

## Refugee Resettlement and 'Freedom of Choice'

### The Case of Soviet Jewry

By Fred A. Lazin

*Editor's Note: This Backgrounder is an illustration of the ongoing policy debate over the purpose of refugee admissions: Should resettlement in the United States be the last resort or the first resort? Should the limited number of refugee-resettlement slots be reserved only for the most desperate people in the world who lack any other options, or should the admission of refugees be treated like an ordinary immigration program? The admission of Jews escaping the USSR, described below, raised these questions in a high-profile way, but the issue continues to face us, most recently with regard to the Somali Bantu and North Koreans. This Backgrounder was adapted by the author from his new book, The Struggle for Soviet Jewry in American Politics: Israel versus the American Jewish Establishment (Lexington Books). Fred A. Lazin is the Lynn and Lloyd Hurst Family Professor of Local Government at Ben Gurion University of the Negev in Israel. He may be contacted at [lazin@bgu.ac.il](mailto:lazin@bgu.ac.il)*

Between 1968 and 1973, almost all Soviet Jewish émigrés resettled in Israel. By 1975-1976, however, a near majority favored resettlement in the United States. While the government of Israel wanted all émigrés to resettle in Israel, many American Jewish leaders supported "freedom of choice" — the right of Soviet Jewish émigrés to choose their country of resettlement. In 1989, however, when Mikhail Gorbachev allowed free emigration for Soviet Jews and over 90 percent preferred to come to the United States, American Jewish leaders supported their government's policy to limit the entry of Soviet Jews as political refugees. The following essay traces the evolution and abandonment of the policy of "freedom of choice" among American Jewish leaders.

In 1968, when Soviet authorities allowed a small number of Jews to emigrate to Israel for the purpose of family reunification, there were no direct air links between the two countries. Most émigrés traveled to Vienna where the Jewish Agency, a quasi-autonomous public agency controlled by the

Israeli government and political parties and funded by Jewish communities in the United States and elsewhere, flew them to Israel. It referred Jewish émigrés not wanting to go to Israel ("dropouts") to the American Joint Distribution Committee (JDC) and the Hebrew Immigrant Aid Society (HIAS) for assistance to go to other countries. These organizations moved the émigrés to Rome where HIAS assisted them in getting visas and JDC provided shelter and a subsistence allowance. HIAS also coordinated their resettlement in the United States and elsewhere.

The dropout rate rose from less than 1 percent in 1971 and 1972 to 4.28 percent in 1973, 18.09 percent in 1974, 35.88 percent in 1975, and to 47.33 percent in 1976. With the increase in dropouts, HIAS, local Jewish federations, and others lobbied the U.S. government to have Soviet Jews admitted as refugees (conditional immigrants) or parolees.

Until the Refugee Act of 1980, the United States' definition of a refugee mostly involved



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persons fleeing Communist regimes. The definition since 1980 stipulated that a refugee is any person who is outside his/her country “and who is unable or unwilling to return ... because of persecution, or a well-founded fear of persecution, on account of race, religion, nationality, membership of a particular social group, or political opinion.” Therefore, after 1980, Soviet émigrés had to prove to an immigration officer in Rome that they had a well founded fear of persecution. Most managed to do so. Until the late 1980s, United States policy accepted all Soviet Jews as refugees.

HIAS and the Council of Jewish Federations (CJF) also lobbied the U.S. government for financial assistance for resettlement. While Goldberg refers to this effort as being “audacious,” Reimers documents the precedent of government aid for the resettlement of Hungarian, Cuban, and Vietnamese refugees in the 1950s and 1960s. A federal block grant in the late 1970s that provided as much as \$1,000 per soviet refugee improved the resettlement situation. Refugees and their sponsors became eligible for financial support for transportation, baggage, maintenance, visa processing fees, and resettlement in the United States. The block grant was given to the CJF, which provided HIAS and local Jewish federations partial reimbursement for the care, maintenance, and resettlement of Soviet Jews in the United States. Federations matched much of the aid from Washington.

Nevertheless, with the increase in Soviet Jewish émigrés arriving in the United States each year after 1975, the Jewish federations had a very difficult time funding the absorption of these destitute newcomers. By the summer of 1976, six of the 12 communities with Jewish populations above 75,000, and several medium-size Jewish communities, “restricted their acceptance of new refugees to those people who have first-degree relatives in that community.” In addition, the unwillingness of local federations to accept certain refugees delayed refugee departures from Rome. This indicated early grassroots dissent from support for “freedom of choice.”

## The Dropout Controversy

Even before the monthly dropout figure rose above 50 percent in March 1976, the situation alarmed the Israeli government. The Israelis and their supporters argued that Israel needed these highly skilled and well-educated potential immigrants for its survival. They could make an important contribution to Israel's economic development and help in the demographic struggle between a declining Jewish majority and very fertile Arab minority.<sup>1</sup>

While many American Jewish leaders sided with the Israelis on the issue of need, a few did not. Jim Rice, Executive Director of the Chicago Federation, represented a position supported, often not publicly, by some Jewish professionals and lay leaders. American Jewry, he argued, also had a case for demanding a maximum number of Soviet Jews because of past American restrictive immigration policies had kept out Jewish immigrants.

In addition, the Israelis and many of their supporters emphasized that Israel offered the best opportunity for the re-immersion of Soviet Jews into Jewish culture and a Jewish way of life. They assumed that many Soviet Jews going to the United States would assimilate and be lost to the Jewish people.

The Israelis initially blamed HIAS and JDC for “stealing” Soviet Jews by directing them to the United States. The Israelis argued that fewer persons would have dropped out if it weren't for requests by American Jews to admit more Soviet Jews and resettlement assistance from American Jewish organizations.

In the confrontation over dropouts, all parties assumed that most Soviet Jewish émigrés would prefer to settle in Israel. Understated was a position articulated later by Gitelman, Salitan, and others that most émigrés after 1973 preferred the United States with its perceived greater economic opportunities. Gitelman suggests that those Soviet Jews with stronger Jewish identities from the Baltics, Moldavia, and Georgia went to Israel, while more assimilated Jews from the Soviet heartland preferred the West. Most Soviet Jewish Zionists who only wanted to immigrate to Israel had done so by 1973. The overwhelming majority leaving after 1973 were motivated more

by economic betterment than by Zionist ideology. They saw Israel as a very small market with fewer opportunities.

In defense of aiding dropouts HIAS emphasized that were it to cease its activities, other voluntary organizations, eligible for federal government reimbursements, would assist them to enter and resettle in the United States.

A second set of explanations for the dropout phenomenon concerned “absorption” conditions in Israel versus those in the United States. There existed excellent communication by telephone and mail between Soviet Jews resettled in Israel and the United States and their relatives and friends still in the Soviet Union. While reports from Israel focused on problems, those from America were much more promising. Many blamed the Jewish Agency and the Israeli government for poor, disorganized, and insufficient immigrant absorption policies. Some also argued that Soviet Jews had no real information about Israel, preventing them from making a rational choice as to where to go.

Other explanations focused on conditions in Vienna. Some argued that dropouts had preferential treatment in comparison to those going to Israel. After 1973, the latter would be taken to a “refugee center” and fly out to Israel the next day. In contrast, dropouts often remained in apartments or hotels until transferred to Rome where they received housing and assistance in obtaining visas to the United States and elsewhere. After arriving in the country of their choice and receiving resettlement aid, they could still declare willingness to go to Israel. Another factor involved mixed married couples who preferred the West due to fears of the rabbinical establishment in Israel.

The Liaison Bureau, a clandestine Israeli intelligence unit charged with “rescuing” Soviet Jews, also claimed that the dropouts undermined the long struggle of Soviet Jews for national rights. They claimed the right to emigration and the Soviet willingness to allow Jews to leave was based on family reunification in the Jewish national homeland. In going to the United States, the arch-capitalist enemy of the Soviet system, the dropouts negated the justification for their special status. Moreover, since the Soviets limited the number allowed to leave each month, those going West were taking the few places

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that could be used by those who desired to go to Israel. Related to this issue was a set of arguments concerning the ethical issue of fraudulent use of Israeli visas.

Several American Jewish leaders disagreed. They justified the deceptive use of Israeli visas by dropouts since an Israeli visa was the only way for a Jew to leave the Soviet Union. Some Israeli leaders, including Liaison Bureau personnel, understood this. Others ridiculed Israeli concern over deception in the use of its visas, saying that we have falsified documents for hundreds of years to save Jews.<sup>2</sup> They also had doubts about the misuse of visas causing the Soviet Union to close its gates. They suggested that Soviet authorities may have manipulated exits to ensure a high dropout rate in order to show Arab allies that Soviet Jews were not going to Israel.<sup>3</sup>

## Freedom of Choice

Many active advocates for Soviet Jewry in the United States favored the principle of Soviet Jews going to Israel. Once they realized that many Soviet Jews preferred not to do so, they favored freedom of choice.

Underpinning freedom of choice was the collective memory of the American Jewish experience during and after the Holocaust. They recalled their helplessness when the American authorities shut the gates of the United States to Jewish refugees trying to flee Hitler’s Third Reich. Freedom of choice also found support in traditional American liberal and civil libertarian positions, which held that you cannot force people to go anywhere they do not want to go. Similarly, the position had roots in the Jewish tradition of rescuing those in danger (*pidyon shvuim*). The Soviet Union was, is, or could be a place of danger and even death for Jews; to restrict emigration only to Israel might result in many not leaving. Who could predict what the future would bring for them in the

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USSR? Finally, many American Jews were self-conscious about forcing others to go to Israel while they lived in the United States.

Some Jewish leaders dissented. Frank Lautenberg, for example, President of United Jewish Appeal (UJA) at the time, opposed freedom of choice. In contrast to the 1930s, he argued, Israel existed and the Soviet Union of the 1970s was not Germany of the 1930s. To be sent to Israel (which you could leave) was simply not the same as being sent to Auschwitz. Other Israeli and American Jewish opponents often responded that since the establishment of the State of Israel it was not the responsibility of the Jewish people to help Jews move from one Diaspora community to another.

## The Committee of Eight

In spring of 1976, when the monthly dropout figure approached 50 percent, Israeli and American Jewish leaders became alarmed. Each year in June, many American Jewish lay leaders and senior professionals attend the Jewish Agency Board of Governors meetings in Israel. This allowed for an exchange of ideas with Israeli governmental leaders including the Prime Minister, whose party controlled the Executive of the Jewish Agency. At the June 1976 meetings the Jewish Agency placed the issue of dropouts on its agenda. The discussions were held within the context of the Coordinating Committee for Immigration and Absorption, a joint Israeli government-Jewish Agency body established in 1954.

At the meeting on July 15, 1976, Max Fisher, Chairman of the Board of Governors, presented an American position which recommended that Soviet émigrés who exited on Israel visas and dropped out should not be aided in Vienna. This policy would go into effect once Soviet Jews had sufficient time to learn about the new policy. Those not wanting to go

to Israel would have to apply in the Soviet Union for visas to other countries on the basis of family reunification. American Jewish organizations would pressure their government for visas for family reunification and provide aid to the refugees coming to the United States. They would discourage non-Jewish American refugee support organizations from helping dropouts.

Prime Minister Yitzhak Rabin appointed a committee of eight professionals to develop within 90 days recommendations for a unified Israeli-American Jewish position. Nehemia Levanon of the Liaison Bureau and Ralph Goldman of JDC co-chaired. The Committee of Eight proposed that after February 1, 1977, HIAS and JDC cease to aid dropouts in Vienna. Soviet Jews wanting to resettle outside of Israel would have to apply in Moscow for visas to those countries. This would require an invitation from relatives in those countries and approval by Soviet authorities. In effect, Soviet Jews would have freedom of choice within the Soviet Union. HIAS and JDC would provide assistance and maintenance and resettle those arriving in Vienna with a visa for another country. Jews who came out on Israeli visas but changed their mind would receive no assistance. The Committee of Eight expected that the new policy would end the dropout phenomenon. The Committee hoped to make an announcement between September 5 and 10, 1976.

Several problems were evident to the Committee members. First, it was unclear whether the Soviets would permit Jews to leave for family reunification in countries other than Israel. At the time, it allowed very few of its Jewish citizens to leave on visas to the United States. Second, Israel's absence of diplomatic relations and direct flights with the Soviet Union required the use of Austria as a transit site. Here the Israelis would have to abide by Austrian law and the policies of Chancellor Bruno Kreisky. Until now Kreisky had insisted that Israeli authorities guarantee each person entering Austria freedom to choose where they wanted to go.

The proposal of the Committee of Eight reached the various American Jewish organizations in September 1976 and rumors of the cutting of aid to dropouts followed. In mid-September, CJF President Jerold Hoffberger announced that no action had yet

been taken by Max Fisher and the Committee of Eight.

At the time, some of the American participants on the Committee of Eight retreated. At a JDC Executive Committee Meeting on September 21, Ralph Goldman reported that the Committee of Eight had been guided by these principles: Maintain freedom of choice for all prospective immigrants; assist every Jew who needs help to leave the country of emigration and go to the country for which he has a visa; and bring out the maximum number of emigrants from the Soviet Union. He indicated that Max Fisher was optimistic about getting additional entries for Soviet Jews.<sup>4</sup> At the same meeting Phil Bernstein of CJF emphasized that it is important to help every Jew in the USSR: “nobody wants it on his conscience that Jews who otherwise could have gotten out were kept behind because of his failure to help.” He felt Israelis want to help “anyone get out of the Soviet Union. Nor do they want to limit the freedom of choice of every Jews to go where he wants to go.”

Israelis were divided. The *Jerusalem Post* favored the Committee proposals while *Haaretz* opposed them. A Gallup Poll in fall 1976 found that 46 percent of Israelis favored freedom of choice while 43 percent opposed. Former Israeli Foreign Minister Abba Eban attacked efforts to coerce people to go to Israel. Jonathan Frankel of the Hebrew University said coercion would discourage many from leaving and bring to Israel many more who would want to leave. He said that basically the policy was designed to force people to go to Israel.

Many diverse Jewish organizations in the United States supported freedom of choice at this time. A special task force of the Synagogue Council of America, coordinating body of Reform, Conservative, and Orthodox Rabbis, concluded that “the traditional Jewish concept of *pidyon shvuim* (redemption of captives) imposes an overriding moral obligation to assist all Jews who have managed to leave the Soviet Union.” The Union of Councils opposed all limitations on entry into the United States. In the fall of 1976 the Jewish Defense League charged American Jewish leaders with treachery and perfidy and betrayal of Soviet Jewish refugees; they argued that dropouts were foolish and weak but should not be abandoned and referred to the Committee of Eight as a “latter day Judenraat.”

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In October, the Committee of Eight became the Committee of Ten with the addition of the National Jewish Community Relations Advisory Council (NJCRAC) and National Conference for Soviet Jewry (NCSJ). More importantly, the body became a technical subcommittee for a CJF sponsored “all-American” policy-making group named the Interorganizational Committee. Headed by Max Fisher, it consisted of presidents and executive directors of CJF, JDC, HIAS, UJA and United Israel Appeal (UIA).

The new committee operated on the premise that nothing be done to interfere with Jews leaving the USSR regardless of destination. It decided, however, that HIAS should limit help to those with visas for other countries. In other words, aid to dropouts in Vienna would cease.

In opposition, HIAS’s President Carl Glick spoke on freedom of choice all over the United States. Since the Soviets would probably not allow Jews to leave on American visas, he argued, only the Israeli option remained. This might result, he feared, in some Jews not leaving. Glick and others suggested that Soviet Jews might face physical persecution in the future. At the same time he argued that with an Israeli commitment not to refuse anyone a visa, Soviet Jews could continue to drop out as before and receive assistance from non-Jewish and anti-Zionist organizations who would replace HIAS.

Max Fisher publicly supported the Committee proposals. He received assistance from the Israeli government which sent over Nehemia Levanon to work for their adoption by American Jewish organizations. Levanon and other members of the Liaison Bureau and staff and lay leaders of the NCSJ spoke before Jewish federations throughout the country in favor of cutting aid to dropouts.

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A showdown occurred at the 45<sup>th</sup> Annual General Assembly of the CJF held in Philadelphia in November 1976. Nehemia Levanon of the Liaison Bureau and Yehuda Avner of the Prime Minister's Office lobbied for the Committee proposals. Max Fisher spoke in favor of the proposals. Some suggest that he delivered a poorly prepared and ineffective speech. Carl Glick spoke in opposition. A person in the audience, probably Leonard Fein, gave a powerful emotional address favoring freedom of choice. He mentioned the Holocaust and recalled American gates being closed to Jews wanting to flee Hitler's persecution. His moving comments together with Glick's efforts increased significantly the opposition to the Committee proposals. Sensing this, Max Fisher decided not to have the General Assembly vote on the proposals. The lack of a vote meant that the all-important CJF, representing local Jewish federations throughout the United States, had not endorsed the Committee proposals to have HIAS and JDC end aid to dropouts who did not have relatives in the United States. The status quo remained in force.

## Freedom of Choice, Round Two

In May 1977, Menachem Begin became Prime Minister of Israel. He often disagreed with other Israeli leaders on the issue of freedom of choice. He was much more tolerant of the primacy of family reunification. In principle, he opposed asking any country to prevent the entry of Jews as refugees.

At the April 11, 1978, meeting of the Coordinating Committee in Jerusalem, Prime Minister Begin stated that the group could not decide that HIAS should stop helping dropouts. Significantly, he stated that "we" might influence the dropouts but have no right to order them to come to Israel. While all Israelis agreed that all Russian Jews should come to Israel, they also believed that no Jew should be let down. He called the entire issue a national

dilemma that needed time to be worked out. He called for consultation with HIAS and a dialogue if necessary.

By the summer of 1979, the situation in Rome became more problematic. Only 11,000 of 25,000 allocated parole visas for the United States had been used; the remaining 14,000 had to be used by the end of September 1979. HIAS, however, processed only 700 persons per week. At the expected arrival rate of 3,500 émigrés per month, the Immigration and Naturalization Service (INS) and Ralph Goldman expected a backlog of about 9,000 émigrés in Rome at the end of September. With additional visas unlikely to be issued before January 1, 1980, the refugee caseload in Rome might soon reach 15,000.

The CJF Executive Committee and Board met in Chicago on October 21, 1979, to provide guidance in formulating a constructive response on the issue of destination of Soviet Jewish émigrés. Max Fisher and Prime Minister Menachem Begin had invited their response. Sixty-three persons representing 25 communities and 86 percent of the settling communities and leaders and professionals of UJA, CJF, HIAS, JDC, and UIA attended. Max Fisher stated that everyone agreed on the need for all Jews to leave the Soviet Union, freedom of choice, and maximum to Israel. Jerold Hoffberger proposed giving aid only to dropouts with first-degree relatives in the community. He emphasized, however, that each community should decide its own policy.

Several local federations, including Los Angeles, Miami, Philadelphia, Detroit, St. Louis, and Dallas announced various degrees of restrictions; most limited acceptance to persons with first-degree relatives in the community. Others, including D.C., Cincinnati, Chicago, and Atlanta, reconfirmed no restrictions. Harvey Kruger of Bergen County, N.J., reaffirmed the right to self determination but proposed not financing those who came to the United States because funds were for Israel and local federation needs.

At the Chicago meeting, only 25 percent favored the first-degree relative stipulation; the majority opposed the idea of restricting aid. In summarizing the meeting, CJF President Morton Mandel argued that he found many communities troubled by the "first degree" issue, but he believed that he did not have a mandate for action.

In a public statement issued a few days later Max Fisher indicated that the American Jewish leaders had resisted pressure from Prime Minister Begin to restrict aid to dropouts. He emphasized a unified American Jewish commitment to provide maximum help for Jews to leave the Soviet Union and for a maximum number to go to Israel.

At the CJF General Assembly in Montreal in November 1979, participants debated the issue of funding resettlement in the United States and elsewhere. The delegates tabled a resolution by a hand vote (60-40) submitted by Bergen County, N.J., to limit resettlement aid in the United States to those émigrés with first-degree relatives. The General Assembly endorsed the principles that every Jew should be allowed to emigrate from the Soviet Union and that a maximum number should go to Israel. CJF President Morton Mandel explained that Soviet Jews wishing to come to the United States who did (and who did not) have family here, would be aided by HIAS and JDC in Europe and would continue to be received by communities to the extent possible.

A year later, in November 1980, Prime Minister Begin addressed the CJF's General Assembly in Detroit on the dropout issue. He framed the Soviet Jewry issue in terms of *aliyah* (immigration) to Israel. He charged that dropouts impede immigration to Israel. He suggested that in the future Soviet Jews who did not have first-degree relatives in Israel would not be given permission to leave the Soviet Union. In a compromising tone he hoped that the General Assembly would find a solution "accepted by all — by Israel and the great Jewish community in the United States. . . . A practical solution accepted by all, which will help us renew the days when there was a permanent flow from the Soviet Union to the historic homeland of the Jewish people" No formal proposal was made and no vote was taken.

The Prime Minister then went to a meeting of the members of the CJF Executive Committee where Morton Mandel told him that that communally funded international Jewish migration agencies should continue to provide migration services to Soviet Jews. CJF vice president Marvin Citrin explained that there did not exist a consensus in favor of the new policy and he argued that consensus was "the engine of our effectiveness."

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Begin proposed compromise. He told them that when the Jewish émigré comes to your community "you behave as a Jew." For Israel and the Jewish People, he argued, the problem is with the stage in Vienna. Following his words Joe Ayn, a Holocaust survivor with tears streaming down his face, said in an "emotionally electrifying" voice: "I was rescued by this country. Don't ask us to shut the door to any Jew." No policy change was made.

### U.S. Refugee Policy

During the early 1980s, there were some efforts to rethink American policy toward refugees in general and Jewish refugees from the Soviet Union in particular. Moreover, the Liaison Bureau and some of its American Jewish supporters worked to alter American policy toward Soviet Jewish refugees; they pressured for closing America's gates to Soviet Jews.

Until 1982, the United States had accepted almost all Soviet Jewish émigrés as refugees. Official American policy had been committed to the principle of freedom of choice. In March 1982, Howard Eugene Douglas, U.S. Ambassador at Large and Coordinator for Refugee Affairs at the State Department, met with CJF leadership in various local federations, including Los Angeles, Chicago, and Cleveland, and with leaders and officials in HIAS and CJF. He discussed with them proposed changes in government regulations that would curtail refugee immigration into the United States. He made specific references to Soviet Jews as well as to other groups of refugees.

The Israelis may have influenced Douglas's thinking on Soviet Jewish refugees. He met with Raphael Kotlowitz, head of the Immigration and Absorption Department of the Jewish Agency, and also discussed "dropouts" with Yehuda Lapidot, head of the Liaison Bureau. Rather than request a change

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in U.S. policy, Lapidot explained to Douglas the Israeli policy of invitations, which involved a commitment to absorb them and to give them citizenship. He also explained that the same policy existed for Romanian Jews who also arrived as immigrants to Israel. He asked Douglas why the United States did not consider them refugees too. Why was American policy different vis-à-vis Jews from the Soviet Union? Realizing that Soviet Jews had the alternative of immigrating to Israel in the context of an overburdened American refugee load may have led Douglas to reconsider the American policy of granting all Soviet Jewish émigrés refugee status. He came to believe that it was in the best interest of both the United States and Israel to have the maximum number of Soviet Jews resettle in Israel.

Douglas told Carmi Schwartz of CJF in May 1982 that there was a need for an across-the-board curb on refugees entering the United States. He referred to Cambodians, Vietnamese, Haitians, Cubans, and Soviet Jews. More specifically, he wanted to limit entry to Soviet Jews with first-degree relatives "...in keeping with the government of Israel's policies vis-à-vis Soviet Jewish immigrants." He favored Soviet Jewish émigrés leaving on Israeli visas to be resettled in Israel. In his view, Israel needed and wanted the émigrés valuable human resources and their going to Israel satisfied the higher echelons of the KGB and the Communist Party of the Soviet Union. It would also reduce the refugee burden of the United States. By this time the United States had encouraged other nations to share the burden of refugee resettlement.

Carmi Schwartz told Douglas that most American Jewish organizations would oppose such proposals as they had been in the forefront of urging the U.S. government to liberalize its posture and regulations on refugees. Second and more importantly, the argument that the new policy was in accord with Israeli policy "would be totally unacceptable to the Jewish community and its organizations and institutions." Schwartz urged Douglas not to link the

proposed policy changes to the needs of Israel or what might be deemed the supposed wishes of American Jewish leadership: "These new regulations should not be overtly or covertly construed as a Jewish issue or in response to Israeli or Jewish policies or wishes. Any attempt to connect this new policy to the Jewish community would...be terribly deleterious to the interests of the United States and to the interests of the Jewish community." It was imperative, argued Schwartz, "that if...new policy must be enacted, it be related exclusively to United States' interests alone." He urged that the total generic rationale for curtailing all refugee numbers be linked to the state of the economy, high rate of unemployment, and sense of Congress and Administration.

Rep. Hamilton Fish (R-NY), ranking minority member of the Subcommittee on Immigration, Refugees, and International Law of the House Judiciary Committee, wrote Ambassador Douglas that he opposed a change in policy that would result in limiting Soviet Jewish refugee admissions to family reunification cases because Soviet Jews presumably would not qualify under higher priority categories. In explaining his position, he argued that the Holocaust justified "special consideration of the plight of Jewish refugees." He emphasized that the United States had been encouraging the Soviet Union to allow the Jewish population to leave and to now call for limiting entry would seem hypocritical. Moreover, setting a high ceiling on Soviet Jewish refugees sent a signal to the Soviet Union that America was committed to the principle of freedom for Soviet Jews; to change this policy would send the wrong signal.

A month later, Douglas wrote Rep. Fish that it "would be unthinkable that we would precipitate any action which might impede the ability of Jews to leave the Soviet Union." He ended by noting that "Our doors are open to Soviet Jews and will continue to be open to them as long as I am coordinator and the philosophies of this country and the Reagan administration stand." Douglas reassured Fish that he had no intention of going ahead with the proposed changes.

Later, Douglas claimed that he had been overruled by Congress. He believed that the "Jewish lobby" (CJF, HIAS and other organizations) had



“gotten to Congress.” He thought that the organized American Jewish community, especially HIAS, feared loosing Soviet Jews to Israel. He also suggested that the Israeli government and Liaison Bureau refused to help him in dealing with American Jewish opposition to his proposed changes, which would have brought more Soviet Jews to Israel.

Several Liaison Bureau emissaries and American Jewish leaders believed that Israeli leaders gave up the struggle over Soviet Jewish dropouts by not confronting American Jewish supporters of freedom of choice. Baruch Gur and Yoram Dinstein argue that Prime Minister Yitzhak Rabin in the 1970s did not want a confrontation with American Jewry over the dropout issue. Yoram Dinstein similarly argues that Prime Minister Begin did not challenge American Jews, and in particular Rabbi Alexander Schindler of the Conference of Presidents, on this issue for fear of causing an open break with Schindler over Israeli settlement policies in the territories. Yehuda Lapidot believes that Begin did not challenge American Jews because he was ambivalent about fighting against the entry of Jewish refugees into the United States. Dinstein also faults Liaison Bureau head Levanon for not pressuring Begin to be more forceful on dropouts with American Jews. He believes that Levanon too, was never 100 percent sure on the issue so he was not stubborn.

Later in February 1987 Israeli Prime Minister Yitzhak Shamir publicly suggested that the United States not consider Soviet Jewish émigrés as political refugees. He called on American Jewish leadership and organizations to support the Israeli position and called on American government to “institute more restrictive measures with regard to immigration and refugee status for Soviet Jews wishing to be resettled in the United States.” He and his chief of staff met with State Department officials on the subject. According to HIAS, Secretary of State George Shultz told Prime Minister Shamir that he would not act on the request “unless it receives a clear signal from the American Jews that this is what they want”

The CJF responded to Prime Minister Shamir that there was a clear consensus among American Jewish leaders and organizations to “continue to be committed to more liberal United States immigration and refugee policies....” CJF

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An op-ed piece by future INS Commissioner Doris Meissner in the *Los Angeles Times* argued that “They are leaving in search of freedom and a better life. This is not the province of refugee policy.” What Meissner said about the Armenians could be said about many Soviet Jews.

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President Shoshana Cardin added that “there should be no change in our total commitment to freedom of choice of the Soviet Jewish emigrant. We must not in any way in spite of Israel’s feeling impose the demand they must go to Israel.”

### A Crisis in U.S. Visas

In response to pressure from the American government Soviet leader Mikhail Gorbachev by 1989 reluctantly agreed to allow free Jewish emigration. The U.S. government and American Jewish organizations favored a dual-track system which would allow Soviet Jews to apply in Moscow to emigrate either to Israel or the United States (and other Western countries). While Soviet consent and cooperation remained uncertain in early 1988, an unexpected problem arose in the United States that threatened to derail the dual-track solution; on July 4, 1988, the U.S. Embassy in Moscow stopped processing visa applications for all Soviet citizens until October 1, 1988.

The apparent change in American policy toward Soviet refugees focused on the Armenians. In May, State Department lawyers ruled that many Armenians had been accepted as refugees “without any finding that they have been persecuted in the Soviet Union.” Importantly, Armenian American organizations did not support the refugee status given Soviet Armenians; they viewed emigration from the Armenian homeland as a form of betrayal. Ross Vartian, chair of the Armenian Refugee Coordinating Committee in the United States, stated “We accept the fact that many, if not most, of the Soviet Armenians currently emigrating to the United States may not qualify as refugees as mandated by the Refugee Act of 1980”. An op-ed piece by future INS

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Privately, several prominent American Jewish leaders shared the view that Soviet Jews were not political refugees as defined in American law.

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Commissioner Doris Meissner in the *Los Angeles Times* argued that “They are leaving in search of freedom and a better life. This is not the province of refugee policy.”

What Meissner said about the Armenians could be said about many Soviet Jews. The temporary closing of visa processing may well have been intended by Washington to signal to Soviet Jews and their American advocates that the U.S. government was unwilling to accept all Soviet Jews who wanted to enter as refugees. Until this time there had been a presumption of refugee status for all Soviet Jews. This changed shortly after the closing of visa processing in Moscow. Attorney General Edward Meese, following consultation with the State Department and INS, wrote Colin Powell, Assistant to the President for National Security Affairs, on August 4, 1988, that “current practices in processing Soviet émigrés appear not to conform with the requirements established by the Immigration and Nationality Act of 1980.” Therefore, “procedures followed by the Embassy in Moscow must be brought into sync with INS procedures.” For the first time, Soviet Jews applying for refugee status in both in Moscow and in Rome would have to prove in interviews with consular authorities a well-founded fear of persecution. The Attorney General stipulated, however, that all Soviet Jews not granted refugee status would be “considered for entry in the United States under my parole authority.”

This change in policy clearly reflected the refugee quagmire in Washington, D.C. There was a huge increase in requests for refugee status from Armenians, Pentecostal Christians, and Jews in the Soviet Union, but a limited number of refugee slots and insufficient funding for processing and resettlement. Also, some members of Congress pressured for a uniform application of the law; they felt that a stricter standard had been applied to people from Indochina than to would-be Soviet refugees.<sup>5</sup>

The seriousness of the situation was evident in the announcement of FY1989 refugee ceilings in September 1988. For the estimated 15 million refugees in the world, the United States provided for a total of 94,000 slots, 10,000 of which were not funded. For the Soviet Union, there would be 16,000 funded and 2,000 unfunded refugee slots. In making the announcement, Secretary of State George Shultz emphasized budgetary and legal problems; there were insufficient resources to meet the growing number of refugees in the world including the Soviet Union and it was unclear as to whether many of the applicants were really refugees. In Moscow, 9,500 persons who had been granted exit visas were waiting for an interview at the U.S. Embassy. In November 1988, Secretary of State Shultz instructed the new Attorney General to apply a uniform standard of refugee determination in Rome and Moscow. At his confirmation the new Secretary of State, James Baker, noted that we have more refugees at our gates than resources to accept them. Thereafter, the consular section in the American Embassy in Rome rejected an increasing number of visa applications from Soviet Jews; 11 percent in January, 19 percent in February, and 36 percent in March 1989.

The rejections in Rome increased dramatically the size of the Jewish émigré community under the care of JDC in Ladispoli, near Rome. The numbers grew from 5,000 in January 1989 to at least 16,000 in July 1989. The mood among the émigrés deteriorated as 4,400 had their applications for refugee status rejected. U.S. Rep. Barney Frank called the situation in Ladispoli “appalling” and GAO described it as chaos. The increased numbers made it more difficult for HIAS and other organizations to get sponsorship assurances in the United States. This resulted in a shortfall of 6,500 refugees in FY89. Eventually, the desire to effectively deal with the plight of Soviet Jews in Ladispoli would lead American Jewish leaders to seek a compromise with their government over Soviet Jewish refugees.

Leaders of the American Jewish community protested their government’s rejection of Soviet Jews as refugees and charged consular officials with discrimination against Jews. Some noted that many INS personnel had no familiarity with the Soviet Union and with Soviet Jews. Others charged INS

with “institutional bias against special treatment for particular group of refugees,” which reminded some of the anti-Jewish policies of American consular officials in Germany the 1930s. A delegation from HIAS, CJF, AJC, and others met with Attorney General Dick Thornburgh and presented him with a brief that argued that, in light of history and experience, Jews in the Soviet Union have well-founded fears of persecution. The Attorney General denied the charges and made it clear that the government had neither the slots nor the funds.

A few voices questioned publicly the refugee status of Soviet Jews. In September 1988 a State Department document asked whether in the era of *glasnost*, “conditions are such for Soviet Jews that all emigrants from the USSR automatically merit refugee status.” Sen. Alan Simpson (R-WY) noted before a Senate hearing in September 1989 that some Soviet Jews had said that they would rather stay in the Soviet Union than go to Israel. “If they would rather remain than go to Israel, that says something about the level of persecution...no other group of refugees on earth gets a choice of country of first asylum.”

Privately, several prominent American Jewish leaders shared the view that Soviet Jews were not political refugees as defined in American law. In March 1989, Morris Abram commented, “...they are not refugees, in my judgment. If you come out of a country and have access and automatic citizenship to a free country, you’re not a refugee. They came here because they are ‘refugees’ and get the benefits of being refugees, payments of cash, money, and medical services and other things.”

By early November 1988, there was a visa/interview backlog of almost 10,000 persons at the U.S. Embassy in Moscow. It grew to 19,000 by the end of February 1989 and reached 40,000 by October 1989. Eighty percent of the applicants were Armenians and the remainder Jews and Pentecostal Christians. HIAS wanted refugee numbers increased via emergency consultation between the Administration and Congress.

## Closing the Gates

At a dinner in November 1988, Undersecretary of State Richard Schifter suggested that the “United States may one day limit entry of Jews from the Soviet Union.” He emphasized that this was due to the large number of those being let out and “particularly when there is another country of refuge — Israel.” He also noted that much of the financial burden for resettling Soviet Jews would rest with American Jewry. Whereas Ambassador Douglas had suggested a similar policy in the early 1980s and met insurmountable opposition from American Jewish organizations, in 1989 the American Jewish establishment would support the new American restrictions on refugee status for most Soviet Jews. It would abandon freedom of choice.

In the meantime, the American Jewish establishment and grassroots Soviet Jewry advocacy organizations focused their efforts on Congress. On December 13, 1988, the 160-member Congressional Human Rights Caucus protested to President Reagan recent actions in Rome and Moscow affecting Soviet Jews. They charged these actions have handed “the Soviets an undeserved public relations victory by permitting them to claim that they are releasing more Soviet Jews than the United States is willing to receive.” On January 30, a similar letter of protest was sent by 51 Senators to Secretary of State Baker and Attorney General Dick Thornburgh. They called on the new Bush Administration to revert to the former policy of granting refugee status to all Soviet Jews, citing the rise of anti-Semitism under the freedom of *glasnost*.

In December 1988, the Reagan administration reallocated 7,000 refugee admission slots from Southeast Asia and the Near East and transferred them to the Soviet Union to handle the backlog of Armenian and Jewish applications. This raised the refugee allocation for Soviet émigrés in FY 89 to 25,000. Interestingly, several American Jewish organizations joined Asian American refugee advocates in protesting the transfer.

In testimony before a Congressional panel in April 1989, Secretary of State Baker reiterated his support for the Justice Department policy to grant refugee status on a selective basis to Soviet Jews

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wishing to enter the United States. Several Jewish groups criticized him and the Bush Administration for continuing the Reagan Administration policy of not giving refugee status automatically to all Soviet Jewish emigrants.

The exodus of Soviet Jews increased in 1989 with almost 90 percent wanting to resettle in the United States. Some estimated that as many as 50,000 to 60,000 would leave in 1989.

Failing to win over the Administration on the status of all Soviet Jews as potential refugees, American Jewish leaders supported the Lautenberg Amendment. Enacted in November 1989, it lowered the burden of proof of persecution for Soviet Jews, Evangelical Christians, and members of the Ukrainian Catholic and Ukrainian Autocephalous Orthodox Church to obtain refugee status to the United States.<sup>6</sup> These groups would have “strong likelihood of qualifying for admission to the United States as refugees because their groups have a history of persecution.” It required immigration officers to consider whether “historical circumstances” might give refugees a “credible basis for concern,” rather than the “well-founded fear” they had been required to prove. Some believed the amendment made every Soviet Jewish émigré a potential refugee.

Regardless of support for the Lautenberg Amendment and previous efforts to obtain refugee status for all Soviet Jewish émigrés, the American Jewish establishment, except for HIAS professionals and some local federation personnel, abandoned the demand to resettle most Soviet Jewish émigrés in the United States. They decided to compromise on freedom of choice and to support their government’s restrictive policy and encourage most Soviet Jews to go to Israel.

Several factors influenced this position. Perhaps most important was the realization that their government was unwilling to accept all potential Soviet Jewish emigrants as refugees. Second, the expectedly large number of Soviet Jewish refugees meant fewer slots for refugees from other countries. This created problems with other American resettlement organizations with whom HIAS and JDC and many local federations had cooperated for years. Third, the cost factor was important. The American government indicated it would not have

funding for all those it was willing to accept as refugees, which meant that the federations would have to cover more of the costs. They would also have to fund many of those coming in as non-refugees. Fourth, and related to costs and financial burden, was the situation in Ladispoli, with more than 15,000 Soviet Jewish émigrés and more coming daily. The situation became untenable for American Jewish leaders and federations. Finally, in contrast to the 1970s, the American Jewish establishment in 1989 was more willing to support the Israeli demand that Soviet Jews be resettled in Israel. Many felt Israel needed them and that Israel provided a better opportunity for them to remain Jewish and part of the Jewish people. Costs were also less and it was easier to raise money among American Jews to resettle Soviet Jews in Israel than in the United States.

In recalling this period many years later, several Jewish lay leaders and professionals argued that they and the majority of American Jewry remained committed to freedom of choice; that Soviet Jews were entitled to choose where they wanted to live. We may prefer that they go to Israel, they argued, but we cannot decide for them. To a great extent, however, by 1989 the CJF leadership and the American Jewish establishment had qualified and then abandoned their support for freedom of choice.

## Negotiating a Quota

Passage of the Lautenberg Amendment might have led to a confrontation between Congress and American Jewry against the Administration over the status of Soviet Jews as refugees. The administration, therefore sought a compromise. By expanding the number of Soviet Jewish refugees entering the United States, the Administration hoped that it could reach an understanding with American Jewish leaders and their supporters in Congress about the need to limit the number of Soviet Jews entering the United States.

Max Fisher negotiated on behalf of the American Jewish establishment. He had the support or backing of the CJF, Conference of Presidents, and the NCSJ. He briefed and informed various Israeli officials about the negotiations.<sup>7</sup> He established a “no-name” committee to negotiate with the Administration for an increase in “the number of Soviet

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Jewish refugees to be admitted into the United States,” to clean up and close down the refugee havens in Vienna and Ladispoli (Rome), and to ensure that Soviet Jews would be able to leave the Soviet Union if they so desired.

Negotiations involved the State Department, INS, Justice, the White House, and members of Congress. The negotiation was part of the annual consultation between the President and the Legislative branch to determine refugee ceilings for FY90. Therefore, the “Soviet Jewish aspects” were only one component of the overall refugee ceiling and related procedures. The Soviet authorities became involved; they had to agree to facilitate the obtaining of American visas in Moscow and “direct” flights to Israel. Finally, the Israelis were consulted by the American government. At a particular stage, the Israeli government indicated to the State Department that it would accept the proposed arrangement; they would have preferred to either lower the 40,000 figure or to close the gates of the United States.

The Administration announced the new policy at Congressional hearings on September 14-15, 1989. After October 1, 1989, refugee visas for Soviet citizens would be issued only in Moscow. Beginning with FY89, the United States would allow up to 50,000 persons annually from the Soviet Union, most of them Jews, to enter the United States as refugees. Of the expected 40,000 Jewish refugees, the U.S. government would only fund 32,000. The American Jewish community had to fund, without government reimbursement, the placement of up to 8,000 Soviet Jewish refugees. Priority would be given to applicants with close relatives in the United States. Those without relatives or other ties to the United States would be ineligible or moved so far down the list that they would not be called for interviews. Pamela Cohen of the Union of Councils called the scheme a “selection plan” because it barred “Soviet Jews without close relatives in the United States....” To facilitate the process of receiving American visas, INS would process the applications in Virginia. Interviews would be in Moscow. There would be a dual-track system for Soviet Jews to leave the Soviet Union. They could either apply to go to Israel or apply for refugee status at the American Embassy in Moscow.

Finally, first priority among qualified refugees would be given to the 30,000 persons in the Vienna-Rome pipeline and the 41,600 persons in the backlog in Moscow. These two groups would use up all the visas during the first year allocation and some of the second. Most émigrés in Ladispoli would be allowed to enter the United States as refugees.

Soviet Jews exiting after November 6, 1989, would not be allowed to apply for visas as refugees at American Embassies in Europe. In addition, aid for dropouts in Europe from HIAS and JDC would be curtailed. This “ended” the dropout phenomena. According to Rabbi Israel Miller, the dropout problem “was resolved by the United States Government by creating a quota.”

Finally, the agreement curtailed the potential consequences of the Lautenberg Amendment. The refugee ceilings set by the President in consultation with Congress and, not the Lautenberg Amendment, would determine the number of Soviet refugees allowed to enter the United States.

This arrangement of a two-track system in Moscow resulted in Israel becoming, “by default, the destination for the vast majority of Jews seeking refuge.” With the opening of the gates in 1989, most Soviet Jewish émigrés chose to go to Israel. Almost 400,000 did so between 1989 and 1992. Far fewer went to the United States.

For the time being, the Soviets did not allow direct flights to Israel. To make sure that Soviet Jewish émigrés did not drop out, Israel took the precaution of flying them via Eastern European countries. These countries did not allow emigrants to stay and agreed not to raise issues of freedom of choice. The Jewish Agency and Liaison Bureau set up transit sites in Bucharest, Warsaw, and Budapest. By the 1980s the American Jewish establishment supported “direct flights” via Communist countries. They were aware that this denied all participants the option of dropping out on their way to Israel.

## End Notes

<sup>1</sup> Israel settled few Soviet immigrants in the territories with the exception of East Jerusalem.

<sup>2</sup> Nehemia Levanon told the JDC Executive Meeting of November 16, 1976 that the policy of his government was to send false papers to every Jew in the USSR even though we know that they are dropouts and will misuse them.

<sup>3</sup> Soviet authorities decided who received an exit permit; they knew that that almost all Jews from Georgia, Moldavia and the Baltic areas went to Israel while most Jews of Moscow, Kiev and Leningrad went to the United States.

<sup>4</sup> The *Jewish Week-American Examiner* of October 26, 1976 reported that President Gerald Ford told a delegation of Jewish leaders that he “would make every effort with Congress and the Soviet Union to get broader opportunities for Jews to leave for Israel and the United States”.

<sup>5</sup> Beyer (1991:142) notes that on September 13, 1988 Secretary of Shultz stated that people have an international right to emigrate and return to a country but not to immigrate into any country of one’s choice.

<sup>6</sup> The amendment was enacted for one year and subsequently extended throughout the 1990s.

<sup>7</sup> Fisher claimed that Prime Minister Shamir asked him to help with Soviet Jews (Interview, February 1996).

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## Refugee Resettlement and 'Freedom of Choice' The Case of Soviet Jewry

By Fred A. Lazin

**B**etween 1968 and 1973, almost all Soviet Jewish émigrés resettled in Israel. By 1975-1976, however, a near majority favored resettlement in the United States. While the government of Israel wanted all émigrés to resettle in Israel, many American Jewish leaders supported "freedom of choice" — the right of Soviet Jewish émigrés to choose their country of resettlement. In 1989, however, when Mikhail Gorbachev allowed free emigration for Soviet Jews and over 90 percent preferred to come to the United States, American Jewish leaders supported their government's policy to limit the entry of Soviet Jews as political refugees. The following essay traces the evolution and abandonment of the policy of "freedom of choice" among American Jewish leaders.

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