

CHAPTER ONE

THE EDUCATION OF JOE RAUH: RACE

He lived up to every hope I ever had for good white people.
—ROY WILKINS, 1992

Coalition of Outsiders

Franklin Roosevelt's New Deal may have been, as Peter Irons once wrote, "a lawyer's deal," but it was also "an outsider's deal" that extended recognition and power to many Americans who had been marginalized by their ethnicity, race, religion, social class, or region. New Deal labor legislation, for example, gave a place at the economic table to union leaders, many of whom, like Walter Reuther and his brothers, traced their roots to Russia and eastern Europe. FDR tapped the first Irish Catholic to become solicitor general of the United States and the first to be named ambassador to England. Westerners like William O. Douglas, chairman of the Securities and Exchange Commission, Texas congressman Lyndon Johnson, and Marriner Eccles, a Utah Mormon who became governor of the Federal Reserve Board, formed essential parts of Roosevelt's new coalition.

Among the largest beneficiaries of the Roosevelt revolution were American Jews, many of them young lawyers from the best schools, who faced both declining employment opportunities in private practice and blatant anti-Semitism at law firms in the major cities of the East and Midwest. By 1935, however, Jewish lawyers provided the brains and idealism that infused the burgeoning New Deal legal bureaucracy, from the Agricultural Adjustment Administration (AAA) to the Tennessee Valley Authority (TVA).

African-Americans, victimized as sharecroppers and often excluded from

public works projects, became the last to join FDR's coalition of minorities and the last to enjoy its fruits, often handed out at the back door. While the president's wife, Eleanor, and his secretary of the interior, Harold Ickes, spoke out publicly against racial segregation, FDR never did so, but met quietly and unofficially with a few African-American leaders such as Walter White of the National Association for the Advancement of Colored People. When lawyers in the AAA attempted to protect the eviction of sharecroppers, the president banished them to other agencies. The New Deal's Department of Justice did not create a civil rights division until the end of the decade. Nonetheless, by 1936 African-Americans for the first time abandoned the Republican Party and joined the New Deal coalition.

By the end of World War II, blue-collar industrial workers in the North, white Southerners, Jews, and African-Americans constituted the core of the Roosevelt coalition and the Democratic Party, but the coalition had begun to unravel as a result of the migration of blacks into northern cities and their systematic challenges to segregation and disfranchisement in the South. Joseph L. Rauh Jr., a lawyer and a Jew, emerged from the New Deal with a foot planted in these multiple worlds that remained essential to the life of the liberal project after Roosevelt. Contributing to these worlds and navigating among them became the central theme of his public life.

Los Angeles, 1985

More than 3,000 men and women packed the ballroom of the Beverly Wilshire Hotel in Los Angeles on a November afternoon in 1985 to honor Joe Rauh, as the recipient of the Maurice N. Eisendrath Bearer of Light Award, the highest honor for public service given by the Union of American Hebrew Congregations, the leading voice of Reform Judaism in the United States. A standing ovation greeted the seventy-four-year-old civil rights and civil liberties lawyer as he made his way slowly to the podium, leaning on a cane, hobbled by an aching hip. He began his remarks by reminding his audience of the historic contributions to racial justice made by American Jews, from the founding of the NAACP to the civil rights workers Michael Schwerner and Andrew Goodman, who had been brutally murdered in Mississippi a decade earlier.

Then the tone and substance of his remarks changed. The Jewish community's "greatest mistake during my lifetime," he said, had been its "unwillingness to support the preferential aspects of affirmative action for qualified minorities and women." When their own self-interest in education and employment had been threatened, many Jews abandoned civil rights, "prefer-

ring self-interest to principle.” Next he launched into a criticism of those who proclaimed the sanctity of a “color-blind” Constitution. “The Constitution wasn’t color blind in slavery and it wasn’t color blind in Jim Crow,” he noted. “The color blind argument today is nothing more than a cover for the denial of any recompense for past discrimination based on color.”¹

Many in the Los Angeles audience recalled that their honored speaker had been in the vanguard of lawyers defending affirmative action programs against arguments that they constituted unconstitutional reverse discrimination against whites. Some perhaps recalled his words to the Milwaukee Jewish Council in 1973, when he scolded his audience for opposing affirmative action goals and timetables: “The descendants of the Jewish ghettos of Europe, upon whom American democracy has shone so brightly, must not be found wanting when the rights of the less fortunate are at stake.”²

And some in his audience probably recalled that in 1974 Rauh and Marian Edelman of the Children’s Defense Fund had filed a friend-of-the-court brief supporting the University of Washington’s efforts to promote minority representation in its law school and that their efforts had been supported by the National Council of Jewish Women and the Social Action Commission of the same Union of American Hebrew Congregations.³ Three years later, in the case of Allan Bakke’s lawsuit against the University of California, Rauh filed a similar brief defending the university’s program that reserved sixteen out of one hundred seats in its entering medical school class for “disadvantaged” minorities, defined as African-Americans, Asians, and Hispanics. But by then no Jewish organization signed on with him, despite his pleas.

“Many white people will suffer,” he told reporters at the time of the *Bakke* case, “but the problem is comparing [Bakke’s] rights against those who have been so long discriminated against. Who has the higher right?”⁴ Those words had rankled the leadership of the Union of Hebrew Congregations in 1977, and his words in Los Angeles irritated them eight years later. Only polite, tepid applause greeted the end of his remarks. That evening in his hotel room, nursing a gin and tonic, Rauh reflected on the response of the audience. He had felt like “a skunk at a garden party,” he said, or like Adlai Stevenson, Rauh imagined, when he criticized Joe McCarthy at a convention of the American Legion. But, he concluded, he would say the same thing again to the same audience.⁵

New York, 1979

Five years earlier, on the morning of August 22, 1979, Rauh sat alone in an office at the Manhattan headquarters of the National Association for the Ad-

vancement of Colored People. A week earlier, Andrew Young, the highest-ranking African-American in the Carter administration and U.S. ambassador to the United Nations, had resigned his post in the wake of news reports that he had met in his New York apartment with a representative of the Palestine Liberation Front. Although Young had informed Israel's U.N. representative about the meeting and although it did not violate American policy, various Jewish leaders accused the ambassador of conducting secret negotiations with a terrorist organization. Angry African-American leaders came to Young's defense and blamed Jewish groups for destroying the ambassador's career.

One of three white members on the NAACP board, Rauh had been summoned to New York for an emergency meeting in a telegram signed by some of the most important African-American leaders in the country, including Ben Hooks, Coretta Scott King, Kenneth Clark, and Vernon Jordan. The purpose of the meeting, they said, would be to assess the impact of Young's resignation "on our role in shaping American foreign policy, black-Jewish relations and black-administration relations." From this session, they hoped, "a consensus will be reached . . . including the possibility of a subsequent conference with principal Jewish leaders."⁶

When he arrived at the organization's offices, however, Rauh discovered that the other white board members had declined to appear and that the members of the board seemed reluctant to begin the meeting. Hooks, the chairman of the NAACP board, and Clark, the distinguished psychologist, drew Rauh aside and explained that several people who were not board members had turned up to join the session. Hooks also suggested that Rauh's presence might inflame the discussion. Clark became angry at that suggestion and said he would boycott the meeting unless Rauh could attend. In an attempt to calm the waters, Rauh said he would sit in a nearby office, where they could keep him informed about the discussions.⁷

For several hours, the former lawyer for A. Philip Randolph's union of sleeping car porters and the Mississippi Freedom Democratic Party in 1964 found himself excluded from a meeting likely to have a major impact on the future of black-Jewish relations. In the adjoining conference room, the organization's board members held heated discussions, with Clark popping in and out to keep Rauh informed. Clark feared the group would draft a resolution linking Young's demise to the mounting tensions over affirmative action. In an attempt to counter that impression, Rauh pleaded for a clear statement that "there is no evidence of Jewish pressure . . . and the President should make clear that his decision was based rather on the State Department's insistence."⁸

Rauh knew that Young had been forced out, not by Jewish pressure, but

by his enemies at State, including secretary of state Cyrus Vance. The ambassador had not endeared himself to the secretary by comparing dissidents in the Soviet Union to American civil rights protestors or by alleging that the United States had “hundred, perhaps thousands of political prisoners.”⁹ But Rauh’s effort to shift responsibility to the State Department never made it into the NAACP’s final announcement, which simply urged Carter “to give a full and clear explanation of the reasons for the acceptance of that [Young’s] resignation.”¹⁰

Hooks soon escalated the Young controversy in a separate pamphlet noting that the white American ambassador to Austria had not been fired when he met with PLO representatives, that Jews employed an “Orwellian perversion of language” when they equated affirmative action programs with quotas, and that Israel engaged in military traffic with “the illegitimate and oppressive racist regimes in South Africa and Southern Rhodesia.”¹¹

Many Jewish leaders, led by Rabbi Alexander Schindler of the Union of American Hebrew Congregations, immediately rebuked the NAACP for fomenting “a needless and hurtful confrontation between Blacks and Jews.” Once reports of Rauh’s banishment from the board meeting hit the newspapers, he received messages of condolence from some Jews, while others expressed delight in what they regarded as a humiliation that confirmed their belief in the unbridgeable political gap now separating blacks and Jews.¹²

Cincinnati, 1921

The journey that took Joe Rauh to the Union of Hebrew Congregations meeting in Los Angeles in 1985 and to the NAACP board meeting in 1979 began decades earlier, in his hometown of Cincinnati. *New York Post* columnist Jimmy Wechsler, his longtime friend, used to quip that Rauh gained his sympathy for the underdog when he played center for the Harvard University basketball team in the late 1920s. In truth, Rauh learned his first lesson about underdogs and race at the age of ten from his family’s black chauffeur and handyman, Eugene Smith. As part of the bargain for a third child, Sarah Rauh had secured from her husband Joseph Sr. the promise of a new automobile and a chauffeur to drive it. In the spacious yard of their comfortable home on Marion Avenue in the predominantly Jewish section of Cincinnati known as Avondale, young Joe frequently lured Eugene into a game of catch and plagued the older man with endless questions about baseball.

“Who’s the best pitcher in baseball?” young Joe asked Smith one afternoon.

“Satchel Paige,” Smith replied, not missing a beat. And then he added, “all the great players are colored.”

“That can’t be,” Joe said. “I’ve never seen a colored player on the Reds.”

“That’s because they aren’t allowed to play in the major leagues,” Smith told him.¹³

His father’s flourishing business manufacturing men’s sports shirts meant that Joe Jr. enjoyed a world of security and comfort unknown to most Americans in the years before World War I. The senior Rauh and other Jews owned and operated three-quarters of the Queen City’s thriving ready-made clothing industry, and they played major roles in the dry goods business, the liquor trade, real estate developments, banking, and insurance. By the time of young Joe’s fifteenth birthday, Jews in Cincinnati had been elected as mayors and district attorneys, in addition to holding positions on the court of common pleas, the police commission, the city council, and the school board. No less an authority on power in his city than President Taft had remarked that “none of the great charities, none of the theatres, none of the societies of art . . . or music, could live [in Cincinnati] if it were not for the support of the Jews.”¹⁴

While not ranking financially among Cincinnati’s Jewish elite—the Fleischmanns, Freibergs, and Krohns—the senior Rauh’s success permitted vacations on lakes in upstate Michigan, summer camp in Maine for young Joe and his brother Carl, and a Wellesley College education for their precocious older sister, Louise, who soon went on to medical school. Sarah Rauh and her husband could afford a nurse to tend Joe Jr., and saw to it that all the children entered the University School, an institution funded in large part by German Jews who had experienced discrimination at the city’s elite private schools. For the Rauh family, Cincinnati, despite its lingering anti-Semitism, remained, as one earlier historian observed, “a sort of paradise for the Hebrews.”¹⁵ But Eugene Smith had given young Joe his first significant hint that another world, riddled with discrimination and injustice, existed side by side with his own sheltered one. Joe absorbed a second lesson when he followed his older brother to Harvard College in 1928.

Cambridge, 1930

In 1930, the Harvard basketball team sent on the court one Jew, center Joe Rauh, and one African-American, William (Bill) Baskerville, a short, wiry guard who could dribble circles around opponents and possessed a devastating outside shot as well. When the team traveled, the Jew and the African-

American roomed together, an arrangement as significant as the storied columns at Widener Library.

These were the twilight years at the Harvard of President Abbott Lawrence Lowell, whose family had played an active role in the school's destiny since the American Revolution. A sometime defender of academic freedom for his professors, Lowell's tolerance did not extend to matters of race, religion, and ethnicity. As national vice president of the Immigration Restriction League, he expressed alarm at the increase in Jewish enrollment at Harvard, which had risen from 7 percent in 1900 to slightly over 21 percent by 1922.

President Lowell believed that many German Jews, who behaved like Yankees, could be, like the Irish, absorbed by Harvard, but he reserved a special animus for Jews from eastern Europe and Russia, whom he blamed for the increase in general campus rowdiness and disciplinary problems. His was not the only voice of bigotry at Harvard. English professor Barrett Wendell made it clear that his annual dinner for scholars in the college would have to be dropped "if a Jew ever turn[ed] up among them."¹⁶

The Harvard faculty rejected Lowell's suggestion in 1922 that freshmen applicants who "belong to the Hebrew race . . . be rejected except in unusual and special cases." By 1927, despite objections from the Board of Overseers, the president had achieved his objective through piecemeal revisions of admissions criteria that capped total freshmen numbers, denied automatic entrance to high school graduates in the top seventh of their class, and favored applicants from the South, Midwest, and Far West. This last provision helped open Harvard's doors to two young Jews from Cincinnati, Carl Rauh, a math whiz, and his younger brother, Joe.

Money, political influence, academic achievement, and athletic prowess could soften the edges of hard ethnic and religious boundaries at Lowell's Harvard, but not for African-Americans. Small in numbers, they suffered the worst discrimination. When it opened new halls for freshmen in 1914, Harvard told its black students to find lodgings elsewhere. Roscoe Conkling Bruce, a black Phi Beta Kappa graduate in the class of 1902, attempted to break this racial barrier for his son in 1922, but Lowell personally vetoed the idea: "We owe to the colored man the same opportunities for education that we do to the white man; but we do not owe to him to force him and the white man into social relations that are not, or may not be, mutually congenial."¹⁷

Harvard's color line followed its basketball players to New York City when the team arrived at the Vanderbilt Hotel for scheduled games against Columbia and the City College of New York. As Joe Rauh entered the lobby,

he watched his roommate turn, grim-faced, from the reservations desk, pick up his suitcase, and head for the door.

“Hey, Bill,” he asked, “where are you going in such a hurry?”

“They won’t let me stay here, Joe. They don’t accept Negroes.”

Baskerville quickly explained to his stunned roommate and the other Harvard players that white Southerners owned the Vanderbilt and did not want their patrons forced to mingle with African-Americans. The Harvard team huddled for a moment, then marched as a group to the front desk, canceled their reservations, and left the Vanderbilt.¹⁸ They were ahead of their time. The Harvard Corporation would not take a stand against racial discrimination in sports until 1941, when another group of athletes protested a decision by the school’s athletic director, who had bowed to pressure from the United States Naval Academy and benched a black lacrosse player scheduled to play against Annapolis.¹⁹

Rauh’s Harvard contemporary, the journalist Theodore White, divided the undergraduates of the time into three sociological groups—white men, gray men, and meatballs. The white men arrived in Cambridge with grand names, great wealth, or both—Saltonstalls, Morgans, Roosevelts, Harrimans. They drove fancy automobiles, belonged to social clubs, wore fine clothes, escorted debutantes to lavish parties, and could afford out-of-town football games in New Haven or New York. White proudly placed himself among the meatballs. They often arrived as day students on scholarships. Children of immigrants—Irish Catholics, Jews, Italians—they ate their lunches from paper bags, owned one suit of clothes, and endlessly debated the virtues of socialism or communism on Dudley Hall’s ground floor, set aside for them.

In contrast, White’s gray men came from public schools or second-tier private schools. “Neither aristocracy nor of the deserving poor,” resolutely middle class, they staffed the *Crimson* and the *Harvard Advocate*, dominated the athletic teams, earned good grades, and ran the school’s student government.²⁰ With his Buick automobile, sporty clothes, spending money, and supply of bathtub gin, undergraduate Rauh could have been mistaken for a white, but he remained a gray, someone capable of navigating up and down Harvard’s social ladder, cultivating friendships across the class divide. Barred from prominent social clubs such as Porcelain, Rauh and other grays studied harder than whites and earned better grades, while their enthusiasm for sports and politics brought them into alliance often with meatballs.

Driven by competition with his two bright roommates, Joe Keller, a wizard at engineering, and Bernard Meyer, destined for a distinguished career in psychiatry, Rauh completed his major in economics, earned a Phi Beta

Kappa key, and graduated magna cum laude. He might have garnered honors as Harvard's best athlete, too, had it not been for Barry Wood, a future physician, who earned straight A's, lettered in four sports, and quarterbacked the Crimson football team.²¹

He also experienced little overt anti-Semitism as a Harvard undergraduate, despite the Lowells, the Wendells, and others on the faculty and among the student body who probably shared their prejudice. The episode at the Vanderbilt stirred his growing sense of kinship with the Bill Baskervilles of America; so, too, did his visit to Berlin in 1932.

Berlin, 1932

On the eve of the stock market crash in 1929, Rauh and two friends from Cincinnati went to western Europe. Typical college-age tourists, they ate, drank, and visited the great sites, but did not engage a single European in discussions about the swirling economic and political forces about to plunge the continent and the world into disaster. By 1932, unemployment spawned by the Great Depression rocked democratic regimes across Europe, especially in Germany, where Adolf Hitler's National Socialist Party had become the single largest voting bloc in the Reichstag on a platform that stressed military rearmament, revision of the Versailles Treaty, full employment, and anti-Semitism.

Rauh arrived in Berlin that year under false pretenses as part of a jazz band organized by his Harvard classmate, Jim Plaut, a gifted piano player and the future director of the Boston Museum of Contemporary Arts. Although Rauh could not read music or keep time, Plaut described him as a backup drummer for the group, a ruse that apparently fooled officials who approved the trip. All illusions vanished, however, when the band went to Berlin's vast Wannsee Stadium on the night of a huge rally hosted by Hitler's Nazi Party. Perhaps 100,000 Germans marched into the stadium in military fashion, many wearing the uniforms of their particular occupation, trade, or profession, and they carried aloft the party's red-and-black swastika banners.

When the last marcher had settled into a seat, doors opened only twenty feet from where Rauh stood, and a car slowly emerged bearing Hitler and other party leaders, who waved to the crowd as the vehicle made several passages around the stadium. On each pass of the car, Hitler came so close that Rauh could have knocked off his hat with a long stick. Minutes later, the Nazi leader launched into one of his hate-filled diatribes against Versailles, the craven leaders of the Weimar Republic, and Jews. "Niedrig mit den Juden," he shouted. "Down with the Jews. Down with the Jews." The crowd, now

worked into a fury, picked up his chant and hurled it back: “Niedrig mit den Juden! Niedrig mit den Juden!” Joe Rauh had never heard anything like it.²²

Several weeks later, as the jazz band prepared to sail home to America, Hitler’s party suffered a temporary setback in Reichstag elections. On the eve of entering Harvard Law School, Rauh told curious friends in Cincinnati that the Nazi Party’s influence in Germany had probably dissipated. But in January 1933, President Hindenberg proved that prediction utterly wrong. He elevated Hitler to the chancellorship.