to take action with respect to matters that entail criticism of the internal activities of another state, something that is not within the ordinary purview of normal diplomatic conduct. Thus, on November 22, 1881, in seeking to persuade Great Britain to join in protest against Russian anti-Semitic discrimination, Secretary of State Blaine wrote James Russell, then United States Minister at London:

> "I am well aware that the domestic enactments of a state toward its own subjects is not generally regarded as a fit matter for the intervention of another independent power. But when such enactments directly affect the liberty and property of foreigners who resort to a country under the supposed guarantee of treaties framed for the most liberal ends, when the conscience of an alien owing no allegiance whatever to the local sovereignty, is brought under the harsh yoke of bigotry or prejudice which bows the necks of the natives, and when enlightened appeals made to humanity, to the principles of just reciprocity and to the advancing spirit of the age, in behalf of tolerance, are met with intimations of a purpose to still further burden the unhappy sufferers and so to necessarily increase the disability of foreigners of like creed . . . it becomes in a high sense a moral duty to our citizens and to the doctrines of religious freedom we so strongly uphold, to seek proper protection for those citizens and tolerance for their creed, in foreign lands, even at the risk of criticism of the municipal laws of other states." Kohler, *The United States and German Jewish Prosecutions,* pp. 40-41.

It always will remain possible to search out reasons for not acting but the present prim and circumspect regard for every legalism that might justify American indifference must be contrasted with the attitude of former Secretary of State William N. Evarts. He did not hesitate to employ the power of his high office to instruct an American consul in Morocco that while intervention by this country in behalf of Jews who are Moorish subjects ordinarily might be considered improper, "Still, there might be cases in which humanity would dictate a disregard of technicalities, if your influence would shield Hebrews from oppression." Letters of Secretary Evarts, March 20, 1878, quoted in J. B. Moore, *American Diplomacy* (1905), page 349. We are forced to conclude that American diplomatic intervention against the Arab states is more likely deterred by lack of will than by lack of legal warrant.

(2) Restrictions Upon Private Travel

In the face of this official indifference toward limitations imposed upon the right to travel of military and government personnel, it is hardly surprising that travel restrictions against American Jews

who are merely private citizens should continue with almost no comment. The Passport Division of the Department of State expressly informs applicants for passports that persons of Jewish faith will be denied the right to visit Arab lands.. Information supplied to passengers departing America aboard ships of the American Export Lines, which during cruises touch ports in Arab countries, declares that persons of Jewish faith or Jewish name (*sic*) will be denied certain cruise travel privileges in Arab countries freely available to other passengers. Airlines regularly traveling to Arab countries contain notations in their schedules indicating that Jewish passengers will not be allowed to disembark at Arab ports of entry.

This regular withholding of travel privileges by Arab officials in this country from American citizens of Jewish faith is demeaning and introduces a discordant and dissonant note in a free community. Thus, in 1895 Acting Secretary of State Alvey A. Adee reminded the American Minister at St. Petersburg that the refusal of Russian consuls to grant visas to American Jews was of continuing concern to this country if only because of the impact and effect of this practice within our own borders. Mr. Adee wrote:

> Apart from the constitutional objections to the discrimination made by Russian consular officers against American Jews, this Government can never consent that a class embracing many of its most honored and valuable citizens shall within its territory be subjected to invidious and disparaging distinctions of the character implied in refusing to visé their passports. For, notwithstanding Prince Lobanow's suggestion that his Government's consular regulation upon the subject under consideration does not apply to all Israelites and therefore cannot be regarded as a discrimination against them on religious grounds, the fact remains that the interrogatories propounded to applicants for the consular visé relate to religious faith, and upon the response depends the consul's actions.
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> *Viewed in the light of an invidious discrimination tending to discredit and humiliate American Jews in the eyes of their fellow citizens, it is plain that the action of Russian consular officers does produce its effect within American territory, and not exclusively in Russian jurisdiction.* [Emphasis added] (*Foreign Relations,* 1895, page 1067.)

The denial of visas to Jews by Arab countries, moreover, frequently has a more serious consequence than the mere withholding of travel for pleasure. Arab anti-Semitism has been made the occasion and excuse for anti-Jewish discrimination in hiring practices in this country, in direct contravention of the purpose and policy of state fair employment practices legislation.