews did “more than any other people in history to expose and condemn racism.” In 1976, Cleaver argued that Arabs were “among the most racist people on earth. No one knows this better than black Africans living along the edges of the Sahara” and to claim that Israelis were the racists was a “travesty.”<sup>86</sup> Cleaver echoed King’s call that anti-Zionism is anti-Semitism. In 2007, while in Israel, Black religious leader Glenn Plummer remembered, “When Black Americans had no one standing with us at a time when even our white evangelical Christian brothers were pro-segregation or silent the Jewish people stood with us[,] and...we will stand with Israel.”<sup>87</sup> Unfortunately, for the Black-Jewish Alliance, Eldridge

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<sup>85</sup> Ibid.

<sup>86</sup> Weisbord and Kazarian, 54; Eldridge Cleaver, *Los Angeles Sentinel*, 29 January 1976.

<sup>87</sup> Etgar Lefkovits, “Martin Luther King, Jr. Award Launched in Israel,” *The Jerusalem Post*, 16 January 2007, 7.



was the exception (not the rule) in the Black Nationalist community—in fact, he had abandoned the movement by 1976 when he penned the above editorial.<sup>88</sup>

Some liberal and socialist Black leaders, like their Jewish allies, were also dismayed by Black Nationalism and opined that anti-Semitism in the Black Nationalist movement could drive away Jewish donors and even entire Jewish civil rights organizations from the struggle for racial equality for Blacks. Bayard Rustin, blamed Stokely Carmichael and Floyd McKissick of attempting to “murder the civil rights movement,” and Rustin shot down Carmichael’s promotion of violence: “The conditions for successful guerilla warfare hardly exist in the United States.”<sup>89</sup> Whitney M. Young joined Rustin in his condemnation of SNCC and Black Nationalism, as did A. Phillip Randolph, the *New York Times* reported. Young, director of the National Urban League, asserted the SNCC newsletter’s positions “resembled those of the American Nazi party on Arab-Israeli relations.”<sup>90</sup> Legendary diplomat Ralph Bunche argued that Black Power was a “slogvanized, grossly over-simplified exploitation of the disillusionment of Negro Americans... which would have neither meaning nor impact without the ghettos.”<sup>91</sup>

In 1971, Lenora Berson suggested, that Rustin was “one of the last” Black leaders willing to work with interracial groups and that Rustin is perhaps one of only a handful of “Negro

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<sup>88</sup> But Carmichael predicted armed resistance against the middle class by people of color who were subjected in ghettos to oppressive white colonialism within their own country. See Stokely Carmichael, *Stokely Speaks: Black Power Back to Pan-Africanism* (New York: Random House, 1971), 86.

<sup>89</sup> Berson, 130.

<sup>90</sup> Kathleen Teltsch, “S.N.C.C. Criticized for Israel Stand,” *New York Times*, 16 August 1967, 28. Young noted that “Negro citizens” respect Jewish contributions “to the drive for equal rights,” and A. Randolph Phillip and Rustin issued a joint statement declaring they were “appalled and distressed by the anti-Semitic article.”

<sup>91</sup> Brian Urquhart, *Ralph Bunche: An American Life* (New York: W.W. Norton, 1993), 444.

On a side note, Ralph Bunche was considered among my family, and my mother encouraged each of us to “be like Ralph Bunche,” as he was a peacemaker. Today, as a member of the NAACP and an attorney, I still admire Bunche’s intelligence, patience, and peacemaking.

leaders who places special value on Jewish support of the Negro cause.”<sup>92</sup> As evidence of his commitment to the dying Black-Jewish Alliance of the late 1960s, Rustin said, “Jews are an absolutely essential part of the coalition that is needed to obtain equality for Negroes. They have played an historic role in this coalition. In fact, they were the first group to join the Negroes.”<sup>93</sup> Rustin targeted Stokely Carmichael for being most responsible for scaring away Jewish support for Black civil rights with his anti-Jewish positions. In 1967, Rustin declared in a speech that the Jews were among those who had “helped me the most.”<sup>94</sup> Rustin condemned Carmichael for attacking the white ethnic group that helped the Black equality movement more than all other ethnic or political organizations in the U.S.A.

#### *Neoconservative Opposition to Black Nationalism*

Jewish responses to Black Nationalism ranged from dismay, to confusion, to frustration, to anger. However, in reality, Black Nationalist sentiment and anti-Semitism was, in part, a Black reaction to changing Jewish identity, which had deliberately drifted from racial minority to white ethnicity. Before the Jewish racial transformation,<sup>95</sup> Blacks felt a connection to American Jews, but as Jews whitened, Black Nationalists became more strident.

Finally, another Jewish response to Black anti-Jewish rhetoric and riots was to advocate a neoconservative position arguing that African American Nationalism was dangerous for society—especially Jews—and other white Americans and Jews should band together with conservative Blacks to minimize African American violence through government policies. The

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<sup>92</sup> Berson, 129.

<sup>93</sup> Berson, 129-30.

<sup>94</sup> Berson, 130.

<sup>95</sup> That such a transformation was socially constructed, need not be stated.

neoconservative Jewish response quickened the dissolution of the remnants of the African American-Jewish Alliance.

The backlash against Black Nationalism and Black Power movements was explained and encouraged by Nathan Glazer who was somewhat responsible for the start of the Jewish neoconservative movement as a response to Black Nationalism.<sup>96</sup> Glazer pointed out that Jews and Blacks were closely aligned during the Civil Rights movement and that Jews still supported the goals of Black civil rights organizations from the 1950s to 1960s, but Black militancy and demands for socialistic economic policy and affirmative action alienated the liberal Jews who supported equal opportunity, not guaranteed equality of outcome.<sup>97</sup>

Professor Glazer described neo-conservatism as a direct reaction to Black Nationalist militancy that appeared—at least in the eyes of Jews—to make demands that could not be reconciled with Jewish social needs and hopes since Black Nationalism seemed diametrically opposed to the social interests and needs of Jews. It was based primarily on “growing awareness” that “Negro antagonism” would abolish the individualistic “world that Jewish liberalism considers desirable.”<sup>98</sup> In addition to Jewish fears of Black Power’s antagonism to all individual meritocracy and liberal institutions, Jews realized that when Blacks attacked the “white liberal,” they meant “white *Jewish* liberal.” Glazer argued that the target of Black hatred was not necessarily whites, but Jewish liberals in every city with a sizable Black population and

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<sup>96</sup> Nathan Glazer, “Blacks, Jews, & the Intellectuals,” *Commentary*, 47 (April 1969): 39; Clayborne Carson, “Black-Jewish Universalism in the Era of Identity Politics,” in *Struggles in the Promised Land*, ed. Jack Salzman and Cornel West (New York: Oxford University Press, 1997), 191-92.

<sup>97</sup> Nathan Glazer, “Jews and Blacks: What Happened to the Grand Alliance,” in *Jews in Black Perspectives*, ed. Joseph R. Washington, Jr. (London: Associated University Press, 1984), 105-07.

<sup>98</sup> Nathan Glazer, “Negroes and Jews: The New Challenge to Pluralism,” *Commentary*, 38 (December 1964), 29-34; see also in *Bridges and Boundaries: African American and American Jews*, ed. Jack Salzman (New York: Braziller/Jewish Museum, 1992), 100-01.

large Jewish community, including New York and Los Angeles.<sup>99</sup> Even liberal civil rights activist, Dr. Martin Peretz, moved from the New Left to neoconservatism, in part, because of anti-Semitic rhetoric in the Black Power/Nationalism movement.<sup>100</sup>

Norman Podhoretz, a founder and advocate of neo-conservatism, remembers in his 1963 essay on African American-Jewish tensions, “My Negro Problem – And Ours,” that Blacks shouted about Jewish wealth and white persecution of African Americans. Yet, African Americans often ruled the neighborhoods, such as in Brooklyn, and could not have realistically viewed the children of early 20th Century Eastern European immigrants as sources of oppression. The Blacks hated the Jews without reason.<sup>101</sup> Neoconservatives pointed out that African Americans attacked him for being white, for being Jewish, for being smart, and for being “rich”—even though most Jews in Brooklyn were working-class<sup>102</sup> and were not treated equally by much of society. White ethnics could get along with each other and anyone—except African Americans—because, as James Baldwin said, white man refuses to “look” at the Negro. But Podhoretz argues “facelessness is a two way street.”<sup>103</sup>

[I]n Brooklyn, I was as faceless to the Negroes as they were to me, and if they hated me because I never looked at them, I...hated them for never looking at me. To the Negroes, my white skin was enough to define me...<sup>104</sup>

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<sup>99</sup> Ibid.

<sup>100</sup> Kaufman, *Broken Alliance*, 9-10.

<sup>101</sup> Norman Podhoretz, “My Negro Problem—and Ours,” *Commentary*, February 1963, 97; also in *Bridges and Boundaries: African American and American Jews*, ed. Jack Salzman (New York: Braziller/Jewish Museum, 1992), 111-12.

<sup>102</sup> Podhoretz, 97.

<sup>103</sup> Podhoretz, 97.

<sup>104</sup> Podhoretz, 97.

Podhoretz questioned why Jews associated with the children of Italian immigrants in Brooklyn and visited the “strange-smelling houses” of one another, but such reciprocal friendships appeared non-existent between whites and Blacks. Although Italian and Jewish Americans Italian and Yiddish, respectively, in the home, the descendants of these immigrants (first-generation denizens of Brooklyn) appeared to embrace their new American identity, even at the expense of the way of life in the old country.<sup>105</sup> With African Americans, it was a different story. Jews and Blacks were “enemies beyond...reconciliation.” Blacks accused whites of seeing a sea of Blackness and not individuals; yet, Podhoretz claimed that African Americans were guilty of seeing a sea of yarmulkes and kikes, rather than individuals. Blacks were guilty of hatred, just as the Jews, Italians, and other European immigrants in the poor neighborhoods.<sup>106</sup> Neoconservatives felt the Civil Rights Movement was ignored by Black Nationalists and that they stabbed Jews in the back for having light skin, despite unmatched Jewish contributions to racial equality. Black anti-Semitism baffled Podhoretz, who argued recent Jewish immigrants had not participated in slavery: “[W]hat share had they [Italian and Jewish immigrants]—down-trodden people themselves breaking their own necks to eke out a living—in the exploitation of the Negro?”<sup>107</sup>

Podhoretz and other neoconservatives reconciled their past memories of racial prejudice and accepted and promoted 1950s-style liberalism, in the face of continued Black Nationalism. Podhoretz posited that the way for the “American Negro” to overcome “his color stigma” was to intermarry with whites. He proposed a radical new means of overcoming the color barrier,

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<sup>105</sup> Podhoretz, 96.

<sup>106</sup> Podhoretz, 97.

<sup>107</sup> Podhoretz, 97.

arguing against racial integration and favoring assimilation: “it means assimilation—let the brutal word come out—miscegenation.” Radical assimilation of Blacks and whites would make “color irrelevant.”<sup>108</sup> In many ways, Jewish neoconservatives promoted, as counter to Black Nationalism, the radically liberal color-blindness American society had ever encountered. Their argument went like this: the only way for color to become “irrelevant” is for color to “*in fact* disappear.” Neoconservatives condemned “Black Muslims, like their racist counterparts, in the white world” for “accus[ing] the ‘so-called Negro leaders’” of secretly pushing miscegenation as a goal.” Podhoretz dismissed such accusations but advocated the implementation of what both Black Nationalism and southern white racists condemned--interracial marriage. The Black Muslims were wrong in their accusation of liberal “Negro leaders” of pushing a race-mingling conspiracy, but neoconservatives, like Podhoretz, “wish[ed] they were right, for I believe that the wholesale merging of the two races is the most desirable alternative for everyone concerned.”<sup>109</sup> The only way to solve the American “Negro problem” in the eyes of the ultimate “neoconservative” (who identified as a white liberal) was for society to embrace the ultimate American race-relations taboo—“miscegenation.”<sup>110</sup>

### *Conclusion*

Although though Jews and African American organizations were once close allies during the civil rights movement, their alliance deteriorated in the middle and late 1960s. The

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<sup>108</sup> Podhoretz, 101.

<sup>109</sup> Podhoretz, 101.

David R. Roediger, *Colored White*, 8, rejected the theory that “hybridity...can dissolve race.” He argues that “taking history seriously also calls into question the proposition that demographic trends can easily be extrapolated into the future to predict racial change.” According to Roediger, the argument put forth by Podheretz—“that ‘crossbreeding’ will disarm racism[—] is at least 140 years old” and “demographics simply are not always decisive.”

<sup>110</sup> Podhoretz, 101.

dissolution of the alliance was due in part to anti-Semitic rhetoric and politics of Black Nationalists<sup>111</sup>—who were frustrated by continuing persecution and poverty in urban African American communities—alienating Jewish allies in the civil rights movement. Jewish responses to Black anti-Semitism quickened the dissolution of the grand civil rights alliance, with neoconservatives showing the most zeal for cutting ties with the rest of their former Black allies. By the end of the decade of civil rights and political progress, the African American-Jewish Alliance (once a staple of American liberalism) was a memory.

Most affirmative action supporters were not Black Nationalists, but Black Nationalism was a rapidly deteriorating straw-man (both unpalatable and unaccepted) that allowed Jews to contrast their philosophy of integration against a less palatable philosophy of separatism. Jews were not anti-Black—they never had been as a whole. Mainstream Jewish-American ethnic identity was fading away in the looming, amorphous, white liberalism. In response to this threat, Jews' embraced a unique approach to affirmative action that distinguished them from white liberals. Jews remained stalwartly committed to their ancient philosophy of equal treatment, rather than fixed results—a philosophy many non-Jewish liberals, including African American progressives, now believed was overly rigid.

Jewish Americans' clarion opposition to affirmative action was an effective way for Jews to preserve their ethnic identity<sup>112</sup> in the sea of white liberalism that crashed against their communities in academia. Although Jews deliberately chose whiteness, American society demanded full assimilation of Jews; nevertheless, Jews screamed in

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<sup>111</sup> Black Nationalism was a subset of the larger African American community. Blacks as a people—and countless individuals—were the best allies of Jewish Americans. Sadly, Black Nationalism obscured the philo-Semitism of many ordinary African Americans, and few Blacks were anti-Semitic. The Black community, as a whole, extended a charitable hand of friendship to the Jewish community, but the Black Power movement rejected the alliance.

<sup>112</sup> Although, Jews had deliberately worked for the last two decades to end white perceptions of Jewish racial minority status. While ending this perception among whites offered Jews more opportunities in the larger, Gentile community, erasing Jewish identity alienated Jews from their former allies, the Blacks.

the face of white purity, refusing to comply with dogmatic white liberalism in 1960s and 1970s. In addition to providing Jews a way to contrast themselves from white society and Jews' former racial identification, Black Nationalism was an effective way for Jews to join white American society by contrasting themselves with the more radical wing of Black thought.<sup>113</sup> In other words, Jews achieved ethnic preservation through non-conformity—Jewish organizations were perhaps an anomaly among liberals to condemn Black Nationalism.

Nevertheless, in the eyes of most Blacks, especially those who heralded the non-conformity of Black Nationalism, Jews were not merely a nuanced and thoughtful minority deftly navigating the waves of race in America; rather, many Blacks saw Jews as a former minority friend who willingly joined white society and only offered piecemeal solutions to their former allies, Black Americans.

Despite perceptions among Jewish Americans, Black Nationalism was clearly a minor threat to Jewish prosperity and rights. In fact, Black Nationalism was deteriorating in power and influence by the time *DeFunis* (1971-74) and *Bakke* (1973-78) pitted Blacks and Jews against each other in the legal arena. The real threat for Jews—and the ultimate, unspoken purpose for vociferously opposing affirmative action and Black racism—was the looming, watered-down, leftist, social philosophy that threatened to subsume Jewish ethnicity into the collective, dominant “Caucasian.” Jewish Americans almost lost their Jewish identity in a sea of white history, controlled by liberal, Gentile whites who sought desperately to assuage their consciences by imposing the guilt of their own racism on as many individuals as possible.<sup>114</sup>

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<sup>113</sup> Jews forged another path—they left the racial repentance to the white Protestants, Jews were comfortable, even proud, of their racial (now ethno-religious) history and their historical partnership with the most persecuted people in America.

<sup>114</sup> The burden of white guilt was placed on the shoulders of Jewish Americans, in part, because many Jews attempted for two full decades to be considered “white.” By the time Jews were viewed by the larger society as completely “white,” Jewish Americans would face many of the negative consequences of white, Gentile racial prejudice against Black Americans.



## CHAPTER 4

### JEWISH AND BLACK DIVERGENT CONCEPTIONS OF CIVIL RIGHTS AND THE LEGAL BATTLES OVER AFFIRMATIVE ACTION

With respect to civil rights and affirmative action, the constitutional and political ideology held by many Black leaders was in direct conflict with the constitutional ideology held by most Jewish Americans. At the time Jewish racial identity transformed from religious-racial minority to a white ethnic group, Blacks began to advocate group rights as an antidote to racism. However, Jews believed in forging a future that valued individual rights and freedoms over collective welfare.<sup>1</sup>

Professor Nathan Glazer notes the incompatibility of Black Nationalist views with Jews' interests in individual rights.<sup>2</sup> Professor Glazer cast Jewish neoconservatism as merely a reaction to an African-American militancy which made demands on "Jewish leaders—of unions, of defense and civil rights organizations" and Jewish "businessmen, housewives, and homeowners" which they could not reconcile with their own needs and goals. Jewish opposition to Black Nationalism was based primarily on "growing awareness" that "Negro antagonism" would abolish the individualistic "world that Jewish liberalism considers desirable."<sup>3</sup>

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<sup>1</sup> Black and Jewish legal and political ideological distinctions were a major factor in the breakup of the Black-Jewish Alliance; nevertheless, I do not endeavor in this paper to provide a full treatment of their respective constitutional ideologies in this article. Additionally, constitutional ideologies cross the ethnic lines of this alliance more fluidly than racial identity, Black Nationalism, neoconservatism, or affirmative action

<sup>2</sup> Professor Glazer was an academic at UC Berkeley and Harvard. Glazer is also noted for his intriguing and insightful political thought, which he developed with several other Jewish academics as a young man at City College of New York.

For a short biography on Glazer's political thought and career, please see James Traub, "Nathan Glazer Changes His Mind, Again," *New York Times*, 28 June 1998, <http://www.nytimes.com/1998/06/28/magazine/nathan-glazer-changes-his-mind-again.html?pagewanted=all&src=pm>.

<sup>3</sup> Glazer, 103.

The Black reaction to changing Jewish identity, and the Jewish reaction to this African American response, culminated in two of the marquee legal battles of the last century. *DeFunis* and *Bakke* pitted Blacks against Jews—the two most powerful players in the greatest civil rights victories of the 20th Century—the passage of the Civil Rights Act and the Voting Rights Act. The Jewish and African American communities were gladiators representing competing necessities of various American ethnic minorities<sup>4</sup> in America: The Blacks represented repressed racial minorities. The Jews seemed to represent upward-moving ethnic European communities, such as Greeks, Ukrainians, Italians, and Poles.<sup>5</sup> A number of Jewish organizations viewed affirmative action battles as means to evangelize the American legal system—to spread the belief of true equality, individuality, and liberty to a nation burdened by racial divisions of the past. It also allowed Jews to take a leading role in civil rights once again, after they had been rejected by the Black Nationalist leaders they first helped fund and promote.

The magnitude of Jewish ethnic and economic figurative migration between the 1940s and the early 1970s rivaled the scope of Jewish geographical migration from 1880 to 1920. Jews went from the best ally of the most persecuted people (Blacks) to the influential representative of the newly-assimilated and newly-accepted European ethnic communities.

The third prong of Dr. King’s true alliance theory—that the allies share philosophical views—crumbled as Jews opposed and Blacks supported affirmative action. Divergent conceptions of civil rights in the African-American and Jewish communities disintegrated the

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<sup>4</sup> First-generation, English-speaking Americans who were not Anglos, but became white, as described by Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race*, 91-136, “Becoming Caucasian, 1924-1965.”

<sup>5</sup> Civic organizations representing the above listed nationalities joined the American Jewish Committee and American Jewish Congress Jewish to file an amicus briefs against affirmative action in *Bakke* (1978). These non-Hebrew civic organizations included Unico National and the Italian American Foundation, the Hellenic Bar Association (Greek), the Ukrainian Congress Committee of America (Chicago Division), the Polish American Educators Association and the Polish American Affairs Council.

third and most important prong of the true alliance theory. At the same time Blacks seemed to view civil rights as a vehicle for collective rights and group protections, many Jews viewed civil rights as individual equality and equal opportunity. The Jewish divergence from Black conceptions of civil rights, accompanied the widespread transformation from Jew, which was viewed as “racially other,” to ethnic white. Jewish rights groups claimed that Jewish-Americans encountered racial persecution from 1800 to the end of World War II, enjoyed mostly “equal opportunity” during the 1950s and 1960s, but were lumped into the white majority in the 1970s.

*Jewish Conception of Civil Rights: Individual Freedom and Rule of Law*

*It was a wise man who said that there is no greater inequality than the equal treatment of unequals.*<sup>6</sup> – United States Supreme Court Justice, Felix Frankfurter

Jewish conceptions of civil rights clashed with the Black understanding of civil rights. The Jewish conception of civil rights emphasized “individual rights,” not “group rights,” and hoped for a colorblind government. In contrast, Blacks viewed racial quotas as important progress in civil rights for minorities and believed color-consciousness was the most efficient manner to remedy past and current racism.

Organizations representing Jews, from the American Jewish Committee to Jewish Rights Council, argued quotas over-emphasized group identity at the expense of individual identity and

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<sup>6</sup> Dennis v. United States, 339 U.S. 162, 184-85, 70 S. Ct. 519, 526, 94 L. Ed. 734 (1950), (Frankfurter, J., dissenting).

Let there be no misunderstanding. To recognize the existence of a group whose views are feared and despised by the community at large does not even remotely imply any support of that group. To take appropriate measures in order to avert injustice even towards a member of a despised group is to enforce justice. It is not to play favorites. The boast of our criminal procedure is that it protects an accused, so far as legal procedure can, from a bias operating against such a group to which he belongs. This principle should be enforced whatever the tenets of the group-whether the old Locofocos or the Know-Nothings, the Ku Klux Klan or the Communists. This is not to coddle Communists but to respect our professions of equal justice to all. It was a wise man who said that there is no greater inequality than the equal treatment of unequals.

We are concerned with something far more important than sustaining a particular conviction. Many and conflicting are the criteria by which a society is to be deemed good, but perhaps no test is more revealing than the characteristics of its punitive justice.

equal application of the law. By the 1970s, and especially in amicus briefs opposing affirmative actions, Jews maintained that civil rights should guarantee equal opportunity, but natural consequences should decide outcomes. In other words, government should guarantee equal opportunity in education, employment, and housing, but it should not mandate equality of outcome for citizens, regardless of religion, ethnicity, or race.

Jews despised affirmative action because it was group-based, not individualistic. They argued that affirmative action does not guarantee equal opportunity; it mandates equality of outcome at the expense of true equality of opportunity. It brought back memories of quotas and persecution of Jews in higher education and employment. In 1972, The American Jewish Committee argued:

One of the marks of a free society is emphasis on achieved status over ascribed status, the ascendance of performance over ancestry. . . . Achieved status is that aspect of democracy which represents the primacy of the individual and of individual freedom.<sup>7</sup>

Jews feared affirmative action might cause the federal government to emphasize group rights over individual rights.

Justice Felix Frankfurter, an early advocate of judicial restraint, was also controversially, a zealous legal and political activist and helped found the ACLU in 1920.<sup>8</sup> Frankfurter, the third

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<sup>7</sup> American Jewish Committee, *Group Life in America, A Task Force Report* (1972), 85-86; "Brief of American Jewish Committee, American Jewish Congress, et. al." in *Bakke v. Regents of the University of California* (October Term 1977), 1977 WL 188015, 22.

\*Note on legal citation: For convenience to the reader, I have included Westlaw citation for amicus briefs cited herein. To access a brief, the reader may input the West Law number into the Westlaw database.

<sup>8</sup> "Felix Frankfurter, 1882-1965," *Jewish Virtual Library*, <http://www.jewishvirtuallibrary.org/jsourc/biography/frankfurter.html>; see *The Jewish Justices of the Supreme Court Revisited: Brandeis to Fortas*, ed. Jennifer M. Lowe (Washington, D.C.: The Supreme Court Historical Society, 1994), 64-66.

See also Linda Greenhouse, "Women Suddenly Scarce Among Justices' Clerks," *The New York Times*, 30 August 2006, <http://www.nytimes.com/2006/08/30/washington/30scotus.html>. Though Frankfurter was accused of radical politics, in 1960 he refused to hire fellow liberal Ruth Bader Ginsburg (who would become only the second female Supreme Court justice and sixth Jewish one), foregoing an opportunity to employ who might have been the second female, high court law clerk.

Jewish American to serve on the US Supreme Court, employed as his law clerk William T. Coleman, an African American attorney.<sup>9</sup> Less than a year after Jackie Robinson shattered the color barrier in major league baseball in 1947, in 1948, Justice Frankfurter hired Coleman to break the Supreme Court's color frontier.<sup>10</sup>

Justice Frankfurter loved the rule of law. When the Australian Ambassador to the U.S. joined Frankfurter at a showing of Robert Bolt's *A Man for All Seasons*, Frankfurter "was enthralled by the speech."<sup>11</sup> Although asked by his family, Sir Thomas More refuses to arrest Richard Rich, the accused traitor, because Rich has not violated the law yet.<sup>12</sup> Upon hearing More's following advocacy for "the rule of law," Frankfurter nudged the ambassador, "That's the point! That's it! That's It!"<sup>13</sup>

More: What would you do? Cut a great road through the law to get after the Devil?

Roper: I'd cut down every law in England to do that!

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<sup>9</sup> Page Johnson, "Law Society and U.S. Supreme Court Justice Honor Civil Rights Advocate with Rex Lee Advocacy Award," *Meridian Magazine*, 25 July 2010, <http://www.meridianmagazine.com/churchupdate/100610supreme.html>

Incidentally, Coleman was the 2010 recipient of the Rex E. Lee Advocacy award.

See also Jennifer M. Lowe, ed., *The Jewish Justices of the Supreme Court Revisited: Brandeis to Fortas* (Washington, D.C.: The Supreme Court Historical Society, 1994), 62-63.

<sup>10</sup> Jackie Robinson remembers that one opposing player provided "words of encouragement," while Robinson struggled to maintain his game while crowds hurled racist rants. Jewish baseball hero Hank Greenberg whispered those words of encouragement to Robinson in 1947. The exchange between the veteran slugger (one of the highest paid ball players of the 1940s) and the rookie Dodger microcosmically portrayed two decades of close Black and Jewish cooperation. The newly established, but not yet accepted, Jew encouraging a young African American follow to succeed in the same manner was a prophetic vision of Black and Jewish cooperation from that day on first base in 1947 to the passage of the Civil Rights and Voting Rights Acts of the mid-1960s.

<sup>11</sup> Lowe ed., *The Jewish Justices of the Supreme Court Revisited*, 77.

<sup>12</sup> I argue Master Rich's behavior pushed the boundaries of what Oliver Wendell Holmes categorized as "clear and present danger." *Schenck v. United States* 249 U.S. 47 (1919).

<sup>13</sup> Lowe, ed., *The Jewish Justices of the Supreme Court Revisited*, 77, quoting Sir Howard Beale, "A Man for All Seasons," in *Felix Frankfurter: A Tribute*, 18-19.

More: Oh? (*Advances on Roper*) And when the last law was down, and the Devil turned round on you – where would you hide, Roper, the laws all being flat?

This country is planted thick with laws from coast to coast...and if you cut them down—and you're just the man to do it—do you really think you could stand upright in the winds that would blow then?

(*Quietly*) Yes, I give the Devil benefit of law, for my own safety's sake.<sup>14</sup>

Frankfurter spiritedly sustained More's sentiment.<sup>15</sup>

Because many Jewish Americans or their parents had been victims of anti-Semitic pogroms in the Old World, Jewish Americans, echoed Sir Thomas More's demand for the rule of law, not the rule of mobs and majorities' whims, and certainly not the majority's culture.

However, Frankfurter's path to the Supreme Court portended the path of Jews in the US. Robert A. Burt argued, "Frankfurter surrendered to his passion to see himself whole-heartedly as an insider now that he had arrived at this highest imaginable social status."<sup>16</sup> "Precisely because he had now so wholly succumbed, any implication of failure" to assimilate "was intolerably galling." Frankfurter "could not escape the persistent anxiety that true insider status" was beyond his reach as a Jew. However, instead of sympathizing with other outsiders, "Frankfurter lost all sympathy for outsiders."<sup>17</sup>

Blacks, the allies of Jews, would accuse Jews of following the path of Frankfurter. In their quest for insider, white American status, some Jewish rights organizations "lost all

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<sup>14</sup> Robert Bolt, *A Man For All Seasons: A Play in Two Acts* (New York: Random House, 1962), 66.

<sup>15</sup> However, Frankfurter would likely have been appalled by the Thomas More who oppressed religious minorities and free thinkers, like William Tyndale.

<sup>16</sup> Robert A. Burt, *Two Jewish Justices: Outcasts in the Promised Land* (Los Angeles: University of California Press, 1988), 123.

<sup>17</sup> Burt, *Two Jewish Justices*, 123

sympathy for outsiders,” like their African American friends who saw the necessity of affirmative action.

On the other hand, Justice Benjamin Cardozo, a predecessor of Frankfurter on the U.S. Supreme Court, demonstrated a deep love for the rule of law that extended to the ultimate outsiders: Nazis. Although Nazis were literally Cardozo’s mortal enemies, he criticized Magistrate Louis Brodsky, a Jewish New Yorker, who ruled in favor of several Jews who stormed a German ship (which flew a swastika) in 1935, arguing that the rule of law should extend to all, even to those who would deny it to his people.<sup>18</sup> Cardozo favored rule of law over his fellow Jews’ feelings, and would rather rule for the Nazi enemy that swore his extermination than betray equal application of law.

*Black Conceptions of Civil Rights: Equal Opportunity for All*  
“To ignore race and sex is racist and sexist.” - Rev. Jesse Jackson

Many African American leaders understood civil rights to be a means of achieving more equal economic outcomes for whites and Blacks. Supreme Court Justice Thurgood Marshall defended racial preferences as a way to achieve the collective freedoms promised in the Civil Rights Movement. Marshall discussed his position in favor of racial preferences with fellow Supreme Court Justice, William O. Douglas, during *DeFunis v. Odegaard*—a lawsuit brought by a Sephardic Jew denied admission to the University of Washington Law School.<sup>19</sup> Justice

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<sup>18</sup> Lowe ed., *The Jewish Justices of the Supreme Court Revisited*, 56-57. The book above reports that Frankfurter wrote to Aline Goldstone about the incident:

I am disappointed that you and Maud [Nathan] approve of Brodsky and his shameful utterance... It would have been bad enough if he had been a Gentile; but for a Jew it was unforgivable. Now our traducers will say—and with some right if you and Maud approve—that these are the standards of [the Jewish] race...

Quoting Cardozo, “Letter to Aline Goldstone,” September 14, 1935.

<sup>19</sup> Justice Marshall was the first African American on the Supreme Court and was instrumental in *Brown v. Board of Education* (1954), which prohibited segregation of public schools.

Douglas later wrote that Justice Marshall bolstered his position on quotas by arguing that whites had discriminated against racial minorities for centuries. Marshall stated, “You guys have been practicing discrimination for years. Now it is our turn.”<sup>20</sup> Justice Harry Blackmun agreed with Justice Marshall, arguing that the best way to overcome “racism” is to “first take account of race.” He wrote, in *University of California Regents v. Bakke* (1978), “in order to treat some persons equally, we must treat them differently.”<sup>21</sup> Jews on the other hand, rejected unequal treatment, even to overcome past discrimination.

By the 1970s Black civil rights organizations realized traditional, liberal civil rights conceptions often favored Americans with high education, adequate income, and those who were white. While the emphasis on individuals in Jewish conceptions of civil rights worked for Jews and ethnic groups who were considered white, such an approach did not level the playing field for the less educated, poor, and non-white. Jewish Americans advocated enforcement mechanisms and civil rights structure that did not envision a collective equality of opportunity. Civil rights historian and author of *White But Not Equal*, Ignacio M. Garcia,<sup>22</sup> observed the challenge of advocating that a civil rights argument that pretends historical racial discrimination does not affect the future opportunities of oppressed peoples: “If you are prohibited from entering the game, it is difficult to determine if you are equal to other players in terms of skills or

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<sup>20</sup> See William O. Douglas, *The Court Years, 1939—75: The Autobiography of William O. Douglas* (New York: Random House, 1980), 149

<sup>21</sup> *University of California Regents v. Bakke*, 438 U.S. 265 (1978), Opinion of Justice Powell, pg. 407.

<sup>22</sup> *White But Not Equal: Mexican Americans, Jury Discrimination, and the Supreme Court* (Tucson: The University of Arizona Press, 2009).



talent.”<sup>23</sup> Such was the plight of African Americans, and thus their support for affirmative action and other anti-discrimination programs.

The storied civil rights legend, Jesse Jackson, argued, “To ignore race and sex is racist and sexist,” again demonstrating the incompatible chasm between Black conceptions and Jewish conceptions of the substance and goals of Civil Rights.<sup>24</sup>

*Black and Jewish Conceptions of Civil Rights:  
Collective Rights v. Individual Rights (1965 - 1970s)*

Glazer voiced some of the same concerns as the American Jewish Congress (“AJC”) in his book, *Affirmative Discrimination*.<sup>25</sup> In his 1975 attack on affirmative action, Glazer argued that while the 1964 Civil Rights Act was needed, the law’s intent was undermined by the executive branch that enforced the law and the judicial branch that interpreted the law. The Civil Rights Act emphasized individual opportunity, not group opportunities. Yet, affirmative action would require “result-oriented procedures,” and by 1971, the U.S. Department of Labor’s

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<sup>23</sup> “Ignacio M. Garcia to Nathan Caplin” April 4, 2012.

<sup>24</sup> Clint Bolick, *The Affirmative Action Fraud: Can We Restore the American Civil Rights Vision?* (Washington D.C.: Cato Institute, 1996), 39, quoting Jesse Jackson in “Perspectives” *Newsweek*, July 31, 1995.

<sup>25</sup> Nathan Glazer, *Affirmative Discrimination: Ethnic Inequality and Public Policy* (New York: Basic Books, 1975). Glazer argued that affirmative action might violate Title VII of the 1964 Civil Rights Act, because it required consideration and emphasis on one’s race, color, or gender:

703 (j) Nothing contained in this title shall be interpreted to require any employer ... to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer....

Glazer modified his position on affirmative action in 1987. (Glazer, “Thirty Years With Affirmative Action,” *Cambridge Journals*. <http://journals.cambridge.org/action/displayAbstract?fromPage=online&aid=305825>, accessed 1 April 2008).

Professor Glazer cites the negative impact of slavery on the Black community as justification for affirmative action to remedy the adverse effects of racial discrimination. Glazer became an advocate not only of consideration of race in university admissions and employment, but also of teaching multicultural history with an emphasis on race.

application of “affirmative action” required employers to remedy “underutilization” of women and racial minorities.<sup>26</sup> These “deficiencies” forced employers to hire women and minorities based on a percentage of census figures.<sup>27</sup>

However, Glazer asserted the Labor Department’s interpretation was erroneous and that racial quotas violated the spirit and the letter of the Civil Rights Act of 1964, which guaranteed “not group rights but individual rights.”<sup>28</sup> The legislative history of the Civil Rights Act makes clear the congressional intent of the law was to protect individual citizens. For example, U.S. Senators Clifford Case and Joseph Clark, who “managed” the passage of the Civil Rights Act in the Senate, assured their colleagues, “It must be emphasized that discrimination is prohibited as to any individual....The question in each case is whether the individual was discriminated against.....Quotas are themselves discriminatory.”<sup>29</sup> Title VII neither intended nor allowed racial quotas, according to Senator Hubert Humphrey, who stated that the crafters of the act “have carefully stated on numerous occasions that Title VII does not require an employer to achieve any sort of racial balance in his work force by giving preferential treatment to any individual or group.”<sup>30</sup>

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<sup>26</sup> Glazer, *Affirmative Discrimination*, 47- 48.

In 1971, the Department of Labor issued “the next set of [affirmative action] guidelines, stating that affirmative action involves “analysis of areas within which the contractor is deficient in the utilization of minority groups, women, and further, goals and timetables to which the contractor’s good faith efforts must be directed to correct the deficiencies and, thus to increase materially the utilization of minorities and women....” “Department of Labor Guidelines” (December 4, 1971), as quoted in Glazer, *Affirmative Discrimination*, 48.

<sup>27</sup> Glazer, *Affirmative Discrimination*, 49. “Some guidance is given on how to determine ‘underutilization’ (60-2.11): In effect, the census is now to determine what is discrimination and what is affirmative action.”

<sup>28</sup> Glazer, 49. See Civil Rights Act of 1964, Title VII 703 (h) and 703 (j).

<sup>29</sup> As quoted in Glazer, 45.

<sup>30</sup> As quoted in Glazer, *Affirmative Discrimination*, 45.

In conclusion, Glazer expanded Delaware Senator John J. Williams's<sup>31</sup> position that Title VII of the 1964 Civil Rights Act "specifically prohibit[s] the Attorney General, or any agency of the government, from requiring employment to be on the basis of racial or religious quotas. Under [this provision] an employer with only white employees could continue to have only the best qualified persons even if they were all white."<sup>32</sup>

While many Jews supported desegregation, affirmative action that expanded opportunity through recruitment, and government educational endeavors to fight racism and promote "intercultural understanding," most Jews "insisted that in any application process heritage could play no role."<sup>33</sup>

In contrast, numerous Black civil rights groups and their leaders argued for a revolution in the civil rights movement from individualism and colorblindness to color consciousness. Bayard Rustin argued that civil rights should expand beyond racial integration, the right to vote, equal access to public facilities, and an absence of racial discrimination to civil rights that guaranteed a certain income and economic stability. In 1964, Rustin explained "how. . . these radical objectives" were "to be achieved." He suggested that "the answer is simple, deceptively

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<sup>31</sup> John J. Williams represented Delaware in the U.S. Senate from 1947 to 1970. The libertarian-leaning Republican voted for the Civil Rights Act of 1964, along with most of his party and northern Democrats.

The Civil Rights Act of 1964 (Title VII, Sec. 703(j)) states, "Nothing contained in this title shall be interpreted to require any employer . . . to grant preferential treatment to any individual or to any group because of the race, color, religion, sex or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by an employer..." Civil Rights Act of 1964, Title VII 703(j). See Glazer, *Affirmative Discrimination*, 45.

<sup>32</sup> Glazer, *Affirmative Discrimination*, 45.

<sup>33</sup> Greenberg, 238. See also Greenberg, "How Affirmative Action Fractured the Black-Jewish Alliance," 85-88. Greenberg notes that Jews did not "oppose affirmative action programs which sought to broaden applicant pools or otherwise level the playing field. To put it in current terms, they supported rules designed to achieve equality of opportunity but opposed those designed to produce equality of outcome." In fact "[s]uch a race-blind, liberal stance was understandable for a community whose members had been themselves persecuted and excluded on the basis of fixed racial categories." (86).

so”—conceptions of civil rights would be changed “through political power.”<sup>34</sup> Rustin further proclaimed in *Commentary* that the “civil rights movement is evolving from a protest movement into a full-fledged social movement,” and admitted what Jews feared: “an evolution” that calls civil rights’ “very name into question.”<sup>35</sup> No longer should Blacks be content with “removing barriers to full opportunity but with achieving the fact of equality.”<sup>36</sup> Many African American leaders changed their pre-Civil Rights Act (1964) early goal of equal opportunity to a new goal equality of outcome through government intervention, while many Jews viewed mere equality of opportunity—not equality of outcome—as the true goal of civil rights.

Glazer countered Rustin’s conception of civil rights and argued such interpretations would lead to “color, race and national origin” playing an obtrusive role in every “sphere of life.” Glazer claimed colorblindness was the law of the land, and he cited Justice John Marshall Harlan’s dissent in *Plessy v. Ferguson* (1896) as evidence. “Having placed into law the dissenting opinion of *Plessy v. Ferguson* that our Constitution is color-blind, we entered into a period of color and group-consciousness with a vengeance.”<sup>37</sup> Morris Abram, a Jewish civil rights activist, echoed Glazer’s objection to economic rights masquerading as civil rights. He asserted that pro-racial preferences organizations attempted to morph civil rights “from its

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<sup>34</sup> Rustin, “From Protest to Politics: The Future of the Civil Rights Movement,” 118.

<sup>35</sup> Rustin, 115.

<sup>36</sup> Rustin, 115.

<sup>37</sup> Glazer, 31.

original principled campaign for equal justice under law to engage in an open contest for social and economic benefits conferred on the basis of race.”<sup>38</sup>

*DeFunis v. Odegaard: The Legal Battles Create a Chasm Between Black and Jewish Conceptions of Civil Rights*

Two legal battles over affirmative action highlighted Jews’ dual opposition to racial preferences. The first reason for Jewish opposition to affirmative action was Jews’ distinct conception of civil rights as promoting individual, not group rights, and striving for an integrated, colorblind America. Second, affirmative action battles shed light on the social transformation of Jews from Blacks’ fellow minority to white ethnic, like the Italians, Greeks, and Ukrainians had done. Affirmative action began to fracture the Black-Jewish Alliance in the late 1960s, but the alliance almost completely dissolved in 1970 when the University of Washington School of Law replaced its “previous racially non-discriminatory” admissions procedure with an affirmative action program.

In 1970, Marco DeFunis, a Sephardic Jew, applied to the University of Washington’s law school; however, he was rejected. In 1971, DeFunis applied again and was rejected again, despite boasting Law School Admission Test (LSAT) scores substantially higher than many of the state-recognized minority applicants—he earned a higher LSAT score than 36 of the 37 minority students accepted. In fact, more than 50 percent of official “minority” applicants were

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<sup>38</sup> Morris Abram, “Affirmative Action: Fair Shakers and Social Engineers,” *Harvard Law Review* 99 (April 1986): 1312, quoted in Clint Bolick, *The Affirmative Action Fraud: Can We Restore the American Civil Rights Vision?* (Washington, D.C.: Cato Institute, 1996), 45.

admitted to the law school, while less than 20 percent of white applicants—including Jewish hopefuls—were accepted.<sup>39</sup>

DeFunis sued the university for violating of his right to equal protection under the law under the 14th Amendment in a Washington state court. The judge ruled in favor of DeFunis and ordered his admission to the law school. Upon the law school’s appeal, the Washington Supreme Court ruled that DeFunis’ argument lacked merit and that the “Law School admissions policy did not violate the Constitution.”<sup>40</sup> DeFunis appealed to the U.S. Supreme Court in 1973 and when certiorari was granted, scores of civil rights organizations filed amicus curiae briefs on behalf of the University of Washington. However, most Jewish groups—which had sided with Black organizations on nearly every important civil rights case of the 1950s and 1960s—filed amicus briefs against the University of Washington’s admissions program because it used students’ racial identification as a factor in admission decisions.

The Jewish Rights Council (JRC), a Jewish civil rights organization, filed an amicus curiae brief that supported DeFunis in the landmark affirmative action case. The JRC’s opposition to racial quotas put them at odds with Jewish allies, such as the NAACP.<sup>41</sup> Jews had been a “historically persecuted minority,” argued David Caplan; thus, Jews were “sensitive to . . .

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<sup>39</sup> David I. Caplan, “Brief of the Jewish Rights Council as Amicus Curiae,” in *Marco DeFunis v. Charles Odegaard, President of the University of Washington Law School* (1973 WL 172441, 4); Brief of University as Appellants in Washington State Supreme Court, 9, “Proposed Finding,” 8; 507 P. 2d at 1172 and 1176.

DeFunis and other Jews were not preferred “minorities” under the law school’s plan. To the detriment of DeFunis’ position, only 37 admittees were recognized minorities, while 275 non-minority students were accepted to the University of Washington School of Law.

<sup>40</sup> *DeFunis v. Odegaard*, 416 U.S. 312, 315 (1974).

<sup>41</sup> Interestingly, the NAACP’s amicus brief was drafted under the supervision of Jack Greenberg, a Jewish American, who served as lead counsel for the NAACP Legal Defense and Education Fund. Greenberg argued before the Supreme Court in *Brown v. Board of Education* and eventually succeeded Thurgood Marshall as Director Counsel of the NAACP.

discrimination based on race, religion, or ethnic background.”<sup>42</sup> The JRC, along with the American Jewish Congress, the American Jewish Committee, and the highly influential Anti-Defamation League of B’nai B’rith, opposed all racial quotas as a dangerous precedent that might excuse the reintroduction of race-based quotas against Jews in the future. Fear of anti-Semitism in college admissions was based on recent experience for most of the Jewish organizations and their members who opposed the University of Washington’s admissions procedure. Though genuinely concerned for minority civil rights—for self-interested, as well as for altruistic and charitable reasons—many Jewish liberals argued that a government mandated “racially balanced student body” is only “a tiny step from...the infamous numerus clausus” that capped Jewish representation in professional schools in the “dark past.”<sup>43</sup>

The JRC argued racial preferences were unconstitutional and un-American based on three conceptions of civil rights: individual rights, colorblindness, and equal opportunity. First, the 14th Amendment guarantees individual rights to “any person”—the Constitution does not guarantee “group rights.”<sup>44</sup> Jewish civic organizations argue that dual paths to admission, which favored certain minorities at the expense of others, violated the early Civil Rights movement’s individualism that hoped distinction based on individual success might eviscerate race-based discrimination.

Second, most Jewish liberals and neoconservatives worked for a future “colorblind” America, in which people would be judged by the “content of their character,” as Martin Luther

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<sup>42</sup> David I. Caplan, “Brief of the Jewish Rights Council as Amicus Curiae,” in *Marco DeFunis v. Charles Odegaard, President of the University of Washington Law School* (1973 WL 172441, 2).

<sup>43</sup> “Numerus Clausus” restricted the number of Jews in universities in Germany, Austria, and Russia. In the 1970s, the USSR continued to enforce anti-Semitic quotas in order to lower the percentage of Jews holding professorships. See Benjamin Vinar and David I. Caplan, “Brief of the Queens Jewish Community Council and the Jewish Right Council,” in *Bakke v. Regents of the University of California* (1977 WL 188014), 9.

<sup>44</sup> Caplan, “Brief of the Jewish Rights Council,” 7.

King dreamt, not by the “color of their skin,” as Nazi Germany and the Jim Crow South practiced. While *Plessy v. Ferguson* (1896) sanctioned state “color consciousness,” by the 1950s, many racial liberals accepted as law Justice Harlan’s *Plessy* dissent that ruled government action should be “color blind.”<sup>45</sup> When colorblindness failed to deliver equality, some Black groups argued for “color consciousness” in schools and government employment.<sup>46</sup> However, many Jews stayed committed to their original conception of civil rights and refused to consider race a legitimate characteristic for positive government action, except to abolish overt ethnic discrimination, such as racial segregation of public schools and places of public accommodation.

Jewish civil rights organizations fought for a “colorblind” society, based on their interpretation of the 14th Amendment, as the best hope for Jewish security.<sup>47</sup> When European governments emphasized race, Jews were marginalized, persecuted, and eventually exterminated. Therefore, when governments implement “race as criterion for opportunities, where no such evil existed previously,” they violate the 14th Amendment guarantee of equal protection to “all persons.”<sup>48</sup>

While Black civil rights organizations viewed “proportional representation” as essential to achieving equality, Jews feared it would eviscerate the “equal opportunity” principles both Jews and African Americans worked to establish during the previous three decades.<sup>49</sup> Under affirmative action Jews were viewed as a class rather than as individuals, which was antithetical

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<sup>45</sup> Caplan, “Brief of the Jewish Rights Council,” 6.

<sup>46</sup> Caplan, “Brief of the Jewish Rights Council,” 8.

<sup>47</sup> Caplan, “Brief of the Jewish Rights Council,” 6 passim.

<sup>48</sup> Caplan, “Brief of the Jewish Rights Council,” 6; *Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886)

<sup>49</sup> Caplan, “Brief of the Jewish Rights Council,” 7.



to Jewish principles of equal opportunity and racial colorblindness. The American Jewish Committee (AJC), along with the Joint Civic Committee of Italian Americans, admitted that the law school did not implement a traditional racial quota; rather, the school relied on a racial preference program to achieve “reasonable representation” of certain minority students. However, the AJC asserted the University of Washington’s race “ratio” system was a “de facto [racial] quota.”<sup>50</sup>

Third, many Jews believed “equal opportunity” did not necessarily mean equal outcomes. The JRC feared that Jews, a “historically persecuted minority,” would be punished for the discrimination of whites. They opposed affirmative action because its result was to discriminate against *DeFunis* and other Jewish applicants by placing the “burden of the history of past discrimination” on Jews “who had nothing to do with that history.”<sup>51</sup> What perplexed Jewish liberals was that they were being punished for white sins, when they had spent the last three decades condemning, marching against, and filing law suits challenging racial discrimination. Now the racist state, led by African American civil rights leaders, targeted Jews indirectly by preferring certain minorities at the “expense” of whites and Jews.

The JRC went so far as to call the state law school’s admission program “evil,” which imputed the same characteristic to the Black civil rights organizations that defended racial preferences in university admissions. The JRC first argued that any “racial classifications are at once vague and dangerous,” because they could lead to anti-miscegenation laws, as existed in the

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<sup>50</sup> Samuel Rabinove, et. al., “Brief of Advocate Society, American Jewish Committee, Joint Civic Committee of Italian Americans and UNICO National as Amici Curiae,” in *Marco DeFunis v. Charles Odegaard, President of the University of Washington, et. al.* (1973), 14.

<sup>51</sup> Caplan, “Brief of the Jewish Rights Council,” 7.

South until the Supreme Court struck down the Virginia anti-miscegenation law that prohibited interracial marriages in *Loving v. Virginia* (1967).<sup>52</sup>

To many Blacks this was further evidence of the softness of the Jewish commitment to Black advancement; to some it was a clear indication of Jewish duplicity. For such critics, the Jews' pleas that fairness dictated an absolutely open competition was disingenuous. "They of all people should know what it is to be discriminated against."<sup>53</sup>

The University of Washington School of Law eventually admitted DeFunis in 1971. By the time the United States Supreme Court issued a decision on April 23, 1974, Marco DeFunis "had registered for his final quarter" of law school.<sup>54</sup> The University of Washington agreed to allow him to complete his Juris Doctor degree; thus, the U.S. Supreme Court held that DeFunis' cause of action became moot in 1974.<sup>55</sup> This ruling relegated the question of affirmative action to state legislatures and state courts for several years. By the end of the DeFunis controversy, the Black-Jewish Alliance was on the brink of destruction.

#### *Attempts to Revive the Black-Jewish Alliance: 1973—1977*

After the *DeFunis* case, Jewish and Black civil rights and religious organizations held joint conferences to save their faltering alliance, while leaders gave hopeful speeches on Black-Jewish relations. Even though many Blacks and Jews fought over affirmative action programs, the American Jewish Congress (AJCongress), like other Jewish organizations, sought to strengthen the faltering Black-Jewish Alliance. For example, in 1970, the AJCongress created

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<sup>52</sup> JRC also pointed to Nazi laws that defined Jews as "any person who had one-quarter or more Jewish blood." See 1973 WL 172441, 5; Raul Hilberg, *The Destruction of the European Jews* (Chicago: Quadrangle, 1967), 48; *First Regulation to the Reich Citizenship Law*, Nov. 14, 1935.

<sup>53</sup> Peter I. Rose, "Blacks and Jews: The Strained Alliance," *Annals of the American Academy of Political and Social Science* 454 (March 1981): 66. <http://ann.sagepub.com.erl.lib.byu.edu/content/454/1/55.full.pdf+html> (accessed March 2012).

<sup>54</sup> *DeFunis v. Odegaard*, 416 U.S. 312, 315-316 (1974).

<sup>55</sup> *DeFunis v. Odegaard*, 316, 318-319.

the Information Center on Jewish-Negro Relations to promote interracial cooperation.<sup>56</sup> Jewish organizations strongly opposed quota-based affirmative action but supported minority recruitment programs in employment and education.

In January of 1974, Rabbi Balfour Brickner, an influential New York civil rights and religious leader, called on African Americans and Jews to abandon “separatism,” because it created a racist and suspicious “atmosphere” and wasted the two minorities’ “potential power.” As leader of the New York Federation of Reform Synagogues, Brickner spoke for many northeastern Jews. Thus, his speech on Martin Luther King Day during the *DeFunis* controversy over racial quotas did much to heal the Jewish and African American “old working coalition.” Brickner regretted that two of New York’s most influential minorities were less committed to “cooperation and understanding,” than they were only a few years earlier. Together, Blacks and Jews could achieve “improved housing,” enhanced public schools, and expanded employment.<sup>57</sup>

The next year brought more Black-Jewish efforts to repair their faltering alliance. Bayard Rustin led the movement to assure Jews that Blacks valued their unique relationship with Jewish Americans by arguing that Black anti-Semitism was exaggerated. Despite Black civil rights leaders—ranging from socialists to political conservatives—best efforts to repair and revive the Black-Jewish Alliance, especially with respect to support of Israel, their efforts would fail because of disputes over affirmative action and the transforming racial identity of Jewish Americans.

Jewish organizations proposed initiatives to improve the African American-Jewish relationship by holding conferences with Black civil rights groups. To pacify Black

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<sup>56</sup> Greenberg, *Troubling the Waters*, 234.

<sup>57</sup> “Jewish-Black Ties Urged to Improve Lot of Minorities,” *New York Times*, 15 January 1974, 79.

organizations over Jewish opposition to racial preferences, the Anti-Defamation League, the American Jewish Congress, and American Jewish Committee sent a letter supporting “affirmative action”—but not quotas or related plans—to the federal Department of Health, Education, and Welfare. Several African-American organizations joined these Jewish organizations—notably, the Urban League, which had previously accused Jewish leaders of “fann[ing] the fires of dormant anti-Semitism” for self-interest and of increasing Semitic “awareness, identity, and unity” at the expense of Blacks.<sup>58</sup> The NAACP and Puerto Rican Legal Defense Fund also signed the Jewish groups’ open letter.

The chief of the New York City Commission on Human Rights, Eleanor Holmes Norton—an African American community leader and congressional delegate from Washington, D.C.—argued Jewish-Black frustrations were “exaggerated” because the two “ethnic groups” were so close. Norton suggested the Black-Jewish relations hit their “high” point in the 1950s and 60s, but deflated when Black Power, racial quotas, and the *DeFunis* case confronted the alliance. However, Norton argued that “[t]he particular historical experience of Jews in the world and America have made American Jews the most enlightened of whites on racial issues.”<sup>59</sup> After a “landmark” conference between Black and Jewish organizations in March of 1975, Norton hoped for future Black-Jewish reconciliation.<sup>60</sup>

The *New York Times* reported in 1975 that Jews and Blacks held multiple conferences and issued joint statements on the economic “recession,” while the *New York Amsterdam News*,

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<sup>58</sup> Martin Open, head of the New Urban League’s Boston chapter, quoted in “The Black and the Jew: A Falling Out of Allies,” *Time*, January 31, 1969, <http://www.time.com/time/magazine/article/0,9171,841586,00.html> (accessed April 14, 2012).

<sup>59</sup> Montgomery, “Blacks and Jews Viewed as Drawing Closer Again,” 60.

<sup>60</sup> *Ibid.*

“the largest Black-oriented newspaper,” implored Blacks to join Jews in political and social cooperation. The Black newspaper’s editorial reminisced about Jewish involvement in the civil rights movement. Congressional leader Charles Rangel and nearly two dozen other African-American leaders wrote that Blacks owed support to the Jewish “struggle for the civil rights” in the U.S.S.R. The *Amsterdam News* editorial reminded African Americans that “Jewish rabbis, Jewish politicians, Jewish scholars, and Jewish laymen marched side by side with Blacks in the face of snarling dogs, howling lynch mobs and club-swinging sheriffs” during Blacks’ own struggle for civil rights.<sup>61</sup> Jews responded ecstatically to the Black article calling for increased cooperation between the two minorities. The Anti-Defamation League’s director, Benjamin Epstein, said the article “made [his] day.” While there were “periods when our approaches and attitudes” differed, confessed Epstein, “underneath it all has been a very strong common bond” between Jews and Blacks.

*Regents of the University of California v. Allan Bakke (1978)*

Unfortunately, the age of renaissance and reconciliation in Black-Jewish relations was very short lived. Three years after *DeFunis*, another case of affirmative action and racial preferences came before the Supreme Court: *Regents of the University of California v. Allan Bakke* (1978). Here once again, Black and Jewish organizations found themselves attacking one another over the issue of affirmative action. And after this case, the Black-Jewish Alliance would never revive.

*DeFunis v. Odegaard* (1974) pitted Jewish organizations against their Black political allies. Four years later, Jewish groups were at odds with Black civil rights organizations again.

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<sup>61</sup> Ibid.

However, in *The Regents of the University of California v. Bakke* (1978),<sup>62</sup> Jews cast themselves as a white ethnic group—not as the racial minority they had once been—against African-American groups. The Jewish transition from co-oppressed friend of the “Negro,” to contrarian racial minority, to white ethnic American, was a primary factor in the dissolution of the African American-Jewish political alliance.

The American Jewish Congress had argued on behalf of Marco DeFunis from a distinctly Jewish conception of civil liberties, which opposed group rights and embraced anti-discrimination at an individual level. However, by 1977, the AJCongress wedded its interests to those of other white ethnic Americans, rather than to African Americans as many Jews had for the previous three decades.<sup>63</sup> In *Bakke*, the American Jewish Committee and the AJCongress jointly filed an amicus brief with Greek, Polish, Italian, and Ukrainian labor and civil rights organizations.<sup>64</sup>

Allan Bakke, a white man, applied to the Medical School at the University of California-Davis (MSUCD) in 1973 and 1974; unfortunately, the MSUCD did not accept Bakke. MSUCD maintained two paths for admission—one for “minority” and “economically or educationally disadvantaged” applicants and another for non-minority applicants. Although 272 white students applied for the “disadvantaged” track, all were placed on the non-disadvantaged, regular

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<sup>62</sup> *The Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

<sup>63</sup> See Benjamin Vinar and David I. Caplan “Brief of Queens Jewish Community Council and The Jewish Rights Council,” in *Regents v. Bakke* (October Term 1977); 1977 WL188014.

<sup>64</sup> The Jewish Rights Council remained independent of other white ethnic organizations and filed an amicus brief in *Bakke* with the Queens Jewish Community Council. See Benjamin Vinar and David I. Caplan, “Brief of the Queens Jewish Community Council and the Jewish Rights Council as Amici Curiae in Opposition to Petitioner,” in *Bakke v. Regents of the University of California* (June 21, 1977). On the other hand, the American Jewish Committee and American Jewish Congress filed a joint amicus brief with the following the civil rights and labor organizations: Italian American Foundation, Polish American Affairs Council, Polish American Educators Association, Ukrainian Congress Committee of America (Chicago Division), Hellenic Bar Association, and Unico National.

admissions list.<sup>65</sup> Of the one hundred openings for the medical school, sixteen were guaranteed to minority applicants.

After investigating the medical school's admissions procedure, Bakke's lawyers discovered he earned higher scores on the Medical College Admission Test (MCAT) than almost all minority students admitted to the medical school, and Bakke's overall grade point average (OGPA) and science grade point average (SGPA) were higher than those of most special-program students. The regular admissions program "summarily rejected" any applicant with lower than 2.5 OGPA; however, "minority" applicants in the special program were admitted to the MSUCD with OGPA's of 2.11 in 1973 and 2.21 in 1974. Bakke had a 3.51 OGPA, 3.45 SGPA, and a scored significantly higher on the MCAT than the average applicant in both the regular and special programs.<sup>66</sup>

In 1974, the Vietnam veteran Bakke sued the Medical School at UC-Davis in California state court. He claimed the admissions program was unconstitutional because it "utilized a racial quota" and petitioned the court to force the medical school to admit him. The trial court prohibited MSUCD from "considering respondent's 'race or that of any other applicant in passing upon his application for admission.'" However, the trial court did not order the medical school to admit Bakke. Both Bakke and the Regents appealed the ruling to the California Supreme Court. The Court upheld the trial court's striking down of the race-based admissions

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<sup>65</sup> "Brief of American Jewish Committee, American Jewish Congress, et. al." (1977 WL 188015), 5-6. To be placed on the special admissions program, an applicant must describe himself as "Black/Afro-American, American Indian, White/Caucasian, Mexican/American or Chicano, Oriental/Asian American, Puerto Rican. . . Cuban or other." None of the students who described themselves as "White/Caucasian" were considered for the special admissions program, regardless of economic and educational disadvantage.

<sup>66</sup> On the MCAT, Bakke earned the following scores: Verbal: 96%, Science: 97%, Quantitative: 94%, and General: 72%. (1977 WL 188015), 7.

program and ordered the medical school to admit Bakke.<sup>67</sup> Upon the United States Supreme Court's grant of certiorari in 1977, major Jewish civil rights organizations filed amicus briefs that urged the court to rule in favor of Bakke.

The AJCongress and American Jewish Committee argued minority and disadvantaged students could be “aided by other procedures” that did not consider an applicant’s ethnicity. They argued that a race-obsessed government “gravely undermine[s]” America’s “constitutional liberties,” and racial quotas utilize “the grossest sort of stereotypes” to accomplish its goals. True to the Jewish understanding of civil rights, the two organizations demanded the Supreme Court recognize that the Fourteenth Amendment did not grant “group rights”—it guaranteed individual rights and liberties. Furthermore, all racial quotas are constitutionally suspect and immoral, regardless of “how they may be disguised.”<sup>68</sup> The Anti-Defamation League echoed the AJCongress by opposing group rights and arguing that racial preferences would lead to “arbitrary state action,” “racial tensions,” and “a loss of faith in the rule of law.”<sup>69</sup>

#### *Bayard Rustin Analyzes the Future Ramification of Bakke*

In 1974, Rustin agreed—to some extent—with Jewish organizations’ positions against racial quotas. Rustin argued that more complex and nuanced affirmative action would change institutional discrimination in employment and education far more effectively than would quotas. Ultimately, Rustin was correct about the evolution and future nuances of affirmative action.

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<sup>67</sup> “Brief of American Jewish Committee, American Jewish Congress, et. al.” (1977 WL 188015), 2-3.

<sup>68</sup> Ibid. (1977 WL 188015), 11.

<sup>69</sup> Larry M. Lavinsky, et. al., “Brief Amici Curiae of Anti-Defamation League of B’nai B’rith, et al,” in *Regents of the University of California v. Bakke* (1977 WL 188002), 7.



Rustin opposed the “many civil rights advocates who believed that a decision by the Supreme Court in favor of Bakke will mean an end to affirmative action” and those who “feel that if the court rules against Bakke, quotas will be institutionalized.” Rustin indicated his “disagree[ment] with both camps[:] It is a gross error...to believe that set aside places are central to affirmative action.” In reality affirmative action takes into past institutional discrimination. Regardless of the decision in the Bakke, Rustin argued that Jews and Blacks must create “a new ‘National Coalition for Effective Affirmative Action’...to promote non-discriminatory employment.”<sup>70</sup> Although Rustin hoped to “develop[] areas of agreement among” Blacks and Jews “with diverse views on the Bakke case,” his hopes were not fulfilled, as Jews and African Americans remained stalwartly loyal to their respective conceptions of civil rights.

Numerous African Americans did not share Rustin’s middle-way approach to affirmative action. Black civil rights groups countered that the special admissions program would “supply needed medical care to minority communities” and amplify “awareness of non-minority doctors” to minority needs. In addition, minorities bring with them “special skills” to the medical profession.<sup>71</sup>

These arguments struck Jewish Americans as dangerous. Promoting the theory minorities (or any ethnicity) had special skills based on their ancestry and birth, shocked post-Holocaust Jewish civil rights leaders, because the primary goal of groups like the Anti-Defamation League and others was to end racism. For example, the ADL stressed that intellectual ability is not a racial characteristic. Minorities, they countered, as well as whites and

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<sup>70</sup> *The Jewish Week*, May 28, 1978.

<sup>71</sup> “Brief of American Jewish Committee, American Jewish Congress, et. al.,” 12. See also “Brief for the UCLA Black Law Students Association, the UCLA Black Law Alumni Association, and the Union Women’s Alliance to Gain Equality,” *Bakke v. Regents of the University of California* (October Term 1977).

Jews, are capable of doing well on “color-blind merit test[s] applied to applicants as a whole.”<sup>72</sup> The JRC worried, perhaps too much, that racial preferences could create an Orwellian society where “resources” were “allocate[d]” based on “race color or similarly irrelevant criterion.”<sup>73</sup> The organization feared that affirmative action would destroy “the American way of life under our Constitution.” Racial considerations by government require citizens to disclose their race before getting a job and entering school. The JRC claimed the day would come when this “pernicious” system would require a prospective mortgagee “to specify his race, color, and national origin” to verify whether “that person as a member of that group is qualified to study, work, or live” in certain neighborhoods.<sup>74</sup> Most Jews believed any racialism—such as admitting that certain races displayed distinct characteristics—would lead to dangerous anti-Semitism in American society.

The AJCongress and AJC accused African American organizations supporting racial quotas of advocating “governmental discrimination.” While Blacks claimed the constitutional concept of strict scrutiny should only apply to racial quotas that disadvantaged minorities, Jews argued that the Fourteenth Amendment applied to individuals only, whether white or Black. Furthermore, Jewish organizations accused Black leaders of obscuring the “painful” memories of anti-Semitic racial quotas with “euphemism[s]” such as “ratio[s]” and “reasonable representation.”<sup>75</sup> They also compared supporters of affirmative action with anti-immigrant

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<sup>72</sup> Caplan and Vinar, “Brief of the Queens Jewish Community Council and the Jewish Rights Council,” 4.

<sup>73</sup> Caplan and Vinar, “Brief of the Queens Jewish Community Council and the Jewish Rights Council,” 6. The JRC presented its argument against affirmative action by criticizing the intrusive bureaucracies created to implement government-administered, racial equality programs: “Step by step we have witnessed the incursion by courts and administrative agencies into virtually every walk of the citizenry’s life.”

<sup>74</sup> Caplan and Vinar, “Brief of the Queens Jewish Community Council and the Jewish Rights Council,” 10.

<sup>75</sup> “Brief of American Jewish Committee, American Jewish Congress, et. al.” (1977 WL 188015), 21-22.

nativists who enforced job quotas “based on alienage.”<sup>76</sup> The special admissions program was a “form of reverse discrimination,”<sup>77</sup> because “group statistical rights is destructive of everything” the United States thrived upon, such as individualism and “meritocracy.”<sup>78</sup>

The Anti-Defamation League (ADL) filed an amicus brief against racial quotas—two other Jewish organizations, an Italian group, and a New York labor union joined the ADL’s legal argument.<sup>79</sup> Their brief best highlights Jewish and Black fundamental disagreement over the meaning of civil rights and liberalism. To Jews, civil rights meant individual freedom and an absence of government discrimination based on race—government should only intervene when discrimination was explicit and harmful to individuals. For example, the ADL’s “question presented,” which framed *Bakke*’s legal issues for the Supreme Court, read “May a State. . . . exclude an applicant. . . . solely on the ground of the applicant’s race?”<sup>80</sup> Nearly every liberal or neoconservative civil rights organization in the nation at the time would have answered in the negative. However, Blacks did not view “proportional representation” as Jews did.

To Black Americans, civil rights meant their people would share a proportional number of jobs and university placements with other more privileged Americans. Many African

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<sup>76</sup> “Brief of American Jewish Committee, American Jewish Congress, et. al.,” 22-23. The U.S. Supreme Court prohibited anti-immigrant “employment quotas” because such laws breached the “Equal Protection Clause” of the Fourteenth Amendment. *Truax v. Raich*, 239 U.S. 33, 41 (1915).

<sup>77</sup> “Brief of the Queens Jewish Community Council and the Jewish Rights Council,” 3.

<sup>78</sup> *Ibid.*, 9.

<sup>79</sup> The amicus brief cited above was submitted by the Anti-Defamation League of B’nai B’rith; Council of Supervisors and Administrators of the City of New York, Local 1, AFSA, AFL-CIO; Jewish Labor Committee; National Jewish Commission on Law and Public Affairs (“COLPA”); and Unico National (America’s largest Italian public affairs organization). See *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978); 1977 WL 188002, 3. Additionally, Henry Waxman, a Jewish congressman of California’s 24th congressional district, submitted an amicus brief arguing against racial quotas in *Bakke*. See “Brief for Amicus Curiae Henry A. Waxman in Support of Respondent,” in *Regents of the University of California v. Bakke*. No. 76-811 (October Term, 1977).

<sup>80</sup> Larry M. Lavinsky, et. al., “Brief Amici Curiae of Anti-Defamation League of B’nai B’rith, et al.,” 2, in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

Americans thought government should intervene to protect the rights of groups, because if the group fails, very few individuals within the race would be afforded the opportunity to succeed, regardless of their individual merit. The NAACP framed the argument differently from its former Jewish allies: MSUCD's special admissions program did not exclude whites on the basis of race—it was a means of desegregation. Lower courts held that the Fourteenth Amendment permitted “voluntary desegregation” of governmental entities, such as schools. Furthermore, the medical school would likely remain overwhelmingly white without affirmative action.<sup>81</sup>

However, Jewish groups countered that there has been no discrimination or deliberate segregation in the medical school's short history. They argued MSUCD had actively recruited minorities since its inception nine years earlier.<sup>82</sup> Therefore, the legitimate practice of voluntary desegregation should not be permitted in a case where active discrimination had not occurred.

Jews argued “proportional representation” achieved through racial quotas or racial preferences would lead to a reintroduction of “*numerus clausus*.” In fact, the ADL asserted special admissions programs were de facto “*numerus clausus*,” which targeted Jews in Europe and formerly in the U.S. Unlike earlier arguments, however, Jews were arguing for no “single minority, but on behalf of [a] free and open society.”<sup>83</sup> Jews could advocate this position, because they were now socially-constructed white ethnics, no longer racial minorities.

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<sup>81</sup> Nathaniel R. Jones, et. al., “Brief of the National Association for the Advancement of Colored People as Amicus Curiae,” for *Regents of the University of California v. Bakke*, No. 76-811 (October Term 1977); 1976 WL 178773.

<sup>82</sup> Lavinsky, et. al., “Brief Amici Curiae of Anti-Defamation League of B'nai B'rith, et al.,” 8-10; Benjamin Vinar and David I. Caplan, “Brief of Queens Jewish Community Council and The Jewish Rights Council,” in *Regents v. Bakke* (1977 WL188014), 3, footnote 1: “Indeed, the medical school at Davis is only nine years old, and by petitioner's admission has striven almost from its inception to assist minority student to enter.”

<sup>83</sup> Lavinsky, et. al., “Brief Amici Curiae of Anti-Defamation League of B'nai B'rith, et al.,” 5.

The Jewish Rights Council (JRC) blasted the Jewish community's former allies and dispatched polite words in their brief favoring respondent, Allan Bakke, in his argument against racial quotas. The JRC's apparent unconcern for what remained of the Black-Jewish cooperation sprang from the Jewish group's prominent role in the middle of fractious fights between Blacks and Jews over affirmative action, anti-Semitism, and Middle Eastern issues. The JRC argued segregation did not exist in Bakke; therefore, MSUCD's attempt to "remedy" a problem with "no past history" was unacceptable and clearly unconstitutional. The government's and Black civil rights groups' "best of motives cannot disguise this worst of practices," because racial quotas are, like *Plessy v. Ferguson*, a gross "distortion of Constitutional due process and equal protection." Advocates of affirmative action, like Black organizations, succeed in "submerging the rights of the human individual. . . . in favor of the interests of the amorphous group."<sup>84</sup>

The JRC's brief unmistakably signaled Jewish entrance into the mainstream of white America, when it invoked "*our Anglo-American heritage*" to distinguish itself from the Black consensus regarding racial preferences.<sup>85</sup> That many Jewish organizations now appealed to *Anglo-Saxon legal tradition* in their legal arguments, rather than Jewish ethics, signaled a major shift in American Jews' identity. Nevertheless, the JRC and the Queens Jewish Community Council did rely on Jewish history to critique racial preferences as antithetical to free, civil libertarian society:

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<sup>84</sup> Benjamin Vinar and David I. Caplan, "Brief of Queens Jewish Community Council and The Jewish Rights Council," in *Regents v. Bakke* (1977 WL188014), 4.

<sup>85</sup> *Ibid.* (Italics added) By the 1970s, Jewish groups' understanding of civil rights starkly contrasted with African Americans' conception of the movement. The JRC and QJCC were horrified by the Black conceptions of civil rights:

It is a disturbing sin of our times that the newly rising preference for group over individual rights has so confounded the approach of some of our courts and government agencies to due process and equal protection questions that eth rights of the individual, so long considered sacred and central in our Anglo-American heritage, stand in serious danger of becoming lost. (*Ibid.*, 4-5)

Whatever other face one may put on it, the undeniable fact remains that this is precisely the kind of system which for so many centuries was used to disadvantage members of the group we represent—the Jewish people. It is the *numerus clausus* by which the numbers of Jews in universities were controlled in Germany, Austria, and Russia.

The civil rights groups then criticized the U.S. government for condemning “*numerus clausus*” in the USSR, while at the same time permitting its cousin—racial quotas—to thrive in American education.<sup>86</sup>

Seeing Jews as rivals, rather than allies, the National Conference of Black Lawyers argued that Jewish and other white “plaintiffs who allege ‘reverse discrimination’” are anything but “true civil rights litigants.” The Conference stated the Fourteenth Amendment should protect “the intended primary beneficiaries of the Civil War Amendments,” not white citizens.<sup>87</sup>

African-American arguments like this put to rest any remaining questions about the death of the Black-Jewish Alliance.<sup>88</sup>

Unlike the AJCongress, the ADL, and the AJC, the more colorblind JRC and the Queens Jewish Community Council viewed the Black-Jewish partnership as a decaying social artifact,

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<sup>86</sup> Vinar and Caplan, “Brief of Queens Jewish Community Council and the Jewish Rights Council,” 9. Vinar and Caplan suggested that racial quotas and other affirmative action programs were similar to the “*numerus clausus* under which the proportion of Jews in Russian professions and universities [was] being radically reduced today [in the 1970s]. It is that very system which our own Government so loudly protests in international forums against the Soviet Union.”

Yet, the U.S. government promoted the same “doctrines” through “affirmative action.”

<sup>87</sup> “Brief of Amicus Curiae the National Conference of Black Lawyers,” in *Regents v. Bakke* (1977 WL 189533). The Conference began in late 1968, at the beginning of the dissolution of the African American-Jewish political alliance. The Conference was established to promote the welfare and civil rights of “minorities and the poor.” (“Introduction to the Brief”).

<sup>88</sup> The National Conference of Black Lawyers argued racial preferences should not be prohibited “merely” because they “disproportionately” injure whites:

The limited preference afforded to applicants from selected racial, cultural and political minorities by the admissions program which is being challenged in this case is not violative of the Fourteenth Amendment merely because of its disproportionate impact on applicants who are not members of those groups. To the contrary, the program challenged in this case is a necessary and appropriate initial effort toward remedying the existing exclusion of these minorities from higher education. (Ibid, viii).

not a vital alliance to preserve.<sup>89</sup> However, all the Jewish civil rights organizations had common beliefs: opposition to group rights and a commitment to colorblind government. The JRC described Jews' sentiments best when it argued racial preferences hurt Jews as a historically persecuted minority. Jewish organizations also resented being punished for the sins of white racists, whom Jews and Blacks had opposed together during the height of the Black-Jewish Alliance. The "burden" of "group rights" and racial preferences is borne on "the backs of guiltless individuals."<sup>90</sup> In this sense, Jews felt they were a double-persecuted minority.

The cases of *DeFunis* and *Bakke* seemed to demonstrate the racial transformation of American Jews—from Blacks' fellow racial minorities to white ethnic Americans. These two battles, in addition to demonstrating the racial transformation of Jews, also solidified Jewish and African American communities' distinct conceptions of the meaning and role of civil rights. Their disagreement over affirmative action strained the Black-Jewish partnership until *Bakke* broke their alliance in 1978.

The *Bakke* court recognized the Jewish conception of civil rights as foundational: "Racial and ethnic distinctions of any sort are inherently suspect and thus call for the most exacting judicial examination."<sup>91</sup> However, Justice Powell's opinion made room for an exception to this strict constructionist position. He allowed for occasional consideration of race or "ethnic diversity" as "one element in a range of factors a university properly may consider in attaining

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<sup>89</sup> The Jewish Rights Council was founded in 1971. The Queens Jewish Community Council (QJCC) was founded in 1968. Both organizations were particularly sensitive to governmental discrimination based on race. The JRC and QJCC even criticized the *Brown v. Board of Education* decision as not liberal enough because it left the door open for racial classifications and discrimination by local, state, and federal government. Vinar and Caplan, "Brief of Queens Jewish Community Council and The Jewish Rights Council," (1977 WL188014), 5.

<sup>90</sup> Vinar and Caplan "Brief of Queens Jewish Community Council and The Jewish Rights," 8.

<sup>91</sup> *Regents of Univ. of California v. Bakke*, 438 U.S. 265, 291 (1978).

the goal of a heterogeneous student body."<sup>92</sup> But in a nod to African American conceptions of civil rights, Justice Powell held for the Court that government "has a legitimate and substantial interest in ameliorating, or eliminating where feasible, the disabling effects of identified discrimination."<sup>93</sup>

### *Conclusion*

Affirmative action was the perfect catalyst for Jews to establish their bona fide American credentials, preserving their distinct, millennia-old ethnic identity, and be accepted by all races, especially the largest one. As Jews embraced and turned toward whiteness, Jews (in the eyes of Black Americans) turned their backs on Blacks. But what other choice did the Jews have? Only twenty years earlier, Jewish-Americans' mothers, fathers, brothers, sisters were murdered by the millions *precisely for not being white*. One can understand the Jewish desire to disappear racially and perhaps even ethnically.

The tragic truth of the twentieth century is the collateral damages of Hitler's Germany extended beyond *HaShoah*. Hitler's hateful hand wrenched not only the heart of Jewish existence—snuffing out six million children of Israel and several million more of their fellow human beings—but he killed alliances, friendships, and even ideas. Nazism set in motion events that would play a role in the disappearance of the Black-Jewish Alliance, namely a fear in mainstream, secular Jewish organizations of being perceived as overly Jewish. When Jewish organizations only half-heartedly embraced their Jewish ethnic identity, encouraging Jews to become totally and authentically white, their friendship faded with the one race that was never allowed to assimilate.

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<sup>92</sup> Regents of Univ. of California v. Bakke, 438 U.S. 265, 314 (1978).

<sup>93</sup> Regents of Univ. of California v. Bakke, 307.



In 1963, the great Jewish thinker Norman Podhoretz inquired of Jews, “I have often wondered whether their *survival as a distinct group* was worth one hair on the head of a single infant.” Was Jewish survival as a distinct group, he asked, worth millions “burned in the ovens of Auschwitz?” And of the “Negroes in America,” Podhoretz claimed, “his vision of the future is the hope of erasing the stigma by making color irrelevant, by making it disappear...”<sup>94</sup> It seems the Black-Jewish Alliance was a victim of racism: not of Jewish anti-Black feelings and not of Black anti-Semitism, but rather a victim of the hegemony of whiteness.<sup>95</sup>

The ethnic and racial self-denial that the ADL and other Jewish civic organizations embraced<sup>96</sup> in the 1950s-1960s ended the Black-Jewish Alliance, as one partner could no longer be classified as a racially distinct American who shared the fears and dreams of the other.

Blacks, on the other hand, were never given a choice between white and racial minority—Blacks were denied the opportunity to assimilate into the larger “white” society. Before the “Negro” of the 1960s lay two paths: racial pride or self-hatred. A third path—that of assimilation—was open to Jews and countless other immigrants, but for Blacks, it remained blocked.

Black Americans took the road less traveled, as that was their only open path. As we begin to feel the intense racial implications of Black-Jewish relations, Stokely Carmichael’s cry for an “ideology which speaks to our Blackness—nothing else” appears reasonable and even

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<sup>94</sup> Podhoretz, “My Negro Problem—and Ours,” 101.

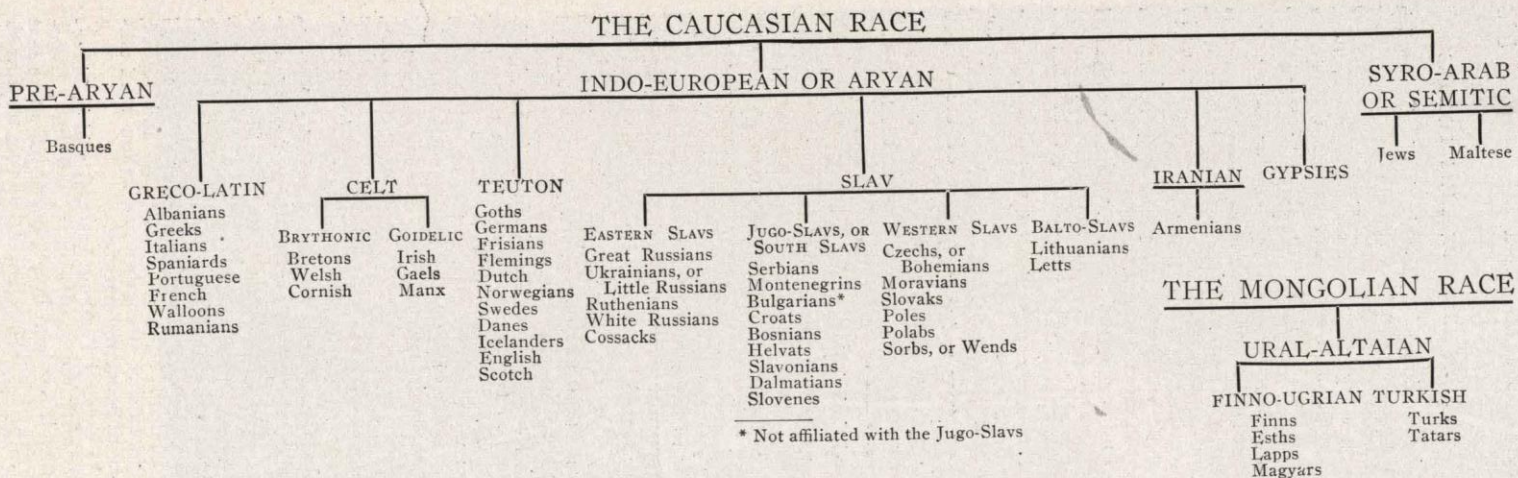
<sup>95</sup> The Jewish transformation from racial minority to white ethnicity—a transformative opportunity unavailable to Blacks—caused the fracture and disintegration of the Black-Jewish Alliance after decades of mutual cooperation.

<sup>96</sup> On the other hand, Albert Einstein encouraged his fellow Jews to embrace their identity: “Before, I have always found something to regret in the Jewish soul, and that is the forgetfulness of its own people. Today, I have been made happy by the sight of the Jewish people learning to recognize themselves and to make themselves recognized as a force in the world. This is a great age, the age of the liberation of the Jewish soul.” Ronald W. Clark, *Einstein: The Life and Times* (New York: Avon Books, 1972), 477-78.

necessary. As we begin to feel the fear of anti-Jewish prejudice, their historic clarion call to embrace whiteness, sounded by secular Jewish-American organizations everywhere, appears reasonable *but perhaps not worth it*, for Jewish-American racial identity was the foundation of the Black-Jewish Alliance. As American culture and society embraced of Jewish Americans as white ethnics rather than racially “other,” the Black-Jewish Alliance waned and almost vanished.

*Appendix 1*

“A Diagram Showing the Relationship of the Peoples of Europe”



A DIAGRAM SHOWING THE RELATIONSHIP OF THE PEOPLES OF EUROPE

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Edwin A. Grovenor, "The Races of Europe," *The National Geographic Magazine* 34 (December 1918): 534.

*Appendix 2*  
“English Racial Type”





Painting by Abel Boye

THE DAUGHTER OF A RACE OF EMPIRE-BUILDERS

An English girl, hers is the language of two hundred millions of the world's inhabitants; her forefathers were the champions of liberty, winning the Magna Charta on the field of Runnymede; her brothers of the British Isles, of North America, of Australia, New Zealand, and South Africa do now and will keep the faith—defending the weak, succoring the needy, maintaining order, and advancing the day of which her poet laureate sang:

“One God, one law, one element,  
And one far-off divine event,  
To which the whole creation moves.”

532

Edwin A. Grovenor, “The Races of Europe,” *The National Geographic Magazine* 34 (December 1918): 532

*Appendix 3*

“Jewish Children in Poland”

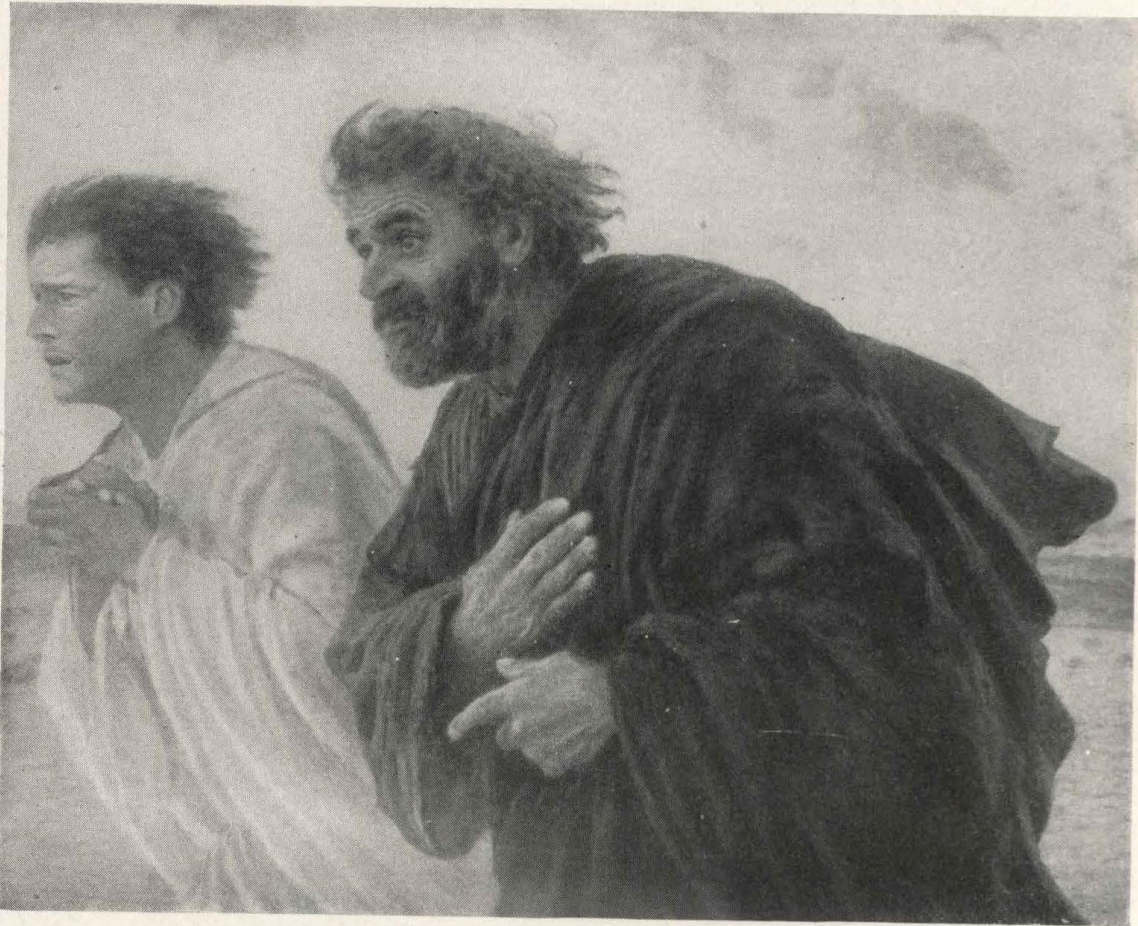


JEWISH CHILDREN IN POLAND

Edwin A. Grovenor, "The Races of Europe," *The National Geographic Magazine* 34 (December 1918): 505.



*Appendix 4*  
“The Jewish Type”



Painting by Eugene Burnand

## THE JEWISH TYPE

The Jewish Year Book reckons the number of Jews in Europe today as 10,000,000; in the United States 3,000,000, and another 1,000,000 scattered throughout the rest of the world. In the famous painting here reproduced the Swiss artist, Burnand, depicts two of the Disciples, Peter and John, hurrying to the Sepulchre. The canvas hangs in the Museum of the Luxembourg, Paris.

Edwin A. Grovenor, "The Races of Europe," *The National Geographic Magazine* 34 (December 1918): 504.

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