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Source: *Jewish Social Studies*, Spring, 1983, Vol. 45, No. 2 (Spring, 1983), pp. 113-122

Published by: Indiana University Press

Stable URL: <http://www.jstor.com/stable/4467214>

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Antisemitism, the Harvard Plan, and the Roots of Reverse Discrimination

by Oliver B. Pollak

If Americans have one vice it is their tendency to rush to a legislature to pass laws, usually useless, in every temporary emergency. A university which is 287 years old does not need to legislate tomorrow against a condition which may prove transient and which certainly will be gravely affected by the limitation of immigration.¹

Discrimination is a continuous concern in a sophisticated rights-oriented society. Government regulations recognize that “Members of various religious and ethnic groups, such as Jews, Catholics, Italians, Greeks, and Slavic groups, continue to be excluded from executive, middle-management, and other job levels because of discrimination based upon their religion and/or national origin.”² Jews in particular have resisted the application of quotas in educational, economic, professional and social advancement.

In September 1921 Harvard University enrolled its largest freshman class: 856 out of a total student body of 2,620. The strain on classroom and dormitory accommodations provided the pretext for Harvard to commence upon discussion of limiting enrollment.

The most significant proponent of restricting Jewish admissions was Harvard’s President Lowell. Lowell had succeeded Charles Eliot in 1909. Lowell’s and Eliot’s relationship to Louis Brandeis illustrates the very different feelings they had toward Jews as students, citizens, and public officials. When Brandeis was suggested as a possible successor to Eliot in 1908, Eliot was delighted. Proclaiming himself free from ungentlemanly social prejudice, he said, “I am a Unitarian. It would please me to be followed by a Jew. You know those seven men (The Overseers) and what chance he will have, but I shall be pleased to put his name before them.”³ There were no Jews among the Overseers until 1919.

President Woodrow Wilson nominated Brandeis to the Supreme Court in 1916. The Senate nomination committee hearings dragged on for four months before he received Senate approval.⁴ Lowell and Henry Cabot Lodge, a Harvard Overseer, helped direct the campaign against Brandeis. Lowell’s name carried the prestige of Harvard, but not necessarily the sentiment of its faculty. Despite the fact that at least nine of Harvard’s eleven-member law faculty supported Brandeis, Lowell signed a statement which declared that the petitioners did “not believe that Mr. Brandeis has the judicial temperament and capacity which should be required in a judge of the Supreme Court” and “his reputation as a lawyer is such that he has not

the confidence of the people.”⁵ Lowell was a snobbish Massachusetts aristocrat, lawyer-turned-teacher and university administrator. He rejected Brandeis’ novel reformist antiestablishment legal posture. Lowell did not oppose Brandeis because he was a Jew per se, rather because he was not the proper kind of Jew. Lowell thought Brandeis a hypocrite having only strongly identified with his coreligionists after the age of 50 and when it appeared politically opportune. Charles Eliot provided a testimonial in behalf of Brandeis for the Senate committee to “act as a counterbalance to the defamation of Brandeis by President Lowell.”⁶ A biographer of Brandeis has stated that one Eliot was worth many Lowells.⁷

While Eliot praised cultural pluralism, Lowell and Lodge felt threatened by the influx of European immigrants. By the end of the First World War, anti-Jewish exclusivism was evidenced by tighter control of immigration, the recrudescence of the Ku Klux Klan, antisemitic outpourings from Henry Ford’s Dearborn *Independent*, and unguarded racist statements by some government officials.⁸ Antisemitism, or the assertion of exclusivist Yankee snobbery, had other tangible benefits including special bequests to Harvard from likeminded alumni.⁹

Harvard’s Jewish enrollment had been six per cent at the end of Eliot’s term in 1908. In 1922 it was 22 per cent. The American Jewish population had increased by 90 per cent in the ten-year period between 1907 and 1918, from 1,777,185 to 3,390,301.¹⁰ The children of these poor Russian, Polish and Eastern European immigrants clamored for education. The City College of New York had close to 90 per cent Jewish enrollment. Columbia University’s had risen to 40 per cent and then was reduced to 22 per cent.¹¹ Lowell feared that uncontrolled enrollments at Harvard would increase the Jewish presence to 40 per cent, well beyond the optimum mix to create a representative American college community.¹²

In the spring of 1922, Lowell approached Judge Julian W. Mack, who had been elected an Overseer in 1919, with a plan to limit Jewish enrollments. The Lowell plan was not baldly discriminatory, but achieved the same purpose. Freshmen would be admitted as always if they passed the academic examinations. The restrictions were to be applied to transfer students and “only” to those who had not fully passed the examinations. Hitherto, this latter category still had a good chance of admission.¹³ Lowell explained to Mack,

I think you understand very clearly the object as we see it. It is the duty of Harvard to receive just as many boys who have come, or whose parents have come, to this country without our background as it can effectively educate; including in education the imparting, not only of book knowledge, but of the ideas and traditions of our people. Experience seems to place that proportion at about 15%. That number we ought to take but if we take more than we can bring into contact with our student body, we shall do those we do receive far less good, and to the detriment of the institution. We are trying this to pursue the policy, which, if pursued by all colleges, would be for the greatest interest of everyone concerned.¹⁴

Mack recognized the plan was the despised quota or *numerus clausus* prevalent in Europe but was unable to deter Lowell from his scheme.¹⁵ By May 1922 Lowell had given up trying to change Mack’s attitude.

Up to late May, the new admission plans had circulated among the Overseers and a small group of faculty. On 31 May 1922 they were leaked anonymously to the *Boston Post*. On 1 June, the *New York Times* reported a Harvard statement that "It is natural that with a widespread discussion of this sort going on [overcrowding] there should be talked about the proportion of Jews at the College."¹⁶ The following day the same statement had become front page news.¹⁷ The *New York Times* editorialized that it was "a most unfortunate slip on somebody's part" that Harvard's Jewish problem had "crept into what otherwise would have been an innocent official announcement that the student body was outgrowing the facilities."¹⁸

Jews and non-Jews, alumni, and elected officials responded immediately to Lowell's plans. George Webster, member of the Massachusetts House of Representatives called for a special commission to look into fair play at Harvard. If state laws and equal opportunity legislation could not reach private colleges, it was suggested that Harvard could be made a state institution or have its tax exempt status revoked.¹⁹ The following day, Lowell had a private interview with the speaker of the Massachusetts House of Representatives, B. Loring Young. Shortly thereafter, the Speaker declared that Webster's bill had no standing before the House,²⁰ but not before Governor Cox appointed a legislative committee to investigate discriminatory policies in colleges.²¹

Latent anti-Harvard resentment became manifest. Councilman James T. Moriarity assailed Harvard "which only a few years ago discriminated against my fellow Catholics and Irish." The Harvard Nile Club, a black student group, joined the Irish in the clamor in behalf of the Jews. The American Federation of Labor, at its annual convention, ordered an inquiry into allegations of discrimination.²²

Lowell wanted to solve Harvard's problems within the confines of Harvard, through expansion of the powers of the Admissions Board. The faculty amid all the publicity refused to grant the Admissions Board further power. The Board of Overseers of Harvard University had a special meeting on 5 June that Judge Julian W. Mack and Senator Henry Cabot Lodge attended. The Overseers referred the problem of "more effective sifting of candidates for admission" to a Faculty Committee.

Julian Mack contacted Felix Frankfurter, a member of the Harvard Law faculty, and a confidant of Justice Brandeis and Stephen Wise. Frankfurter, not an observant Jew, could be counted on in rights-oriented issues. If the Lowell plan of restrictive admissions were to be foiled, it was imperative that a strong-minded Jew who favored "undiluted meritocracy" be on the faculty committee.²³ Mack wrote Lowell that the,

committee must have men on it who thoroughly appreciate . . . that while the question of the larger number of Jews now going to the College has provoked this inquiry, the problem to be considered by the Committee is a very much broader one, namely, . . . the nature and character of the tests, and the limitations, if any, to be placed upon any one or more groups, however differentiated from other groups in American life? This involves fundamentally a consideration of the place and the obligations of Harvard College and Harvard University in the life of the American people and in the future.²⁴

Lowell rejected Frankfurter's nomination precisely because he held Mack's views.

Frankfurter's correspondence with Lowell has been characterized as vitriolic.²⁵ "I am told," he wrote, "that you regard my views on a policy of limiting the proportion of Jewish students at Harvard as 'violent' and 'extreme'. . . ."²⁶ Lowell replied,

I do not pretend to know anything about your ideas on the subject of Jewish students. I only know that the insistence with which Judge Mack has urged your appointment to the Committee gives the impression that he looks upon you as an advocate of his views. I have tried to select a committee that would not advocate anyone's views, but approach the question in a large and open-minded spirit.²⁷

Frankfurter answered on 21 June,

. . . I had not the slightest idea even of appearing to urge my appointment on your committee. But you were quoted to me as regarding my views on the pending question as "extreme" and "violent" and I deemed it appropriate to bring this report directly to your attention. . . . It is clear . . . that you do not wish on your Committee anyone who shares the kind of views on this question which Judge Mack entertains. That, if I may say so, does not seem to me to be dealing with the matter "in a large and open-minded spirit."²⁸

Mack replied to Lowell "that to leave off the Committee the one Jew on the Faculties who is uniquely fitted for this work would carry an obvious significance." Lowell was unmoved. Mack contacted ex-president Charles Eliot, then 89 years of age, and enlisted his support against Lowell's plan.²⁹

Alfred A. Benesch, a Cleveland attorney and a graduate of the Harvard class of 1900, who shortly after graduation had written an article entitled "The Jew at Harvard" in which he rejected the prevalent feeling that Harvard was antisemitic wrote Lowell. He hinted at the prominence of Jewish financial contributions to Harvard, and hoped the newspaper reports were unfounded. Lowell replied that there was "a new problem which we have never had to face before."

There is, most unfortunately, a rapidly growing anti-Semitic feeling in this country, causing—and no doubt in part caused by—a strong race feeling on the part of the Jews themselves. In many cities of the country Gentile Clubs are excluding Jews altogether, who are forming separate clubs of their own. Private schools are excluding Jews. I believe, and so, we know, are hotels. All this seems to me fraught with very great evils for the Jews, and very real perils for the community. The question did not originate here, but has been brought over from Europe—especially from those countries where it has existed for centuries.

The question for those of us who deplore such a state of things is how it can be combated, and especially for those of us who are connected with colleges, how it can be combated there—how we can cause the Jews to feel and be regarded as an integral part of the student body. The anti-Semitic feeling among the students is increasing, and it grows in proportion to the increase in the number of Jews.

If the number should become 40 per cent of the student body, the race feeling would become intense. When, on the other hand, the number of Jews was small, the race antagonism was small also.

If every college in the country would take a limited proportion of Jews, I suspect we should go a long way toward eliminating race feeling among the students.

Benesch retorted that Jews maintained "strong race feeling . . . as a measure of self

defense” precisely because of exclusivist and snobbish gentile practices. Rather than “foster an un-American spirit, Harvard University, which has always stood for true democracy and liberalism, should be the first to condemn, such a spirit, and exert every effort to prevent its growth.”³⁰

Lowell’s plan to Americanize heterogeneous immigrants was to place all freshmen into special dormitories. He wanted to bring rich and poor together. Dormitory construction was a high priority. Blacks, however, were excluded from housing in freshman dorms, and the burgeoning number of Jews, had somehow to be controlled. There were simply too many poor for the rich to go around without the risk of lowering the rich rather than raising the poor.

The stereotype of the offensive Jew held by some Harvard administrators was the best expressed by a Jew, Harold Riegelman, director of the 32 chapters of Zeta Beta Tau fraternity who asked rhetorically in his talk “The Jew in College”:

Why are the Jews not liked? The Jew, they say, is ostentatious. He is loud with his mouth and the clothes he wears. You can hear him a mile off. He is crude in his manners; they do not conform with manners of the people about him. Physically, he is underdeveloped; he lacks the element of courage. He is greedy. His attention is fixed upon the material things. These charges are not inherently true of the Jewish race, but they seem to be the reasons for much prejudice.³¹

Some Jews even accepted the desirability of limiting the percentages of incoming Jewish students.³²

These derogatory perceptions are not unique to Jews and have been applied to other newcomers to America. It was the Jew, however, who exercised his freedom to attain an education most vigorously. The majoritarian perceiver accentuates these differences. He generalizes from the particular to the mass, from the most flamboyant and disconcerting to the entire group.

Judge Learned Hand, a graduate of Harvard College and Law School, wrote that even if Jews were “insensitive, aggressive and ill-conditioned . . .” he could not agree to limitations of admission. The only requirement should be an “honest test for character” and scholarship. If this let in “a raw, ill-bred and barbarous student [who] will be offensive, he will in the end feel it; perhaps he will improve.”³³

Lowell summarized his views before the class of 1922:

During the earlier period of our country, and indeed to some extent so long as there was a broad area of frontier life to the westward, newcomers from other lands were easily assimilated . . . now that our population has become vastly more dense, and huge numbers of strangers newly come from overseas are massed together in industrial centers, the problem of assimilation has become more difficult. This is a cause of the recent efforts of Americanization.

Of late there have come to us from every part of Europe mutual antipathies among men bred in the Old World. We must, if we can, see that such feelings are not fostered here. . . . Americanization does not mean merely molding them to an already settled type, but the blending together of many distinct elements.³⁴

Blending would remove antagonisms and soften the lines of demarcation.

Shortly after the commencement address, Lowell announced the composition

of the faculty committee mandated by the Overseers. The chairman was Professor Charles Hall Grandgent. The three Jews who were among the committee's thirteen members were Paul J. Sachs, professor of Fine Arts; Harry A. Wolfson, assistant professor of Jewish Literature; and Milton Rosenau, professor of Preventive Medicine. Felix Frankfurter was conspicuous by his absence.

The committee was composed of four subcommittees. The three Jewish members were placed on the subcommittee to consult the alumni and to "get into communication with the thoughtful Jews in this country." The second subcommittee was to gather statistics.³⁵ The third, and perhaps most important subcommittee, included Henry Pennypacker, chairman of the Committee of Admissions, and Charles Grandgent, who were to correspond with other colleges to see how they have handled similar problems. The fourth subcommittee was to work with gentile undergraduates, especially among the exclusive social clubs, to foster a better feeling toward Jews.

The committee planned to spend a year in its investigations. Grandgent clearly stated that since Jews comprised the largest single race that the necessity to restrict them was the greatest. He hoped to please everyone.

Our investigation is for the good of the university and the good of the student alike. Today Jews are practically ostracized from social organizations. This prejudice is reflected in the college. If there were fewer Jews, this problem would not be so. I believe this is a racial rather than religious prejudice.

Harvard wishes to slight no one—wishes to make no distinction. The question of the Jews arises because the Jewish race in the college is greater in proportion than any other race. There are a few Chinese, a few Japanese, but not enough to make a community.

It is astounding the number of Jews, coming from poor districts, who enter Harvard and become remarkable students. Just how to make a sifting of students seeking admittance to the college is most difficult. It certainly will not solve this problem of the Jew.³⁶

Racial discrimination at Harvard continued to capture national attention as the committee sat. In September 1922 applicants were required to complete a new questionnaire which included questions about race and color and whether the applicant or his father had changed their names since birth.³⁷

The faculty committee reported in early April 1923. The Overseers unanimously approved its findings. On the face of it, the report appeared to rebuff Lowell's blatant anti-Jewish plan.³⁸ Editorialists praised the report. It was a "sweeping pronouncement" to end the question of Jewish discrimination "for a comparative eternity."³⁹ Rabbi Louis I. Newman in a talk entitled "The Harvard Report: Victory, Defeat or Compromise?" described the plan as moral victory for the principle of non-discrimination.⁴⁰ The report was a reaffirmation of Harvard's liberal tradition that disregarded race and religion.⁴¹ The implementation of the Harvard Plan, however, which called for a "student body . . . properly representative of all groups in our national life"⁴² had much the same results as Lowell intended as evidenced by the drop in Jewish enrollment from 21 per cent to 10 per cent.⁴³

The faculty plan bears close scrutiny for it avoids the objectionable elements of direct discrimination which targeted Jews by substituting geographical diversity, os-

tensibly a democratic and liberal plan. Moreover, this plan provides the germ for the Harvard College Admission Program about which Justice Powell spoke approvingly in *University of California Regents vs. Bakke*,⁴⁴ a case in which a white male demonstrated to the Supreme Court's satisfaction that he had been the victim of reverse discrimination by being passed over for a place in medical school because of a quota system that admitted less academically qualified minorities. The Harvard Plan of student recruitment, however, incorporated diversity and heterogeneity as well as scholarly promise and was carried out on a national level. The irony of Powell's approbation is the fact that the 1923 plan was formulated to discriminate against Jews.⁴⁵ Thus, a potential solution to contemporary reverse discrimination is the progeny of historic direct discrimination.

The committee report acknowledged that it was created because of publicity given to Harvard's racial problems. Its terms of reference were to "consider and report to the governing boards principles and methods for more effective sifting of candidates for admission by the University." They reported that "the entire Committee became convinced that the whole question should be approached not from the standpoint of race, but in an effort to accomplish a proper selection of individuals among the available candidates for admission to Harvard College."⁴⁶ Personal conference or intelligence tests were rejected because they would be regarded as covert devices to eliminate those deemed racially or socially undesirable.

Harvard's problem could be solved by creating an undergraduate "student body [that] will be properly representative of all groups in our national life."⁴⁷ This would be attained by recruiting the best high school graduates in the West and South, in towns, small cities, and rural areas hitherto "situated outside the regular Harvard recruiting ground." The traditional criteria of scholarship and competitive entrance examinations, "trial by examination," were to be joined by certificates indicating rank in the top 1/7 of the high school graduation class.⁴⁸ Thus the demographic pattern of a national talent pool would diminish the proportions of certain categories, as Jews.⁴⁹ Jews comprised only three per cent of the national population. By focusing on geographic representation, while ignoring blatant racial and religious characteristics, the plan obliquely discriminated against Jews. "The object, in a word, [wa]s to pick out the best pupils from good schools, here, there, and everywhere, and let them in without examination, after approval of the school course."⁵⁰

The twin ideals of the open door competitive admission university and diversity or pluralism could not be harmonized.⁵¹ National recruitment was the antidote to counterbalance the Atlantic seaboard's 2,500,000 Jews. There would always be more applicants in the "qualified pool" than there were places.⁵² Despite its national scope, the 1923 plan was, and would remain for several more years, a screen for exclusivist admissions. Harvard had successfully restructured its admissions policies, "worked around" the rights oriented obstructions, and attained its goal of limiting Jewish enrollment.

Further transformation of the Harvard plan occurred when Lowell was replaced by Conant and Buck who looked to a "wider network of national recruiting"

and provided scholarships for the qualified and needy.⁵³ New personnel and financial aid cleansed the Harvard plan of internal hypocrisy and racial and religious exclusivism. What appealed to Justice Powell was that, following the Second World War, Harvard University, in allocating its 1,100 freshmen seats, had consciously expanded the concept of *diversity* to include not only young men from California, Utah and Massachusetts, city dwellers and farm boys, but also those having special talents and aspirations, and those from “disadvantaged” economic, racial and ethnic groups.⁵⁴

Despite moral, legislative, and judicial concern to eliminate anti-Jewish discrimination, legal and historical analysis suggests these prohibitions can still be “worked around” or temporarily ignored by a variety of diversionary and dilatory tactics.⁵⁵ Although the three major personalities, Abbott Lawrence Lowell, president of Harvard, Judge Julian W. Mack and Felix Frankfurter, were attorneys, at this time antisemitism was mediated through extralegal, informal and private administrative means rather than by recourse to the courts. While intuition suggests that *reform* is progressive, developmental and accretive, historical analysis reveals that the roots of the Harvard Plan were a mask for discrimination. Moreover, the disguise was so effective that the passage of time and changes in the spirit of implementation apparently cleansed the original plan of its internal hypocrisy so effectively that a later generation may adopt the model as a virtuous tool of benign discrimination.

NOTES

1. *The Nation*, 115 (4 October 1922), 322.
2. *Code of Federal Regulations*, XLI, 60–50.1(b) (1977).
3. Allon Gal, *Brandeis of Boston* (Cambridge, Mass., 1980), p. 154. For a more ambiguous, but perhaps more realistic assessment of Eliot, see William B. Hixson, Jr., “Moorfield Storey and the Struggle for Equality,” in Lawrence M. Friedman and Harry N. Scheiber, *American Law and the Constitutional Order* (Cambridge, Mass., 1980), pp. 335, 507n. 28. Marcia Graham Synnott in *The Half-Opened Door* (Westport, Ct., 1979), pp. 26–57, compares the educational philosophies of Eliot and Lowell.
4. See Alden L. Todd, *Justice on Trial: The Case of Louis D. Brandeis* (New York, 1964).
5. Alpheus Thomas Mason, *Brandeis, A Free Man's Life* (New York, 1946), pp. 472–73.
6. Todd, *Justice on Trial*, p. 229.
7. Alfred Lief, *Brandeis. The Social and Economic Views of Mr. Justice Brandeis* (New York, 1936), p. 392.
8. Seymour Lipset and David Riesman, *Education and Politics at Harvard* (New York, 1975), p. 144.
9. Todd, *Justice on Trial*, p. 108.
10. “Jewish Increase in America,” *Literary Digest*, 73 (1 April 1922), 35.
11. “May Jews Go to College?,” *Nation*, 114 (14 June 1922), 708, and “The Jews and the Colleges,” *World's Work*, 44 (1922), 351–52.
12. “The Flavor of Harvard,” *New Republic*, 31 (10 August 1922), 322–23, and Lipset and Riesman, *Education and Politics*, p. 144.
13. Harry Barnard, *The Forging of an American Jew, The Life and Times of Judge Julian W. Mack* (New York, 1979), p. 293.
14. *Ibid.*, pp. 293–94.

15. For a description of the *numerus clausus* in Europe, see Marvin Lowenthal, "Anti-Semitism in European Universities," *Nation* 117 (14 November 1923), 547.
16. *New York Times*, 1 June 1922, p. 6, col. 2; Synnott, *Half-Opened Door*, p. 74; and Harvard University Special Press Release, no. 45, 1922.
17. *New York Times*, 2 June 1922, p. 1, col. 4.
18. *New York Times*, 3 June 1922, p. 1, col. 7, and p. 12, col. 4.
19. "What Was Your Father's Name?," *Nation*, 115 (4 October 1922), 322.
20. *New York Times*, 4 June 1922, p. 7, col. 1; and 13 June 1922, p. 22, col. 3.
21. *New York Times*, 22 June 1922, p. 19, col. 1.
22. *New York Times*, 6 June, p. 2, col. 6; 7 June, p. 1, col. 4; and 22 June 1922, p. 19, col. 1.
23. Lipset and Riesman, *Education and Politics*, p. 330n. 46.
24. Barnard, *Forging of an American Jew*, pp. 296-97. Greene was secretary to the Harvard Corporation and was probably Eliot's first choice to be his successor in 1908. Henry Aaron Yeomans, *Abbott Lawrence Lowell, 1856-1943* (New York, 1948), pp. 89-91.
25. Joseph P. Lash, *From the Diaries of Felix Frankfurter* (New York, 1974), p. 137.
26. Liva Baker, *Felix Frankfurter. A Biography* (New York, 1969), p. 102.
27. *Ibid.*, p. 102.
28. *Ibid.*
29. Barnard, *Forging of an American Jew*, p. 297, and see Horace Mayer Kallen, *Of Them Which Say They are Jews* (New York, 1954), p. 129.
30. The correspondence was published in the *New York Times*, 17 June 1922, p. 1, col. 6, and p. 3, col. 5.
31. *New York Times*, 22 January 1923, p. 5, col. 1, p. 16, col. 2.
32. "Anti-Semitism and the Colleges," *Nation*, 115 (12 July 1922), 46.
33. Irving Dilliard, *The Spirit of Liberty: Papers and Addresses of Learned Hand* (New York, 2nd ed., 1953), pp. 20-21.
34. *New York Times*, 23 June 1922, p. 1, col. 3.
35. The geographical character of Harvard's enrollment had been changing steadily:

	New England States	Southern States	Far West
1880	75%		
1900	62%		
1920	52%	6%	5%

- New York Times*, 14 April 1923, p. 12, col. 2.
36. *New York Times*, 24 June 1922, p. 15, col. 8.
37. *New York Times*, 19 September 1922, p. 3, col. 5; 20 September 1923, p. 23, col. 6; and Nell Painter, "Jim Crow at Harvard: 1923," *New England Quarterly*, 44 (1977), 627-34.
38. The report is available at the Harvard University Archives and is reprinted in full in "Admission to Harvard University," *School and Society*, 17 (21 April 1923), 441-44.
39. "Harvard Saved for Democracy," *ibid.*, p. 440.
40. *New York Times*, 16 April 1923, p. 19, col. 2.
41. "Harvard's Change of Heart," *Literary Digest*, 77 (5 May 1923), 33.
42. "Admission to Harvard University," *School and Society*, 17 (21 April 1923), 441-42.
43. Lipset and Riesman, *Education and Politics*, p. 148, and Stephen Steinberg, "How Jewish Quotas Began," *Commentary*, 52 (September 1971), 67-76.
44. *Regents of the University of California vs. Bakke*, 438 U.S. 265, 316-18, 321-22 (1978).
45. The Amicus briefs by Queens Jewish Community Council and the Jewish Rights Council as well as the Anti-Defamation League of the B'nai B'rith, Jewish Labor Committee, and National Jewish Commission on Law and Public Affairs opposed the University of California program precisely because it established a *numerus clausus*.
46. Report of the Committee Appointed To Consider and Report to the Governing Board Principles and Methods for More Effective Sifting of Candidates for Admission to the University (hereafter called Report), p. 1.
47. *Ibid.* No doubt the subcommittee contacting other university administrators was in touch with

Virginia C. Gildersleeve, dean of Barnard College, who fashioned a policy “where New York girls of every class and creed, can meet girls from other parts of the country and from other nations.” Virginia C. Gildersleeve, “Class and Creed at Barnard,” *Nation*, 115 (6 December 1922), 607.

48. Report, pp. 3–4.

49. *New York Times*, 10 April 1923, p. 1, col. 6.

50. Report, pp. 3–4.

51. Louis I. Newman, “A Jewish University?,” *Nation*, 116 (16 May 1923), 572.

52. Amicus brief of Columbia, Harvard and Stanford University and University of Pennsylvania, p. 12, microfiche record, *Regents of the University of California vs. Bakke*, 438 U.S. 265 (1978).

53. Lipset and Riesman, *Education and Politics*, p. 305, and Seymour E. Harris, *Economics of Harvard* (New York, 1970), pp. 17–19.

54. *Bakke* case (see Note 43 above), p. 316. That Justice Powell did not have a better understanding of the history of Harvard may be because of his graduating from Washington and Lee University and the failure of the two Harvard graduates, Justices Blackmun and Brennan, to disclose the early origins of the admission plan.

55. For a discussion of school desegregation and the phrases “a prompt and reasonable start” and “with all deliberate speed” contained in *Brown vs. Board of Education*, 349 U.S. 294, 300–301 (1955), see *Goss vs. Board of Education*, 373 U.S. 683, 689 (1963), and *Watson vs. City of Memphis*, 373 U.S. 526, 529–30 (1963).