

# LOUIS BRANDEIS, ARTHUR BALFOUR AND A DECLARATION THAT MADE HISTORY

The story of how a chance encounter on Cape Cod led to one of the most consequential documents of the 20th century

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An enduring mystery in the story of America and the Holy Land is why Louis Dembitz Brandeis became a Zionist. It was a strangely impulsive step for him, well into middle age, on the eve of World War I. Given the times and his reputation, Zionism was not the sort of cause that would come naturally to him. Doubts about his motives were raised from the start and have lingered on, half a century after his death. But whatever his motivation, Brandeis's act was to transform the Jewish national cause in the American mind.

Brandeis was born in Louisville, Kentucky, in 1856. Both mother and father, natives of Prague, came from dignified and emancipated families; they transplanted the cultivated air of their upbringing, and their new home in America remained a place where learning was respected. As a teenager, Brandeis went to Europe for two years of rigorous study at Dresden's Annen Realschule, then made his way at the age of 18 to Harvard Law School without even earning an undergraduate degree.

The intellectual intensity of Cambridge was captivating. Instead of returning to Kentucky, Brandeis founded a Boston law firm with a classmate of the most proper New England lineage. This was in 1879. Their practice flourished. By the age of 34 Brandeis had achieved financial independence and was free to devote the bulk of his energies to causes that genuinely stirred his interest.

Brandeis was the prototype of the public interest lawyer, known in his day as the "people's advocate," champion of the minimum wage and the rights of the workingman against the

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giant combines of capital and industry. In his private life he was the typical assimilated Jew, totally unlettered in the Talmud or any formal religious instruction. He never attended synagogue; his relatives had married Gentiles without inhibition. As he later told British Foreign Secretary Lord Balfour during one of their long and mellow conversations, his entire life "had been free from Jewish contacts or traditions." Brandeis's speeches were full of literary allusions, but they rarely came from the Bible and those that did were as likely to be from the New Testament as from the Old. His brother-in-law was Felix Adler, founder of the Society for Ethical Culture, but even that offshoot of emancipated Judaism held no interest for him.

It is in the influence of another relative that may be found the first clue to Brandeis's belated interest in the Jewish destiny. His maternal uncle Lewis Dembitz, an eminent legal scholar and an abolitionist in the Kentucky borderland, conveyed the sense of the world to his nephew. The young Brandeis called him "a living university"; he took up the legal profession under his uncle's influence and formally changed his middle name from David to Dembitz. That this awesome uncle happened to be a devout Jewish nationalist, long before the cause had gained any prominence, could hardly have been overlooked.

Whatever talk may have passed between mentor and protégé on the prospect of Jewish restoration, the subject never affected Brandeis's early career. As late as 1905, he was a prophet of the melting-pot vision for America, dismissing any role for the "hyphenated American"—the Protestant-American, the Catholic-American, the Jewish-American. Then, in 1907, Dembitz died. Within three years, still feeling his loss, Brandeis found himself enmeshed in the affairs of a type of Jew quite new to him, the working-class immigrants from Eastern Europe, so different in so many ways from the upper-class German-Jewish society of Boston and Uptown New York. A garment workers' strike in 1910 brought Brandeis to New York as an arbitrator. The experience seems to have had a profound effect. "I am

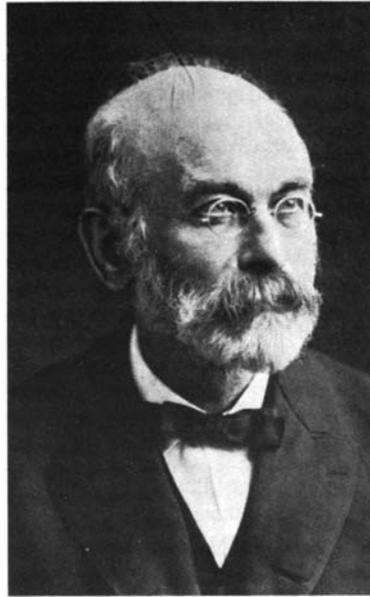
inclined to think there is more to hope for in the Russian Jews than from the Bavarian and other Germans," he wrote his father.

Brandeis's task was to mediate between nouveau riche garment manufacturers, who were Jewish, and their workers, also Jewish. "What struck me most was that each side had a great capacity for placing themselves in the other fellow's shoes," he recalled long afterward. "Each side was willing to admit the reality of the other fellow's predicament." It occurred to Brandeis that in the Jewish character might lie some special genius for democratic self-government.

In December 1910, Brandeis was interviewed by a Jewish newspaper editor named Jacob De Haas. A decade before, De Haas had been a close aide of Herzl, and the founder of political Zionism had sent him to America to mobilize the Jews to the cause. De Haas made little headway at first and drifted into pursuits more lucrative than grass-roots political action, but he never overlooked an opportunity to carry out Herzl's mission.

As Brandeis recited his melting-pot philosophy, De Haas asked about Zionism. "I have a great deal of sympathy for the movement and am deeply interested in the outcome," Brandeis replied casually. "These so-called dreamers are entitled to the respect and appreciation of the entire Jewish people." De Haas grabbed at his chance and put the headline in the *Boston Jewish Advocate*: **BRANDEIS SYMPATHIZES WITH ZIONISM**. Brandeis's remarks reflected his warm feelings toward the cause of his late uncle and his own attitudes toward the Eastern European Jewish communities where Zionism was making such headway. But what he actually said in that interview hardly justifies the headline's definitive tone. For months to come, Brandeis had little contact with Zionism.

Early in 1912, he found himself in a casual dinner-table conversation about an agricultural experiment station in Palestine. "The talk was the most thrillingly interesting I have ever heard," Brandeis wrote to his brother, "showing the possibilities of scientific agriculture and utilization of arid or supposedly exhausted land." Here, for



Top: Lewis Dembitz (courtesy American Jewish Historical Society, Waltham, Mass.)  
Bottom: Jacob De Haas (Zionist Archives and Library)

the first time, was a sign of the enthusiasm that could lead a man into a cause; significantly, it was not a point of ideology or traditional European Zionist principle that caught his interest, but a practical, pragmatic project already underway. Ever the foe of "bigness" in social and economic affairs, touched already by a belief in the Jewish capacity for self-government, Brandeis was drawn by the prospect of a small, dynamic, progressive Jewish community in the land of Palestine.

The sequence of what happened next is important for an understanding of the controversy that later developed over Brandeis's "conversion." A foray into national politics reached a dead end in the spring of 1912 when Brandeis's favorite, the Progressive Robert La Follette, failed in his drive for the Republican presidential nomination. During the summer Brandeis met the Democratic candidate, Woodrow Wilson, and decided to throw himself into Wilson's campaign instead.

On Cape Cod, where Brandeis spent almost every August of his adult life, who should arrive to talk about Democratic Party fund raising but the eager journalist De Haas. Their ostensible business completed, Brandeis was driving his visitor to the train station when De Haas casually referred to the late Lewis Dembitz. "He was a noble Jew," De Haas remembers saying, and the remark caught Brandeis up short—what did he mean by that? And what was the man Herzl like, whom De Haas had served in his younger days? Brandeis turned the car around, urged De Haas back home for lunch and more talk. From this conversation, August 13, 1912, is traditionally dated Brandeis's "conversion" to Zionism.

Nothing could be done immediately in the heat of a presidential campaign. Brandeis figured high on the list of potential Cabinet members after Wilson's election, first for the post of Attorney General, then Secretary of Commerce; Wilson was eager to have this brilliant mind at his side. But he took the political precaution of sounding out the Jewish community, as he knew it, for its reaction to the

possible appointment. From Jacob Schiff and the magnates of the American Jewish Committee came back the word that Brandeis, whatever else he might be in American life, was not a "representative Jew." This was a code phrase. A "representative Jew" would bring with him significant Jewish community support; no such support could be anticipated from appointment of a Jew who was not "representative." On March 4, 1913, the Wilson Cabinet was announced, and Brandeis was not a member.

Sixteen days later Brandeis agreed to introduce a visiting European Zionist at a public meeting at Boston's Faneuil Hall; it was his first appearance at a Zionist function. Declining an invitation to speak himself, Brandeis nevertheless listened carefully to the Zionist orator and impulsively went forward to shake his hand. "Thank you," the people on the platform heard him say, "you have brought me back to my people." On April 17, 1913, he formally joined the Zionist Association of Boston. For the next two and a half years, Louis D. Brandeis lectured all across the country, lending his prestige and zeal to the hitherto obscure European ideology of Jewish nationalism. In January 1916, when Wilson named him Associate Justice of the Supreme Court, the Jewish community leaders gave him their unqualified support. What had changed their minds?

The cynical implication in this sequence of events is that Brandeis used the cause of Zionism for his own political advancement; checked in his political ambitions by his lack of personal base in the Jewish community, he set about (within sixteen days!) to build that base and become a prominent "representative Jew."

William Howard Taft, former President of the United States, was an early purveyor of this charge of political opportunism. Taft was just the kind of political enemy that Brandeis enjoyed collecting. Champion of the conservative moneyed interests, head of a Republican administration blemished by financial intrigues that Brandeis had helped to expose, Taft wanted for himself the seat on the Supreme Court. When it went instead to his radical Jewish adversary, Taft wrote a

long letter giving the story as he had heard it from one of his sympathetic contacts in the American Jewish Committee.

Brandeis, Taft declared,

"was no Jew until he was rejected by Wilson as Attorney General, because the leading Jews of the country told Wilson that Brandeis was not a representative Jew. Since that time, Brandeis has adopted Zionism, favors the New Jerusalem, and has metaphorically been recircumcised. He has gone all over the country making speeches, arousing the Jewish spirit, even wearing a hat in the Synagogue while making a speech in order to attract those bearded Rabbis. . . . If it were necessary, I am sure he would have grown a beard to convince them that he was a Jew of Jews. All this has made it politically difficult for not only the Jews but for anybody looking for office where there are Jews in the constituency, to hesitate about opposing Brandeis. The humor of the situation I cannot, even in the sorrow of the appointment, escape."

Brandeis's long and distinguished career in the Supreme Court was not troubled by the charge of political opportunism, but long after his death historians began reviving the innuendos, particularly historians in the State of Israel. American defenders of his memory rushed to his defense, and the controversy among scholars has simmered ever since.

The most telling point in Brandeis's defense involves the contradiction that existed within the Jewish community's higher reaches. Notable among notables of the Uptown Jews, Jacob Schiff would obviously not consider Brandeis a "representative Jew"; Schiff considered himself the "representative Jew." In their social and economic outlook, Schiff and the patricians of the American Jewish Committee were much closer to the moneyed anti-Brandeis interests than they were to the common folk whom Brandeis championed. For all his admitted lack of Jewish associations, Brandeis's philosophy drew him far closer to the Russian-Jewish immigrants than to the likes of Schiff.

Next, if Brandeis had consciously

set out to obtain proper Jewish credentials after his rejection for the Wilson Cabinet, he would hardly have espoused a cause which had virtually no standing, was even considered repugnant, among the influential Jews of the country. Being a Zionist in 1913 was no positive recommendation among men of influence. And even when the popular mood had changed by 1916, largely because of Brandeis's own efforts, conservatives at the AJC held to their cynical anti-Brandeis opinions.

From his position of Olympian gentility, Taft can perhaps be forgiven for failing to grasp these internally Jewish concerns. But modern Israeli scholars understand full well the family quarrels that cluttered the path to the Jewish State. There must be some other reason why an analysis that diminishes the stature of Brandeis, even in small measure, finds a sympathetic response.

Perhaps it is this: Brandeis was a stranger to the European Zionist mainstream, the doctrinal tradition that culminated in the establishment of Israel. He was a brusque and authoritarian newcomer with ideas of his own. When, belatedly, he embraced Zionism, he redefined it to his own liking. Instead of accepting the style and outlook of the Russian Pale, the root source of Zionist strength, he attempted to impose the values of American progressives. The grafting did not take, and today, looking back, Israelis view Brandeis's Americanized Zionism with bemusement; his short-lived movement is regarded as an unsympathetic and alien dead end, and his place in the Zionist pantheon is, at best, a modest one.

Seven years passed before the confrontation between American and European Zionism broke into the open, years of world war and upheaval. For all the latter-day arguments about whether Brandeis used Zionism to serve his own interests, no one disputes that Brandeis served Zionism's interests at the moment when it most needed help. In prosperous neutral America, he brought visibility, respectability, and, above all, organizational zeal to a near-moribund cause. Zionist membership in America grew

from 20,000 to nearly 200,000 during World War I; even Jacob Schiff found himself willing, by 1918, to raise money for the Jewish colonies in Palestine.

To the typical established American Jew beyond the Lower East Side, Zionism was vaguely unsavory; it seemed another of those airy *fin-de-siècle* political movements from a contentions Europe, ill-defined and quixotic, played out in endless debates, coffeehouse intrigues, obscure manipulations in a dozen chancelleries. With its Central Office in Berlin, there was even confusion about which side Zionism would take as the empires of Europe slipped toward war.

August 1914 found Brandeis at his South Yarmouth resort home—the assassination of an Austrian archduke a month or so before could hardly upset the vacation habits of a lifetime. Though officially a member of the American Zionist Federation, Brandeis rejected repeated urgings that he assume a post of national leadership, much to the despair of De Haas and his colleagues. But in his vacation reading that month was a hastily assembled brief on the “Jewish problem,” and by the end of August, events had converged upon him in unexpected fashion.

In the last days before the outbreak of war, Theodor Herzl’s successors in England and France had managed to remove the Zionist Central Office from Berlin, and De Haas secured its transfer to neutral America. That determined newspaperman even had a thought about who the new provisional leader of the movement might be. “The welfare of seven-tenths of the Jewish race” is at issue, he pleaded, knowing how Brandeis liked precision of number; toward other possible claimants to emergency wartime leadership, De Haas was disdainful. “We already know what we can expect of the men of the Schiff type.” Brandeis cut his vacation two days short and set out by overnight boat for Manhattan. On August 30, 1914, at New York’s Hotel Marseilles, an extraordinary conference of 150 American Zionist delegates established the Provisional Executive for General Zionist Affairs to assume the functions of the abandoned Berlin

office. The meeting pledged to raise \$200,000 for an emergency fund, and it formally elected Brandeis chairman. Scarcely a year after joining its Boston branch, Brandeis found himself chief executive officer of an international political movement.

His acceptance speech at the Hotel Marseilles made plain the pragmatic, non-doctrinaire approach that would be his from this point onwards. “Throughout long years which represent my own life, I have been to a great extent separated from Jews,” he admitted. “I am very ignorant of things Jewish. But recent experiences, public and professional, have taught me this: I find Jews possessed of those very qualities which we of the 20th century seek to develop in our struggle for justice and democracy; a deep moral feeling which makes them capable of noble acts; a deep sense of the brotherhood of man; and a high intelligence, the fruit of three thousand years of civilization. These experiences have made me feel that the Jewish people have something which should be saved for the world; that the Jewish people should be preserved; and that it is our duty to pursue that method of saving which most promises success.”

This is a far different tone from the overblown rhetoric and folk mysticism that the Zionist faithful were used to hearing. Instead of the usual belabored abstractions, Brandeis proposed leading Zionism toward the outcome “which most promises success.” The Brandeis revolution had begun.

In the disarray of war, the European Zionist leaders were in no position to challenge America’s provisional leadership. Indeed, many cabled their satisfaction in this distinguished new convert to their cause. No longer did Brandeis plead the pressure of other work; “Zionist affairs are really the important things in life now,” he wrote his brother.

Even before letting the delegates disperse he called for reports on the membership of their diverse organizations, their budgets, the activities they were prepared to undertake. For two more days he sat in his room at the Hotel Marseilles, interrogating the faithful, briefing himself on the adminis-

trative shambles that he had suddenly agreed to direct.

Drawing on all the professional, social and political connections at his disposal, Brandeis overturned the habits of a generation. He closed down the ramshackle old Zionist offices on lower Second Avenue and brought the headquarters into the mainstream, to Fifth Avenue and Eighteenth Street. “He would come to the Zionist offices in New York early in the morning and remain for hours, receiving visitors, questioning them and assigning tasks,” recalls a co-worker. “He would take his coat off, loosen his tie, ruffle his hair, use his hands actively and twist his body in the chair as he carried on a hearty discussion with infinite patience.”

Unabashedly the intellectual snob, Brandeis pursued the “college men,” preferably those from Harvard Law, hoping to bring quality and political drive to the cause—and offering them the chance to further their own careers in the process. “A summons to meet . . . Brandeis was like nothing else,” recalled one young recruit; “to me it was like being invited to meet a Moses, a Jefferson, a Lincoln.” Headed by one so close to the Wilson administration, the reinvigorated Zionist movement offered young lawyers promising ground for pursuing their professional and political ambitions. Felix Frankfurter, Benjamin V. Cohen, Julian Mack—these were just a few of the young aspirants who followed Brandeis as a Pied Piper to prominence.

Brandeis devised an exclusive channel for exercising his magnetic leadership, parallel to the official network of Zionist organizations across the country. This was an elitist secret society called the Parushim, the Hebrew word for “Pharisees” and “separate,” which grew out of Harvard’s Menorah Society. As the Harvard men spread out across the land in their professional pursuits, their interests in Zionism were kept alive by secretive exchanges and the trappings of a fraternal order. Each invited initiate underwent a solemn ceremony, swearing the oath “to guard and to obey and to keep secret the laws and the labor of the fellowship, its existence and its aims.”

Brandeis himself eventually tired of the sophomoric trappings of ritual and oaths, but he used the Parushim as a private intellectual cadre, a pool of manpower for various assignments that might have been smothered by the rhetoric and debate of the public Zionist clubs. "An organization which has the aims which we have must be anonymous," explained an early recruiter, "must work silently, and through education and infection rather than through force and noise, and can gain results only insofar as its standards are made to live in the lives of the people to whom they are brought. But nothing could be more suicidal than the announcement of such an object, so that the secrecy is inevitable."

Stripped of the ritual and regalia, the Parushim were a sort of precursor of the informal Zionist discussion groups that coalesced in official Washington during the 1940s. The members set about meeting people of influence here and there, casually, on a friendly basis. They planted suggestions for action to further the Zionist cause long before official government planners had come up with anything. For example, as early as November 1915, a leader of the Parushim went around suggesting that the British might gain some benefit from a formal declaration in support of a Jewish national homeland in Palestine. It seemed an unlikely idea at the time.

The leader and guiding spirit of the Parushim, and one of the most important formative influences on American Zionism, was a social philosopher named Horace Kallen. Modest and self-effacing—a rarity among Zionist

leaders—Kallen has never received the credit due him for the phenomenal upsurge of Zionist activity in the Brandeis years. Son of an Orthodox rabbi, he attended Harvard, turned secular in his interests, and while still an undergraduate in 1903 met Brandeis. Though the student and the eminent lawyer had many long and mellow talks together about the nature of man, justice and society, Kallen never revealed at that time that he had secretly taken up the cause championed by Herzl in Europe.

Kallen left the intellectual comfort of Cambridge for a junior faculty post at Princeton; his appointment there was not renewed after it became known that he was a Jew. He settled as instructor of philosophy and psychology at the University of Wisconsin, but there he grew lonely for old friends, and found in the idea of a secret order the chance to maintain Harvard associations and assert at the same time his own modern Jewish identity.

In 1913, hearing of Brandeis's emerging interest in Zionism, Kallen wrote to his old mentor about his own philosophy: "In Palestine we aim at a new state and a happier social order." No giant corporations would control society, there would be no class struggles or predatory wealth. "There are . . . in Jewish Palestine . . . exploiting and exploited classes," Kallen said. "None of these is necessary; all are avoidable by right beginnings."

This was just the kind of progressive idealism that Brandeis liked. Embarked on his own search for the "right beginnings," he invited his old student friend to South Yarmouth in Au-

gust 1914. Kallen accompanied Brandeis on the overnight boat to New York on the eve of the Zionist conference that elected him to the chairmanship of the movement. In their long conversations emerged the philosophical underpinnings for Brandeisian Zionism.

First, Brandeis had to modify his old faith in the melting-pot vision for America, his scorn of "hyphenated Americans." Kallen pressed upon him another vision, the then-novel idea of "cultural pluralism," arguing that America promised opportunity for growth not only for individuals but for ethnic groups as well. Brandeis did not resist for long, for exposure to the community of Russian immigrants had shaken his earlier beliefs. On July 4, 1915, he declared his new conviction, his leap from the melting pot to the salad bowl as the vessel for the American dream:

"America . . . has always declared herself for equality of nationalities as well as for equality of individuals. America has believed that each race had something of peculiar value which it can contribute. . . . America has always believed that in differentiation, not in uniformity, lies the path of progress."

Now the way lay open for Brandeis to link Jewish group identity, through Zionism, with the American dream. Assimilation to the majority culture, he argued, would be national suicide. With a stroke of rhetoric he cut through the dilemma of dual loyalties. "Let no American imagine that Zion-

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Louis Brandeis, Boston lawyer (The Bettman Archive, Inc.)

ism is inconsistent with Patriotism," he declared. "Multiple loyalties are objectionable only if they are inconsistent. . . . A man is a better citizen of the United States for being also a loyal citizen of his state, and of his city. . . . There is no inconsistency between loyalty to America and loyalty to Jewry. The Jewish spirit . . . is essentially modern and essentially American."

Brandeis delighted in the links of early America with the values of the Old Testament. The nouveau Brahmin of Boston invoked the Puritans, their struggles against nature and mankind to build their ethical society; "Zionism is the Pilgrim inspiration and impulse over again," he declared. "The descendants of the Pilgrim fathers should not find it hard to understand and sympathize with it." Repeatedly, as he crossed the country, Brandeis merged the American and Jewish heritages. "Only through the ennobling effect of [Zionist] strivings can we develop the best that is in us, and give to this country the full benefit of our great inheritance," he concluded. "To be good Americans, we must be better Jews, and to be better Jews, we must become Zionists."

The more alert in Brandeis's audiences might have noticed the little trick in his eloquence, his almost interchangeable use of the terms "Jewish" and "Zionist" in invoking ancient values and future destiny. This "carelessness"—which it certainly was not—conveniently disregarded the struggle going on within Jewry, the uphill battle that the Zionist minority was fighting to identify its cause with its whole people. His eloquence had a devastating effect on the Jews in his hearing who had not believed that Zionism was what Judaism had to offer the modern world.

By rooting his conception of Zionism so firmly in Americanism, Brandeis set himself apart from the ideology of the European Zionist movement. Herzl's Zionism had grown out of a heritage of anti-Semitism, which European Jewry regarded as universal in Christian society. From the security of the *goldene medine*,

Brandeis rejected that belief. Though he had himself experienced genteel forms of anti-Semitic prejudice in his Boston law practice and from his Christian neighbors in the fashionable suburb of Dedham, he did not let his emotions carry him into a sweeping judgment on the Jewish fate in Christendom. Like I. M. Wise, Brandeis always assumed the goodwill of the Christian majority. America may not have become the new Palestine—Brandeis stopped short of Wise on that score—but it still offered a welcome and an opportunity for Jewish survival at least as promising as that of the ancient homeland.

In short, Brandeisian Zionism stood for the enrichment of Jewish life in America as well as in Palestine. Like American Jews from Mordecai Noah onward, Brandeis never believed that a Jew would have to move to Palestine in order to remain a Jew. His Zionism "was almost entirely philanthropic in nature," wrote a Jewish leader long after the Brandeisian revolution had died out. "It was no more than a desire to 'help others.' They did not feel that they needed Zionism for themselves in any way." I am my brother's keeper, said the Brandeisian, but I am not my brother.

Zionism was a great social experiment, representing "in Jewish life what Progressivism does in general American life," said Brandeis. It sought to create a model new society in a small and sacred land, where exciting new forms of democratic social institutions could flourish on the soil of the ancient heritage, offering equal justice, self-government and economic opportunity for the common man in the land of his fathers. And it could provide refuge for the Jews of Europe who were not welcome in the United States.

Brandeis, the controversial "people's advocate," put Zionism on the agenda of public debate in America, but his identification with the Jewish cause also stirred criticism from all the forces that had long regarded him as a radical enemy of American capitalism. "Brandeis, the Boston butter-in, is a high-grade opportunist," commented the *Los Angeles Times*, adding its hope that Brandeis would



This page: Louis Brandeis, 1914 (Zionist Archives and Library)

Facing page: Nathan Straus, Louis Brandeis and Rabbi Wise (The Beitman Archive, Inc.)

“open real estate offices in Jerusalem and thrive there—and stay there, above all, stay there.”

Zionists “believe that the Russian Jews should be experimented upon,” commented I. M. Wise’s heirs on the *American Israelite*. “If Mr. Brandeis and one hundred prominent Jews go to Palestine and live, then will their example cause thousands of others to follow suit; will the Zionists accept this challenge?” The *Israelite*, for one, did not miss the trick in Brandeis’ rhetoric: “Mr. Brandeis is entitled to his opinion that Zionism is the panacea for all Israel’s ills. But when he says that all those who do not agree with him ‘are against their own people,’ he is guilty of uttering that which is not true and of being grossly impertinent at the same time. Who is Mr. Brandeis to judge his brethren?”

Brandeis tried to stay aloof from the organizational rivalries that had so immobilized the Zionist movement in the prewar decade, the clash of the Uptown Yahudim and the Downtown Yidden. Coming from neither society, he nevertheless could not long conceal his contempt for the moneyed magnates of Uptown. He decided to lend his support to the drive for a democratic body, the American Jewish Congress, to supplant the American Jewish Committee (the similarity in names was not accidental) in speaking for American Jewry. The Congress was just what the Committee notables had feared; “the riff-raff and everybody” were presuming to usurp leadership. The American Jewish Congress signaled the revolt of Downtown; its success caught the attention of political analysts in Washington and abroad who were in the habit of look-

ing Uptown for “representative Jews.” A new group seemed to have taken charge of the Jewish vote, if there were such a thing, and with Brandeis at its head it seemed firmly committed to the cause of Zionism.

Brandeis said his appointment to the Supreme Court proved that “in the opinion of the President there is no conflict between Zionism and loyalty to America.” This may have impressed those who were still troubled about dual loyalties, but it did not impress the immigrants down on the Lower East Side. They muttered about a Brandeis betrayal—that, given the chance, he turned his back on his people and accepted a position in the Gentile power structure. But Brandeis had no intention of turning his back; he fully intended to remain at the helm of the Zionist organization. The fact that he saw no conflict of interest confirmed that his concept of Zionism was philanthropic at heart. It apparently did not occur to him that the global political movement of which he was provisional head could one day—in fact soon—clash with the government of the United States.

Brandeis’s enemies among Jews and Gentiles came forth during his confirmation hearings. A rival Zionist leader, Judah Magnes, attacked him angrily for his political maneuverings on the issue of summoning the democratic American Jewish Congress. The Ochs and Sulzberger families’ *New York Times* echoed the Uptown establishment in urging him, as a sitting Justice of the Supreme Court, to withdraw from “activities of a political or social nature.” Hurt by the criticism, Brandeis resigned on July 21, 1916, from all his posts of authority in Zion-

ism. It was just short of two years since he had assumed active leadership.

But he remained the power behind the scenes of American Zionism. Daily reports from the New York headquarters, including financial statements, went to his Supreme Court chambers in Washington. For his associates and successors, he was still “the chief.” And within a year of his arrival in the nation’s capital he would be called upon for another act of service to Zionism.

Washington was a placid community in those years before the Great War. Motorcars were rarities, long avenues of trees brought beauty and shade to leisurely strollers along wide promenades. The business of government was civilized and not really time-consuming, at least compared with what it would later be; particularly was this so in the realm of foreign affairs. As the Old World empires slipped into their war, the little club of professional diplomats was well ensconced in its own sheltered preserve.

During working hours, gentlemanly short, the diplomats inhabited the grandiose granite block next to the White House, four stories of columns, porticos and mansard roofs evoking the grandeur of Second Empire France. Silent functionaries in cutaway coats strode up and down the wide, semicircular stairways with the huge bronze balusters, intent upon obscure missions of presumed import.

Away from the demands of office, the most elite of the elite, men like the young William Phillips, Joseph Grew and Hugh Gibson would gather at the genteel rooming house at 1718 H



Street, in northwest Washington, where the bachelors among them maintained a pied-à-terre. They called themselves "the Family"; these civilized young men formed the nucleus of what would become the Foreign Service of the United States. It was a life of comfort and composure.

Occasionally, moments of tension intruded. When Britain and France found themselves at war in 1914 with the Ottoman Turkish empire, lackluster ally to Germany, neutral America was asked to represent their interests in the obscure Turkish province of Palestine. Routine operations were hampered by a Turkish ban on international communications in an "enemy" language, including English. The American ambassador's complaints elicited a decree from Constantinople authorizing use of "the American language," and a missionary publication heralded the triumph: "Great is diplomacy!"

The Christian missionaries were one of three groups in American society that paid attention to developments in the Ottoman lands; the other two were oil men and Jews.

From its modest beginnings as a romantic crusade, the American missionary community had grown into a formidable educational force in the Middle East. Robert College in Constantinople, founded in 1863, and the Syrian Protestant College, founded in 1866, later named the American University of Beirut, were emerging centers of national awakening among the diverse minorities under Ottoman rule. The missionaries had shed their simplistic fundamentalism and become an establishment of well-endowed educators. With contacts at all levels of Ottoman society, they could rightly claim an expertise in the affairs of the region that eluded the representatives of government and commerce.

One of the minority groups of the Turkish empire, the Jews of Palestine, had lost their appeal to the Christian missions. They were so few in number—at the most 80,000 before World War I, compared with the millions of surrounding Arabs. More to the point, these Jews were absolutely intransigent about clinging to their group identity; even the secular pioneering

immigrants from Europe showed no interest in a modern Christian education.

The oil and commercial entrepreneurs were equally frustrated in their attempts to exploit the anarchy of the Ottoman Empire. Bribes and ministrations to the court of the Sultan by American venture capitalists were abruptly undermined by the Young Turk coup d'état of 1908, and for all their continuing effort, American commercial interests found themselves regularly outmaneuvered by the wily cartels of Europe.

But among the diplomatic professionals in Washington, the Christian missionaries and the venture capitalists were respectability itself compared with that third group of concerned Americans. The Zionists made a certain amount of noise, particularly after Brandeis took over the movement, but their interest was too parochial to be taken seriously by the makers of foreign policy. As far as the Turkish province of Palestine was concerned, for all except those who thrived on romantic travel literature about the Holy Land, it was only a nuisance.

The life of the American consul in Jerusalem had become tedious, consumed in petty disputes among rival commercial and religious groups of Jews claiming the protection of the American flag. Under the Ottoman system of "capitulations," foreign consuls were permitted to dispense extraterritorial justice among their own nationals. Whichever rival faction the hapless consul might choose, partisans of the losers in the United States would bombard the State Department with complaints.

The Department of State had created a Near East Division in 1909, parallel to the more established divisions for the Far East and Western Europe. The sense of politics and geography in those days was such that the new division's purview spanned the empires of Russia, Germany, Austria-Hungary and the Ottomans, plus Italy, Greece, the Balkans, Abyssinia, Persia, Egypt and the French and British colonies in the Mediterranean. In this galaxy, concerns of Palestine did not loom large. Secretary of State William Jennings Bryan's ideas for the Holy Land began

and ended with his suggestion that an American group of investors should obtain an option to buy the Galilee hillside from which Jesus delivered his Sermon on the Mount. Revolutions and coups d'état in the Balkans and the Near East counted for little, in the diplomats' view; the map of the Near East on the Secretary of State's office wall was full, 50 years out of date.

As long as the various Zionist representations to the department dealt with humanitarian relief matters, as they generally did under Brandeis's leadership, the diplomats responded sympathetically. The State Department protested Turkish attempts to expel Jewish settlers as potential enemy aliens; it urged similar measures of protection for the Armenian and other minorities. In rare recognition of domestic political interests, the department obliged President Wilson in his 1916 re-election campaign by producing a public memorandum of all the international representations made in defense of Jewish civil rights the world over. The statement had a certain effect in metropolitan areas where the Jewish vote could well be important to the President.

But the department cast a wary eye upon any approach from the Zionists that implied political engagement. The Near East Division dismissed one Zionist proposal in 1913, noting that it "would involve American political activity in the Ottoman Empire." Even a letter from Brandeis conveying the Zionist political program in May 1917 seems to have been ignored by the State Department officers responsible for the area.

To preside over this unruffled foreign policy establishment came an unruffled Secretary of State. Reserved, proper and conservative, Robert Lansing may once have had President Wilson's confidence, but their relationship failed to survive the rigors of high office. Neither intellectually nor temperamentally could Lansing compete for influence with the shrewd and manipulative Edward M. House, the reserve colonel from Texas who, without title or staff, superseded the State Department in charting the foreign policy of the Wilson era. It was through Colonel House, and not Sec-



Robert Lansing (The Bettman Archive, Inc.)

retary Lansing, that Britain and the Zionists worked on the first great diplomatic act of the Jewish national cause.

It would become known as the Balfour Declaration. But as it was taking shape, the Department of State was off on another tangent, a venture that left scarcely a trace in diplomatic history and served only to renew that old suspicion of international Zionism as a nefarious conspiracy.

The episode began casually enough. One day in May 1917, in his second-floor office overlooking the White House gardens, Secretary Lansing placed a telephone call, then dictated a letter (he could never be sure that Wilson would return his calls). "My dear Mr. President: I had yesterday two conversations in relation to Turkey which are worthy of consideration . . ."

The first was with the private secretary of the United States ambassador, just returned from Constantinople—Lansing did not note the gentleman's name. Turkey had broken relations with the United States the month before, but the two countries were not formally at war. The secretary's information was that the weary Turks might be induced to break with Germany and reach a separate peace. Could the United States mediate in this delicate undertaking?

Lansing had been impressed and, by chance, he received a second report later the same day, this time from a man whose name he knew well: Henry J. Morgenthau, former American ambassador to the Ottoman Empire. Morgenthau, then 61, was one of those 19th century German-Jewish immigrants who had thrived in the New World; his fortune was secured when he managed to buy up promising plots of land at the future stops of the advancing New York City subway system. His appointment to Constantinople came in recognition of his financial help to Wilson in the presidential campaign. Though retired from diplomacy by 1917, Morgenthau remained eager to be of service, and he succeeded in persuading Lansing that, with his many old contacts, he was the man to sound out the Turks about peace.

As it happened, Wilson did return

the Secretary of State's call, three days later, and the two reached rather absentminded agreement that Morgenthau should be sent off to see what he could do. What seemed like a harmless idea quickly turned awkward as it became apparent what it meant to the forces more directly concerned. Britain was about to launch an invasion of Turkish Palestine, and separate peace moves could be inconvenient for her imperial designs upon the Ottoman territories. Even more alarmed were the diverse nationality groups agitating for postwar liberation from the Turkish yoke—Armenians, Arabs, and Jews—all of whom saw a separate peace as a threat to their aspirations.

Morgenthau had no sympathy for Zionism, but he agreed to accept as traveling companion a protégé of Brandeis, a 35 year-old Harvard law professor named Felix Frankfurter, whose presence ensured that the Zionists were kept fully informed about the envoy's actions. Britain moved discreetly to scotch the American initiative by dispatching an immigrant chemist from Russia named Chaim Weizmann, who was gaining influence in the Zionist movement, to intercept the Morgenthau party at Gibraltar. There he and Frankfurter succeeded in talking the would-be peacemaker out of proceeding any further.

The whole affair fizzled out, leaving the American diplomatic establishment convinced that the failure was the direct result of a Zionist conspiracy in the imperial chancelleries of Europe. Never mind that Morgenthau himself was an avowed anti-Zionist; never mind that the Zionists' opposition succeeded only because Britain had arranged Weizmann's scuttling errand; never mind that Lansing and his advisers had regarded the mission as a long shot anyway. To the diplomats at State, the episode rankled. To them, as to Stuyvesant centuries before, it seemed one more ominous proof of that strange power that international Jewry could call upon to thwart national governments and achieve its own ends. The instincts of anti-Semitism lurking among the class of diplomats received a new note of encouragement—and just at the mo-

ment when international Zionism was poised for a genuine diplomatic triumph.

Of that greater drama, going on parallel to Lansing's modest efforts, the American Secretary of State knew absolutely nothing.

Early in May 1917, the same month that Lansing began thinking about sending Morgenthau to Turkey, two distinguished gentlemen lingered over breakfast at a Washington hotel. They had met a few days before at a formal White House luncheon, and each had his own professional reasons for wanting to pursue a relationship. One man at the breakfast table was Brandeis; the other was His Britannic Majesty's Secretary of State for Foreign Affairs, Arthur James Balfour. Sitting as always in aristocratic languor, legs stretched straight out in front, Balfour could not conceal his curiosity about the brilliant, controversial Jew across the table. "You are one of the Americans I had wanted to meet," he said.

Balfour had been well schooled in Jewish history and civilization; to him the destruction of ancient Judea by the legions of Rome stood as "one of the great wrongs" of history. As early as 1906, Balfour had struggled with the political dilemma of the Jews. "My anxiety is simply to find some means by which the present dreadful state of so large a proportion of the Jewish race . . . may be brought to an end," he told a meeting of English voters. (Balfour was fighting for re-election, and an opponent in a nearby constituency, Winston Churchill, was making a big play for the large Jewish vote.)

Not that Balfour himself had personal acquaintance with the Jewish people—a companion recalls him watching motley crowds of London Jews flocking toward a Zionist meeting at the Albert Hall, then turning in vague wonderment to ask, "But who are all these people?" Through his studies of history and politics, Balfour, like Blackstone, understood better even than Herzl the symbolic aspirations of Zionism. "If a home was to be found for the Jewish people, . . . it was in vain to seek it anywhere but in Palestine," he said.

By the spring of 1917, British diplomacy had more than philosophical

reasons for learning about Zionism. The European allies were closing in to deliver the coup de grace to the collapsing Ottoman regime; the disposition of the Turkish lands, including Palestine, weighed heavily in the calculations of empire. At the same time, American support for British war efforts was a top priority in Whitehall, which is why Balfour had rushed over for talks with President Wilson immediately upon America's declaration of war.

From what London had learned about American political life, the Jews seemed to offer a promising means of promoting pro-British sentiment. "They are far better organized than the Irish and far more formidable," cabled the British Embassy in Washington. "We should be in a position to get into their good graces." At the head of organized Jewry appeared to be this newcomer Brandeis, an intimate of the President, popular enough with the Jewish masses to make his movement a threat to the supremacy of the old-line American Jewish Committee. The British Foreign Secretary had ample reason to be curious.

Balfour and Brandeis started their breakfast with generalities. The American jurist stressed the ethical purposes and practical aspirations of Zionism, and the power of the dream of a Jewish homeland. He had said it many times before. Then, as Balfour gingerly turned the conversation toward political considerations, Brandeis grew uncomfortable. For the fact is that, as late as April 1917, Brandeis had given no thought whatever to the international political consequences of a Jewish state. Such issues were superfluous to his concept of Zionism.

To be sure, he had contemplated approaches to the Turkish government about securing leases and concessions for Jewish settlement, and he had pressed Wilson as early as 1914 for sympathetic consideration of these efforts. But he spoke only in terms of relief for refugees, of capital investment and progressive social change among the struggling little Jewish communities of Palestine. For the rest, the political future of the Arabs and the Jews in the Ottoman province—that was a matter on which he had yet to focus. The Zionists of Eu-

rope, the leaders of Russian Jewry and others who had gravitated to wartime London, were far ahead of him.

On April 25, 1917, just a few days before he met Balfour, a cable arrived from James de Rothschild, one of the leaders of English Zionism, suggesting a postwar political goal: a Jewish Palestine under a British protectorate. Did Brandeis and his American colleagues agree, and could they secure President Wilson's endorsement? Brandeis was uneasy about launching into this uncharted political territory, and a quick check with the Zionist Provisional Executive in New York revealed that they too had given no thought to postwar political planning.

Thus, in his first meeting with Balfour, Brandeis felt at a certain disadvantage. Early in May the Provisional Executive hastily discussed how Brandeis should reply to Rothschild, and Brandeis himself went over to the White House after lunch on May 4 for a 45 minute talk with Wilson. It was their first substantive conversation about the politics of Jewish national aspirations. When Brandeis met Balfour a second time, on May 10, he felt more comfortable about dealing with specifics.

Balfour had been hesitant to suggest a British protectorate to his American contacts, fully mindful of the fears in Wilson's Washington of getting sucked into the imperial rivalries of the European belligerents. Moreover, the idea that the Foreign Office had been turning over for a year past was that the United States might itself be induced to assume a protectorate over the Holy Land. This would keep out the French and any other colonial rival, and Whitehall had every reason to be comfortable with a benign American presence in the neighborhood of the Suez Canal.

Fresh from his meeting with Wilson, Brandeis knew just what to say about the idea of an American protectorate. The President and everyone else he knew in official Washington were flatly opposed to any United States responsibility for Palestine or Armenia or any of the other Turkish territories. Responsibility of empire, under whatever legal guise, was not the vision of Woodrow Wilson's America. As for a British protectorate,

the scheme on which the European Zionists were working, Brandeis was able to promise Wilson's wholehearted support, including his readiness to speak out in public at the appropriate time.

Balfour left Washington deeply satisfied with his mission. Brandeis, he confided to an associate, "was probably the most remarkable man" he had met on his visit to the United States, not only for political prowess but for "high moral tone" on the subject of Palestine. To Brandeis directly, at the end of their Washington meetings, Balfour said bluntly, "I am a Zionist."

As an illustration of back-channel diplomacy at its most effective, the Balfour-Brandeis encounter was exceptional. A Foreign Minister seeking understanding on a delicate political issue turned not to his official opposite number, the Secretary of State, or even to the other foreign policy advisers known to be close to the President. He sought out instead a member of the judiciary having neither official nor unofficial standing in the matter, but a deep personal interest—and the sympathetic ear of the President. Brandeis, for his part, saw no impropriety in discussing a humane, philanthropic issue.

Assured of American sympathy, British policymakers turned to the next step in their strategy, a public declaration of support for the establish-

ment of the Jewish national home in Palestine. The idea had come to them from an unlikely source. In November 1915, long before the United States was involved in the war, the fertile brain of Horace Kallen out in Madison, Wisconsin, had come up with the idea of an Allied statement supporting, in whatever veiled way was deemed necessary, Jewish national rights in Palestine. Such a statement, he argued to a British friend (who he knew would pass the idea along), "would give a natural outlet for the spontaneous pro-English, French, and Italian sympathies of the Jewish masses." It would help break down America's neutrality, Kallen argued, knowing full well that this was precisely the aim of British diplomacy. Kallen's idea lit a spark of interest in Whitehall.

As charters for a modern nation-state go, the 67 words of the Balfour Declaration of November 1917 are surely among the most modest and unassuming. Conveyed in the form of a personal letter from the British Foreign Secretary to a prominent British Jew, Lord Rothschild, it said:

"His Majesty's Government view with favor the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being clearly understood

that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country."

Perhaps no other paragraph of the 20th century has been so exhaustively analyzed and parsed to its subtlest nuance, of which there are obviously many. One early draft spoke of the "Jewish race," but Zionist lobbyists persuaded the Foreign Office draftsmen to substitute "Jewish people" and thus bypass a controversy between race and religion. The Zionists would have liked Balfour to advocate the "re-establishment" of the Jewish national home, adding the legitimacy of ages past to the modern campaign.

Most significant was the phrase "in Palestine." An earlier draft was more forthright, calling for the "reconstitution of Palestine as a Jewish State." Acting on a hunch more than any deep reasoning, Lord Milner, an influential member of the War Cabinet, whittled this unambiguous formulation down to the final form, "in Palestine," which shaped the diplomatic and political struggle for decades to follow. The promise of a Jewish national home in Palestine opened the way for the partition of Palestine, and, thereby, for Israel's statehood. ★



Balfour (2nd from left) and Lansing (3rd from left) leaving the State Department, on way to White House (The Bettman Archive, Inc.)