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The Legal, Political, and Religious Legacy of an Extended Jewish Family

By

Joel William Friedman

The significant role that Jewish Americans played in the civil rights movement is well documented.¹ As communities forged by a common legacy of slavery and oppression, sealed by a shared commitment to human dignity and an innate antipathy toward intolerance and bigotry, Jews and African Americans frequently banded together to oppose racial and other forms of invidious discrimination in American life and culture.² For example, Jews have been among the most significant financial contributors to civil rights organizations such as the Congress of Racial Equality (CORE), the Urban League, and the National Association for the Advancement of Colored People (NAACP). Furthermore, five of the six white lawyers who signed the NAACP's brief in the precedent-shattering school desegregation case *Brown v. Board of Education of Topeka* were Jews.³ What is less documented and less known, however, is the fact that one of the most pivotal and notable figures in the racial integration of American society, United States Fifth Circuit Judge John Minor Wisdom, was a descendant of an extended southern Jewish family. From the era of the Civil War through the civil rights movement of the 1960s, several prominent members of this family played leading roles in the political and legal arenas; others took the lead in establishing vibrant Jewish communities in Charleston, New Orleans, and San Francisco; and their two most celebrated members (although the two least connected to Judaism) emerged as unlikely champions of civil rights. This is that family's story.

The lives and contributions of some members of this extended family, such as Judah P. Benjamin, are well known and extensively documented. So, too, is the saga recounted herein of the Reformed Society of Israelites and the ultimate move by Congregation Kahal Kadosh Beth Elohim (KKBE) of Charleston, South Carolina, to Reform Judaism. This essay contributes to our understanding by placing Benjamin's life and experiences within new interpretive frameworks defined by an extended family system. It expands on the story of the movement of many of the Reformed Society leaders (in Benjamin's case, the son of a leader) away from Charleston and across the country. As shall be shown, Benjamin almost totally assimilated, but many of the others brought Judaism with them to city after city as they moved westward, even as they took their places in the larger society. The impact these family members had on both the development of Jewish communities in America and the cause of civil rights have heretofore gone unnoticed.⁴

Consistent with the experience of other Jews of their milieu, as these individuals achieved a level of success in their professional lives, they assimilated into the social and civic worlds of their communities.⁵ This assimilation, in turn, was also marked by their adoption of the cultural values and lifestyles of the South. While many of their Jewish contemporaries were notable for their successes in the business world, this family produced a line of distinguished attorneys and judges, several of whom created a unique legacy of civic, social, and political involvement. Yet many of these individuals also demonstrated the intertwining of law and commerce. They concentrated on commercial law and mixed their legal practices with trade and real estate transactions and development. Their careers illustrate a Jewish path to wealth, power, and prestige normally associated with the twentieth and twenty-first centuries. Seeking economic opportunity wherever it appeared brightest, many demonstrated a sense of rootlessness. This rootlessness also characterized their association with Judaism, as some traversed from Reform to Orthodox Judaism and back to Reform. Supporters of slavery, the Confederacy, and white supremacy also advocated rights for African Americans in court.

Pragmatism was the salient feature of many of their seemingly enigmatic actions.

Origins: From Spain to Charleston

This narrative commences in fifteenth-century Spain during the reign of King Ferdinand and Queen Isabella. Although Isabella is most popularly acclaimed for her financial sponsorship of the expeditions undertaken by the Genoese explorer Cristoforo Colombo, she and her husband occupy a more infamous place in world history thanks to their initiation of the Inquisition, an anti-semitic campaign that resulted ultimately in the Edict of 1492, which mandated the expulsion or execution of all Jews from Spain who refused to convert.

Compelled suddenly and without notice to leave the homeland that many of these families had inhabited for more than two hundred years, the largest contingent of Jewish refugees found their way to Turkey, while a vastly smaller number fled to Portugal. Among this lesser contingent was a family known as Mendes or de Mendes. Decades later, fleeing from the religious persecution that had followed Jews from Spain to Portugal, Solomon de Mendes moved to Holland and married Eva Levy, a Dutch woman of Ashkenazic descent. The family subsequently migrated to London, where in 1807 one of their three daughters, Rebecca de Mendes, married Philip Benjamin, a Sephardic Jew from Nevis, a British-controlled island in the Caribbean. Shortly thereafter, the Benjamins joined Rebecca's two sisters, who had moved to the British West Indies after marrying a pair of sugar planters from there. But within a year the Benjamins sailed to North America, intent on settling in New Orleans. When their ship was denied entry into U.S. waters by a British blockade, however, the couple ended up on British-owned St. Croix. On August 11, 1811, Rebecca de Mendes Benjamin gave birth to a son, Judah Philip Benjamin, on the island, a fortuity that resulted in his being born a British subject.⁶

Encouraged by the financial success that Rebecca's uncle, Jacob Levy, enjoyed in North Carolina, the Benjamins made a second attempt at immigrating to the United States. This time they

Isaac Harby, "A Discourse."

Title page of a speech given by Isaac Harby in Charleston in 1825 to the Reformed Society of Israelites, of which he was a founding member. This pamphlet was inserted into a manuscript prayer book written by Harby that was one of the first Reform prayer books ever produced. (Courtesy of Special Collections, College of Charleston Libraries.)

succeeded and joined the Levys in Fayetteville, North Carolina, in 1813. When, in 1821, life in Fayetteville failed to meet their expectations, and in the hope of finding a more prosperous and hospitable environment, the Benjamins moved to the port city of Charleston, South Carolina.⁷

By the second decade of the nineteenth century, Charleston had a well-deserved reputation as a thriving commercial metropolis with the largest Jewish community in the United States. Sephardic Jews had founded traditional congregation KKBE in 1749. By the beginning of the second decade of the nineteenth century, a collection of Charleston's young, native-born, civically involved, and philanthropically active members led by Isaac Harby sought to change the nature of KKBE's service and its attendant customs and practices. Concerned about the survival of an institution tied to traditional liturgy, they asked to translate Hebrew prayers into English, offer sermons in English, end the practice of seeking money offerings during the service, and shorten the length of the service. In 1825, when the congregation's more elderly trustees, known as the *adjunta*, rejected the petitioners' request, forty-seven congregants left the synagogue and founded the Reformed Society of Israelites.⁸ Drawing on traditions established by the Reform movement in central Europe, they confected an abridged ritual service that retained some of the traditional prayers, added new ones, translated the prayers into English, and introduced the use of instrumental music. Despite initial success, the Reformed Society enjoyed only a brief tenure, disbanding in 1833. Nevertheless, the society ultimately influenced KKBE, which in 1841 became the first congregation in the United States to officially adopt Reform principles. Ironically, this time the traditionalists seceded from the synagogue, forming their own congregation, Shearit Israel.⁹

The creation of the Reformed Society, a bold action by a small cohort of reformers, was a historic development marking the origins of Reform Judaism in the United States. It set a pattern for the expansion of Reform Judaism throughout the country. And one of the reform-minded members who signed the constitution establishing the principles and objectives of the Reformed Society and

*Tintype of Rebecca de Mendes
Benjamin, possibly made by
Solomon Nunes Carvalho.
(Courtesy of the Jewish Museum
of Maryland, #1989.176.1.)*

served in a leadership position as a member of the society's corresponding committee was Philip Benjamin.¹⁰

Supporting his family as a dry goods merchant and later a fruit seller, Philip Benjamin was only able to eke out a modest living. He did not enjoy the same opportunities as the more prosperous Jewish families in the city. Nevertheless, his family worshiped at KKBE until his intolerance for the rigidity of orthodoxy led him to join the secessionists who established the Reformed Society. His wife shared his opposition to what they perceived as rigid traditionalism. Rebecca de Mendes Benjamin managed the family's fruit shop on Saturday when observance of the Sabbath was the order of the day for businesses owned and operated by Jews in Charleston. The family's participation in the religious community ended when Philip was expelled from the Reformed Society for reasons that remain unexplained.¹¹

With this parental example, it is not surprising that their son, Judah, would stray from the traditions of his Sephardic ancestors and retain only a limited connection to the organized

Jewish community.¹² Judah's early education was provided by a school operated by the local Hebrew Orphan Society, which supported the children of poor Jewish families as well as Jewish orphans, but he subsequently transferred to a non-Jewish private academy where he excelled in his studies, focusing on English and the classics rather than Hebrew or Torah. Nevertheless, Judah, like his parents, never denied his Jewish ancestry, nor did he lack training in Jewish law and customs. Rather he was the product of a home that was at the center of the maelstrom of discord between the orthodox and reformist strains of Judaism in mid-nineteenth century Charleston.¹³

In 1825, at the age of fourteen, Judah was accepted into Yale University to study law. Like many of the children of the leaders of the Reformed Society, he never again lived in Charleston. Departing Yale under uncertain circumstances after only two years, Judah Benjamin chose to start his career in New Orleans, the original destination of his parents seventeen years earlier.¹⁴

Subsequently, his ties to his Jewish ancestry were insufficient to deter his 1833 marriage to Natalie St. Martin, the daughter of a wealthy Creole insurance company executive and a member of the New Orleans Catholic aristocracy.¹⁵ Although Benjamin refused a request by his future father-in-law that he convert to Catholicism, he agreed to allow his children to be raised in the Catholic faith. Furthermore, the couple resided in her parents' home or in an adjoining house in a very Catholic environment for the first ten years of their marriage, at which point Natalie left Judah and moved to Paris with their one-year-old daughter.¹⁶

Benjamin's Career in Law and Politics

New Orleans, like Charleston, was a port city that experienced tremendous financial prosperity in the first third of the nineteenth century. After some missteps, the young Benjamin signed on as an apprentice with a New Orleans commercial law firm. He was admitted to the Louisiana bar in 1832 and built a successful commercial law practice. Within three months, he was arguing cases before the Louisiana Supreme Court. A decade later, Benjamin took a case that could have scuttled his growing

reputation but which, in fact, raised his local and national profile. During a voyage from Virginia to New Orleans, nineteen captives on a slave ship, the *Creole*, mutinied and forced the captain and crew to detour to Nassau in the Bahamas. After the local British authorities freed the slaves who had not participated in the mutiny, the slave owners sued the ship's insurers for the loss of the value of their human property. Representing the insurance companies before the Louisiana Supreme Court, Benjamin successfully argued that because slavery was in defiance of the laws of nature, the British authorities in Nassau were under no obligation to recognize the captives' status as slaves and, therefore, were within their rights to treat them as free persons. Moreover, Benjamin insisted, since the mutiny was precipitated by the inhumanely cramped conditions under which the slaves endured the voyage, responsibility for the losses occasioned by the mutiny fairly rested at the feet of the crew. The case received widespread notoriety, as did Benjamin's impassioned plea for recognizing the value of black lives and his role in securing the legal victory.¹⁷

Although Benjamin's remarks served his clients' interests, the passion with which he delivered his oration before the court displayed an uncommon sensitivity for the period, particularly for the owner of Belle Chase plantation and numerous slaves and whose father, even with his modest income, had owned three slaves. In fact, when his family lived in Fayetteville, North Carolina, with his uncle, Jacob Levy, Judah was raised primarily by one of his uncle's slaves. Shortly after they moved to Charleston, however, Judah and his family lived through the attempted slave uprising of 1822 led by Denmark Vesey. Not only was a cache of weapons intended to be used to murder the whites of Charleston found near KKBE, but one of the slaves who was tried, convicted, and hanged for participating in the unfulfilled conspiracy was owned by a member of the synagogue.¹⁸ Benjamin's biographers have suggested that the trauma of this event tempered his concern for the condition of slaves and helps explain why he remained a steadfast supporter of that malevolent institution for the remainder of his life.¹⁹ However, like most southern Jews of his generation, this ambitious son of a poor

*Judah P. Benjamin,
c. 1858. Photograph
by Matthew Brady.
(National Archives and
Records Administration.)*

Jewish shopkeeper who rejected traditional Jewish religious orthodoxy was also a prime target for assimilation and acculturation.²⁰ In any case, his early expression of concern for the treatment of nonwhites is eerily suggestive of a similar view espoused by John Minor Wisdom, a member of another branch of the Benjamin family tree and an equally unlikely proponent of civil rights more than a century later.

By the early 1850s, Benjamin's prominence was such that he now routinely represented clients in cases before the U.S. Supreme Court. Much has been written about Benjamin's unsuccessful, although widely celebrated, attempt to convince the court to vacate the will of a miserly, slave owning New Orleans land baron, John McDonough, who sought to leave the bulk of his es-

tate to the cities of New Orleans and Baltimore in order to build public schools for indigent black and white schoolchildren.²¹ But scant, if any, attention has been accorded the bulk of Benjamin's Supreme Court caseload.

Most of the cases he argued fell into three categories: commercial, property disputes, and admiralty cases. Benjamin's commercial cases were comprised primarily of rather mundane contractual disputes that typically involved issues concerning the interpretation and application of provisions of the Louisiana Civil Code, over which Benjamin developed a unique mastery.²²

Some of Benjamin's many property cases were simple boundary disputes.²³ In addition, however, he litigated several cases arising out of an 1803 act of Congress that awarded the Marquis de Lafayette more than eleven thousand acres of federally owned land in the Orleans territory in exchange for fighting with the U.S. Army during the Revolutionary War. In these cases, Benjamin represented the interests of heirs of General Lafayette or other individuals who claimed title to various portions of those lands. In one such case, Benjamin represented a man who claimed ownership of one thousand acres of land in Point Coupee, Louisiana, as the result of a deed he claimed to have obtained from Lafayette. The opposing party claimed to have filed an earlier dated deed with the local land office for the same parcel. Benjamin successfully convinced the court that since the other party had not had the property surveyed in accordance with the law, the federal government still controlled the land and could therefore grant it to General Lafayette and consequently to his heirs.²⁴

In keeping with his support of slavery and pursuant to the Supreme Court's ruling in the Dred Scott case, Benjamin frequently represented planters and slave owners who sought to enforce their right to buy and sell human property.²⁵ In a slight departure from the standard scenario, Benjamin represented an owner who was sued by his real estate agent for failure to pay a commission for negotiating the sale of the defendant's Bayou La Fourche sugar plantation and seventy slaves. The trial judge had issued a judgment in favor of the agent. Benjamin successfully argued that, before the deal was consummated, the purchaser proposed

to name his wife as the purchaser and that Benjamin's client had never consented to that change in the agreement. Accordingly, the court ruled that the contract for sale was never fully executed, and the broker was therefore not entitled to his commission.²⁶

Not surprisingly, many of Benjamin's cases were generated by the thriving business of the New Orleans port. Several of the admiralty cases that Benjamin argued before the high court involved collisions between ships in the waters near New Orleans.²⁷ Typical is a case where he represented a ship owner who claimed that his schooner was properly anchored in Lake Borgne when the defendant's steamer collided with it while running at an excessive rate of speed during a dark and rainy night. The schooner's owner sought to recover the value of the merchandise on board when the schooner sank as a result of the collision. The defendant claimed that the collision was caused by the failure of the schooner's captain to illuminate his ship properly. The trial judge ruled in favor of the schooner, but this judgment was reversed by the appellate court, which found that the schooner was at fault for not having a light in its forerigging to give notice of her position to the approaching steamer. Benjamin argued that even if his client's schooner was not properly lit (it turns out that the schooner had a light in its rigging when it originally docked, but one of the seamen had taken it down to wipe off the rain at the moment the steamer slammed into the schooner), the collision could have been avoided if the steamer had not been traveling at a speed that was unsafe in an area where ships were known to seek harbor during a storm. The high court agreed with Benjamin, reversed the court of appeals, and ordered the trial judge to apportion damages between the two parties.²⁸

In another admiralty case, Benjamin represented someone who claimed title to a ship he said he had purchased after it had run aground off the coast of Mexico, was abandoned, and was later boarded by the man who sold it to him. The court, however, ruled against Benjamin's client, concluding that the abandonment did not affect the owner's right of ownership and that the man who had boarded the ship lacked authority to sell it.²⁹

This page and opposite: Rogers v. Steamer St. Charles, 1856.

These pages from an 1856 U.S. Supreme Court decision contain opening arguments made by Judah P. Benjamin on behalf of the plaintiff.

(Reports of Cases Argued and Adjudged in
the Supreme Court of the United States.)

Benjamin's repertoire occasionally extended into international law. He was retained by the state of Louisiana, for example, to collect inheritance taxes from foreigners who claimed immunity from American taxation. Louisiana law required that any noncitizen who inherited money or property from someone who had died in Louisiana must pay 10 percent of the value of that inheritance to the state. When a Louisiana citizen died in Louisiana and left part of his estate to "subjects of the King of Württemberg," the legatees refused to pay the tax on the ground that the Louisiana law violated provisions of an 1844 treaty between the United States and the king of Württemberg. The Court agreed with Benjamin's argument that the treaty did not exempt foreigners from state inheritance taxes unless it treated them differently from Louisiana citizens in the same circumstance. But since the Louisiana tax law applied to the estates of all of those who died in the state, the court reasoned, the state law did not discriminate against foreigners, and so the nondiscrimination provisions of the treaty did not apply.³⁰

In another such case, a French citizen claimed to be the brother and therefore sole rightful heir of a Louisiana citizen who had died without a will. The Frenchman also insisted that he was immune from Louisiana's tax laws pursuant to the terms of a treaty between the United States and France. Again, the court ruled in Benjamin's favor but for a different reason. Here, Benjamin successfully argued that the treaty was inapplicable, since the treaty with France was ratified after the decedent had died.³¹

Benjamin was a planter and slave owner who, as shall be explained, supported the South and secession. Nonetheless his legal practice reflected cosmopolitan issues of local and national significance. His cases represented the needs of a flourishing commercial city and the business and property interests of the people who prospered within it.

In 1842, Benjamin made his initial foray into politics, successfully running for election to the lower house of the Louisiana legislature. He played an influential role in the Louisiana Constitutional Convention of 1852, particularly on the slavery issue, a matter on which his political pragmatism trumped his moral am-

bivalence. Benjamin convinced a majority of his colleagues to depart from the “three-fifths rule”—the provision of the U.S. Constitution that stated that five slaves were to be counted as three for purposes of taxation and representation—and instead to allow each black man to be counted in full. Since slaves did not have voting rights, this was simply a victory for the slave interests, who gained seats in the House of Representatives and electoral college. Buoyed by the influence and connections he developed over the next eight years, Benjamin easily won election to a vacant U.S. Senate seat in 1852 as a member of the Whig Party.³²

After Louisiana seceded from the Union in January 1861, Benjamin left the Senate to accept an offer from his former Senate colleague and then president of the Confederate States of America, Jefferson Davis, to serve as attorney general of the new country. He later served serially as the Confederacy’s secretary of war and secretary of state.³³

*“Confederate Chieftains.”
Judah P. Benjamin, top, as a
member of Jefferson Davis’s
cabinet, c. 1861. (Courtesy of
the North Carolina Museum
of History, Raleigh.)*

In April 1865, with the war over, the Confederacy disbanded, and fearful of retribution, Benjamin fled to England. With the assistance of his political contacts there, Benjamin was able to get the traditional three-year apprenticeship requirement waived and became a member of the English bar in 1866 after only six months of study. During the next several years, he supplemented his legal fees by writing what became the classic treatise on English law governing sales of personal property, *Benjamin on Sales*. It was and still is considered the seminal authority on the topic. Unlike most legal treatises of that era, Benjamin's work was significantly more than a mere collection of summaries of leading cases. Rather it analyzed, organized, and synthesized these discrete rulings into a comprehensive and cogent narrative on the various doctrines that comprised this area of the law. Moreover, it offered its readers a comparative analysis of British law by including references to relevant American case law and European civil code provisions. It was so authoritative that the publisher eventually released an American edition that contained detailed notes analyzing important American and British doctrinal differences. Its most recent edition was published in 2014.³⁴

Within only four years of admittance to the bar, Benjamin was named a Queen's Counsel. He argued dozens of cases before the House of Lords and the Privy Council, England's two highest tribunals. Most of these cases involved commercial and maritime law, two of the areas in which he had specialized on the other side of the Atlantic Ocean.³⁵

A Far-Reaching Extended Family

Although to that date Judah Benjamin was the most accomplished and renowned de Mendes descendant, he was not the only member of the extended family whose imprint can be seen on American legal and political history. One of his seven siblings, Penina Benjamin, married John Kruttschnitt, a German Jew who served as Prussian and later German consul in New Orleans, where the two met and married. They had a son and a daughter.³⁶

The son, Ernest Benjamin Kruttschnitt, became a highly respected lawyer in New Orleans with an extensive record of civic

involvement. A longtime president of the New Orleans school board and chairperson for several years of the Louisiana Democratic central committee, Kruttschnitt's portrait occupies a place of honor in the Louisiana Supreme Court building in New Orleans's French Quarter.³⁷ On two occasions, the party sought to name him as its nominee for governor, a designation tantamount to general election victory in the Democrat-controlled state. Kruttschnitt, however, refused both requests, content to practice law. Loevy, Kruttschnitt, Farrar, Jonas & Gurley specialized in railroad litigation, particularly surrounding bankruptcy receiverships imposed

Ernest Benjamin Kruttschnitt, c. 1898.
(Courtesy of the State Library
of Louisiana, Baton Rouge.)

on the Houston and Texas Central, International and Great Northern, and Texas Pacific railways. But his legacy ultimately was tarnished by his actions in relation to African Americans. As president of Louisiana's Second Constitutional Convention in 1898, Kruttschnitt led the move to amend the state constitution to effectively deny black men the right to vote. He persuaded the conventioners to pass an amendment that subjected the franchise to the poll tax and to educational and property ownership requirements that virtually no African American of that time could satisfy, with a grandfather clause exception for men or descendants of men who had voted before 1867. He also spearheaded the

amendment that permitted nonunanimous jury verdicts in criminal cases, a move designed to permit a white majority to outvote black jurors.³⁸

This was not Kruttschnitt's first opposition to black rights. In 1874, at "the battle on the levee," he joined the White League in defeating the New Orleans police and establishing white rule; within three days, however, federal troops had restored congressional power.³⁹ Two years later he participated in the disputed presidential election that ultimately resulted in the end of Reconstruction and the restoration of white rule. In 1889, Kruttschnitt served as a pallbearer at Jefferson Davis's funeral.⁴⁰

John and Penina Kruttschnitt's daughter, and thus Judah Benjamin's niece, is linked directly to the only member of the extended de Mendes family whose fame and importance rivals that of Judah P. Benjamin. Rebecca de Mendes Kruttschnitt married a non-Jewish cotton trader from New Orleans named Mortimer Wisdom. Tragically, less than a year after their marriage, Rebecca and her baby died in childbirth.⁴¹ Mortimer's second wife also died tragically at an early age. Then at the age of forty-four, Mortimer took as his third wife Adelaide Labatt, the thirty-year-old daughter of an attorney.

Like her husband, Adelaide Labatt came from a family with deep roots in the American terrain. She, too, could trace her lineage back to the Revolutionary era. Yet part of the heritage that Adelaide Labatt Wisdom brought to this marriage was of a distinctly different flavor than that contributed by Mortimer Wisdom. In sharp contrast to the Episcopalian traditions shared by Wisdom's ancestors, who traced their arrival in America to the 1650s, the Labatts belonged to one of the oldest Jewish families in the South. And like the de Mendes clan to which the Labatts were linked collaterally through Rebecca de Mendes Kruttschnitt's marriage to Mortimer Wisdom, the Labatt family tree is populated by lawyers and politicians. As was the case with many of the descendants of the Charlestonian Jews who attended KKBE, this branch of the extended de Mendes clan made its mark in Jewish communities outside of South Carolina. The names on this branch of that genealogical tree include the first Jewish lieutenant gover-

nor in American history; a cofounder of the first Reform synagogue in the United States; a founder of the first synagogue on the West Coast; and the first graduate of Tulane Law School, who, reminiscent of his distant relation from St. Croix, filed pathbreaking lawsuits on behalf of ex-slaves against their former masters.⁴²

Adelaide Labatt's grandfather, Abraham Cohen Labatt, was the first American-born member of the Labatt family. His parents settled in Charleston, where he was born in 1802 and where he met and married Caroline Hyams, the daughter of another of the city's well-established Jewish families. An active member of the Charleston Jewish community, in 1824 Abraham Labatt, like Philip Benjamin and Henry Hyams, became a charter member of the Reformed Society of Israelites.⁴³

By the end of the 1820s, however, Charleston declined as a center of trade. Increasing competition from the Northeast spurred by the development of the Erie Canal, coupled with yellow fever and malaria epidemics that had ravaged the coastal city, caused many of its merchants and professionals to seek new opportunities elsewhere. Abraham and his new bride, like

*Abraham Cohen Labatt,
from the Galveston Daily News, July 2, 1896.
(Courtesy of the Rosenberg Library, Galveston.)*

many of the reform-minded former members of KKBE, left Charleston in the hope of securing a better life, in his case, in the uncultivated lands in the northern part of the state.⁴⁴ Abraham opened a general merchandise business, and the couple helped found the town of Cheraw. A few years later, they crossed the border into North Carolina when President Andrew Jackson appointed Abraham postmaster of a yet-unnamed town. Labatt subsequently named the town Jacksonville in honor of the president.⁴⁵ The job of postmaster was a valuable patronage position and reflected Labatt's deep involvement with the Jacksonian Democratic Party.

At the same time that Caroline and Abraham Labatt were seeking refuge to the north from Charleston's shrinking prospects, other Charlestonians ventured westward to New Orleans. This bustling, wide-open port city offered the tantalizing prospect of an expanding economy wrapped in a highly seductive package. One of the former Charlestonian Jews who ventured to the banks of the Mississippi River was Caroline Hyams's brother, Henry Michael Hyams. Another of the young Sephardic members of KKBE who became charter members of the Reformed Society of Israelites, Hyams served as the society's secretary from 1826 to 1828. Lured by the city's promise of excitement, adventure, and fortune, and accompanied by his younger cousin, Judah P. Benjamin, Henry Hyams arrived in New Orleans in 1828 in search of financial opportunity and with an eye toward bringing the rest of the family to the city.⁴⁶

In the mid-1830s, Hyams moved to Donaldsonville, Louisiana, a small town about fifty-five miles up the Mississippi River, where he worked as a bank cashier and launched his political career. In 1835, he led an antiabolitionist rally and served on a vigilante committee created to squelch local antislavery activities and publications. After returning to New Orleans, Hyams established a law practice and amassed a fortune in landholdings including several plantations and numerous slaves. He became actively involved with the Democratic Party, a move that led to his election to the Louisiana senate in 1855. Four years later, Henry Hyams won election as lieutenant governor, the first Jew in

American history to serve in that office in any state in the Union. He held that position through the Civil War.⁴⁷

Henry remained in contact with the rest of his family and eventually persuaded his sister Caroline to join him in New Orleans. In 1831, Caroline, her husband Abraham Labatt, and their four-year-old son, David, drove by wagon from North Carolina to Mobile, Alabama, where they boarded a sailing vessel to New Orleans. Over the next eighteen years, Abraham worked in the wholesale dry goods business. He also visited Velasco, a town in Mexican Texas along the Gulf Coast, where he engaged in trade and met two other Jewish businessmen. He returned to Velasco six years later intent on establishing trade between Charleston, Mexico, and newly independent Texas. As he had done in Charleston, Abraham was actively involved in the New Orleans Jewish community and Masonic Lodge.⁴⁸ In 1847, he helped lead a small group that founded an orthodox congregation in New Orleans, the Dispersed of Judah. In 1870 this Sephardic synagogue merged with Shaarai Chesed ("Gates of Mercy"), a congregation that had been established in 1824 as the first in the United States located outside of the original thirteen colonies.⁴⁹

Like many other adventurous, fortune-seeking Americans, Abraham Labatt got caught up in the California gold fever of 1849.⁵⁰ The family crossed the continent via the Santa Fe Trail to New Mexico and continued on to San Francisco, where he conducted business and won election as one of eight city aldermen. Abraham once again became a mainstay of the local Jewish community. In 1849 he helped found San Francisco's Congregation Emanu-El and served as its first president. As chairperson of the dedication committee, he also conducted an early meeting called to establish a Sunday school and weekday Hebrew classes and to introduce Rabbi Julius Eckman. Eckman had served KKBE of Charleston until he came into conflict with former hazan Gustavus Poznanski and the reformist element in the congregation, resulting in his departure. In 1854 both Labatt and Eckman participated in the dedication of the sanctuary of San Francisco's Congregation Sherith Israel, just a short while before doing the same for Emanu-El's first edifice.⁵¹ Controversies ensued at

Broadway Temple, San Francisco, c. 1855.

*This is the first structure built by San Francisco's Congregation Emanu-El. Abraham Labatt attended the building's dedication in 1855.
(Courtesy of the Archives of Congregation Emanu-El, San Francisco.)*

Emanu-El over board versus rabbinic control over *shochtim*, resulting in Eckman's departure and Labatt's resignation. After a decade, however, the allure of the Golden State diminished, and the Labatt family returned to New Orleans. Ten years later, Abraham and Caroline moved to Waco, Texas. When Caroline, Abraham's wife of fifty-five years, died in 1879, Abraham retired to Galveston, where he became active in Temple B'nai Israel, a

Classical Reform synagogue led by Rabbi Henry Cohen. Abraham Labatt remained in Galveston until his death at the age of ninety-seven.⁵² One of the findings of this essay is that some former members of the Reformed Society of Israelites became members of traditional synagogues, yet Labatt apparently rotated between Reform and orthodox institutions.

Abraham and Caroline's eldest of fourteen children, David Cohen Labatt, was barely four years old in 1831 when his parents left North Carolina for New Orleans. David was educated at home by his mother and a private tutor until the age of fourteen when he entered Jefferson College, a small military school just north of Natchez, Mississippi.⁵³ His studies were interrupted, however, when his father suffered a serious accident that caused a redirection of the family's resources and forced David to leave school. Reunited with his family in New Orleans, David grew closer to his uncle, Henry Hyams, and was inspired by Hyams and distant relation Judah Benjamin to pursue a career in law. David began his legal studies by reading law under the tutelage of federal Judge Thomas B. Monroe of Frankfort, Kentucky. There he studied with his New Orleans friend, H. J. Loevy, who eventually became a law partner of Ernest B. Kruttschnitt. In 1848, he received the first diploma in law conferred by the law department of the University of Louisiana, the forerunner of the Tulane University Law School—the same school that proudly claims his grandson, John Minor Wisdom, as an honored graduate.⁵⁴

Following the path taken by Judah P. Benjamin, his mother's cousin, David specialized in commercial law cases and supported the Confederacy, serving as a captain in the Fifth Louisiana Volunteers.⁵⁵ After the conclusion of the war, much work developed for attorneys to sort out the legal issues arising out of the new relationship between emancipated African Americans and their former owners.⁵⁶ In the grand tradition that began with Judah Benjamin and extended to John Minor Wisdom, David Cohen Labatt gained recognition in legal circles for his groundbreaking work in cases seeking to vindicate the human rights of African Americans. David was one of the few southern attorneys willing to file suits by ex-slaves against their former masters, and he de-

veloped a reputation as a farsighted, unprejudiced attorney who was among the first lawyers in the city to help black citizens obtain their legal rights.

But David was not the only attorney in his generation of the Labatt family. His younger brother, Henry J. Labatt, was not only a highly regarded member of the bar, but also an accomplished journalist. Unlike David, who had accompanied their parents from North Carolina to New Orleans, Henry was born in the Crescent City, although he spent most of his childhood in San Francisco. Like Benjamin, Henry attended Yale University; unlike Benjamin, Henry graduated with a master's degree. He followed his brother David's lead, studying law and receiving his degree from the University of Louisiana. He then returned to San Francisco to practice law, where his firm, Harmon & Labatt, represented a large number of local Jewish clients primarily in commercial litigation cases.⁵⁷

Henry's passions were not limited to the law. He quickly caught the political bug, successfully running for the office of Clerk of the Superior Court in 1855. The salary paid to court clerks at that time was minimal, so to supplement those funds, Henry began writing law books. His two most successful and well-received works were a digest of decisions of the Supreme Court of California from 1850–1861 and a handbook on civil trial practice.⁵⁸

Henry Labatt's fondness for and skill at writing extended beyond the legal milieu. He also pioneered Anglo-Jewish journalism in the West.⁵⁹ Labatt started his journalistic career as the San Francisco correspondent for *The Occident*, a monthly Jewish periodical published in Philadelphia by Isaac Leeser, the major leader of the traditionalist camp in American Judaism. A few years later, Labatt helped found *The Voice of Israel*, the second Jewish newspaper on the West Coast. Yet the story becomes more complex, as Rabbi Herman M. Bien also led the paper. Bien, a Reform advocate, had replaced Eckman, whom Labatt's father had supported, at Emanu-El, and the paper competed with Eckman's *Weekly Gleaner*.

In 1885, the Speaker of the California State Assembly, William W. Stow, declared, during debate over a bill to prohibit

Sunday trading in two northern California counties, that he was unconcerned about the impact on Jewish businesses because Jews “only came here to make money,” and this bill would “act as a prohibition to their residence amongst us.” Labatt wrote a scathing reply and denunciation that was published in a Los Angeles newspaper and in the *Voice of Israel*.⁶⁰

Labatt’s professional work complemented his active participation in the Jewish community. He served as secretary of the First Hebrew Benevolent Society; secretary of the board and attorney for Congregation Emanu-EL, a synagogue founded by his father; and president of the Hebrew Young Men’s Debating Society.⁶¹ Henry also provided legal assistance to the local *chevra kadisha* and helped another San Francisco congregation, Chebra Berith Shalom, incorporate in 1860.⁶² Eventually, Henry and his family moved to Galveston, where they joined his father. Thereafter, he opened a law firm with his son, served as Galveston city treasurer, and was elected to the Texas House of Representatives for the term comprising 1881 to 1883. Prior to his death in 1900, a one-store community in western Wilson County, Texas, was named for him.⁶³

The African American residents of Louisiana whose legal interests had been vindicated by Henry’s oldest brother, David, were not, however, the only minority group that had been victimized by the area’s institutionalized prejudice. Article 1 of French Louisiana’s Black Code (*Code Noir*) of 1724, for example, had mandated the expulsion of all Jews from the colony.⁶⁴ Nevertheless, during the post-Civil War period, the more than two thousand Jewish citizens of New Orleans had become a fully acculturated part of the community. Indeed, Jews were more integrated into the New Orleans political, social, and civic scenes than they were in most other major American cities of the era.⁶⁵ On the political front, at the same time that Judah Benjamin represented Louisiana in the U.S. Senate, Henry Hyams served as Louisiana’s lieutenant governor, and Dr. Edwin Warren Moïse was the state’s attorney general. Another former Charlestonian with ties to the Reformed Society of Israelites, Moïse later served as speaker of the state legislature. Social prestige in mid-

nineteenth century New Orleans society was much more attuned to affluence and longevity in the community than to religion or ethnicity.

The absence of hostility toward New Orleans Jews is also reflected in both the large number of intermarriages that occurred during this period—both Judah Benjamin and David Labatt married outside of their faith—and the admission of Jewish members into the city’s two most prestigious social clubs. Although each of these organizations subsequently adopted a policy of excluding Jews from membership, David Labatt and Judah Benjamin counted themselves among the many Jewish members of the Boston Club, and Armand Heine was a founder of the Pickwick Club. Jews also participated in the whirl of New Orleans society. In 1877, David Labatt’s sister Caroline reigned as the Queen of Carnival, five years after Louis J. Salomon had served as the city’s first Rex, King of Carnival.⁶⁶

John Minor Wisdom

When David Labatt married Elizabeth House, an Episcopalian from Philadelphia, the couple decided to expose some of their eight offspring to his Jewish heritage and others to her Christian faith.⁶⁷ One of their four daughters, Adelaide, was among the children who accompanied their mother to church and were raised as Episcopalians. So when Adelaide Labatt married Mortimer Wisdom, none of her three sons were exposed to or influenced by their Jewish heritage.

On May 17, 1905, Adelaide Labatt Wisdom gave birth to the couple’s second son, John Minor. John Wisdom was born into a family that had enjoyed financial prosperity and social position in the United States for more than two centuries, the product of three distinct branches of a deeply rooted family tree. He was a member of the tenth generation of a Dutch family whose patriarch, Mairdort Doodes, had migrated to America more than a century before the founding of the republic and whose progeny, the Minors, had built a fortune cultivating their fertile Virginia lands. He also was part of the eighth generation of an ex-British merchant family, the Wisdoms, whose founding members participated in the American

struggle for independence from their former homeland and whose descendants prospered in the cotton trade. Finally, he was a sixth-generation descendant of western European Jews, the Labatts, who had produced a line of successful lawyers and politicians. Their divergent backgrounds notwithstanding, the members of the Minor, Wisdom, and Labatt families shared a common bond: they all had achieved positions of social prominence and economic security in their respective communities. As the twentieth-century heir to this combined legacy, John Wisdom was a member of their city's socially elite, privileged class. And being a member of a "good" family was particularly important in a city like New Orleans, where social position dictated so many of life's opportunities.

Although Mortimer and Adelaide Wisdom surely were cognizant of Adelaide's Jewish heritage, the life stories of their Jewish ancestors were never a part of the family lore that they transmitted to their sons. So while never denying his Jewish heritage, John Wisdom neither gave it much, if any, thought, nor did he feel tied to it. There is no better evidence of this (and of his unwaveringly stubborn character) than his membership in the city's most prestigious—and religiously and racially exclusive—Mardi Gras organizations and social clubs. In his mid-twenties, Wisdom enthusiastically accepted an offer of membership in the city's four most exclusive Mardi Gras krewes—Momus, Comus, Proteus, and Rex. It was (and remains) a highly unguarded secret that the krewes of Comus and Momus did not admit Jewish members and that African Americans were excluded from Momus, Proteus, and Comus, of which Wisdom's eldest daughter, Kit, was anointed queen during one Mardi Gras season.⁶⁸ He also joined the city's two most elite and restrictive social clubs, the Louisiana Club and the Boston Club. Notwithstanding their undeniably discriminatory membership policies, Wisdom never seriously considered resigning from any of these organizations. Even at the height of his public visibility, when he was writing pathbreaking opinions as a judge on the U.S. Fifth Circuit Court of Appeals that mandated the termination of decades of public segregation in voting, employment, and education, Wisdom maintained that there was a

John Minor Wisdom, left, with President Dwight Eisenhower and Louisiana governor Robert F. Kennon, October 17, 1953. Eisenhower was visiting New Orleans for events commemorating the sesquicentennial of the Louisiana Purchase. Wisdom was then a Republican national committee member who had helped Eisenhower secure the presidential nomination the previous year. In 1957, Eisenhower appointed Wisdom to the U.S. Court of Appeals for the Fifth Circuit. (Courtesy of the Louisiana Division/City Archives, New Orleans Public Library.)

place within a pluralistic society for private pockets of exclusion. "There is something to be said," he declared, "for a place where a group of one-legged, red-haired Scots can gather together, aside from the rest of the world."⁶⁹ Although his adamancy as to this matter surprised and disappointed some of his most ardent admirers, Wisdom never tried to hide his memberships or his multiple reasons for retaining them. When asked, Wisdom steadfastly maintained that his membership in these restrictive clubs never affected his judicial judgment. Yet, while the record certainly supports this claim, in his later years Wisdom did acknowledge that the existence of these restrictive clubs had generated a negative economic impact on his city. He also recognized that the appearances created by membership in such organizations could reasonably lead someone else seeking high public office to eliminate such an affiliation.⁷⁰ But he never resigned in protest of these policies.

So while his connection to his Jewish ancestors enters the realm of a historical curiosity, his contribution to the cause of civil rights in the United States, a cause that carried through as a mixed heritage of generations of his Jewish ancestors, is undeniable. Like them, he was a product of privilege who nevertheless harbored a deep sense that fair treatment was a birthright of all, regardless of station, race, or creed. This scion of a well-established, socially prominent southern family became the universally acclaimed author of tradition-shattering and precedent-making judicial opinions that forever reshaped the contours of civil liberties in the United States.

At a time when most federal judges in the South were doing everything in their power to forestall, if not emasculate, the implementation of the Supreme Court's command in *Brown v. Board of Education* to desegregate public schools, Wisdom wrote nearly all of the opinions of the U.S. Fifth Circuit Court of Appeals reversing the dilatory and evasive actions of the trial judges and creating and monitoring public school desegregation plans that served as a model for courts throughout the country. He also was the author of the opinion that forced the University of Mississippi to integrate and admit James Meredith, its first African American

student, and held Mississippi governor Ross Barnett in contempt of court for his resistance to those orders. Wisdom's rulings eliminated longstanding, arbitrary, and invidious barriers to voting that had been erected and maintained in the southern states. Wisdom also authored scholarly opinions that provided the intellectual and analytical foundation for the Supreme Court's decisions upholding various forms of racial and sex-based affirmative action.⁷¹

Legions of stories are recounted concerning the impact of Jewish Americans on the legal, social, and political landscape of this nation, including their special place in the annals of the civil rights movement. This essay has attempted to trace the impact of one extended family—a collection of Jewish lawyers, business people, and politicians who trace their roots in the American soil to a Sephardic immigrant from Portugal. From one of the greatest figures in the Confederacy through a pathbreaking jurist whose opinions spearheaded the governmental enforcement of civil rights during the equal rights revolution of the 1960s, and from Charleston to North Carolina, New Orleans and Texas to California, these direct descendants and extended relations of Solomon de Mendes share a unique place in the history of the contribution of Jews to American legal and political history. Moreover, they were pioneers in the creation and dispersion of Reform Judaism in the United States and in the development of Jewish communities from Charleston to San Francisco. Theirs is a story of Jews and Judaism in America, of the impact of the South, and of the greater and lesser forces of assimilation and acculturation.

NOTES

¹ See, for example, Jack Greenberg, *Crusaders in the Courts: Legal Battles of the Civil Rights Movement* (New York, 1994), 50–51; Seth Forman, *Blacks in the Jewish Mind: A Crisis of Liberalism* (New York, 1998), 24–54; Claybourne Carson, Jr., “Blacks and Jews in the Civil Rights Movement,” in *Strangers and Neighbors: Relations Between Blacks and Jews in the United States*, ed. Maurianne Adams and John H. Brace (Amherst, MA, 1999); Clive Webb, *Fight Against*

Fear: Southern Jews and Black Civil Rights (Athens, GA, 2003); Raymond A. Mohl, *South of the South: Jewish Activists and the Civil Rights Movement in Miami, 1945-1960* (Gainesville, FL, 2004).

² Harvard Sitkoff, *Toward Freedom Land: The Long Struggle for Racial Equality in America* (Lexington, KY, 2010), 148-149.

³ Greenberg, *Crusaders in the Courts*, 50.

⁴ Allan Tarshish, "The Charleston Organ Case," *American Jewish Historical Quarterly* 54 (June 1965): 411-416, 449.

⁵ Mark K. Bauman, "Beyond the Parochial Image of Southern Jewry: Studies in National and International Leadership and Interactive Mechanisms," in *New Essays in American Jewish History*, ed. Pamela S. Nadell, Jonathan D. Sarna, and Lance J. Sussman (Cincinnati, 2010), 137-138.

⁶ Robert Douthat Meade, *Judah P. Benjamin: Confederate Statesman* (New York, 1943), 4-5; Eli N. Evans, *Judah P. Benjamin: The Jewish Confederate* (New York, 1988), 4; Arthur L. Goodhart, "Judah P. Benjamin," in *Five Jewish Lawyers of the Common Law* (Freeport, NY, 1971), 4. See also, Benjamin Kaplan, "Judah Philip Benjamin," in *Jews in the South*, ed. Leonard Dinnerstein and Mary Dale Palsson (Baton Rouge, 1973), 75-88.

⁷ Evans, *Benjamin: Jewish Confederate*, 5; Meade, *Benjamin: Confederate Statesman*, 7-9.

⁸ Gary Phillip Zola suggests that the average age of the reformers was thirty-two and that of the synagogue's trustees sixty-two. Deborah Dash Moore places the average age of the latter at fifty-six. Gary Phillip Zola, *Isaac Harby of Charleston, 1788-1828: Jewish Reformer and Intellectual* (Tuscaloosa, 1994), 120; Deborah Dash Moore, "Freedom's Fruits: The Americanization of an Old-time Religion," in *A Portion of the People: Three Hundred Years of Southern Jewish Life*, ed. Theodore Rosengarten and Dale Rosengarten (Columbia, SC, 2002), 14.

⁹ Evans, *Benjamin: Jewish Confederate*, 6; Tarshish, "Charleston Organ Case," 411, 415-419; Dianne Ashton, "Expanding Jewish Life in America, 1826-1901," in *The Columbia History of Jews and Judaism in America*, ed. Marc Lee Raphael (New York, 2008), 49; Zola, *Isaac Harby of Charleston*, 122-123, 146-147; Kimmy Caplan, "The Ever Dying Denomination: American Jewish Orthodoxy, 1824-1965," in Raphael, *Columbia History*, 169; Moore, "Freedom's Fruits," 13, 19; Jonathan D. Sarna, "The Democratization of American Judaism," in Nadell, Sarna, and Sussman, *New Essays*, 106; Meade, *Benjamin: Confederate Statesman*, 17; James William Hagy, *This Happy Land: The Jews of Colonial and Antebellum Charleston* (Tuscaloosa, 1993), 237; Eli N. Evans, "Preface," in Rosengarten and Rosengarten, *Portion of the People*, xvii.

¹⁰ Sarna, "Democratization of American Judaism," 106; Tarshish, "Charleston Organ Case," 416, 449; Evans, *Benjamin: Jewish Confederate*, 10; Evans, "Preface," xvii; Meade, *Benjamin: Confederate Statesman*, 17.

¹¹ Meade, *Benjamin: Confederate Statesman*, 11-12, 16-18; Hagy, *This Happy Land*, 75, 139, 158; Evans, *Benjamin: Jewish Confederate*, 8. Eli Evans posits that Judah's father was expelled because his wife kept their fruit shop open on the Sabbath. Evans, *Benjamin: Jewish Confederate*, 10.

¹² Evans, *Benjamin: Jewish Confederate*, 12; Meade, *Benjamin: Confederate Statesman*, 35; Eli N. Evans, *The Provincials: A Personal History of Jews in the South* (New York, 1973), 64.

¹³ Hagy, *This Happy Land*, 71; Evans, *Benjamin: Jewish Confederate*, 10–12, 19.

¹⁴ Evans, *Benjamin: Jewish Confederate*, 13, 15–22; Meade, *Benjamin: Confederate Statesman*, 19, 24–28; Bauman, “Beyond the Parochial Image,” 146; Goodhart, “Judah P. Benjamin,” 5.

¹⁵ Evans, *Benjamin: Jewish Confederate*, 25–26. See also, Winston De Ville, “The Marriage Contract of Judah P. Benjamin and Natalie St. Martin, 1833,” *Louisiana History: The Journal of the Louisiana Historical Association* 37 (Winter 1996): 81–84. Inter-marriage with non-Jews during this era was common. Malcolm Stern estimates that 28.7 percent of those Jews married between 1776 and 1840 chose non-Jewish spouses. Jewish men in such marriages often did not convert but accepted the raising of their children in their wives’ faiths. Malcolm H. Stern, “Jewish Marriage and Inter-marriage in the Federal Period (1776–1840),” *American Jewish Archives* 19 (November 1967): 142–143. See also, Bertram Wallace Korn, *The Early Jews of New Orleans* (Waltham, MA, 1969), 215; Jonathan D. Sarna, “Inter-marriage in America: The Jewish Experience in Historical Context,” in *Ambivalent Jew: Charles Liebman in Memoriam*, ed. Stuart Cohen and Bernard Susser (New York, 2007): 125–133.

¹⁶ Meade, *Benjamin: Confederate Statesman*, 36; Evans, *Benjamin: Jewish Confederate*, 26, 33–34.

¹⁷ Evans, *Benjamin: Jewish Confederate*, 23–25, 28, 38; Goodhart, “Judah P. Benjamin,” 6; Pierce Butler, *Judah P. Benjamin* (New York, 1981 [1907]), 40–42; Meade, *Benjamin: Confederate Statesman*, 40–42. Cases before the Louisiana Supreme Court in which Benjamin represented the defendant insurance companies include *Thomas McCargo v. The Merchant's Insurance Co. of New Orleans* and *Shermon Johnson v. The Ocean Insurance Co.*, both in 1845. City Archives, New Orleans Public Library, <http://neworleanspubliclibrary.org/inv/creole.htm>, accessed June 27, 2015.

¹⁸ Hagy, *This Happy Land*, 93; Evans, *Benjamin: Jewish Confederate*, 8.

¹⁹ Meade, *Benjamin: Confederate Statesman*, 14; Evans, *Benjamin: Jewish Confederate*, 9, 37. Evans suggests that Benjamin’s ability to rail against the inhumanity of slave conditions but continue to support the system itself is a measure of his pragmatism. As a member of the U.S. Senate from Louisiana, for example, Benjamin frequently articulated the southern proslavery position, opposing what he deemed Congress’s unconstitutional exercise of power in prohibiting the extension of slavery into the territories. See, for example, *Cong. Globe*, 34th Cong., 1st Sess. 1092–1094 (1856).

²⁰ Bauman, “Beyond the Parochial Image,” 137–138; Evans, *Provincials*, 64.

²¹ Meade, *Benjamin: Confederate Statesman*, 68–70; Evans, *Benjamin: Jewish Confederate*, 43–44.

²² See, for example, *McGill v. Armour*, 52 U.S. 142 (1850); *Conrad v. Griffey*, 57 U.S. 38 (1853); *Coiron v. Millaudon*, 60 U.S. 113 (1856); *Ingraham v. Dawson*, 61 U.S. 486 (1857); *Hyde v. Stone*, 61 U.S. 170 (1857); *Martin v. Imhsen*, 62 U.S. 394 (1858); *Wiseman v. Chiappella*, 64 U.S. 368 (1859).

²³ See, for example, *Cousin v. Labatut*, 60 U.S. 202 (1856).

²⁴ *Ledoux v. Black*, 59 U.S. 473 (1855). See also, *Lafayette's Heirs v. Kenton*, 59 U.S. 197 (1855).

²⁵ See, for example, *Shields v. Barrow*, 58 U.S. 130 (1854); *Jeter v. Hewitt*, 63 U.S. 352 (1859); *Adams v. Preston*, 63 U.S. 473 (1859); *Cucullu v. Emmerling*, 63 U.S. 83 (1859); *Kimbro v. Bullitt*, 63 U.S. 256 (1859).

²⁶ *McGavock v. Woodlief*, 61 U.S. 221 (1857).

²⁷ See, for example, *Culbertson v. The Steamer Southern Belle*, 59 U.S. 584 (1855); *Ure v. Coffman*, 60 U.S. 56 (1856).

²⁸ *Rogers v. Steamer St. Charles*, 60 U.S. 108 (1856).

²⁹ *Ward v. Peck*, 59 U.S. 267 (1855).

³⁰ *Frederickson v. State of Louisiana*, 64 U.S. 445 (1859).

³¹ *Prevost v. Greneaux*, 60 U.S. 1 (1856). See also *The Widow and Heirs of Benjamin Poydras v. The Treasurer of the State of Louisiana*, 59 U.S. 192 (1855).

³² Goodhart, "Judah P. Benjamin," 7; Meade, *Benjamin: Confederate Statesman*, 80. Despite assertions to the contrary by some of his biographers, Benjamin was not the country's first Jewish senator. David Levy, like Benjamin, was born in the West Indies, the son of a Sephardic Jew from Morocco who had migrated to the Danish colonial island of St. Thomas, and was raised in Florida. In 1845, members of the Florida legislature elected him to one of the state's seats in the U.S. Senate. The following year, Levy changed his name by an act of the legislature by adding his grandfather's Sephardic name, "Yulee." David Yulee, like Benjamin, married a Christian woman and attended church with her, but it is unknown whether he ever converted to Christianity, and if he did so, it was long after he served in the Senate. Among the Yulee papers at the University of Florida, Gainesville, is a letter dated December 4, 1872, from Nannie Yulee to her husband, David, in which she implores him "Go to Dr. Hall. Ask him to Baptize you . . . receive you in the Church. I know you believe, [repentence] will follow this act of faith as sure as the sun shines." Yulee and Benjamin served together in the Senate and became close friends. Evans, *Benjamin: Jewish Confederate*, 46–47; Evans, *Provincials*, 65; Robert N. Rosen, *The Jewish Confederates* (Columbia, SC, 2000), 55, 58–59; C. S. Monaco, *Moses Levy of Florida: Jewish Utopian and Antebellum Reformer* (Baton Rouge, 2005); Leon Hühner, "David L. Yulee: Florida's First Senator," in Dinnerstein and Palsson, *Jews in the South*, 52–74; Maury Wiseman, "David Levy Yulee: Conflict and Continuity in Social Memory," Florida Conference of Historians, <http://fch.ju.edu/fch-2006/wiseman-david%20levy%20yulee.htm>, accessed May 1, 2015; Biographical Directory of the U.S. Congress, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=Y000061>, accessed May 18, 2015.

³³ During a debate on the Senate floor in 1858 over a mundane matter concerning arms appropriations, Mississippi's Senator Davis and Louisiana's Senator Benjamin exchanged harsh words. Benjamin apparently took offense at what he viewed as rude remarks by Davis, and this prompted Benjamin to challenge Davis to a duel. Davis quickly and publicly apologized, the matter ended without incident, and the two colleagues subsequently built a lasting relationship of deep friendship and respect. Evans, *Benjamin: Jewish Confederate*, 98–99.

³⁴ Butler, *Judah P. Benjamin*, 383; Evans, *Benjamin: Jewish Confederate*, 333; Goodhart, "Judah P. Benjamin," 11–12; Meade, *Benjamin: Confederate Statesman*, 336; *Benjamin's Sale of Goods*, Sweet & Maxwell Books, <http://www.sweetandmaxwell.co.uk/Catalogue/ProductDetails.aspx?recordid=5913>, accessed June 2, 2015.

³⁵ Goodhart, "Judah P. Benjamin," 12–13.

³⁶ Butler, *Judah P. Benjamin*, 335–336.

³⁷ Robert Smith, "Portrait of white supremacist welcomes visitors to Louisiana's Supreme Court, where struggle for racial equality continues," *Second Class Justice*, <http://www.secondclassjustice.com/?p=206>, accessed June 3, 2015. A 2014 blog post indicated that the portrait of Kruttschnitt had been moved to a less conspicuous location in the courthouse. "Ernest Kruttschnitt Portrait Moved to Where No One Will See It," <http://thompsongenealogy.com/2014/06/ernest-kruttschnitt-portrait-moved-to-where-no-one-will-see-it>, accessed June 22, 2015.

³⁸ Bidish Sarma, "An Enduring (and Disturbing) Legacy: 'Race Neutrality,' Judicial Apathy, and the Civic Exclusion of African-Americans in Louisiana," *Houston Law Review: Off the Record* 1 (Summer 2011): 49, 52, <http://www.houstonlawreview.org/2011/07/18/hlre-summer-2011>, accessed June 18, 2015; Obituary, "Ernest B. Kruttschnitt," *New York Times*, April 17, 1906; Boyce Thompson, "History No Longer So Kind to Ernest Kruttschnitt," *Thompson Family History*, <http://thompsongenealogy.com/2013/03/history-no-longer-so-kind-to-ernest-kruttschnitt>, accessed June 30, 2015; George Derby and James Terry White, "Ernest Benjamin Kruttschnitt," *The National Cyclopaedia of American Biography* (New York, 1900), 10:364; Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888–1908* (Chapel Hill, 2001), 140–147.

³⁹ The Battle for Liberty Place occurred in September 1874 when members of the Crescent City White League revolted against the Reconstructionist Republican government, headquartered in New Orleans, which was then in control of the state. Gathering on Canal Street on September 14, White Leaguers charged an outnumbered unit of municipal police, who were forced to surrender the statehouse, arsenal, and Jackson Square to the insurrectionists. Thirty-one people were killed in the initial fighting. See Joan B. Garvey and Mary Lou Widmer, *Beautiful Crescent: A History of New Orleans* (Gretna, LA, 2012), 198.

⁴⁰ Evans, *Benjamin: Jewish Confederate*, 403.

⁴¹ Joel William Friedman, *Champion of Civil Rights: Judge John Minor Wisdom* (Baton Rouge, 2009), 5.

⁴² *Ibid.*, 2–4, 5–6; Bauman, "Beyond the Parochial Image," 146.

⁴³ Bauman, "Beyond the Parochial Image," 146 n. 18; Tarshish, "Charleston Organ Case," 416; Hagy, *This Happy Land*, 137, 139; "He Died At Ninety-Seven: 'Father' Abraham Cohen Labatt Has Been Gathered To His Fathers," *Galveston News*, August 17, 1899. Abraham's father, David Labatt, came from Amsterdam, and his mother, Catherine Myers, was born in Hamburg.

⁴⁴ Evans, *Benjamin: Jewish Confederate*, 22; Bauman, "Beyond the Parochial Image," 146.

⁴⁵ *Biographical and Historical Memoirs of Louisiana* (Chicago, 1892), 1:521.

⁴⁶ Rosen, *Jewish Confederates*, 143; Bauman, "Beyond the Parochial Image," 146 n. 18; Tarshish, "Charleston Organ Case," 416; Hagy, *This Happy Land*, 137, 139, 154; Evans, *Benjamin: Jewish Confederate*, 23, 29; Korn, *Early Jews of New Orleans*, 187–188.

⁴⁷ Korn, *Early Jews of New Orleans*, 189; Rosen, *Jewish Confederates*, 29, 151; Emily Ford and Barry Stiefel, *The Jews of New Orleans and the Mississippi Delta: A History of Life and Community Along the Bayou* (Charleston, SC, 2012), 49, 64. Rosen (p. 29) indicates that Hyams also worked in real estate, railroads, and insurance during his extensive career.

⁴⁸ William M. Kramer, "Henry J. Labatt (1832–1900): Pioneer Lawyer of California and Texas," *Western States Jewish History* 28 (1996): 155; Bryan Edward Stone, *The Chosen Folks: Jews on the Frontiers of Texas* (Austin, 2010), 29. According to Kramer (p. 156), Abraham Labatt also may have been the first Master of the first Masonic lodge in the west, a lodge he named for Davy Crockett.

⁴⁹ "He Died At Ninety-Seven," *Galveston News*, August 17, 1899. Although Henry M. Hyams intermarried, he remained a practicing Jew and also attended Dispersed of Judah. Rosen, *Jewish Confederates*, 29.

⁵⁰ Abraham Labatt's activities in California, as well as those of his son Henry, are documented in Ava F. Kahn, ed., *Jewish Voices of the California Gold Rush: A Documentary History, 1849–1880* (Detroit, 2002).

⁵¹ On the founding of Emanu-El and Sherith Israel, both in 1849, see Kahn, *Jewish Voices*, 37.

⁵² "He Died At Ninety-Seven," *Galveston News*, August 17, 1899; Kramer, "Henry J. Labatt"; Joshua Stampfer, *Pioneer Rabbi of the West: The Life and Times of Julius Eckman* (n.p., [1988]), 34–48, 62–69.

⁵³ This now defunct institution, chartered in 1802 and closed in 1964, counted naturalist John James Audubon among its faculty members and Jefferson Davis among its students. Bern Keating, "Nostalgia in Natchez: Amid Magnolias and Antebellum Mansions," *Washington Post*, November 10, 1985.

⁵⁴ *Biographical and Historical Memoirs of Louisiana*, 1:521; "Flashback: New Orleans A Century Ago," *New Orleans Times-Picayune*, June 15, 1948.

⁵⁵ When New Orleans fell under the control of federal forces under General Benjamin Butler, David Labatt refused to take an oath of allegiance to the Union and, consequently, he and his family were banished from the city with an allotment of ten days' rations. The family moved to Wilmington, North Carolina, where Labatt rejoined the Confederate forces until he resigned for reasons of ill health. Shortly before the end of the Civil War, Labatt was taken prisoner by General Rutherford B. Hayes's troops. After his parole, he returned to New Orleans with his family and resumed his legal practice. *Biographical and Historical Memoirs of Louisiana*, 1:522.

⁵⁶ *Biographical and Historical Memoirs of Louisiana*, 1:522.

⁵⁷ Kramer, "Henry J. Labatt," 155–157. See also, Fred Rosenbaum, *Cosmopolitans: A Social and Cultural History of the Jews of the San Francisco Bay Area* (Berkeley, CA, 2009): 30–31.

⁵⁸ Kramer, "Henry J. Labatt," 157–158; Norton B. Stern, "The Labatts' Attack in San Francisco and Los Angeles," *Western States Jewish History* 28 (April 1996): 180.

⁵⁹ Kramer, "Henry J. Labatt," 160.

⁶⁰ Stern, "Labatts' Attack," 179, 180; Kramer, "Henry J. Labatt," 1; Stampfer, *Pioneer Rabbi of the West*, 69, 89–91. Stampfer (pp. 90–91) quotes David Einhorn's opposition to the *Voice of Israel's* defense of Jewish rights. On Leeser, see Lance J. Sussman, *Isaac Leeser and the Making of American Judaism* (Detroit, 1995). For the complete text of Labatt's letter, see Kahn, *Jewish Voices*, 409–411.

⁶¹ Labatt's involvement with the First Hebrew Benevolent Society, which was founded by eastern European members of Congregation Sherith Israel, rather than with the Eureka Benevolent Association supported by his fellow congregants at Emanu-El illustrates his adaptability, nonsectarianism, and commitment to Jewish institutions in general. See Kahn, *Jewish Voices*, 197.

⁶² The activities in Los Angeles of Henry's brother, Samuel K. Labatt, resemble Henry's efforts in San Francisco. Along with a third brother, Joseph Labatt, Samuel arrived in Los Angeles in 1853 to act as business agents for their father's San Francisco store. The next year, Samuel organized the Hebrew Benevolent Society of Los Angeles, working closely with painter and photographer Solomon Nunes Carvalho, a Sephardic Jew from Charleston and another former member of the Reformed Society of Israelites. The brothers later returned to San Francisco and then moved on with Henry to Texas. The Labatts' movement from place to place, crisscrossing the country in pursuit of business opportunities while helping to found and develop Jewish institutions in the places they lived, reinforces the themes of this essay. Ellen Eisenberg, Ava F. Kahn, and William Toll, *Jews of the Pacific Coast: Reinventing Community on America's Edge* (Seattle, WA, 2009), 41. For more on the Labatt family in Los Angeles and their relationship with Carvalho, see Ava F. Kahn, "Introduction," in Solomon Nunes Carvalho, *Incidents of Travel and Adventure in the Far West with Colonel Fremont's Last Expedition* (Lincoln, NE, 2004), xiv–xv.

⁶³ Kramer, "Henry J. Labatt," 161–165. For information on Labatt, Texas, see Claudia Hazlewood, "Labatt, Tx," *Handbook of Texas Online*, <http://www.tshaonline.org/handbook/online/articles/hvl07>, accessed June 17, 2015.

⁶⁴ For detail on the *Code Noir*, see Ford and Stiefel, *Jews of New Orleans and the Mississippi Delta*, 15–17.

⁶⁵ Bertram Korn concluded that there "was probably less prejudice against Jews in New Orleans during the anti-bellum period than in any other important city in the country." Korn, *Early Jews of New Orleans*, 227.

⁶⁶ Salomon was also the last Jewish monarch of New Orleans's Mardi Gras celebration. Beginning in the late nineteenth century, "with the rise of elitist anti-Semitism around the country, and the influx of new Jewish immigrants from Eastern Europe, Jews were excluded from the highest rungs of the New Orleans social hierarchy [the social clubs in particular]." "New Orleans, Louisiana," *Encyclopedia of Southern Jewish Communities*, <http://www.isjl.org/louisiana-new-orleans-encyclopedia.html>, accessed June 3, 2015. See also, Ford and Stiefel, *Jews of New Orleans and the Mississippi Delta*, 87.

⁶⁷ Elizabeth's parents, William House and Louise Lloyd, were Philadelphia-born Episcopalians, although her maternal grandmother, Elizabeth Timolion, was Greek, the daughter of Philotas Timolion and Elizabeth Lysistrate of Athens.

⁶⁸ Kathleen ("Kit") Wisdom, interview conducted by author, December 29, 1993.

⁶⁹ John Minor Wisdom, interview conducted by author, October 28, 1993.

⁷⁰ *Ibid.*

⁷¹ Friedman, *Champion of Civil Rights*, xi-xii.