

# JEWISH ATTITUDES TOWARD CONTEMPORARY IMMIGRATION POLICY

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*In today's political debate on immigration, American Jewish organizations consistently and clearly advocate a flexible and humane immigration and refugee policy. This position stems from a deeply ingrained ethos and historical consciousness. Five major historical experiences have shaped Jewish perspectives on contemporary immigration policy.*

After returning from a nine-day fact-finding visit to the refugee camps in Hong Kong and Thailand, Rabbi Steven B. Jacobs of Temple Judea of Los Angeles spoke to the Select Commission on Immigration and Refugee Policy on February 5, 1980, of "the children, the vacant stares, the big bellies, the stark ribs, the living skeletons, the babies too weak to cry, the mile after mile of people in line with a little can or a hand lifted for a bit of rice."

"It is inconceivable," Rabbi Jacobs said, "that forty years after the Nazi Holocaust, the international community can respond so blandly to the destruction of millions of human beings in Cambodia." Concluding his testimony, Jacobs pleaded, "As a Jew, I came away from the Nazi Holocaust with an obsession. It is from the Book of Leviticus, and translated for me, it says: 'You shall not stand idly by while the blood of your brothers and sisters cries out to you from the earth.'"

Probably no other single ethnic group revealed to the Select Commission in the more than a dozen hearings it held throughout the country such a strong empathy for the plight of refugees and such a determined interest in maintaining a positive immigration and refugee policy as did American Jews. They did not always link their positions to Jewish teaching or history as Rabbi Jacobs did nor as did Mr. Gerald Lasensky, the executive director of the Jewish Federation of New Orleans, who, testifying in New Orleans before the Commission on March 24, 1980, quoted Hillel on the in-

junction to save a life in order to save the world. But in general, their positions were consistent and clear: support for a flexible refugee policy that enables the United States to respond to emergencies; opposition to having refugees compete with immigrants for numerically restricted visas; support for a strengthened and expanded immigration system to emphasize family reunification as well as independent immigration; endorsement of the rights and entitlements of aliens; and support for a program of amnesty for large numbers of illegal aliens. Those who speak for Jewish organizations in today's policy debate on these issues, sixteen years later, take essentially the same positions regarding all but the last one, which is no longer a part of the debate.

In addition to the plight of Soviet Jews in recent decades, there are five major historical experiences that have shaped Jewish perspectives on contemporary immigration policy: the Egyptian exile, the Babylonian exile, the European Diaspora experience between the destruction of the Second Temple and the end of World War II, the Eastern European migrations to the United States between 1880 and 1920, and the Holocaust.

## THE EGYPTIAN EXILE AND TORAH

For Jews, there is no more important history than that of the Egyptian exile. It resonates in Jewish prophecy, law, and liturgy, reminding Jews of injustice and oppression and forming the historical basis for Jewish social ethics. Torah reminds us repeatedly,

"You know the heart of a stranger, seeing you were strangers in the land of Egypt" (Exodus 23:4). Torah is not totally consistent or clear about the treatment of aliens, but the overwhelming thrust is obvious. Repeatedly, the Israelites were told to be solicitous for the welfare of the *ger* (resident alien) because of their own sufferings in the land of Egypt (Leviticus 19:34; Deuteronomy 10:19).

Confusion with respect to the treatment of aliens arises in Torah partly because, as is true in most countries, there were two classes of aliens: those who were intending to become immigrants and those who were simply sojourners.

Despite that distinction and other anomalies, Torah emphasizes just and generous treatment of aliens. Aliens, many of whom were day laborers and poor (Deuteronomy 24:14-15, 29:10), were permitted to share in the fallen fruit in the vineyard and in the gleanings of the harvest (Leviticus 19:10, 23:22). Special provision also was made for them to share in the tithe of the third year and the produce of the sabbatical year (Deuteronomy 14:29; Leviticus 25:6). In cases of accidental homicide, cities of refuge were open to them as well as to citizens (Numbers 35:15). Torah, reflecting the memory of the Egyptian experience, establishes the moral and legal basis for Jewish thought on the treatment of aliens, and by implication on immigration policy.

#### THE BABYLONIAN EXILE

Even before the destruction of Jerusalem by the Babylonians in 586 B.C.E., a mass deportation of Israelites had taken place following the conquest of Samaria by the Assyrians in 720. The expulsion of the Judeans to Babylonia in 586, where they were forced to remain for forty-eight years before their return, reminded Jews once more of the experience of Egypt. While the Babylonian exile never attained the historic significance of the generations of slavery in Egypt, it reinforced Jewish consciousness on the importance of having a home of

one's own. Henceforth Jews spoke of crying by the waters of Babylon and dreamed of returning to Jerusalem. Ben Sira, writing about 200 years B.C.E. in Ecclesiasticus (which was never canonized by the Jews), stressed that it was better to be a poor man under one's own roof than to live lavishly in an alien land (Ecclesiasticus 29:25).

#### THE JEWISH DIASPORA

With the destruction of the temple in Jerusalem (70 C.E.) and the failure soon after of Bar Kokhba's rebellion (132-135 C.E.), the Jews were dispersed throughout portions of Europe, Asia, and Africa. Their settlements became less secure as time passed, and they were subject to a series of unparalleled expulsions, beginning in 628, when they were driven from the Frankish kingdom. Persecution in England was followed by expulsion of the Jews from that country in 1290 and from France in 1306, to which they were called back in 1359 only to be expelled again 65 years later.

The history of the Jews in Christian Europe during the Middle Ages was one of almost unrelieved persecution and large-scale refugee migrations. Massacres in Germany in the middle of the fourteenth century produced large flows of Jewish refugees to Poland and Lithuania. In the fifteenth century, expulsions of Jews became commonplace in both Western and Eastern Europe. The Germans expelled them from Mainz in 1473 and from Nuremberg in 1499, and the Lithuanians from that country in 1495. The expulsion from Portugal in 1496 was followed by a massacre of Marranos and the Inquisition in 1531. Expulsions continued in central Europe throughout the sixteenth century, including the Papal States in 1569 and 1593 and Milan in 1597.

Although expulsions and refugee flows occurred into the seventeenth century—for example, Jews were expelled from Hamburg in 1649—a small number of Jewish refugees could now look to the New World for asylum. New Amsterdam (later New York) was founded in 1654 and a congregation es-

tablished in Newport in 1658. In New York, Jews built their first public synagogue in 1730, in Philadelphia in 1742, and in Charleston in 1749.

By the late nineteenth century, the Enlightenment had penetrated the consciousness of many Europeans in the West. Whereas Jews had been expelled from Vienna in 1670, the descendants of those who had remained or of those who had migrated to that city were allowed in 1811 to build a synagogue. But in the East, repression, blood rivalries, expulsion from villages, and pogroms became commonplace, culminating in violent episodes that swept southern Russia in 1881–1882. These pogroms hastened the start of mass migration from Eastern Europe to the New World, a movement of people that peaked between 1906 and 1909 when about 640,000 Jews arrived in the United States.

#### **THE MIGRATION OF EASTERN EUROPEAN JEWS TO THE UNITED STATES**

Although ignorant of the details of biblical and medieval history, most American Jews feel themselves to have been part of the Eastern European migration, since so many of them had grandparents or great-grandparents who actually were emigrants to the United States. That massive migration spurred a wide range of American-Jewish activities centered around immigration.

In 1906, one year before the height of the Jewish migration, the American Jewish Committee was established, partly as a response to the Russian pogroms and to the plight of Russian and other Eastern European Jews. Its work contributed to the defeat of a literacy test requirement for immigrants in 1907 and 1913, although such a test passed over President Wilson's veto in 1917. Eight years after its formation, some of its leaders joined others in inaugurating the American Jewish Joint Distribution Committee, known popularly as the "Joint," for the distribution of American funds for the relief of Jewish war sufferers in Europe

and Palestine, so many of whom were refugees. In 1909, the United HIAS Service, the Hebrew Sheltering and Immigrant Aid Society, was formed in New York City through a merger of the Hebrew Sheltering House Association (established in 1884) and the Hebrew Immigrant Aid Society (1902), in order to better meet the needs of Jewish immigrants from Eastern Europe. HIAS, now active in refugee work for Soviet Jews and others, facilitated the admission of immigrants and their adjustment to the United States.

Immigration also was a major factor in the initiation of the American Jewish Congress in December 1918, an organization that cooperated with the American Jewish Committee and other groups in the 1930s in efforts to rescue European Jews from Hitler's monstrous persecution. Throughout this period, the Jewish attitude on immigration was encapsulated in the sonnet by Emma Lazarus, "The New Colossus," which was engraved on a plaque and affixed to the Statue of Liberty in 1903. It paid tribute to the United States as a refuge for "huddled masses yearning to breathe free."

#### **THE RISE OF HITLER AND THE HOLOCAUST**

Jewish advocacy organizations lost their fight to stop restrictive immigration policies in 1917, 1921, and 1924 that strictly limited immigrants from all of Europe to 150,000 a year and that sharply skewed national quotas in favor of those from Western and Northern Europe. These policies doomed to death hundreds of thousands of Jews trying to escape Nazi Europe as refugees. Few Jews were able to filter through the strict quotas set under the national origins legislation of 1924, and even as late as 1939, Congress would not increase the quota for Germany so as to permit the admission of 20,000 Jewish orphans for whom sponsors had been found.

At the end of the war, the full impact of Hitler's plan to exterminate the Jews pen-

etrated the consciousness of American Jews and others. Despite the Holocaust, U.S. immigration policy continued to discriminate against Jewish refugees, even under the generally desirable Displaced Persons Act of 1948. The national origins quotas were based on the idea that Asians and even Eastern European Jews and Southern European Catholics were not as capable as immigrants from the north and west of Europe of acculturating to the responsibilities of citizenship in the United States. It would be almost another twenty years before a coalition of Jews, Italians, and others would be successful in persuading Congress to repudiate the national origins quota system, which was reaffirmed in 1952 in the discriminatory McCarran-Walter Immigration Bill. National origins quotas were finally eliminated in 1965, at the height of the success of the civil rights revolution and following the assassination of President John Kennedy, a strong antagonist of quotas.

Truman felt so strongly about the discriminatory characteristics of the 1952 McCarran-Walter Act that he appointed a Commission on Immigration and Naturalization of his own to recommend changes in immigration policy. This Presidential Commission was in sharp contrast to the Joint Presidential-Congressional Commission established during the administration of Theodore Roosevelt in 1907 in membership, outlook, and result. The earlier body had no Jews on the Commission or its senior staff. In contrast, Truman's Commission was chaired by a Jew, Philip B. Perlman, and its executive director, Harry N. Rosenfield, also was Jewish. The first Commission, the famous Dillingham Commission, recommended severe restriction through a literacy test and a national origins quota mechanism for regulating the numerically restricted immigrants. Truman's Commission called for an increase in immigration, special provisions for refugees, and, of course, the end to the national origins quota system.

Those reforms were accomplished in

1965, but large-scale refugee flows and the increase in migration generally in the world and to the United States specifically led to the creation of the second Select Commission on Immigration and Refugee Policy in 1979, on which I served as executive director under the chairmanship of Father Theodore M. Hesburgh, President of the University of Notre Dame. Father Hesburgh began the introduction to the *Final Report and Recommendations* of the Commission by quoting Hillel: "If I am not for myself, who will be for me? But if I am for myself only, what am I? And if not now, when?" Hesburgh, who also served on the President's Commission on the Holocaust, was one of a new breed of American politicians, statesmen, and civic and religious leaders who, though not Jewish themselves, were profoundly influenced in their thinking about immigration policy as a result of the Jewish experience in the twentieth century. When one of them, Vice President Walter Mondale, addressed representatives of all major nations at a 1980 crisis meeting concerning Indochinese refugees in Geneva, he reminded them of the abandoned Jewish refugees of the Hitler era, pleading with some success that the nations should not now turn their backs on the refugees of Indochina as they had on the Jews.

#### JEWISH AND RECENT IMMIGRATION AND REFUGEE POLICY

It is certainly understandable why Jews in the United States worked hard to secure the right of Jews in the former Soviet Union to emigrate and for the United States to accept a substantial portion of those who could get out. In this, they were relatively successful. Between fiscal year 1975 and fiscal year 1991, a total of 219,568 refugees from the Soviet Union were admitted to the United States, well over four-fifths of whom were Jews. But American Jews lobbied hard for the admission of refugees from other parts of the world too. In that fifteen-year period, only about one out of seven of the 1.5 million refugees admitted came from the Soviet

Union. From fiscal year 1991 through fiscal year 1995, refugees from the former Soviet Union, the vast majority of whom are Jews, numbered 348,463 of a total of 1,299,937 refugees admitted to the United States.

No matter how secure their status in the United States, American Jews are aware of the precariousness of the existence of Jews elsewhere. The perspectives they bring to the immigration debate include a concern for refugees generally. The self-interest of Jews lies in a flexible and humane immigration and refugee policy. That in itself does not account for the overwhelmingly positive attitude they took toward the passage of a law providing amnesty for nearly 3 million illegal aliens in 1986, only a handful of whom were Jewish. Nor did it account for their advocacy of due process considerations in the treatment of persons claiming asylum from Haiti, El Salvador, or elsewhere, or for the positive positions taken by the leaders of mainline Jewish organizations in the expansion of legal immigration through the 1990 Immigration Act.

Immigration policy has become ex-

tremely complex. Policymakers are plagued with such difficult issues as the best methods to deter illegal migration and how extensively family reunification categories should be defined. Experts ponder over what should be the proportion of newcomers admitted because of their outstanding abilities compared to those family members who are less close than spouses or minor children of resident aliens. They worry about the disaggregate impacts of immigration on school systems and other social services in certain cities. Since there are many Jews among the experts, they are concerned about these issues too, and it would be wrong to categorize Jewish views on them as even near monolithic. But the fact remains that Jewish organizations continue to ally themselves with Latino and Asian-American organizations in advocating pro-immigration and refugee policies as consistent with the American national interest. Their positions stem in part from a deeply ingrained ethos and historical consciousness, whose paradigmatic admonition to Jews is to remember that "you were strangers in the land of Egypt."