

LOUIS MARSHALL

A Biographical Sketch

BY CYRUS ADLER

THE publishers and the editor of the American Jewish Year Book felt that it would be impossible to permit the current volume to appear without a biographical sketch of Louis Marshall; and it was their further opinion that in view of our close association in many matters, I should undertake this sketch.

To do even scant justice to so full and busy a life as his, would require, besides seeking information from many sources and persons, an examination of a correspondence probably as voluminous as that of any man of his time. This cannot be done now; but from such material as is in my own hands, I offer to the readers of this volume an outline, as it were, of a man who, beside his eminence in his chosen profession of the Law, and as a citizen of the state and country in which he was born, was for at least the last twenty years of his life a dominant figure in the Jewish affairs of America and of the world.

Louis Marshall was born in Syracuse, New York, on December 14, 1856, the son of Jacob Marshall, a native of Wuerttemberg, Bavaria, Germany. His father migrated to the United States in 1849, the year which marked the beginning of the wave of migration from Germany following the failure of the revolutionary movements of 1848. His mother left Germany in 1853 and after a seventy-two days' voyage in a sailing ship, arrived in America. His parents eventually settled in the hardy and vigorous city of Syracuse. The family lived the life of many Jewish families who migrated to the United States—the father slowly building up a business to support his wife and children—the mother

rearing the family, aiding in the business, and both helping to keep alive a spirit of Judaism.

It would seem that his mother exercised the greatest influence in forming the boy's character, for to her the son referred time and again. She had a fine taste for literature, especially for German literature, and was of a deeply religious nature.

Syracuse, at that time, was a town, and, it may well be that this was an advantage to the youth, for it lacked the distraction of a large city and helped to make him an individual, not one of a mass.

The Jews who arrived from Germany at this period came from a land which granted them but slight opportunity, and often persecuted them and made them feel that they were aliens in the country of their birth; so it was but natural that in the new land in which opportunity was granted, and at a time when freedom was a real ideal, they became fervid Americans. Not being morbidly introspective, they found no contradiction between this state of mind and that of deep attachment to their ancestral faith. This was the home atmosphere in which Louis Marshall grew up. He was one of a family of two brothers and four sisters, and the attachment to Syracuse and to the old home was so deep and abiding that up to the end, and in spite of a very interesting and brilliant career, Syracuse continued to remain one of the strongest memories.

An old friend, Henry Wollman,¹ has given an outline of these early days. Marshall went to the Seventh Ward Public school of Syracuse and to its high school; in addition, he and his sisters attended German and Hebrew schools after public school hours. There was no grind of poverty, but no luxury. His father was slowly developing a business in hides, and in this business in his spare hours and in the summer, the future great constitutional lawyer acted as a porter "handling hides as they came in and went out, and moving them from place to place."

Shortly after leaving the high school, when he was still but a youth, he began the study of law, in accordance with the fashion of that day, in a lawyers office, that of Nathaniel B. Smith. One of the things that he did when he was in

¹ *Jewish Tribune*, December 10, 1926.

this office was to zealously read all the books, even the oldest and dustiest ones and those no longer in use. Whenever there was nothing else to do, he read, and having gotten everything out of Mr. Smith's library that he thought he could, he would go over in his spare time to the Court of Appeals' library.

Mr. John K. Mumford, giving some reminiscences of these early days,¹ states that in a case before the Court of Appeals which involved the Erie Canal, a question arose with regard to an early report which had some pivotal facts in the case. The librarian and his assistants made every effort to find the report, but in vain. The lawyers were anxious to go on, but the Judge insisted upon the document. Finally (and here I shall give the narrative in Mumford's own words): "A small, earnest Jewish boy got up from a nook in a corner. 'I think, judge,' he said, blinking and swallowing his Adam's apple assiduously, 'I can get you a copy of what you want. It's J. B. Moore's report.' Ruger looked at Comstock and Comstock looked at Ruger. Both looked at the librarian—himself a judge. 'Oh,' said the boy, 'it isn't here. It's in some old papers over in Mr. Smith's office.' He grabbed his hat and hustled out. The two deans of New York State law sat and looked at each other. When the boy came in, clutching Moore's report and mopping his brow, Ruger took another chance. 'What I'm anxious to get,' he said, 'is reference on struck juries.' 'Oh, yes, sir,' said the boy, 'I've just been looking up struck juries. I'll write you out a list of references. Most of them are here in the library, but they take a little time to find.' He got out his pencil and set to work. The boy was Louis Marshall, whose name today, in this neck of woods at least, is almost a synonym for constitutional law."

Later, he entered the Law School of Columbia University in New York City. "Professor Dwight" writes Mr. Wollman "was the head of that school. All those who ever were students under Professor Dwight say that he was a genius. He soon came to regard Louis Marshall as a genius. Often, when Professor Dwight recited a principle of law that was referred to in a reported case in this state [New York], he would call on young Marshall to tell the class the name of

¹ *New York Herald Tribune*, June, 15, 1924.

the case, the book and page where it was to be found, which our young plumed knight always did." At that time, the full law course at Columbia covered two years. Marshall did them both in one. After leaving the Law School, he returned to Syracuse where he entered a law office, and at the age of twenty-one, he was admitted to the Bar.

This formal statement of his education would be incomplete without adding to it the branches of knowledge which he apparently taught himself, for many men of his period went directly from the high school into the study of law, and still managed to obtain a rounded cultivation which may well be envied by those of our generation who have the additional advantage of four years of preliminary training at college. He knew German well—this no doubt partly from the home, for his mother always preferred German speech and German books. He also knew French well and could speak both languages, not simply in ordinary conversation, but make public addresses in them with correctness and charm. He had a good knowledge of Latin and of Greek. He also had a fair knowledge of Hebrew, and when in later years the large migration of Russian Jews brought Yiddish into America, in order to understand his co-religionists, he sedulously studied Yiddish. This recital at once indicates that here was a man of prodigious industry, real intellect and mental power, for all this knowledge was acquired during the years at school or the early years of struggle which every attorney has, before he attains a secure position at the Bar.

II

As the New York Statutes did not permit him to practice until his formal admission, for a while before he was a full fledged attorney he used to write briefs for men who had been admitted to the Bar. These early briefs, almost boyish compositions, must have been logical and convincing arguments; otherwise, he would not have continued to receive orders for them from men older than he. "William C. Ruger was one of the lawyers who examined Mr. Marshall for admission to the Bar. He was so impressed with him



Courtesy of The Jewish Tribune

LOUIS MARSHALL AT SYRACUSE



Courtesy of The Jewish Tribune

LOUIS MARSHALL AS A YOUNG MAN.

that he had him come to his office," and the day he was admitted to the Bar Marshall became a partner in Ruger's firm. "Not very long thereafter, Mr. Ruger became Chief Justice of the Court of Appeals, the highest court of this state [New York], and the law firm became Jenney, Brooks & Marshall." As soon as he had been admitted to the Bar, he became active in the Courts and had argued more cases in the Appellate Courts before he was thirty, than the average lawyer would have in another decade.

My first meeting with Louis Marshall was accidental. I was seated with Judge Mayer Sulzberger on the porch of the old rambling West End Hotel at Long Branch, in 1888 or thereabouts, when a young man came up to us, called our names, and introduced himself. He had, as usual, a definite purpose. He had been engaged as counsel to argue a case before the New York Court of Appeals which had been lost in the lower courts having to do with the Estate of Sampson Simson, a man who had died in 1857, and left a remarkable will which provided, among other bequests, for the establishment of the Mount Sinai Hospital in New York as well as a Fund for the Relief of the Jews in Palestine. After that lapse of years, an attempt was made by one of the heirs to break the will; the purpose of Marshall's inquiry was so characteristic of his thoroughness that it deserves to be told.

He had read all the papers concerning Sampson Simson on which he could lay his hands in order to prepare the background for the argument. He found that Simson had been strongly influenced by his friend, Isaac Leeser, of Philadelphia, and Marshall wished to know what, if any, of Leeser's papers were left so that he might examine them in the hope of getting at the bottom of the motives of Simson in making these bequests.

Many stories are told of how it came about that Louis Marshall left Syracuse, which was so dear to him, and migrated to New York, but it is not impossible that the strong impression that he made upon Judge Sulzberger at this interview, and the Judge's friendship with Mr. Randolph Guggenheimer, had something to do with Marshall's removal

¹ Wollman, *Jewish Tribune*, December 10, 1926.

to New York and his entry into the well-established firm which then became Guggenheimer, Untermeyer, and Marshall.

It is not the purpose of this sketch to follow Marshall's legal career, and the writer is incapable of appraising it, but it is well known that he did become a great lawyer, that he had a deep understanding of the fundamentals of the law, that his services were in requisition in hundreds of important cases, largely in later stages before Courts of Appeals and before the Supreme Court of the United States. The important point is that almost coincident with his removal to New York and his entry into a very busy life in a very busy profession, he became an active member of the Jewish Community, devoting, to the cause of the Jewish people, one cannot say his spare time for he had none, but much of his time which he might otherwise have given to more gainful occupation or to procuring a literary reputation among the members of the Bar.

Before, however, taking up this side of his life, a little more must be said concerning his career as a lawyer, because it was, to a considerable extent, through the knowledge, the reputation, and the authority that he thus gained and the connections he formed, that his most effective work in defending the rights of the Jews wherever these rights were assailed was made possible. He was a member of a large law firm, with much business in and out of New York, and no doubt in the early years, and to some extent even in the later years, he took a considerable share of the usual practice of such a partnership, but the time came more and more when his practice was directed to cases in the Courts of Appeals in New York State, in many states of the Union as widely separated as Montana and Oklahoma, and at Washington.

What is really interesting to a layman about his preparation for his legal battles, was the way in which he fortified himself in order to set up the background for the argument that he proposed to make. It was not merely a matter of so many precedents (although he recognized the importance of these) or even of so many statutes, but of the thing itself. From among the hundreds, perhaps, thousands of briefs which he prepared, he occasionally sent me one which he probably thought of interest because of its curious or unusual nature, and one of these bears the title:

“Supreme Court of the United States
October Term, 1919.
No. 609.

The State of Missouri, *Appellant*,
vs.

Ray V. Holland, United States Game Warden.

Appeal from the District Court of the United States
for the Western District of Missouri.

Brief for Association for the Protection of the
Adirondacks, *Amicus Curiae*.

LOUIS MARSHALL, *of Counsel.*”

This document was not only a brief, but represented one of the important characteristics of his make-up—love of the outdoors, love of the forests, of the Adirondacks Forests, and of all Nature. There had been passed an Act by the Congress of the United States entitled the “Migratory Bird Treaty Act” which was based upon a convention between the United States and Great Britain for the protection of migratory birds in the United States and Canada. All the formalities in connection therewith are recited. The State of Missouri had prior to this derived a considerable revenue from the issuance of licenses for the shooting of game—in the year 1918 as much as \$75,000, and when the effort was made on the part of the United States to put this law into effect, it was resisted by the State of Missouri, and the United States Court of that district held in favor of the contention of the State authorities. It was a far and bold stretch for this Association to intervene through such eminent counsel to contest a decision of a Court in Missouri which was sufficiently remote from the Adirondacks not to cause them any disturbance. First, the legal side interested Marshall, and he presented all kinds of arguments to show that the United States did have the power to create such legislation; that Congress was well within its rights; and that the Act was constitutional. But there was another portion of this brief which indicated a love of nature and a knowledge of nature, to which allusion has been made. If Congress possessed plenary powers to legislate for the protection of the public domain, then it had to take into account all possibility for such protection. It was gradually coming into

the minds of men, even somewhat slowly into the minds of scientific men, that while it was true that the great carnivora and other wild animals which were the enemies of man had been destroyed, there was another more subtle yet more dangerous enemy to mankind in the insect life. And so Marshall wrote that since "both prairie and forest lands, are infested by hostile insects, which, if not held in check by their natural enemies, the birds, would result in the inevitable destruction of their vegetation, then it would necessarily follow that the power of Congress to make all needful rules and regulations respecting property belonging to the United States, includes the power to prohibit or regulate the killing of these natural guardians of the prairie and the forest, of this police agency supplied by the Creator for the preservation of vegetable life on the property belonging to the United States."

This single sentence furnishes several clues to Marshall's character—his power of presentation, his large vision and interest in the public domain, and also, what probably is not very common in briefs, the religious note in the phrase "police agency supplied by the Creator"; and then there followed many quotations from the books of distinguished naturalists, from magazines devoted to natural history, from publications of the United States Department of Agriculture and appendices on the subject which would have done credit to a trained zoologist.

Some lawyers have asserted that the most important brief he ever wrote was the one he submitted to the Court of Appeals in the case of *Ives* against the South Buffalo Railway (201 New York Reports) and that this alone would have assured his reputation as a constitutional lawyer. "This litigation revolved about the first workmen's compensation statute of New York, and Mr. Marshall's attack on the law, which the Court sustained, paved the way for a more careful and precise enactment on the subject, both in the State of New York and in other States, and thus stands as a landmark in legal history, in which the welfare and happiness of myriads of the population were determined."¹

There was another side to his character which appeared again and again in his legal work. He was a man of intense

¹ Albert M. Friedenbergl, *Jewish Exponent*, September 13, 1929.

conservatism who believed in the Constitution of the United States, in the Laws, in the economic system which prevails in our country, in the public schools, in our institutions, in capitalism, and in all the things which were the common property of Americans up to the last twenty or twenty-five years when the rumblings of new social theories began to be spread among the workingmen of America and to find a place in college chairs and in the parlors of those who were quite willing to enjoy the advantages of the old system while expressing their intellectual interest in the new. In other words, Marshall was an American, a Republican, a law-abiding lawyer, a citizen of the Old School. But to him, freedom and the rights of man were an essential part of this theory, and much as he disliked socialism, he deemed it even more important to maintain the rights of citizens to choose their own representatives and the rights of these representatives when legally chosen to sit in the Legislature of the State of New York, even in the year immediately after the war when the American people had become accustomed to restraint, to restriction, to censorship, and to many other things which would have been repugnant to the Founders of the Republic. Because he held these views, he joined other eminent members of the Association of the Bar of the State of New York in a brief submitted to the Judiciary Committee of the New York Assembly supporting the right of the five socialists who had been duly elected to hold their seats in the New York Legislature. The other members of this Committee were Charles E. Hughes, Morgan J. O'Brien, Joseph M. Proskauer and Ogden L. Mills.

Allusion has been made to the fact that Marshall, when well on toward middle life, learned to read Yiddish well. He defended the Yiddish newspaper, and in general, the Foreign Press against the attacks of the one hundred per cent Americans, on the ground that it was only through this Foreign Press that the immigrant could get some idea of America and American institutions. On one occasion, during the war, when it was proposed to suspend a Yiddish newspaper (and it may be remarked parenthetically, a Yiddish newspaper which, up to that time, had been unfriendly to Marshall) on the ground that it was opposing the draft or was otherwise unpatriotic, Marshall went to Washington

and gave his personal guarantee to the Postmaster General that he would read every editorial which appeared in the paper, and, if there was anything unpatriotic in it, he would report it to the Department.

He was fully appreciative of the difficulties inherent in the presence of ten million Negroes in a white population, largely settled within states where they had once been slaves. Nevertheless, he recognized that this was one portion of the population which had not come to America of its own free will; that it had suffered great degradation; and that a special duty was imposed on the white people of the United States to protect and to aid this people who, but for the greed and economic necessity of the white man, would have remained content upon their native soil in Africa. And so, on various occasions, he appeared at Washington to argue before the Supreme Court cases regarding the civil rights of the Negroes of America, to whom he frequently gave counsel and advice. It is not unnatural that on various occasions and after his death, the National Association for the Advancement of Colored People paid him especial tribute. It may be, because he was a Jew and was aware of the oppression to which minorities are subject, that he took up the cause of the Negro as indeed he did that of many minorities.

One of his notable accomplishments as indicating his constant watchfulness on behalf of religious liberty and of his fear of the infringement of the State upon the rights of parents and churches, was when he offered to act as an intervenor in the suit brought by certain citizens of Oregon, who were Roman Catholics, against the State of Oregon. The Legislature of that State, it appears, had passed a law requiring that all children of a certain age should attend the public schools and that all other schools in the State should be outlawed. The Courts of Oregon had sustained this Act, and an appeal had been taken to the Supreme Court of the United States. Marshall argued this case in the Supreme Court on behalf of the rights of the Catholic Church in Oregon. He argued it principally upon the ground of the rights of parents to direct the education of their own children so long as the educational requirements of the schools to which these children were sent met the standards

set up by the State or Municipality. The Supreme Court of the United States rendered a decision in favor of his contention.

Another cause that he took up was the "Seizure of Haiti" by the United States and the coercion of that State into a form of treaty into which it would never have entered of its own free will. This was likewise one of those instances in which he was concerned to defend the weak, though, a large part of his allegation was that the honor of the United States was involved.

He was a Republican in the Syracuse days, and he remained a Republican when he came to live in the city of New York, a city almost normally Democratic. So strong was his devotion to the Republican party that in 1912 when Jacob H. Schiff decided to support Woodrow Wilson, Marshall endeavored to dissuade him.¹ It never troubled Marshall to be in the minority. He never sought to occupy a gainful public office in the State or in the Country, but he did serve the State on several occasions. He was the only man who ever sat in three constitutional conventions—1890—1894—and again in 1915. He was Chairman of the Commission of Immigration of the State of New York under the appointment of Governor Hughes in 1909, and prepared a document which has taken prominent place in the literature on that difficult subject. During the War he undertook the arduous duties of membership on the New York District Draft Board from 1917 until the close of its labors.

When the difficulties between labor and capital became acute he was requested by both sides to adjust them. He was the mediator in the cloakmakers' strike in New York in 1910 and prepared a protocol which was the basis of many subsequent strike settlements. He was a member of the arbitration committee which settled the New York clothing workers' strike in 1919, and Chairman of the Committee to fix the price of bread.

The success he achieved in his profession as in the Communal labors that he took up, can be ascribed to a passionate belief in his causes, and to an indomitable will, but these were expressed in a concrete form—work. A large law library was available at his office, but he had a very consid-

¹ Cyrus Adler, *Jacob H. Schiff, His Life and Letters*, Volume I, pp. 311-312

erable one at his own house, and many a night, and deep into the night, he read and prepared himself for the cases which he had to argue.

Somewhere, somehow, maybe through the reading of the Bible and of the great English Classics, and added to these, a direct and logical mind, he acquired a lucid and vigorous style and the power of direct presentation which carried conviction and yet eased the labors which would have been more difficult for another man. As a public speaker, he was sometimes hesitant at the beginning, and it took him a little while to get warmed to his subject, but in dictating legal briefs or in writing one of his many voluminous letters which were almost the equivalent of briefs, he never hesitated for a moment. He could dictate for hours and would have wearied out any but the strong and loyal secretary who sat at his side for many years. Every sentence was perfect. The brief could go straight to the printer, though it was not infrequently read and re-read in proof; a letter once dictated he never saw again, and rarely signed. Thousands of letters that bore the name "Louis Marshall" were signed by this same secretary, and never was a grammatical flaw found in them.

III

It is not possible in the course of this sketch, nor necessary, to write the history of all the great Jewish causes to which Marshall devoted himself. One of the most notable was with regard to the termination of the Treaty of 1832 with Russia, because of Russia's refusal to recognize the American passport except when it suited her to do so. After exhausting all kinds of diplomatic negotiations over a period of forty years, and finding that these were futile, largely because in the last analysis foreign trade was deemed superior to American rights, it was finally decided to take this cause to the people through Congress. The story of this has been written elsewhere.¹

On Monday, December 11, 1911, the American Jewish Committee sent a representation of its most eminent members to the Committee on Foreign Affairs of the House of Representatives. The proceedings were opened by a brief

¹ *American Jewish Year Book*, 1911-1912. Pp. 19-128.

and charming address by its President, Judge Mayer Sulzberger, and then came the statement of Louis Marshall. He proceeded; but members of the Committee frequently interrupted him. They asked him questions about all sorts of points; points of international law; points which were not supposed to be in his ordinary line of practice. "Did Congress have the power of abrogating the Treaty?" He answered by recalling the precedents from 1798 on; and by an amazing feat of memory would have messengers go for the books, turn to the exact page and give chapter and verse for his answers. For many hours that day, in the morning, and after the recess, he was on his feet, and never failed to meet any question put to him by any member of the Committee. The Committee voted unanimously to abrogate the Treaty, and with but one dissenting vote,¹ the House of Representatives adopted the resolutions reported by the Committee.

A few days later, he was called to argue the matter again, this time before the Senate Committee on Foreign Relations, whose members were more expert in matters of treaty-making because it was particularly within their purview. He carried the Senate Committee just as he had carried the House Committee; and a few days thereafter, speaking on the floor of the Senate, Henry Cabot Lodge referred to the subject and in commenting upon Marshall's presentation referred to him as the "great constitutional lawyer." Of the effectiveness of his work in this behalf, Jacob H. Schiff wrote "Louis Marshall has outdone himself all through, and to him more than to anybody else, is due what has been accomplished."²

Marshall was one of the founders of the American Jewish Committee. He served as a loyal aid to its first President, Mayer Sulzberger, until the latter's retirement in 1912, when, without question and without hesitation, Marshall was elected his successor. His work on behalf of the Committee was constant. It was with him every day, and even to summarize it would far exceed the limits of this sketch. On the other hand, to pass this over in a sentence or two,

¹ *Termination of the Treaty of 1832 between United States and Russia.* Hearing before Committee on Foreign Affairs of House of Representatives, Monday, December 11, 1911.—Washington Government Printing Office, 1911.

² *Jacob H. Schiff, His Life and Letters*, Volume II, Page 151

would give but an imperfect picture of the last twenty years of his life.

His part in the abrogation of the Treaty with Russia has already been alluded to—maybe too briefly—but that was during the period when Judge Mayer Sulzberger was still President of the Committee, and Marshall, loyal as he was to Judge Sulzberger and to the organization, never signed any communication on behalf of the American Jewish Committee, except on one or two occasions when he was especially delegated to do so, until he became its President. The volume of correspondence he conducted thereafter is really bewildering. He even felt it necessary to explain the address he had delivered before the Union of American Hebrew Congregations on the Passport Question. In a letter of January 20, 1911, he wrote:

“I am in receipt of yours of the 19th inst., and humbly apologize for not having answered yours of the 6th inst. as I should have done, and would have done but for the fact that, ever since its receipt, I have been either out of town, or in court, or otherwise so engaged as to render it impossible for me to attend to my correspondence.

“While there is nothing in the world that I dread more than making a public address, I feel that I cannot refuse to comply with any request that you may make within the bounds of reason. There is always a possibility in my case, however, of being called away from town on short notice, which event I shall try to forestall by preparing my address so that it may be ready even if I do not personally present it.

“I have just written to Judge Sulzberger in regard to the circumstances attending the reading of my paper at the council of American Hebrew Congregations, on “Russia and the American Passport.” As a matter of fact, I finally yielded because Mr. Schiff assured me that Mr. Norton, the President’s Secretary, had advised that it should be done. I enclose a copy, regretting that I did not have an opportunity to submit it to Judge Sulzberger and yourself before it was read, so that I might have had the benefit of your criticisms. The short time that I had to write it after I received the information to which I have referred, made it impossible.”

His first public act as President of the Committee was in

January, 1913, at the close of the Balkan Wars, when he addressed President Wilson on behalf of the Jewish population which might be transferred from one Balkan State to another in view of a meeting of delegates and ambassadors which was being held in London at that time. With bills to restrict immigration, with hardships suffered by immigrants, and with difficulties experienced by aliens in naturalization proceedings he was constantly employed.

Within a few days after the outbreak of the World War, Marshall recognizing that nearly two-thirds of the Jews of the world were situated within the European War Zone, realized that great efforts must be made for their relief. But the first actual call came to him, as President of the American Jewish Committee, from Palestine, and his prompt action upon that occasion, in conjunction with Jacob H. Schiff and with the Provisional Zionist Organization, resulted in the formation of the American Jewish Relief Committee of which he became President. From that time on, he never ceased his activity in the gathering of funds for the relief of sufferers of the war, wherever they might be. He travelled far and wide; he addressed gatherings in every part of the country and labored with superhuman strength in a cause which resulted in the gathering of more than eighty millions of dollars. But he was not alone concerned about the gathering of the fund. He was a member of the Joint Distribution Committee and interested himself in every part of its work. He had a good knowledge of conditions in Eastern Europe and a discriminating judgment in trying to remedy them. While his duty in Paris in 1919 was with the Peace Conference, he gave much time to the work of the Joint Distribution Committee which had headquarters there for some months, and even assisted in the purchase from the American Military Stores of large quantities of overcoats, boots, and woolen socks to be sent into Poland during that abnormally cold winter and spring.

From 1919 on, he interested himself particularly in the relief of the Jews of Russia, not because he had any predilection in favor of the Jews in one country as against another, but because he felt that owing to the fact that for three or four years, communication with Russia had been impossible, America ought to make up to the Jews of Russia

what she had not been able to do for them during the intervening years.

But his services on behalf of the Jews of Eastern Europe went further than extending material relief. Immediately after the outbreak of the World War, Marshall, as President of the American Jewish Committee, took steps toward bringing about some understanding among the various Jewish organizations so that they might jointly deal with other problems concerning the Jews which would arise in Europe, for many thoughtful Jews foresaw that in the peace negotiations which would follow the war, opportunities might be presented for securing better conditions for hitherto oppressed Jews in Eastern Europe. Marshall first arranged for a conference with the representatives of the Provisional Zionist Committee to see if an agreement as to joint action could not be reached; but that failed. He had planned, then, to endeavor to bring about a conference, a sort of joint board which would deal with all such matters. Just at this time, the summer of 1915, the Constitutional Convention was sitting in Albany and required his constant attendance, and shortly thereafter, came the very serious illness of his wife, so that for a critical period of maybe eight or nine months, his strong hand and wise judgment were not available. The plan for the conference failed largely because the Zionist Organization opposed it, and later, out of this opposition there came a movement to create an American Jewish Congress, which, its proponents claimed, was to be a representative body elected on a democratic basis. For several years, the Congress question caused discussion and dissension, but finally in 1918, in the hope of moderating whatever action the Congress might take, Marshall advised the American Jewish Committee and a number of other organizations which shared its views to lend their support to the movement for a Congress, with the express understanding that it was an emergency body and would disband after the Peace Treaties had been secured. He also agreed to proceed to Paris as a delegate of that Congress, although he reserved the right of independent representation on the part of the American Jewish Committee.

Marshall was a hardy, healthy, strong, vigorous man. He

could stand any amount of work, fatigue, or heat, but the one thing he dreaded was the ocean. He had not crossed it for twenty years and had that peculiar constitution which made even a ferryboat uncomfortable to him on a rough day. To go over toward the end of February of the year 1919 in a vessel stripped of all heating equipment—it had been a cruiser during the war, which after leaving New York, docked at Halifax for coaling—the thermometer many degrees below zero—was a hardship to him which can only be compared to a serious illness on the part of others; but he went, and stopping in England for but two or three days for a conference with some of the leading men there, proceeded to Paris and stayed until after the Treaty was signed, being one of the very few of those who crossed who saw the task through to the end.

These were days of intensive and arduous work, carried on not always in the most co-operative fashion on the part of those who were supposed to help. When he arrived, the representatives of the Jewish communities of various countries who had assembled at Paris were all disunited. The English and French Jews had one program; the Eastern European Jews who had, previous to his arrival, been joined by a portion of the American delegation which had preceded him, and had established their offices at the Zionist headquarters, had another. One of the first things that he did was to strongly advise that the future of Palestine and the rights of the Jews in Eastern Europe should be treated separately. Then he joined with others in the endeavor to bring about a united effort on behalf of the Jews of Eastern Europe, but after three days of conference, this came to naught. However, in effect, while everybody stuck to his "principles," there was no public discord and a working arrangement was reached.

The result of all of these labors was the insertion in the Treaty with Germany, the Treaty with Poland, and afterwards in the Treaties with other countries, of the clauses providing that, under the guarantee of the League of Nations, nationals who belong to linguistic, racial and religious minorities in the new states formed as a result of the Treaty of Versailles, or in other states whose territory was enlarged by this and other Treaties, shall enjoy the same rights as

other nationals in those states. These clauses which have come to be known as the "minorities treaties," it will be noted, are not limited to any particular minorities. They are equally applicable to a German in Esthonia or to a Ukranian in Jugo-Slavia as they are to a Jew in Poland. They were conceived on the broadest lines. They preserved the religious rights of Roman Catholics in German colonies handed over to other powers, or of Protestant institutions in Turkey.

I am not disposed to say that for this result, Mr. Marshall was solely or entirely responsible. Representatives of other countries, some other people had their share, but his was the dominating mind and the strong personality. In the course of these labors, he drafted innumerable documents and had interviews with many of the great of the earth.

The voyage home was equally uncomfortable for Mr. Marshall, although this time it was heat and not cold from which he suffered. Once the Treaty was signed, all Americans in Europe were trying to get back. Havre was the nearest port to embark. He finally succeeded in getting, with a friend, a very small compartment in the second class, next to the boiler room, but even now, he was to have no peace, for a curious thing happened.

The French were rejoiced greatly over the Treaty and they decided to have an unusual celebration on Bastille Day. The crew of the steamer struck, and just as the passengers came on board, the officers advised them to leave the boat because they could not protect or take care of them. Rooms in Paris had been given up. Havre was crowded to the eyes, and these Americans who had not had any too good a time, were expected to sleep in the streets, so the passengers called a meeting, and they elected Marshall chairman. He took action direct with the Steamship Company which brought their managing director down from Paris post-haste. The right of the passengers to stay on board the ship was conceded. The duty of the company to find protection for them was admitted; and so he won another cause of international import before a curious tribunal.

This little ebullition of French patriotism—probably natural enough at the close of the terrible war—was reported in highly sensational fashion in various newspapers. His attention was called to these, and he wrote, under date of

August 5, 1919: "I had seen the sensational articles descriptive of the battle of the Touraine. It merely indicates that in the absence of a sea serpent the shipping reporter who met us on the steamer found it necessary to touch the piracy tap of his imagination. I felt at first that I would protest but I find that I would be kept constantly employed if I attempted to correct every misrepresentation which appears in the newspapers."

In 1925, he spent part of the summer at Geneva in order to study the operation of the Minorities Treaties, the manner in which complaints under them were handled by the Council of the League of Nations and the decisions of the Permanent Court of International Justice on such complaints as had been referred to it. Because he looked upon these Treaties as in many cases, the sole bulwark of the rights and liberties of a large number of people in Eastern Europe, irrespective of whether they were Jews or not Jews, he submitted a painstaking and careful memorandum suggesting methods by which the procedure in handling complaints of the infraction of these Treaties might be improved.

He took a great interest in the Jews of Rumania and Poland, and had frequent conferences with the representatives of those countries and conducted an active correspondence about Rumanian affairs.

With prophetic vision, he did what he had never done before. He denounced the action of his co-religionists in Turkey who, through a false idea of patriotism, renounced their status as a minority under the Treaties by which Turkey was bound. He asserted that no set of representatives had the right to nullify any part of a Treaty which had the sanction of the nations of the world; perhaps, if his advice had been followed, the situation of the Jews of Turkey would be less lamentable than it is today.

Not the least important of Marshall's services to his people was his defense of them when vilified or maligned. The keen power of analysis, superb argumentative ability, and vigorous literary style which he employed on the many occasions he was called upon to denounce anti-Jewish propaganda—and, especially after the war, these were frequent—made his letters and speeches against such agitation classics in their field.

The *Dearborn Independent* and the support which its proprietor, Mr. Henry Ford, one of the richest men of the world, gave to the steady stream of calumny against the Jewish people, caused him intense concern and great sorrow. A week after this paper began its campaign against the Jews of America and of the world, he sent a telegram of vigorous protest to Henry Ford. Thereafter, he engaged in most painstaking study to trace the origin of the so-called Protocols of the Elders of Zion, the ridiculous libel on which many of these articles were based. He collected material; he had rare books photographed, not for the purpose of publishing a memorandum or book, but to inform himself. It is a great pity that he never had the time to put together this whole story in the clear, logical, and illuminating manner, of which he was capable. In season and out of season, he continued with this subject, and it was one of the gratifications of his life that in 1927, Mr. Ford confessed that he had been misled; that he was "deeply mortified that this journal . . . had been made the medium for resurrecting exploded fictions" and that he would do anything in his power to make amends for this calumny. Note the dignity, the restraint of Mr. Marshall's reply.

"I am in receipt of your letter to Mr. Earl J. Davis accompanied by your statement regarding the long series of vituperative articles which since May, 1920, has appeared in *The Dearborn Independent* and which contains the most violent attacks upon the Jews. You now declare that after an examination of those articles you feel shocked and mortified because of the harm which they have done, and you ask for forgiveness.

"For twenty centuries we Jews have been accustomed to forgive insults and injuries, persecution and intolerance, hoping that we might behold the day when brotherhood and good will would be universal. We had fondly hoped that in this blessed Republic, with its glorious Constitution and its just laws, it would be impossible to encounter the hatred and rancor to which our brethren have been and still are subjected in other lands. We could not at first credit the information that *The Dearborn Independent* had permitted itself to be made the vehicle for disseminating exploded falsehoods and the vilest concoctions of vicious minds, in-

vented by adventurers who had barely found asylum here when they attempted to introduce the exotic growth of anti-Semitism.

"Happily such excrescences could not flourish on American soil. Happily the enlightened press of this country treated them with contempt and as unworthy of notice. But we Jews none the less suffered the anguish of tortured memories, the nightmares of a horrible past, and the sorrow that, in spite of the progress of civilization, there were those who stood ready to misunderstand us. What seemed most mysterious was the fact that you whom we had never wronged and whom we had looked upon as a kindly man, should have lent yourself to such a campaign of vilification apparently carried on with your sanction.

"The statement which you have sent me gives us assurance of your retraction of the offensive charges, of your proposed change of policies in the conduct of *The Dearborn Independent*, of your future friendship and good will, of your desire to make amends, and what is to be expected from any man of honor, you couple these assurances with a request for pardon. So far as my influence can further that end, it will be exerted, simply because there flows in my veins the blood of ancestors who were inured to suffering and nevertheless remained steadfast in their trust in God. Referring to the teachings of the Sermon on the Mount, Israel Zangwill once said that we Jews are after all the only Christians. He might have added that it is because essentially the spirit of forgiveness is a Jewish trait.

"It is my sincere hope that never again shall such a recrudescence of ancient superstition manifest itself upon our horizon."

To the late Major George Haven Putnam, head of the well-known publishing firm, he protested against the publication of the Protocols of the Elders of Zion, upon which so much of the attack on the Jews of the world was then being based. In concluding a long letter, dated October 13, 1920, Marshall wrote: "Are you able to appreciate the pain, the grief, the agony, that you are causing to three millions of your fellow-countrymen, and to millions of men, women, and children in other parts of the world, by your participation in the disgraceful and inhuman persecution which is

now being insidiously carried on by means of publications in the distribution of which you are actively engaged? I look upon this as a tragedy.

Yours, in sadness,"

One of his pet aversions was Jewish political clubs which sprang up from time to time under unwise influences in heated elections. He approved of political clubs but denounced them when they were Hebrew Republican Clubs or Hebrew Democratic Clubs holding that: "We Jews especially owe a duty to ourselves to occupy a dignified attitude toward public questions—not to cheapen our name, not to permit it to be dragged through the mud of ward politics. It should have to us a sacred connotation and should not be placed in danger of being soiled and contaminated."

Despite his preoccupation with his law practice and with foreign Jewish problems, he still found time and strength, somehow, to take an active part in the life of his own community.

He was particularly concerned about the religious school, congregational and communal, and powerfully aided the movements looking to the preparation of well-trained teachers for such schools; he recognized the fact that new methods were desirable and, to this end, lent his support to the establishment of the Bureau of Jewish Education; he interested himself in the religious education of Jewish girls which in various sections of the community had been woefully neglected. This neglect had specially attracted the attention of his wife, and after her death, he devoted a considerable sum of money to the establishment of schools for the Jewish education of girls in New York City, which he named in her memory, "The Florence Marshall Schools."

But above and beyond this, the entire subject of Jewish religious education everywhere he regarded as his especial charge, and it was only the intrusion of stern necessities that prevented him from devoting the last decade of his life entirely to this subject.

He associated himself with the Board of Directors of the Jewish Theological Seminary of America at the time of the re-organization of that institution in 1901, at once accepting the chairmanship of its Executive Committee, and in 1905,

the chairmanship of its Board. He watched every detail of this institution throughout this whole period. He knew its general plan of work. He followed the career of its professors and graduates. He read to an assembled and very busy Board of Directors every line of the reports submitted by the President and the Librarian, and every new accession of a rare and valuable print or manuscript, he dwelt upon as a particular thing of joy. He gave the finances of that institution his most scrupulous care. He examined every detail, no matter how minute, read all lists of books which were purchased for the library; and if there was any account or bill which did not seem entirely regular or maybe extravagant to him, he wrote a memorandum and required an explanation. During years of depression and trouble, when funds were not in hand or forthcoming to meet the monthly requirements, he advanced them himself, and when it was suggested to him that other members of the Board would be glad to share this burden with him, he said he preferred to do it himself. With all this, he recognized absolutely the distinction of duties as between Trustees and Faculty. He rigidly abstained from taking any part in shaping the curriculum, and when one or another member of the Board would suggest some point which he thought ought to be taken up with the Faculty, he declared it to be outside the domain of the Trustees. He constantly supported the rule that appointments of members of the staff should not originate with the Board, but with the President of the institution, reserving only to the Board the customary right of confirmation or veto—but there never was a veto.

The giving of a mere list of the Jewish Educational Institutions, both local to New York and national, which had his interest and support, would serve no point in stressing his devotion to the whole cause. But at least, there must be mentioned two more—the Educational Alliance in New York City, of which he was a director, and the general movement toward the establishment of Young Men's Hebrew Associations. He was one of those who early realized that Jewish education could not stop with childhood and that something must be done with the adolescent and growing boy and girl; but his interest was not simply local to New York in this regard. When a National Council was started,

by which it was sought to unite these Young Men's and Young Women's Hebrew Associations, and kindred organizations, he became one of the members of that Council; and later, at the outbreak of the War, when it became necessary to greatly enlarge this work and extend its benefits to the many thousands of young men who went into the army and navy, he became a member of the new board, known as the Jewish Welfare Board. In the work of this board, which has continued to unite the older activities of Young Men's and Young Women's Hebrew Associations and community centers with the work among the Jewish men in the army, the navy, the marine corps, and those so unfortunate as to be disabled in hospitals, he actively participated.

He steadfastly refused to become an officer or trustee of the Jewish Publication Society of America, largely because its headquarters and meetings were held in Philadelphia and he felt he could not do it full justice; but no officer or trustee was a firmer friend than he. He frequently came to its annual meetings, he addressed them, he contributed to the Society's funds, and he urged upon other people its support largely because of his firm conviction that if the Jews in America remained ignorant of their Bible, their history, their literature, their ethics, and their philosophy, they would not remain in existence, and it probably would not be worthwhile to keep them in existence; for he hated ignorance.

He did one thing in connection with the Society which gave him much pleasure. Jacob H. Schiff, having established a fund for the creation of a series of volumes to be known as the "Jewish Classics" in which a good deal of Hebrew printing was required, the project of establishing a press, on which these books and other Hebrew texts could be printed in America adequately, was brought to his attention. I was with Mr. Schiff downtown, we had luncheon, and I laid the matter before him. He saw the point very quickly, as he usually did. I named the approximate cost of the enterprise, and he said he would give one-half of the amount. We walked up the street together and met Mr. Marshall, and as we both apparently looked well-pleased, Marshall said "What have you been doing that pleases you so much?" Thereupon, I told him about the project, and he said "Well, if Mr. Schiff has given the half, I will add a



Courtesy of The Jewish Tribune

LOUIS MARSHALL UPON HIS RETURN FROM THE
PEACE CONFERENCE, JULY, 1919

quarter." This plan, like many others, was deferred in its execution until after the war.

When we were together in Paris in 1919 at the Peace Conference, just before we sailed for America after four long and weary months, the Jewish delegates from Eastern Europe made addresses of more or less oriental fervor to Marshall for his labors in their behalf, and one of them likened him to Manasseh ben Israel. When he mentioned this laughingly, I said to him: "After all, I do not believe in comparisons, and the circumstances may not have been exactly alike, but if comparisons were in order, I think it was not a bad one," and Mr. Marshall was highly pleased.

Later on, when we were back in America, and the project of creating the Hebrew types was seriously taken up, I decided, since the matter was left in my hands, to maintain, what had been the tradition as it were, of Hebrew printing in America since colonial days, namely, that of the "Dutch Faces," for all of our early Hebrew types came from Holland, and since I saw no particular reason for following an accidental printing house, I had the faces drawn and cut from some of the output of the famous printing house of Manasseh ben Israel in order to preserve the suggestion of the link between Marshall and the famous Manasseh.

These labors and many more on behalf of Jewish learning and education he regarded as ancillary to Judaism—and in spite of the fact that during the greater part of his grown-up life he had to deal with a Judaism split up into many fragments and elements, he was never a party man so far as things Jewish were concerned. He saw no incongruity in being President of Temple Emanu-El and Chairman of the Board of the Jewish Theological Seminary—he was a true liberal, respecting every man's opinion, the actual embodiment of Schechter's happy phrase, Catholic Israel.

His last great contribution to the Jewish cause was in connection with Palestine. Always cherishing a deep sentiment for the Holy Land, he had not, until the time of the Balfour Declaration in 1917, been convinced that the movement for the resettlement of Palestine held within itself the promise of any great practical result.

He never became a member of the Zionist Organization, but was willing to help Palestine, writing "While I am willing to give shekels in the plural, I am not as yet able to *pay a shekel*." But even prior to the Balfour declaration, he had interested himself in two projects in Palestine. One was the Technical Institute at Haifa, and the other, the Jewish Agricultural Experiment Station. The Technical Institute brought great difficulties which finally resulted in the resignation of the American members of the Curatorium; and the Agricultural Experiment Station which was started with very high hopes, came to an end because of the war. The Technicum, as it is called, is still in existence.

When, in 1917, Great Britain pledged itself to facilitate the establishment of a national home for the Jewish people, he thought that the undertaking came within the realm of practicability and he advised the American Jewish Committee to give it cordial recognition. It was his firm conclusion that it was the solemn duty of the Jews of the world to aid the undertaking of the resettlement of the Jews in Palestine, and he once said at a notable gathering at the house of Oscar S. Straus that they should do this even if they had doubts about its economic success. His point of view was that the nations of the world having made it possible for a portion of the Jewish people to settle upon their ancestral soil and there rebuild a home, it would be nothing short of a disgrace to the Jewish people the world over, especially those comfortably situated in America, if they should abstain simply because they were not sure of economic success.

Because he held these views, he took careful and methodical steps, in co-operation with the World Zionist organization, first through the appointment of a Palestine Survey Commission with which he ardently labored, and later through the negotiations for the establishment of a body which, joined with the Zionist Organization, would be representative of the Jewish communities of the entire world, to unite Zionists and non-Zionists in the upbuilding of Palestine both as a safe and pleasant country in which to dwell and as a center of Jewish cultural and religious renaissance. The last public act of his great life was to append his name to the constitution of the enlarged Jewish Agency which to

him meant not only the prospect of the rehabilitation of Palestine, but a united effort of the Jews of the world in the carrying on of all worthy Jewish projects. He was happy in this accomplishment.

This statement, however, barely indicates the great thought, close attention, and real power that he gave to the subject. After numerous conferences, by word of mouth, by cable, and by letter, he with Dr. Chaim Weizmann prepared the memorandum of instruction to the Joint Palestine Survey Commission; and let it be said in passing, that the terms of reference are more clearly indicated and were more strictly adhered to than were those of some Government Commissions.

When the Survey Commission rendered its report, he went to infinite pains to study every detail of it; to interview the authors of the various reports to get a more intimate view. Though for him to go out of his office and across the ocean, especially in business times, was a great wrench, he went to London to participate in their discussions. Once the Commission's report had been submitted, and the ground laid for the establishment of the United Jewish Agency, he was indefatigable in advocating that cause. He attended many meetings; and lastly, he went to Zurich and presided over most of the sessions of that historic assemblage which formed the closing chapter of his career.

IV

Shortly after Marshall's coming to New York, in 1894, he and Judge Sulzberger had a talk, and the Judge, who was a confirmed bachelor, said to Marshall: "Now, Louis, if you stick to your work and don't marry one of those damned society women in New York, you'll have a great career before you." On May 6, 1895, Mr. Marshall married Florence Lowenstein, a very charming young lady who seemed to the critical eye of Judge Sulzberger originally, to belong to the group that he had anathematized. It was not long before the Judge became a great friend of Mrs. Marshall, and time and again, she used to twit him with his early advice to her husband and inquire whether she had been a drag upon his career; and indeed she never was. She merged her life absolutely with his. She had a direct influence on his public

career because he was high-tempered and at times stormy, while she was a soothing and restraining influence which undoubtedly aided him in becoming more friendly and companionable with hosts of men. And he repaid this charming lady with a love and devotion worthy of the pen of some great mediaeval poet when romantic love was supposed to be the principal business of life; and she deserved it!

Marshall had as complete a domestic life as it would be possible for any man who attended to so much public business. Outside of his profession and Jewish causes, nothing took him away from his home, or rather from his two homes, for he had one, the well-known house at 47 East 72nd Street, New York City, and the other, in the Adirondacks. One daughter and three sons were born, and everything centered around the up-bringing of these children. He was a good pal to his boys as they were growing up, and used to play baseball with them, the sport which he most admired.

He was a man of frugal and simple personal tastes and never got over the habits of economy which had been forced upon him in his youth. It was a difficult thing to persuade him that a new suit of clothes or a new hat was not totally unnecessary. He wore the old-fashioned congress gaiters which have almost disappeared from the memory of man. He never owned a horse and carriage, or later, an automobile, and never took a cab when a street car could be found.

However, this simplicity of taste and economy did not carry itself throughout all his interests. He had a fine collection of paintings, exclusively landscapes, and possessed a good example of almost every famous American painter of his time, as well as some of the French landscape painters of distinction.

His law library at his home has already been mentioned, but he had a very good collection of general books. His house was indeed his castle, to which people came from all over the world. As years went on, more to save him time than anything else, his associates saw to it that meetings of committees and boards with which he was connected were held at his house—originally around the table of his law library, an addition which he had himself built; but when, in the course of the development of New York City, a large

apartment house was built alongside his home, darkening the law library, meetings were invariably held in his dining room around a big, oak table. If the walls of that room could speak, they would have many interesting things to tell!

He loved to walk, more especially where there was green about, through Central Park in New York, through the woods in the Adirondacks, and through the Bois in Paris.

While not a club man, he belonged to several, some downtown for the purpose of having a convenient place for luncheon and luncheon conferences, though he frequently deserted the Bankers, of which he was a member, conveniently located in the building in which his offices were, to go to a little place in Hanover Square where he met some old friends whom he liked and who did not bother him with business.

In the summer months, when his family was away in the Adirondacks, and he had to go to the city, the Lotus Club was his favorite resort because he loved to see the charming pictures and meet the painters and art lovers who came to that famous club.

He combined asceticism and good taste in the matter of food. He was a complete teetotaler and never tasted a drop of alcohol in his life, but it should be remarked parenthetically that he was opposed to the Eighteenth Amendment to the Constitution, and firmly believed that it should not have been there, and even that it was not lawfully there. He never used tobacco in any form, but he always had cigars and cigarettes at his house for the use of his friends and associates. His morning meal, and very often his luncheon, were simple fares, but when he sat down to dine, he had the taste of a gourmet, and no one could select a menu with more discrimination than he.

While a good letter writer, he was a bad correspondent. His mail was all opened personally and presumably read. So much of it as he deemed urgent he answered (sometimes on odd scraps of waste paper) and the rest was stacked up in heaps upon various desks, there to remain until his vacation. In the summertime, from his place at Saranac Lake, he wrote many letters with his own hand in reply to the correspondence which had accumulated during the winter. Here is a single example:

“July 19, 1922.

“Yours of the 17th inst. has been forwarded to me here where I am trying to get a rest, which I am getting at my desk, where I have sat a goodly portion of the time during the past three weeks, and where among other things I have written approximately three hundred letters thus far. My ankles have been bothering me considerably, with occasional relaxation of irritation. I am sure that Job was not troubled with boils or carbuncles. You and I know that potsherds would not relieve against their pangs, when they are doing their damndest . . . I may surprise the higher critics, someday, by making an important contribution to their science; or I may publish a new and improved Book of Job, with lurid commentaries, which will make Jastrow, Kallen, Bittenwieser and other of the numerous discoverers and inventors sit up and take notice . . .

“I have just written a rather stern letter to Mrs. . . ., who did me the great honor to ask me to serve as the Treasurer of what she calls a movement for the establishment of a Jewish University by the masses, who are to be called upon to make contributions of twenty-five cents per capita, to the end that their sons and daughters might defy Harvard and other existing institutions of learning. When we consider how the masses and the aristocracy of American Israel have come to the support of our *own* institutions of learning ‘it is to weep.’ It is enough to irritate a man into madness to listen to the inanities and stupidities that the Harvard episode has evoked.”

He was a good story-teller, and did not mind telling a story on himself. Here is one: He had an important case to argue before the Supreme Court of the United States, and was allotted what he considered a very short time. He felt that he could not make all the points or even give all the headings that he wanted to give, so, relying upon his years of standing, he thought he might overstep his time. After he had gone on about five or six minutes beyond the allotted period, Mr. Chief Justice White leaned over, looking at his watch, and said: “Mr. Marshall, one of the most unpleasant duties presented to the Head of this Court is that he sometimes is obliged to shut off the light.”

This brief and very imperfect survey of his career would indicate a life so packed with activities and making such demands upon the mental and physical energies of one human being, that nothing more was possible; and yet there was much more than can be related.

When he was at Knollwood during the summer writing letters, tramping through the woods, playing with his children, he also found the time and had the desire to write poems. One of these was a beautiful sonnet which he wrote to the memory of Israel Friedlaender, a professor of the Jewish Theological Seminary, who met a martyr's death in the Ukraine. This sonnet was published in a memorial volume to Professor Israel Friedlaender and Rabbi Bernard Cantor. Some of these poems were of the length of epics. Many dealt with the beauties of the woods and of Nature, but his great delight was with humorous verses to members of his family and to various friends.

He was of a profoundly religious nature, and during his residence in New York, was a member and Trustee and, for a number of years, President of Temple Emanu-El. He always strove to make this a great institution which, while maintaining its own well-established lines of conduct, should be hospitable and helpful to every kind of Jewish religious work. Nothing that was Jewish was alien to him. When away for the summer at his country home, he conducted his own religious services, and during his long stay at Paris in 1919, he rarely missed a service at the great synagogue in the Rue de la Victoire. He supported by his means, by his influence, and by his voice not only the form of worship to which he was attached, but every other. He saw no inconsistency in this, but rather thought it part of a general duty to aid all earnest Jews who were endeavoring to maintain their religious life to carry on these efforts in their own way.

He was a constant reader of the Bible and took every occasion to impress its importance upon the Jewish people. Time and again, when addressing an audience in a hall devoted to Jewish purposes, he would begin by asking

whether they had a Bible because he wished to begin his address by reading from it; and if they possessed none, he gave some good, sound advice in very straightforward language as to their neglect of their greatest heritage.

Fortunately, Mr. Marshall lived beyond the age of three score and ten, and his friends and an extraordinarily large number of people who had never seen him, paid him tribute on his seventieth birthday, December 14, 1926. He would have avoided this if he could. Various suggestions were made about a public dinner, a testimonial banquet, etc. A Committee was formed to raise a fund in his honor. All of these things he avoided and absolutely refused, and he spent the evening with his own family, but he did, a few days before, receive a group of devoted friends who handed him an address which had been signed by some ten thousand people representing many countries of the world. This he treasured because of the beauty of the script, the illumination, and the binding, but also being human, because of the recognition of his public labors that it indicated. He had received several honorary academic degrees: LL.D. from Syracuse University, and D. H. L. from the Hebrew Union College and from the Jewish Theological Seminary, and of these he was appreciative.

His point of view in his seventy-first year was expressed in another letter. He wrote, on September 28, 1927, in response to a New Year's greeting: "The year has been one of great happiness and satisfaction to me in many ways. There has been much to do, but there is more to be done. Ordinarily, while it is pleasant to reminisce, I prefer to look forward to the future. It gives me the greatest gratification to have at my side at all times men like you who are possessed of zeal, enthusiasm and vision and are at the same time able to keep their feet on the ground."

He died in Zurich, Switzerland, on September 11, 1929. He had completed his part of the labor connected with the initiation of the Enlarged Jewish Agency for Palestine. He had attended two sessions of the members of the Executive Council and field representatives of the Joint Distribution



THE LAST PHOTOGRAPH OF LOUIS MARSHALL,
AUGUST 14, 1929

Taken by Oscar Grün, Zurich, Switzerland

Committee, hearing reports and planning the future work of that Committee. He had considered carefully the proposal that so far as America was concerned at least, the gathering of funds for these two purposes, that of foreign relief in Europe, and of the Jewish Agency in Palestine, should be united and had given his approval.

He spent the last evening of his health in conversation with a few friends, in listening to stories and in telling them, and never had he seemed in better spirits, nor laughed more heartily than on that night.

One does not describe an illness; but he was courageous; he co-operated with his physicians; he willingly underwent suffering when he was aware of the gravity of his condition and operations were almost a forlorn hope. What fretted him most was that he had some work to do at home; that there was an important case to be argued involving questions affecting the rights of the Negroes; and, alas, he was not spared the knowledge of the terrible riots in Palestine that meant so much suffering, the destruction of so much work, which cast a shadow over the last days of his life.

But at least this may be said: He worked constantly, incessantly in his profession, in all public causes; and those who would spare themselves the same burdens should be told that he gloried in this work and all its results, and that his end was not due to his labors, but to one of these ills that flesh is heir to.

Benjamin N. Cardozo, Chief Judge of the Court of Appeals of the State of New York made this remarkably fine statement: "One finds it difficult to make appraisal of Louis Marshall, the man. One feels that he has somehow been transformed into a great civic institution, coordinating the energies and activities of many men, so that with all his intensely human traits he has acquired, in his own life, a new and, as it were, a corporate personality. He is a great lawyer; a great champion of ordered liberty; a great leader of his people; a great lover of mankind. In this teeming center of Jewish life the calls upon his experience, his courage and his extraordinary abilities are equaled only by his readiness to meet them with never-failing cheer and sacrifice."

While Elihu Root, Senator, sometime Secretary of State, one of the veterans of the American Bar, said of Marshall's legal career: "He is a most learned lawyer, thoroughly familiar with the precedents and imbued with the spirit of our law, and his learning has been made effective by a capacity for clear and precise statement . . . His whole distinguished career has been a contribution to the administration of justice . . ."

His last Will and Testament, a document which he must have considered with great care, is concerned in the main with matters relating to his family, but the fourth item, which contains his bequests to charities, gives an idea of the extent of his interests and the particular side on which he felt the strongest. Biblical to the last, it was a tithe of his estate that he bequeathed to public charities.

President Hoover wrote at the time of his death: "I am deeply grieved to learn that my friend, Louis Marshall, has passed away. His eminent services in law, government, conciliation and philanthropy will remain of enduring value to his country. His Jewish brethren will long gratefully remember his successful labors in promoting mutual respect and good-will amongst the races. But above all he will linger in memory as a lovable man and a loyal friend."

As a tribute to Mr. Marshall's interest in the forests of New York State, Governor Roosevelt, in January, 1930, recommended an appropriation of \$600,000 for a new building at Syracuse University to house the College of Forestry, and in presenting this recommendation, Governor Roosevelt made the following statement:

"Ever since the untimely death of Louis Marshall last autumn, I have hoped that the State might find some fitting way to pay tribute to his memory.

"Probably more than any other man Mr. Marshall was responsible for a greatly increased interest throughout the State in preservation of the Adirondacks and at the same time in the practical development of the science of forestry.

"For many years he was chairman of the Board of Trustees of the New York State College of Forestry at Syracuse University. Under his leadership and the leadership of its late dean, Franklin Moon, the School of Forestry made

giant strides until it became recognized as the premier institution of its kind in the United States.

“Because of limited accommodation, the School of Forestry is unable to admit a large number of students who wish to adopt forestry as a career. For many years, it has been the hope both of former Governor Smith and myself that a new building may be erected at the Syracuse University for this school.

“I am glad to say that I shall include an appropriation of \$600,000 in this year’s budget for the erection of a building for the School of Forestry and I shall ask that this building be named for Mr. Marshall in memory of his splendid services to the State.”

* * *

His name will remain a distinguished one in the annals of the Bar of New York State and of the United States. He will be remembered for his championship of the American forests and of all America’s natural resources, but above and beyond this, he has written himself into Jewish History and in the long and noble annals of the Jewish people, there will always be a place for the name of Louis Marshall.