



MAX JAMES KOHLER
1871-1934

MAX J. KOHLER

BY IRVING LEHMAN

Max James Kohler was born in Detroit, Michigan, on May 22nd, 1871, the son of Dr. Kaufmann and Johanna Einhorn Kohler. From his father and from his grandfather, Dr. Isaac Einhorn, he inherited the ideals and principles which guided him during his whole life. He loved Judaism and America with a passionate love. He accepted, without hesitation or reservation, the view of his father and his grandfather, that Judaism is a living religion which must change and develop to meet the needs and to embody the ideals of Jews, under changing conditions and in new lands, but which must always remain firmly based upon the same universal and immutable truths which had been revealed to the Jews of old, and must always be colored and illumined by Jewish history and traditions. He felt the bonds of kinship which united him to the Jews of other countries; and he knew that such bonds did not separate him in spirit from his fellow-Americans of other creeds and with other historic background. On the contrary, it was his philosophy that all Americans can best serve their country by preserving here the spiritual ideals which had sustained their fathers in other times and in other countries. He found, as other students have found, that the ideals upon which American government is based are the ideals of the Jewish prophets. Those ideals were part of his being as an American and as a Jew. His father and his grandfather had been teachers and spiritual leaders of American Jews. Max James Kohler applied in the field of practical affairs the ideals which they had taught.

He was graduated from the College of the City of New York in 1890. From Columbia University he received the degree of M.A. in 1891 and that of LL.B. in 1893. A year after his graduation he was appointed an Assistant by United States Attorney Wallace Macfarlane, and served

in that office until 1898. He appeared frequently in court in behalf of the United States government, but even then he recognised that the government should assert no rights against a citizen or subject, which were not based on justice. Later, in many cases, he applied his learning and experience to the vindication of the civil rights of the individual, even against government officials, when he believed that they were exceeding their legitimate powers. He was especially active in protecting the rights of aliens. He had the vision to see in aliens, properly admitted to this country, the citizens who must, in the future, uphold its ideals. Where there was injustice to an alien, he saw justice withheld from a future citizen. Indeed, the consequences of injustice to an alien might be more disastrous than the consequences of injustice to a citizen, for citizens can, at times, protect themselves against injustice through the exercise of their political rights, while aliens can appeal only to the courts for the protection of their civil rights. For these reasons, Mr. Kohler undertook, in a number of important cases, voluntarily and without expectation of personal reward, the duty of instituting proceedings which served to clarify our law as to the rights of immigrants and aliens. Indeed, his contribution to the development of that branch of our law stands out as unique.

Mr. Kohler's other activities were diversified and numerous; but those who have worked with him can testify that, in each, his contribution was significant and important. In some activities, indeed, it was almost indispensable. His study of the laws governing the rights of aliens and immigrants led him early into the broader field of civil rights, guaranteed by our Constitution, and from there into the field of international law and practice. He was, for many years, an active member of appropriate committees, dealing with the protection of the civil rights of Jews here and abroad, appointed by the Union of American Hebrew Congregations and of B'nai B'rith; but his most effective work in that field was as a member of the American Jewish Committee and its Executive Committee and as chairman of its committee on immigration. His counsel was wise; his learning was deep; his industry in research and study was boundless.

He lived only fifteen months after the establishment of the National Socialist government in Germany, but during those tragic months his mind and heart were engrossed in efforts to assist, in some way, in meeting the critical situation there created. He served as a member of the Joint Consultative Council of the American Jewish Committee, the American Jewish Congress, and the B'nai B'rith. He was consulted by government officers, by Jewish organizations and by non-sectarian committees. He gave freely of his strength until his strength was exhausted.

Doubtless, his work was most important during the last years of his life, but his earlier activities should not be forgotten. He was Honorary Secretary of the Baron de Hirsch Fund from 1905 till his death, and was actively connected with other philanthropic, religious and social organizations too numerous to mention; but any record of his life would be incomplete if special mention were not made of his work in the field of American Jewish history.

That work was perhaps more effective because Mr. Kohler regarded it as recreation rather than labor. He was, in 1905, the Honorary Secretary of the National Committee for the Celebration of the 250th Anniversary of the Settlement of Jews in the United States. He was Vice-President of the American Jewish Historical Society, President of the Judaeans, and Vice-President of the Jewish Academy of Arts and Science. He gloried in his Jewish descent as he gloried in his American citizenship. He felt pride in Jewish and American accomplishment but it was the pride of a man who realized that family, racial, and national tradition and accomplishment must serve as an incentive to the individual for similar accomplishment.

His interests and his activities extended, nevertheless, beyond the bounds of race or creed. He served willingly in any case where he could give effective service. So, for many years, he was a very active member of the Committee on Legislation of the New York County Lawyers Association and of the Committee on Federal Legislation of the Association of the Bar of the City of New York, and in 1933 he was appointed by the Secretary of Labor a member of the Committee on Ellis Island and Immigrant Relief.

It is impossible in a brief article to do much more than

catalogue the organizations and movements with which he was actively connected. Only those who shared in some of his interests and who worked with him in particular fields can properly appraise the value of his work there. By choice, he remained in the background; always prepared, however, to furnish information to those who were more ready to speak; to give counsel to those who determined policies; to do the detailed work which is needed for success, though others might be heralded as leaders in the work. The range of his interests and the thoroughness of his scholarship can, perhaps, be demonstrated best by a list of his more important publications:

“Methods of Review in Criminal Cases in the United States” (1899).

Edited Judge Charles P. Daly’s “Settlement of the Jews in North America” (1893).

“Jewish Disabilities in the Balkan States—American Contributions towards their Removal, with Particular Reference to the Congress of Berlin” (1916, in conjunction with Hon. Simon Wolf).

“Jewish Rights at International Congresses” (1917).

“Jewish Rights at the Congresses of Vienna and Aix-la-Chappelle” (1918).

“Educational Reforms in Europe, in their Relation to Jewish Emancipation” (1919).

Edited “Proceedings of the 250th Anniversary of the Settlement of the Jews in the United States” (1905).

“Un-American Character of Race Legislation” (1909).

“Rebecca Franks, an American Belle of the Last Century” (1894).

“The Immigration Question with Particular Reference to the Jews of America” (1911).

“Injustice of a Literacy Test for Immigrants” (1911).

“Registration of Aliens—A Dangerous Project” (1924).

“The Jews in America” (1923).

“An Important European Mission (1817–1818) to Investigate American Immigration Conditions” (1918).

“Judah P. Benjamin, Statesman and Jurist” (1904).

"Some Aspects of the Immigration Problem" (1914).

"Right of Asylum, with Particular Reference to the Aliens" (1917).

Numerous articles for publications of the American Jewish Historical Society, "The Jewish Encyclopedia" and the Jewish and legal press.

Edited "Judaicans—Selected Addresses," Vol. II (1917).

"Jews in America" for the "Encyclopedia Americana."

In his many altruistic actions, Mr. Kohler was greatly encouraged and ably seconded by his wife, Winifred, the daughter of Joseph M. Lichtenauer, a banker. They were married in 1906. Mrs. Kohler was a woman of refinement and culture who was profoundly interested in her husband's humanitarian activities. She quickly became an integral part of her husband's family, between whose members and herself there was always a strong bond of affection. Her death, after a marriage of fourteen years, to which he always looked back as the happiest years in his life, profoundly saddened Mr. Kohler. Not long after this event, he made his home with his parents, his brother Edgar, and his sisters, Lily and Rose. In their tender devotion to one another the members of this family exemplified attachment to those Jewish traditions of parental and filial loyalty which are a most cherished part of the Jewish heritage.

The general public can never know the full value of Mr. Kohler's work. He never sought or desired wide recognition. He did seek the satisfaction of work well done. He did value the respect and even admiration of his friends and fellow-workers. These he received and these were the only reward he desired.