



Solomon Goldman
(Courtesy American Jewish Archives)

*A “Jewish Monkey Trial”:
the Cleveland Jewish Center
and the Emerging Borderline
between Orthodox and
Conservative Judaism in
1920s North America*

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In the 1920s the world of Orthodox Judaism in North America felt itself besieged on many sides.¹ In particular, it was shaken by a movement within the rank and file of many Orthodox synagogues, influenced by a growing cohort of English-speaking rabbis educated at the Jewish Theological Seminary of America (JTS) in New York.² This movement challenged traditional synagogues to “modernize” themselves by abolishing the separate seating of men and women in their sanctuaries. Proponents of such changes often argued forcefully that doing so would not necessarily mean relinquishing the definition of such a synagogue as “Orthodox.”³ The resulting conflict between supporters and opponents of this form of synagogue liberalization helped to define a growing divergence between “Conservative” and “Orthodox” Judaism in North America.

This article will analyze one of the most prominent cases of “Orthodox” synagogues’ adopting mixed seating—that of the Jewish Center (JC) of Cleveland, Ohio. Under the leadership of its JTS-trained Rabbi Solomon Goldman,⁴ JC adopted mixed seating in 1925. Goldman’s arguments for mixed seating, as we will see, succeeded in winning over a majority of the congregation to his views. However, as elsewhere, the dissenting minority within the congregation refused to

concede the principle that their synagogue, founded for the perpetuation of “Orthodox Judaism,” had the right to do this and brought their case to court. The case was before the courts for several years in Cleveland’s Court of Common Pleas, two courts of appeals, and the Supreme Court of Ohio. It attracted local, national, and international publicity and helped to define what Orthodox and Conservative Judaism in North America represented for an entire generation.

Historians of Orthodoxy and Conservatism in America are aware of this case and its importance and have cited it in their respective analyses.⁵ This article reviews sources available to previous researchers. However, it also brings to bear extensive archival documentation currently located in Cleveland Heights, Ohio, which had been preserved by the family of one of the prime instigators of the lawsuit, Abraham A. Katz. This material sheds new light on the case and its consequences, particularly from the perspective of the dissident Orthodox minority. It also, importantly, contains the complete transcript of the expert testimony of some of the most prominent American Orthodox leaders of the era, whose testimony and cross-examination by Goldman yields much information of importance.

The Jewish Community of Cleveland in the Early Twentieth Century

In the early decades of the twentieth century, the Jewish community of Cleveland constituted one of the largest concentrations of Jewish population in the United States.⁶ Among the numerous synagogues that existed in Cleveland in this period were large and influential Reform temples, which had themselves begun as traditionalist congregations,⁷ as well as a number of generally smaller Eastern European congregations that identified themselves as “Orthodox.” However, the term “Orthodox” in North America in those decades was anything but sharply defined, other than in opposition to Reform. Orthodox congregations in early-twentieth-century Cleveland followed patterns common in most North American centers of Jewish population. Congregations tended to form on the basis of common place of origin or liturgy.⁸ Many if not most of these synagogues tolerated members who were no longer strict observers of the Sabbath because of the overwhelming economic realities they faced

in North America.⁹ On the other hand, some Cleveland synagogues tried to resist these pressures. Members of Cleveland's Synagogue of the Government of Grodno thus pledged to strictly refrain from labor on Saturdays and Jewish holidays,¹⁰ and the Hungarian Congregation Shomre Shabbos accepted only Sabbath-observant members.¹¹ Yet another cause of the proliferation of synagogues was strife within congregations, one major cause of which was the issue of separate seating of men and women. This issue arose in Cleveland's Congregation B'nai Jeshurun in 1904. The adoption of mixed seating by B'nai Jeshurun led to the founding of an Orthodox breakaway congregation, Oheb Zedek.¹² A similar controversy, albeit much more consequential, was that of JC.



Postcard of the Cleveland Jewish Center, ca. early 1920s.
(Courtesy Abraham A. Katz Archive, Cleveland Heights, Ohio)

The Jewish Center of Cleveland

JC was formed as the result of a 1917 merger between congregations Anshe Emeth and Beth Tefilo. Anshe Emeth had been founded in 1869 by immigrants from Poland. Its leadership soon began to discuss issues that would in the end lead it away from Orthodoxy. Thus, members of Anshe Emeth debated the issue of mixed seating as early as the late

1880s, undoubtedly under the influence of Cleveland's dominant Reform temples. At that time, however, they did not make any changes. There were also congregational debates in the nineteenth century over the continuance of the priestly blessing (*dukhaning*) as well as on the elimination of public announcements of donations at the time of the Torah reading (*shenodering*); these changes were not made at that time, either. When the synagogue moved to new quarters in 1903, it did not maintain the traditional central platform (*bimah*) for Torah reading. This innovation caused the resignation of "some of the [synagogue's] very pious members."¹³

Anshe Emeth accepted Samuel Margolies as its rabbi in 1904.¹⁴ Margolies came to Cleveland with a unique preparation for the American rabbinate. He was the son of one of the most prominent immigrant Orthodox rabbis in America, Moses Sebulun Margolies (Ramaz).¹⁵ Samuel's family sent him to Eastern Europe for advanced rabbinic training at the Telz Yeshiva. When he returned to America, he entered Harvard College and graduated in 1902. He thus came to Cleveland with the ability to preach and interact with his congregants in English as well as Yiddish. As the first English-speaking Orthodox rabbinic spokesman in Cleveland,¹⁶ Margolies took on a leadership role in a number of initiatives designed to unite the Eastern European immigrant community in Cleveland. These included the Union of Jewish Organizations (1906–1909),¹⁷ an attempt to organize a Cleveland branch of the Union of Orthodox Jewish Congregations of America (1913),¹⁸ and the Cleveland Kehilla (1913–1914).¹⁹

Margolies was different in several respects from his colleagues in the Orthodox rabbinate of Cleveland. He was, for instance, clean-shaven—an important sartorial statement in an era in which Orthodox rabbis were almost by definition bearded and in which achieving a clean-shaven look meant either utilizing a razor, forbidden by Judaic law (*halakhah*), or else applying a chemical depilatory powder. Margolies also introduced confirmation and late Friday night services to the congregation, in clear imitation of the practices of Reform temples. Confirmation at least was adopted by other Cleveland Orthodox congregations of this era as well.²⁰ Margolies was also a founder of the Cleveland Hebrew School, which was ideologically opposed by some members of the Cleveland Orthodox rabbinate for its modernist tendencies.²¹

One of Margolies's initiatives was his encouragement of the founding of Congregation Beth Tefilo in the Glenville neighborhood in 1912 and its 1917 merger with Anshe Emeth.²² Shortly after the merger, Margolies died in an automobile accident, and the merged congregation did not acquire a new rabbi until 1919, when it hired Samuel Benjamin, a recent graduate of JTS. Benjamin presided over a congregation that continued Margolies's innovations of late Friday night services and confirmation.²³ Benjamin's three-year tenure as rabbi was marked by the successful effort of newly merged Anshe Emeth–Beth Tefilo to build a magnificent Jewish Center with a large auditorium, spacious classrooms for the Hebrew school, and up-to-date sports facilities on East 105th Street, the emerging center of the Cleveland Jewish community.²⁴ The construction reportedly cost the then-astronomical sum of \$1 million. However, Benjamin, who worked very hard to make JC a reality, was not destined to dedicate it. In 1922 Benjamin was suddenly ousted from his position as rabbi and replaced by another JTS graduate, Solomon Goldman, who had served for the previous four years as rabbi of Cleveland's B'nai Jeshurun congregation. The issue that got Benjamin fired, according to journalist Leon Wiesefeld, was that Benjamin "stood with the Orthodox group in the synagogue and was ousted by those in the congregation who wanted liberal reforms..."²⁵

But what liberal reforms did Benjamin oppose? There is no record of his opposition to the congregation's previous innovations of no central *bimah*, late Friday night services, and confirmation. The overriding issue that found him in opposition to the "liberal" elements of the congregation was that of mixed seating. In a letter to Abraham A. Katz, the leader of the congregation's "Orthodox" faction, Benjamin stated that the question of mixed seating had been the subject of "serious discussion" in the congregation during his rabbinate. At the request of the JC board, Benjamin traveled to New York to consult the faculty of JTS, including Talmud Professor Louis Ginzberg and President Cyrus Adler, both of whom were opposed to mixed seating. Adler told him that that he was "bitterly opposed to mixed and promiscuous seating and would sooner consent to an organ in the synagogue."²⁶ Adler's stance, which Benjamin evidently adopted as his own, sealed Benjamin's fate at JC.

The Jewish Center and the Future of Cleveland Jewry

For both sides of the dispute over mixed seating at JC, the stakes were high. In a 1925 letter to Rabbi Herbert Goldstein, president of the Union of Orthodox Jewish Congregations of America,²⁷ Katz expressed what he felt was at stake:

The Jewish Center of Cleveland is the only institution in our city having facilities, drawing to itself the younger generation of Orthodox Jews.... The other [Orthodox] congregations are small in comparison ... and the young men and women have nowhere else to go.²⁸

Jacob D. Goldman, one of Katz's liberal opponents, could not have agreed with him more on this point: "I do not know of any single institution in the country that can justly claim for itself the esteem, prestige, and influence that the Center holds in the Jewish community of Cleveland."²⁹ Both sides, then, were fighting for their vision of the future of Cleveland Jewry.

Katz recalled that, as a boy, he and his father³⁰ "came together in a little Shul to pray and my friends attended temples decorated beautifully." He asked his father, "Why can't we have such beautiful temples to pray in?"³¹ JC was in so many ways the answer to his prayers. With it, Orthodox Jews in Cleveland would not have to feel inferior to Reform Jews.

Katz envisioned JC as "a modern Orthodox congregation, standing for traditional Judaism." Its Orthodoxy, in his mind, was not affected by either the training of its rabbi at JTS or its affiliation with the JTS-oriented United Synagogue of America. For him the affiliation was "for the purpose of strengthening our traditional Judaism."³² Like many other Orthodox Jews of this era, Katz was not really fazed by the label "Conservative." He had thought of Conservative Judaism as "Orthodox Judaism slightly modernized."³³ Katz, in a 1927 letter to Goldstein, asserted that the contract consolidating the two congregations, Anshe Emeth and Beth Tefilo, which took effect on 1 January 1917, used the term "Traditional Judaism," while the JC constitution, adopted shortly after the consolidation, used the term "Orthodox." As Katz remarked, "To us the terms were similar."³⁴

Katz's detractors alleged that his motivation in his opposition was something other than altruistic zealotry for Orthodox Judaism. Jacob Goldman expressed this view:

Mr. A.A. Katz has ... occupied the office of secretary in the Cleveland Jewish Center under the spiritual leadership of Rabbi Goldman and was known to be one of his staunchest admirers. It was only upon being defeated several years ago, and after losing his office as secretary, that Mr. Katz suddenly began to find fault with Rabbi Goldman's conception of Judaism.³⁵

This view of Katz was essentially reiterated by Jacob Heller, a staunchly Orthodox Jew:

Your Centre was (and is) a stalwart member of the "United Synagogue," united to destroy Judaism. I fail to recall that you or anyone else protested at the time against these things. When Goldman was taken, you knew that he came from B'nai Jeshurun, you knew that he was openly a Reformer, yet I fail to recall that anyone protested.³⁶

Indeed, there is no record of a protest by Katz in a JC board meeting either at the hiring of Goldman or even at the possibility, discussed by the board, of merging with Congregation B'nai Jeshurun, which already had mixed seating.³⁷

The Transformation of the Jewish Center

Katz's vision of a "Modern Orthodox" JC was to be thwarted by the accession of Solomon Goldman as the center's rabbi. Goldman strongly believed in mixed seating as the best way to maintain the essential continuity of traditional Judaism in America. From 1918 to 1922, he had been the rabbi of B'nai Jeshurun in Cleveland, which had adopted mixed seating. Many of those who voted to hire Goldman saw an opportunity to make JC into a truly shining example of modern, traditional Judaism in Cleveland and beyond, and chose him clearly expecting that he would introduce mixed seating.

It was soon apparent, however, that Goldman would have opposition within the congregation for the changes he wished to make. On 24 August 1922, shortly after he had become JC's rabbi and just a few

weeks before the High Holidays, a congregational board meeting was held at which Goldman spoke in favor of mixed seating. With the considerable eloquence and learning he possessed, Goldman attempted to reassure the board that the change he recommended was legitimate from a Jewish perspective. He contended that there was no law in the halakhic code specifically forbidding the practice. He also argued that there were many other laws that Orthodox Jews regularly violate as a matter of necessity under American conditions that are as important as or perhaps even more important than the issue of mixed seating in the synagogue.

At that meeting, seven people spoke in favor of mixed seating and thirteen—led by Katz, who was at that time the congregation's secretary—spoke against it. Seeing that his mixed-seating proposal would not pass, Goldman suggested a compromise in which a section of the balcony be reserved for mixed seating. Katz claimed that had it not been for his opposition, Goldman would have had his way then and there and that he personally thwarted an attempt to sell mixed-seating tickets also in a lower level section.³⁸ According to the account of Samuel J. Bialosky, a Goldman supporter and subsequently president of the congregation, during the High Holidays of 1922 the mixed-seating balcony was “packed to suffocation and the [men only] main floor two-thirds empty.”³⁹

At this point Goldman still identified himself and was generally recognized in the community as Orthodox.⁴⁰ Nonetheless, his liberal tendencies were becoming more and more apparent. At the formal dedication of the JC building, on 22 October 1922, it is significant that the Orthodox rabbis present—Benjamin Gittelsohn, Ozer Paley, and Zachariah Sachs—were given essentially ceremonial tasks, including reciting the opening prayer and placing the Torah scrolls in the ark. Meanwhile, the substantive rabbinical addresses, other than Goldman's, were given by the two most prominent Reform rabbis in Cleveland, Louis Wolsey and Abba Hillel Silver.⁴¹

In response to the threat of momentous change at JC, Katz led the Orthodox elements in the congregation to fight what they regarded as a betrayal of Orthodox Judaism. One of the means they utilized in their fight was to convert the newspaper *Der Yiddisher Waechter* (*Jewish*

Guardian), under the editorial guidance of Benjamin, to an anti-Goldman organ. Thus, according to journalist Wiesenfeld, “the purpose of the new publication was ... to fight Rabbi Solomon Goldman and the Jewish Center.”⁴²

In March 1923, Katz and his colleagues continued the protest against mixed seating by orchestrating a petition campaign by JC members against the innovation. Katz’s “Committee of 100” printed a poster consisting of a collection of photographs of the signed petitions of more than 160 people who claimed to be “members in good standing” of JC and who demanded “in accordance with our rights that the services in this congregation be held in accordance with the orthodox laws ... we protest against the attempt to violate our constitution.”⁴³

The next stage of the conflict centered on the synagogue’s constitution. According to Katz’s narrative:

In 1923 they called a meeting suddenly.... Behind my back Rabbi Goldman sends a notice to adopt a constitution, because they said and thought that no one would find this constitution. They said that there was no such thing as a constitution.... On that very night, July 31, 1923 ... the constitution came into our hands and when the meeting on Aug. 6 came into effect, we filed our protest immediately and told him it is illegal. After they refused to permit us to read our constitution we said, ‘Rabbi the only reason you want to adopt a new constitution tonight is because you know that our constitution contains a clause that you can never have men and women sit together in our congregation unless unanimously voted against.’⁴⁴

Katz was referring to a constitutional document he alleged had been adopted by the congregation on 18 March 1917, shortly after the formal merger of Anshe Emeth and Beth Tefilo. Katz’s opponents, including Goldman and President Bialosky, categorically denied that the congregation had adopted any constitution in 1917. Bialosky, to the contrary, asserted in a newspaper article that:

In 1917, a committee was appointed to draft a constitution. The document was so preposterous that the committee never had the courage to present it to the congregation and it was never presented to it.⁴⁵

Goldman's partisans further asserted that in 1919 JC appointed a committee to draft a constitution, but that the committee never reported. According to this narrative, during the three years between 1919 and 1922, the congregation's attention was so distracted by the major fundraising efforts necessary to pay for the new building that the constitutional issue was not raised. Furthermore, according to this narrative, it is only when Goldman was elected and discovered that JC did not possess a constitution that the effort to adopt one was revived.⁴⁶ Katz, not surprisingly, categorized this narrative as a complete falsehood serving the purposes of the pro-mixed-seating faction. Katz and his supporters successfully thwarted the move for the adoption of a new constitution in 1923 and 1924. However, in the congregational election held after the High Holidays of 1924, the pro-mixed-seating faction seized a majority of the board. Under these changed circumstances, the new constitution was finally approved and ratified on 25 November 1924. Whereas the 1917 constitutional document spoke of "Orthodox Judaism," it is no surprise that the constitution proposed by Goldman stated, in article II, that: "The object of this congregation is to maintain Conservative Judaism." The way now seemed open to effect the change for the next major holiday, Passover of 1925.

The conflict within JC spawned several mediation efforts. Goldstein, testifying in 1927, recalled that in 1923 when he was in Cleveland, "I made it my special business to see [Goldman] twice in the hope that this case might not be brought to the courts." In March 1925, Agudas HaRabonim, a body composed of European-trained Orthodox rabbis in North America, summoned Goldman to a rabbinical court hearing [*din Torah*].⁴⁷ It was a summons that Goldman ostentatiously ignored.⁴⁸ The Agudas HaRabonim further advised Katz to turn to Cyrus Adler, president of JTS, "whom we know to be an honest and honorable man who loves peace."⁴⁹ Katz went to New York to see Adler, who convinced him "that the Seminary was founded and at present stands for the preservation of traditional Judaism."⁵⁰ Adler wrote to Goldman on 27 March 1925:

My object in writing you now is to urge you not to put this proposed change into effect at the approaching Passover, as it is likely to create a

disturbance and a Hillul ha-Shem, of which the Center has already had enough. If the attitude of the Seminary means anything to you, it would be not at any time to force or even encourage changes in the ritual or the practice of a Congregation.⁵¹

Sam Rucker, in a *Jewish World (JW)* editorial of 22 May 1925, stated that he too had attempted to facilitate an out-of-court settlement. The Union of Orthodox Jewish Congregations of America in a 1927 press release also mentioned its attempts to effect reconciliation in 1925 at the Mizrahi convention in Cleveland as well as in November 1927, when the court case was pending.⁵²

No persuasion could prevent Goldman and his partisans from going forward with mixed seating during Passover of 1925. At least initially, however, the results were not pretty. The Committee of 100 planned a demonstration in the synagogue on the first day of Passover, 9 April 1925.⁵³ While apparently that demonstration was not held, according to Katz's account, none of the regular Torah readers could be persuaded to perform in the synagogue that Passover, and Goldman had to do the job himself. Additionally, only a few women could be persuaded to come down from the balcony and sit among the men. On the Sabbath after Passover, however, the conflict grew intense, and there was an Orthodox protest that turned violent. As Katz described the incident:

Mr. S. Weinzimmer ... before the opening of the ark, stood in front of the ark ... his intention ... being to prevent the reading of the Torah as a protest.... Rabbi Goldman ... forcibly attempted to shove him aside and take out the Torah. Mr. Aurbach ... jumped up on the platform and grabbed hold of Mr. Weinzimmer; thereupon a dozen men jumped up upon the platform, and I regret to say blows were exchanged. Upon the platform ... was also Mr. A. Jaffee who told the rabbi he was a "*Messes Umodiach*" [one who incites to sin].⁵⁴

Because of these disturbances, several men were formally told that they were not welcome to worship in JC.⁵⁵

During the High Holidays of 1925, the Orthodox dissidents were forced to continue their protest outside JC by holding separate services in the old Anshe Emeth building.⁵⁶ During their absence, Goldman

took the opportunity to eliminate the priestly blessing from the liturgy. Katz recalls that:

During the absence of our protesting members during the high holidays, Rabbi Goldman took advantage and eliminated Duchan, kneeling even of the cantor, reciting of kaddish by individuals. On Sukkot two kohanim attempted to duchan. The rabbi ordered the congregation to be seated, the cantor to ignore the kohanim and he himself sat through it all with his head turned away.⁵⁷

Going to Court

The conflict culminated in a 1925 civil suit in the Cleveland Court of Common Pleas, initiated by Katz and twelve co-plaintiffs against Goldman and the JC leadership. It alleged that the congregation's constitution provided that the congregation had to remain Orthodox. The amended plaintiffs' petition, filed in May 1926, accused Goldman of instituting mixed seating as well as other ritual changes, including forbidding the priestly blessing during the holidays, forbidding the ceremony of kneeling during Yom Kippur, and eliminating additional poetic hymns (*piyyutim*). The petition further accused Goldman of having stated publicly that God did not give the Torah at Mount Sinai and having belittled and ridiculed the great religious figures of Israel.

Goldman's response to the charges against him and the JC leadership argued that JC was not incorporated to uphold "Orthodox" Judaism but rather "traditional" Judaism, a term used by Orthodox, Conservative, and Reform Jews alike. Furthermore, he contended that there was no governing body of "Jewish churches" able to enforce "Orthodoxy." Moreover, since Judaism never possessed a rigid definition of creed, the term "Orthodox" had no meaning other than in connection with "ritual and practice."

Goldman maintained that the number of JC members who actually complained about the changes in the congregation was no more than twenty out of a membership of eleven hundred and that some of the plaintiffs were not in fact members in good standing. JC's services on Sabbath morning, he contended, continued to be the most highly attended in Cleveland, with most of the attendants being "Orthodox Jews."

Goldman tried to define an “Orthodox Jew” fairly narrowly, as someone insisting on the rigid observance of Jewish customs and practices both outside the synagogue as well as within. This definition would exclude almost all Cleveland Jews—for example, Orthodox law prohibits shaving, yet “the rabbis of this congregation are shaven as are the members and even the plaintiffs.” Goldman thus denied that the plaintiffs, all of whom shaved and some of whom were known to conduct business on the Sabbath, were in fact “actuated by a desire to uphold the doctrines of Orthodox Judaism.”

On the specific issue of mixed seating, Goldman pointed out that whereas the Orthodox practice was to seat women not merely separately in a gallery but also to have the gallery curtained off, JC prior to any changes had the women seated separately but in an *uncurtained* gallery; therefore, the innovation of mixed seating on the main floor had not taken the congregation away from a state of “Orthodox” practice.⁵⁸

It is also interesting to examine the congregation’s official response to the suit, for its self-justification illustrates the extent to which “Orthodox” congregations and individuals in Cleveland had been subject to “Reform” influences:

It is true that our congregation was founded sixty years ago, but for more than a quarter of a century it has been moving in the direction of what is generally known as Conservative Judaism.... Some twenty years ago we engaged as our spiritual leader the late Rabbi Samuel Margolies, who was known to shave, to eat without a hat, and seldom if ever attended daily services. Our congregation never pretended to be Orthodox. We have had late Friday evening service for more than a decade. We have had religious school and confirmation of boys and girls together for about fifteen years.... Ours was also one of the first congregations to join the United Synagogue of America. In 1921 prior to Rabbi Goldman’s coming to our congregation we considered a merger with a well-known Conservative congregation in Cleveland.⁵⁹

The suit against Goldman and JC, the putative issue of which had become a definition of Orthodoxy, attracted national and worldwide attention.⁶⁰ In January 1928, however, Judge Homer Powell of the Court of Common Pleas dismissed the suit, ruling that the court had no jurisdiction over what amounted to a purely religious matter.⁶¹

The Orthodox committee appealed the decision and initially seemed to have won when, in July 1929, the Court of Appeals reversed the decision of the Common Pleas Court and granted a temporary injunction for the Orthodox group against the board of trustees of JC and Goldman, enjoining them from using the synagogue as a Conservative house of worship pending a retrial. The decision was based on the appellate court's acceptance of the plaintiffs' contention that the issue was not a purely religious matter but that the synagogue was a trust, formed for Orthodox purposes, and that its trustees, without violating their trust, could not change the synagogue ritual from Orthodox to Conservative.⁶²

However, the Orthodox victory was short-lived, because within a couple of months JC brought the issue before another appellate court, which concurred with the original decision that the case centered on "a strictly ecclesiastical question" and again dismissed the suit.⁶³ The Orthodox side once again appealed to the Supreme Court of Ohio, which, in December 1929, upheld the previous appellate decision and thus ended several years of litigation.⁶⁴ JC was to continue to be Conservative and not Orthodox,⁶⁵ though Goldman left Cleveland for a congregation in Chicago before the legal issue had definitively closed. Goldman's biographer is puzzled about the reason for his leaving,⁶⁶ but it would seem that the Orthodox opposition to him personally had caused him a great deal of bitterness. Goldman seems to have reciprocated and harbored what Leon Wiesenfeld describes as a virulent hatred of the Orthodox, whom, "if he had the power, he would have exiled ... to Siberia, as long as not to have them in Cleveland."⁶⁷

The Rabbinic Confrontation in New York, November 1927

Much of the attention paid to the JC case outside of Cleveland hinged on an event that occurred not in Cleveland, but in New York City at the beginning of November 1927. In preparation for the trial, depositions were taken from a series of Orthodox rabbis and leaders in connection with the case. These men directly confronted not merely Goldman's lawyer but Goldman personally, who was, "given all the latitude he wanted in conducting examinations" and apparently conducted the cross examination himself.⁶⁸

Giving depositions in support of the suit against Goldman and JC were seven Orthodox rabbis. They included Eliezer Silver,⁶⁹ Bernard Revel,⁷⁰ Gedaliah Bublick, Herbert Goldstein, Moses Sebulun Margolies, Bernard Drachman,⁷¹ and Leo Jung.⁷² As a group they included both the predominantly Yiddish-speaking, European-trained Orthodox rabbinate, organized in the Agudas HaRabonim, and the nascent English-speaking “Modern Orthodox” rabbinate. The first group included Rabbis Silver and Margolies as prominent members, and the latter was composed of Rabbis Goldstein, president of the Union of Orthodox Jewish Congregations of America; Jung, whose Jewish Center in Manhattan was a flagship institution of acculturated Orthodoxy; Drachman, former faculty member of JTS; and Revel, head of the Rabbi Isaac Elchanan Theological Seminary, which was the predominant institution for the training of American Orthodox rabbis. Also included was Gedaliah Bublick, editor of *Tageblatt*, the New York Yiddish daily that catered to an Orthodox readership.

Rabbis favorable to the defendant did not come to give depositions, though lawyer R. Gomborow asserted that, “We have asked members of the JTS faculty to come and testify, but they declined.” Goldman and his lawyer were not alone, however. Gomborow further asserts that at Goldman’s side sat his brother-in-law, Mr. Lefkowitz, a Brooklyn attorney; Rabbi Elias Solomon,⁷³ president of the United Synagogue of America; Rabbi Louis Finkelstein⁷⁴ of JTS; Rabbi Jacob Kohn; and “several other Conservative rabbis.”⁷⁵ Though none of the pro-Goldman rabbis spoke for the record, they apparently did intervene. For example, during the cross-examination of Jung, Goldman tried to refute the charge that he had excluded Orthodox rabbis from his JC Forum by stating that no rabbis spoke at the forum. However, Finkelstein presumably corrected him, for Goldman then stated: “I wish to make a correction. I have just been reminded that at one of the Forums Doctor Louis Finkelstein spoke.”

The Plaintiffs’ Issues

The rabbinical depositions were meant to bolster the Orthodox case, and the deponents certainly did their best to fulfill expectations. Jung was first. The first substantive question asked him was, “What do you

say is Orthodox Judaism?" Over Goldman's objection, Jung replied that Orthodox Judaism was "based upon faith in the divine origin of the Torah and loyalty to *din Torah* as expressed in Talmud, Codes, and responsa." He defined Reform Judaism, to the contrary, as not recognizing the divine origin of the law or its binding force and "represents a definite break with Jewish tradition and faith."⁷⁶ There were no really significant additions by the others to this definition.

When Jung was asked concerning Conservative Judaism he stated that it constituted a form of moderate Reform distinguished by an attitude of reasonable fidelity toward Jewish law but with a tendency toward compromise. He saw the salient differences of Conservative Judaism with Orthodoxy to be the sitting of men and women together and, less often, organs and mixed choirs. Drachman reiterated the identification of Conservative Judaism as one variety of Reform. He added that Conservatism was "the same as Reform in its principles but it has not carried out the logical conclusions of them to the same degree." According to Drachman, while Conservative Jews have not necessarily rejected divine revelation, they did feel they had the right to modify "those things which are ... or seem to be of Rabbinical origin," and thus they shortened the ritual in a way contrary of Orthodox law. Drachman added that "Reform also claims the right to interpret Judaism according to its own view." Goldstein in his deposition went somewhat further and was of the opinion that Conservative Judaism "in practice does not believe in the revealed religion." For Bublick, Conservative Judaism was "Reform from beginning to end ... sometimes it maintains it is Orthodoxy, whereas it is Reformed." Revel felt that while he did not think that the Conservative Jews had one mode of worship or set of customs, "they arrogate to themselves the right to make changes and to modify rules and customs in accordance with time and place." Silver thought of Conservative Judaism as "the first step of Reform."

Jung did not see any difference between traditional and Orthodox Judaism. Bublick had a highly interesting take on traditional Judaism, much of which is crossed out in the transcript as follows:

Traditional Judaism is a new term that is not clear. It was never used until a few years ago. ~~It can mean everything; it can mean nothing.~~ To

me Traditional Judaism as to any Orthodox Jew, *is only one kind of traditional* means Judaism—that is Orthodox Judaism, Judaism of tradition, but as I understand, there are some who deviate from Orthodoxy and they choose to call their kind under the name of Traditional Judaism because it gives them a clear field to deviate from Orthodox Judaism, and still maintain that they are some kind of Orthodox.

The United Synagogue was an institution that all the deponents agreed was ambiguous in its ideology. For Jung, it was composed of some Orthodox synagogues along with a majority of congregations that permitted the moderate reforms he associated with Conservatism. Drachman concurred that it “represents the conservative and Orthodox views to a certain extent.” Bublick stated that it contained Conservative congregations “unless there are some Orthodox congregations . . . that didn’t learn yet the difference between Conservative and Orthodox Judaism.” For Silver, the United Synagogue was “partly Orthodox by mistake.”

One of the major points of the deponents was the nonlegitimacy of JTS with respect to Orthodoxy. Thus, Jung declared that JTS was “definitely not known as Orthodox,” and he did not believe that its graduates received formal rabbinic ordination (*semikha*). Drachman, who had been on the faculty of JTS in its earlier years, differentiated between the JTS of Sabato Morais, which was “strictly Orthodox,” and the later JTS. Goldstein, who was a 1914 graduate of JTS, stated that the seminary recommended its men to Orthodox, Conservative, and Reform congregations alike, and condemned JTS faculty and students for ritual infractions such as not washing and saying the blessings before meals and not reciting the benediction after dining.

Mordecai Kaplan, a JTS faculty member who had publicly and ostentatiously abandoned Orthodoxy, was characterized by Drachman as “a scholar and an able man in many ways” who was nonetheless “fundamentally unorthodox, anti-religious.” Bublick thought Kaplan was “now the exponent of conservative Judaism, anti-Orthodox in every respect.” Margolies added an ironic comment on his experience with Kaplan as his former assistant rabbi: “He was at one time junior rabbi of my congregation—a junior rabbi gives sermons, but to decide questions they have senior rabbis.”

Goldman's Cross-examination

Goldman had a strategy for his cross-examination, which was closely related to the strategy he took in his formal response to the charges against him. He did not appear interested in those rabbis he considered closest to Eastern European Orthodoxy and thus conducted no cross-examination of Margolies, Revel, or Silver. He concentrated his questions largely on those Orthodox rabbis with "modern" congregations. His goal was to show that they were no more "Orthodox" than he was, because all of them deviated from the strict rules of Orthodox halakhah. Thus, one of the key points he was anxious to make was to contextualize his own actions as rabbi with what he contended was the widespread violation of "Karo's Code" (Shulḥan Arukh)⁷⁷ by congregations that claimed to be Orthodox. Thus, in his cross-examination of Jung, Goldman pointed out that Jung's synagogue, the Jewish Center in New York, had an elevator that operated on the Sabbath. Jung admitted that this was so but countered that in the Orthodox rabbinical opinions he had sought, operating the elevator with a gentile operator was not contrary to halakhah.⁷⁸

Goldman also attempted to get Jung to admit that Orthodox halakhah "prohibits the reading of all literature which we would include in the category of belles lettres." Jung in his response sought to limit this ban to "the reading of any literature that harps on 'sex stuff'."

Goldman raised the issue of the Shulḥan Arukh's prohibition of prayer in the presence of women with uncovered heads and dressed in décolleté fashions. He asked Jung: "Is it not true that in many Orthodox synagogues women come so dressed?" Jung was finally compelled to answer this question by admitting that, "Rabbis have no power to enforce Jewish law." However, he added: "In my own [congregation] they would frown upon any woman who comes to a Jewish ceremony not properly dressed. It has happened more than once that a lady was asked to leave because not properly dressed."

With Drachman, Goldman explored the widely practiced custom of shaving, which many members of Orthodox synagogues practiced despite its being contrary to halakhah. This forced Drachman to attempt to differentiate between "Orthodox" and "religious" where "Orthodoxy is an expression of a view concerning a certain concept of Jewish

authority,” and “religious” is the actual practice: “A man who wishes to be Orthodox in principle and religious in practice will not shave. While I uphold the principle of the authority of Jewish law, I am not going to interfere with people in their private affairs.”

Goldman queried Drachman on the prevalence of violators of the Sabbath being members of Orthodox congregations, to which Drachman replied: “I am acquainted with a large number of members who personally are not observant yet they would not permit the Orthodox rules and practices [of the synagogue] to be touched.”

Goldman’s cross-examination of Drachman also explored the issue of men and women shaking hands, which Drachman admitted to be prohibited by halakhah but added: “Other principles, however, make that [prohibition] a little less rigid and establish as good conduct the relations between men and women as they are customarily observed in various countries.” Goldman zeroed in on the key issue of mixed seating in the synagogue and asked where specifically was a prohibition of mixed seating as opposed to “social intercourse [between men and women] in general” to be found in halakhah. Jung responded that while “there has been throughout Jewish history the understanding and practice that men and women do not sit together at worship,” he was not prepared to comment on the question of the specific prohibition and finally admitted: “I will have to look it up. Not prepared to answer this.”

Goldman further queried Jung on the prevalence of mixed social dancing at Orthodox synagogue functions, the halakhic prohibition of which historian Jeffrey Gurock indicates was “widely honored in the abuse” in this era.⁷⁹ Pressed on this issue, Jung admitted:

I would rather not see it—there is no definite law prohibiting dancing. It seems to me not in accord with Jewish practice. It is one of those cases where the rabbi cannot enforce his view.

Goldman concluded this line of questioning with this statement, which received an objection but not an answer from Jung: that the *Shulḥan Arukh*, *Oraḥ Hayyim* 529:4 prohibits mingling of men and women on any occasion of social amusement.

In his cross-examination of Drachman, Goldman also focussed on the issue of rabbinic authority and got Drachman to admit that there

was no person or group of rabbis in the United States that the Jews of the country recognize as a general authority. As Drachman put it: “The conditions in America are such that there is no official status of that kind,” though he added that “there is such a thing as personal recognition and recognition of organizations.” Drachman further explained:

We live in countries where rigid conformity is not possible. The Western Rabbi has to exercise good judgement. That does not mean that the law is abrogated but we must consider, in particular cases, whether it is better to carry it out or to deviate from it. People who think that because of this Orthodox Judaism is not in force do not appreciate its true spirit and are seeking an excuse for actually overthrowing it.

What the situation ultimately meant to Drachman is that one needs to differentiate between Judaic practice within the synagogue and outside it. Whereas it might be possible and even necessary to compromise in other areas of life, such compromises “certainly may not be extended to the synagogue.”

Goldman also brought up an issue dividing Orthodox rabbis—that is, whether the separate women’s seating in the synagogue, often in a balcony, had to be curtained off as well. Drachman admitted that there was indeed a difference in interpretation among Orthodox rabbis on that issue.

Goldman also responded to a charge that he had stated from the JC pulpit “that the story of the flood as given in the Pentateuch is a myth and that no boy of 12 years of age would believe it.” Goldman thus asked Bublick: “What is your basis for assuming that a Conservative Rabbi denied Torah min Hashomayim[?]” (divine origin of the Torah). Bublick answered that while “Conservative Judaism has no books or constitution. . . . I know that here and there rabbis say there is no Torah or Jewish law including yourself.” It is at that point that Goldman asked Bublick the most iconic question of the entire session, “Do you believe that Aton Balaam [Balaam’s ass] spoke?” Goldman asked a follow-up question: “Do you think there is no difference from the traditional point of view between the story of the flood and the story of Aton Balaam?” Bublick could only answer: “I say that a Rabbi who denies from the pulpit the story of the flood is reformed or conservative.”

A Jewish “Monkey Trial”

The story of the rabbinic depositions almost immediately was leaked to the press, which knew well how to sensationalize the story. The headline of an article in the *Tog* of 3 November 1927 says it all: “Balaam’s Ass, the Flood, and the question can a rabbi kiss a bride under the Wedding Canopy discussed in a hearing against Rabbi Solomon Goldman of Cleveland.” Connections were inevitably and widely made between this court case and the “Monkey Trial” of 1925, which was portrayed as a confrontation between science/progress and religion/traditionalism—to the decided detriment of the latter.⁸⁰ Thus, an English language Jewish newspaper on 9 December 1927 spoke of:

another Monkey Trial to take place in Cleveland before a non-Jewish tribunal to determine whether a certain congregation of that city has violated the fundamentals of Orthodoxy ... the old stand-patters say you are wrong, dear Rabbi, you have no right or authority to kiss the bride ... men and women should not sit together in a truly Orthodox synagogue.⁸¹

Katz could only bemoan the press coverage in general to Goldstein: “All so called facts which the other side ... state in the press are downright falsehoods.”⁸² Katz asserted that his opponents had “spread the falsehood in various papers that we were going to have a ‘monkey trial’ when it is they who introduced the religious issue.”⁸³

A Clearer Drawing of the Battle Lines?

The JC case and the wide publicity it received ultimately served to more clearly demarcate the then-often-fuzzy line between “Orthodox” and “Conservative” in North American Judaism. This outcome was acutely sensed by Mordecai Kaplan in 1927, and it reinforced his feeling that the time had come to definitely sever ties with Orthodoxy. As he put it:

Thanks to the aggressiveness of Jewish fundamentalists those who belong to the large body of adjectiveless Jews are now realizing their mistake.... They are being forced to make their position clear. They must take a definite stand with regard to the traditional attitude toward the Torah. They must formulate the principle or the principles they intend

to follow in the changes which they want to introduce into their ceremonial practices as Jews. The bootlegging of innovations will have to be stopped. In other words, they will have to accept the logical and moral consequences that follow from being a distinct party in Judaism.... Both the orthodox and the Reformists are gradually forcing us to assume the name Conservative.⁸⁴

Kaplan reiterated this conviction in his journal on 22 July 1929. Reacting to the first appellate court decision that upheld the Orthodox complaint, he stated:

I am very happy that the decision of the court made it clear that Conservatism cannot hide under the skirt of Orthodoxy. Perhaps this decision will have the effect of ultimately breaking up that unnatural alliance between reactionism and progressivism which has paralyzed the Rabbinical Assembly and placed it in a position where it can do absolutely nothing of any account.⁸⁵

For the Orthodox leadership in Cleveland itself, the JC affair had taught it a somewhat different but no less cogent lesson: that of the weakness of Orthodoxy in its confrontation with its rivals. In 1945, contemplating the impending move of Cleveland's Orthodox synagogues from East 105th Street to Cleveland Heights, Rabbi Israel Porath advised his readers that existing synagogues must combine to create fewer but larger synagogues in the new area. However, he further admonished:

I do not want to advise that we should contemplate a synagogue that is too large and powerful because the experience of the Jewish Center demonstrated that Orthodoxy is not strong enough to protect its interests in time of crisis.⁸⁶

The "Jewish Monkey Trial" certainly did not in and of itself cause the definitive split between Orthodox and Conservative Judaism. It was, however, one of the more important milestones in that process, and its examination allows us to see with greater clarity the fault lines in American Judaism as they were beginning to become more apparent in the early twentieth century.

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Notes

1 For a contemporary global analysis of Orthodox Judaism in America, see Gedaliah Bullick, *Der sakhakl in amerikaner yidntum* (New York, 1927), which originated as a series of articles in New York's Orthodox-oriented Yiddish daily, the *Tageblatt*. On Orthodoxy in America, cf. Jeffrey Gurock, *Orthodox Jews in America* (Bloomington: Indiana University Press, 2009); Jonathan D. Sarna, *American Judaism* (New Haven: Yale University Press, 2004); Aaron Rakeffet-Rothkoff, *The Silver Era in American Jewish Orthodoxy* (New York: Yeshiva University Press, 1981).

2 On the Jewish Theological Seminary (JTS) and its graduates in this period, see Michael R. Cohen, *The Birth of Conservative Judaism: Solomon Schechter's Disciples and the Creation of an American Religious Movement* (New York: Columbia University Press, 2012). Cf. Ira Robinson, "Cyrus Adler: President of the Jewish Theological Seminary, 1915–1940" in *Tradition Renewed: A History of the Jewish Theological Seminary*, ed. Jack Wertheimer (New York: Jewish Theological Seminary of America, 1997), vol. 1, 103–159.

3 On this issue, see Jonathan D. Sarna, "The Debate over Mixed Seating in the American Synagogue" in *The American Synagogue: A Sanctuary Transformed*, ed. Jack Wertheimer (New York: Cambridge University Press, 1987), 363–394. Cf. also idem., "Seating and the American Synagogue" in *Belief and Behavior: Essays in the New Religious History*, ed. Philip Vandermeer and Robert P. Swierenga (New Brunswick: Rutgers University Press, 1991), 189–206. From an Orthodox perspective see Baruch Litwin, ed., *The Sanctity of the Synagogue* (New York: Spero Foundation, 1959). Cf. also Ira Robinson, "'A Link in the Great American Chain': the Evolution of an Orthodox Jewish Community in Cleveland, Ohio," in *Jews in Cleveland*, ed. Sean Martin and John Grabowski [forthcoming].

4 On Goldman, see Jacob J. Weinstein, *Solomon Goldman: A Rabbi's Rabbi* (New York: Ktav, 1973).

5 On the gradual separation between Orthodox and Conservative Judaism see Sarna, *American Judaism*, 193. For mentions of the Cleveland case, see Sarna, "The Debate over Mixed Seating," 392, n. 73; Gurock, *Orthodox Jews in America*, 159–160; Cohen, *The Birth of Conservative Judaism*, 86–88; Alan Brill, "The Orthodox–Conservative Split and Rabbi Solomon Goldman," <https://kavvanah.wordpress.com/2013/11/09/the-orthodox-conservative-split-and-rabbi-solomon-goldman/> (accessed 26 October 2015).

6 On the history of the Jews of Cleveland, see Lloyd Gartner, *History of the Jews of Cleveland* (Cleveland: Western Reserve Historical Society and the Jewish Theological Seminary of America, 1978). Cf. also Sidney Z. Vincent and Judah Rubenstein, *Merging*

Traditions—Jewish Life in Cleveland: A Contemporary Narrative, 1945–1975; A Pictorial Record, 1839–1975 (Cleveland: Western Reserve Historical Society and the Jewish Community Federation of Cleveland, 1978); Sally H. Wertheim and Alan D. Bennett, eds., *Remembering: Cleveland's Jewish Voices* (Kent: Kent State University Press, 2011). Also useful is Leon Wiesenfeld, *Jewish Life in Cleveland in the 1920s and 1930s: The Memoirs of a Jewish Journalist* (Cleveland: Jewish Voice Pictorial, n.d.). Cf. also Ira Robinson, “A Link in the Great American Chain’: The Evolution of an Orthodox Jewish Community in Cleveland, Ohio,” in *Jews in Cleveland*, forthcoming.

7 Sarna, “The Debate over Mixed Seating,” 372.

8 Gartner, *History of the Jews of Cleveland*, 177. Cf. Ira Robinson, “Anshe Sfarad: the Creation of the First Hasidic Congregations in North America,” *American Jewish Archives* 57 (2005): 53–66.

9 One of the key issues facing motivated Orthodox Jews was finding jobs that did not involve working on the Sabbath. Organizations such as Cleveland’s “Jewish Sabbath Association” were founded to help. Brudno’s cigar factory, which was owned by an Orthodox Jew and which did not require work on Sabbaths and holidays, thus attracted, among others, “a few young men who were ordained rabbis and some ‘genteel’ young men who in the old country had never done a lick of work.” These Orthodox men, “dignified, pious Jews with handsome beards,” in Joseph Morgenstern’s description, sat at one table and discussed Torah. This was a discussion in which Brudno, the owner, would “often” take part. Brudno is described by Rose Pastor as “a picturesque patriarch with his long black beard and his tall black skull-cap.... In this godless America he would give them plenty of work in a shop where the Sabbath was kept holy. It was his strength, for they would work in no shop where the Sabbath was not kept holy.” Joseph Morgenstern, *I Have Considered My Days* (New York: Ykuf, 1964), 113–114; Wertheim and Bennett, eds., *Remembering: Cleveland's Jewish Voices*, 87.

10 Gartner, *History of the Jews of Cleveland*, 133, 177.

11 <http://jewishcleveland.weebly.com/shomre-shabbos.html> (accessed 17 February 2015); Lloyd Gartner presents a founding date of 1906. *History of the Jews of Cleveland*, 177.

12 Gartner, *History of the Jews of Cleveland*, 168–169.

13 <http://www.parksynagogue.org> (accessed April 2015).

14 “Margolies, Samuel,” *The Encyclopedia of Cleveland History*, <http://ech.case.edu/cgi/article.pl?id=MS9> (accessed 12 February 2015).

15 “Rabbi Margolies Dies of Pneumonia; Dean of Orthodox Synagogue Heads, 85, Zionist Leader and Jewish Educator. Founder of Relief Group Rose From Sickbed in 1933 to Address Meeting of Protest Against Anti-Semitism” *New York Times*, 26 August 1936. Cf. Adam S. Ferziger, *Beyond Sectarianism: The Realignment of American Orthodox Judaism* (Detroit: Wayne State University Press, 2015), 44–45.

16 Gartner, *History of the Jews of Cleveland*, 172.

- 17 “Union of Jewish Organizations” *The Encyclopedia of Cleveland History*, <http://ech.case.edu/cgi/article.pl?id=UOJO> (accessed 12 February 2015).
- 18 *Jewish World*, 25 July 1913, 4.
- 19 “Kehillah,” *The Encyclopedia of Cleveland History*, <http://ech.case.edu/cgi/article.pl?id=K2> (accessed 15 February 2015). Cf. David Kaufman, *Shul with a Pool: The “Synagogue-Center” in American Jewish History* (Hanover, NH: University Press of New England, 1999), 226.
- 20 For a picture of Margolies with the Anshe Emeth confirmation class of 1913, see Vincent and Rubenstein, *Merging Traditions*, 73. A program from the Oheb Zedek confirmation program of 1937 is preserved in the Abraham A. Katz Archive, Cleveland Heights, Ohio (hereafter AAKA). For confirmation ceremonies and late Friday night services in an Orthodox synagogue in Columbus, Ohio, see Ferziger, *Beyond Sectarianism*, 32.
- 21 On the tensions between American “Talmud Torahs” and Orthodoxy, see Bublick, *Der sakhahl in amerikaner yidntum*, 123ff.
- 22 The merger took effect on 1 January 1917. Protest Resolution, KA. Cf. *The Encyclopedia of Cleveland History*, <http://ech.case.edu/cgi/article.pl?id=MS9> (accessed 16 April 2015).
- 23 Jacob Heller to Abraham Katz, 26 Elul 5689, 1 October 1929, 2, AAKA.
- 24 On the Jewish Center movement, see Kaufman, *Shul with a Pool*. Cf. Bublick, *Der sakhahl in amerikaner yidntum*, 32, 65, 78.
- 25 Wiesenfeld, *Jewish Life in Cleveland*, 70.
- 26 Samuel Benjamin to Abraham Katz, n.d. (marked received 1 December 1927), AAKA.
- 27 On Goldstein, see Aaron I. Reichel, *The Maverick Rabbi: Rabbi Herbert S. Goldstein and the Institutional Synagogue—A New Organizational Form* (Donning, 1984).
- 28 Abraham Katz to Herbert Goldstein, 27 April 1925, AAKA.
- 29 Jacob D. Goldman, letter to editor, *Jewish Advocate* (Boston), 22 December 1927, AAKA.
- 30 His father, Joseph Katz, who died in 1925 at age 75, was described in an obituary as immigrating to Cleveland in 1881 from Lithuania, having studied in “various European yeshivot.” He was described as “a Talmudist of note and a rigid adherent of Talmudical Judaism.” In the Orthodox community of Cleveland, “there was not a movement ... pertaining to traditional Judaism and learning for the past forty years in which ... [he] was not one of the leading workers or advisors.” “Joseph Katz Dies in Palestine,” undated clipping in AAKA.
- 31 Abraham A. Katz, draft speech to the Union of Orthodox Jewish Congregations of America, p. 7, AAKA.
- 32 Abraham Katz to Elias Solomon, 15 September 1925, AAKA.
- 33 Abraham Katz to Leon Spitz, 3 August 1925, AAKA.
- 34 Abraham Katz to Goldstein, 17 May 1927, AAKA.

- 35 Jacob D. Goldman, letter to editor, *Jewish Advocate* (Boston), 22 December 1927, AAKA.
- 36 Jacob Heller to Abraham Katz, 26 Elul 5689 (1 October 1929), 2, AAKA.
- 37 Jewish Center board of directors minutes, AAKA.
- 38 Abraham Katz to Leon Spitz, 3 August 1925, AAKA.
- 39 Samuel J. Bialosky, "The Cleveland Jewish Center," clipping dated 23 December 1927, AAKA.
- 40 Goldman was vice-chair of the committee in charge of English press relations to greet a delegation of distinguished Orthodox rabbis, including Rabbi Abraham Isaac Kook, who visited Cleveland in 1924. Committee stationery preserved in AAKA.
- 41 "Jewish Center Week Dedication Exercises and Festivities, October Twenty-Second to Twenty-Eighth, Nineteen-Hundred Twenty-Two" in AAKA. On Wolsey, see *The Encyclopedia of Cleveland History*, <http://ech.case.edu/cgi/article.pl?id=WL3> (accessed 26 October 2015); on Silver, see Ofer Shiff, *The Downfall of Abba Hillel Silver and the Foundation of Israel* (Syracuse: Syracuse University Press, 2014). Cf. also <http://www.clevelandjewishhistory.net/silver/> (accessed 26 October 2015).
- 42 Wiesenfeld, *Jewish Life in Cleveland*, 67–68; this attempt to found a rival newspaper was predictably heavily disparaged in *Jewish World*. See *Jewish World*, 13 October 1922, AAKA.
- 43 Poster preserved in AAKA.
- 44 Abraham A. Katz, draft of speech to the Union of Orthodox Jewish Congregations of America, p. 6, AAKA.
- 45 Clipping preserved in AAKA.
- 46 Samuel J. Bialosky, "The Cleveland Jewish Center," 23 December 1927, AAKA.
- 47 Copy of the summons, dated 13 Adar 5685 (9 March 1925), is in AAKA.
- 48 Goldman's reply, "*Meshiv ke-Halakha*," was published in *Jewish World*, 21 August 1925, 8.
- 49 Agudas HaRabonim to Committee of 100, 28 Adar 5685 (24 March 1925), AAKA.
- 50 Abraham Katz to Herbert Goldstein, 27 April 1925, AAKA.
- 51 Ira Robinson, *Cyrus Adler: Selected Letters* (Philadelphia: Jewish Publication Society, 1985), vol. 2, 113–114. Katz recalled what Adler said to him: "Such questions are not voted on by majorities.... I beg of you, if you have the Jewish Theological Seminary at heart, do not bring men and women together for services at least during the Passover." Draft speech to the Union of Orthodox Jewish Congregations of America, 4, AAKA.
- 52 Cf. R G[omborow], letter to the editor of the *Jewish Times* (Baltimore), 30 November 1927, AAKA.
- 53 Committee of One Hundred to Members Who signed Protest Cards, 7 April 1925, AAKA.
- 54 Abraham Katz to Leon Spitz, 3 August 1925, AAKA.

- 55 M.D. Shanman, JC president, to S. Weinzimmer, 19 April 1925; G.L. Silberman, JC secretary, to E. Gerson, 23 April 1925; S. Bialosky, JC acting president, to S. Weinzimmer, 4 April 1926, AAKA.
- 56 Yiddish handbill of the administrative committee representing the Committee of 100, AAKA.
- 57 Abraham Katz to Herbert Goldstein, 19 October 1925, marked “draft,” AAKA.
- 58 Amended plaintiffs’ petition, filed in May 1926, AAKA.
- 59 <http://www.jta.org/1927/11/20/archive/cleveland-center-leaders-reply-to-orthodox-charges-in-well-known-controversy> (accessed 16 February 2015).
- 60 <http://www.jta.org/1927/11/04/archive/testimony-to-establish-what-is-orthodoxy-will-be-presented-in-courts> (accessed 16 February 2015).
- 61 <http://www.jta.org/1928/01/18/archive/cleveland-jewish-center-case-thrown-out-of-court-by-ruling-of-judge-powell> (accessed 16 February 2015).
- 62 <http://www.jta.org/1929/07/22/archive/changing-orthodox-to-conservative-synagogue-trust-breach-court-rules> (accessed 16 February 2015).
- 63 <http://www.jta.org/1929/09/30/archive/court-dismisses-appeal-on-cleveland-center-case> (accessed 16 February 2015).
- 64 <http://www.jta.org/1929/11/17/archive/appeal-to-supreme-court-in-jewish-centre-dispute> (accessed 15 February 2015); <http://www.jta.org/1929/12/15/archive/supreme-court-rules-for-reform-wing-in-cleveland-center> (accessed 16 February 2015).
- 65 The congregation is still a major Conservative congregation in Cleveland, now known as the Park Synagogue. <http://www.parksynagogue.org/> (accessed 28 April 2015).
- 66 Weinstein, *Solomon Goldman*, 17.
- 67 Wiesenfeld, *Jewish Life in Cleveland*, 73–74.
- 68 R G[omborow], letter to the editor of the *Jewish Times* (Baltimore), 30 November 1927, AAKA.
- 69 Aaron Rakeffet-Rothkoff, *The Silver Era in American Jewish Orthodoxy: Rabbi Eliezer Silver and His Generation* (New York: Yeshiva University Press, 1981).
- 70 Aaron Rakeffet-Rothkoff, *Bernard Revel: Builder of American Jewish Orthodoxy* (Philadelphia: Jewish Publication Society, 1972).
- 71 Jeffrey Gurock, “From Exception to Role Model: Bernard Drachman and the Evolution of Jewish Religious Life in America, 1880–1920,” *American Jewish History* 76, no. 4 (June 1987): 456–484.
- 72 On Jung, see Maxine Jacobson, *Modern Orthodoxy in American Judaism: The Era of Rabbi Leo Jung* (Boston: Academic Studies Press, 2016). Originally there were more witnesses considered for the depositions. Beside the men whose testimony has been preserved, we have the names of Rabbi Selzer of the Agudas HaRabonim, Dr. I.L. Bril, Mr. Sobel, Mr.

Lipkowitz, Mr. Scheinberg and Captain Naftali Taylor Phillips of New York's Shearith Israel. The transcripts of the depositions are in AAKA.

73 On Solomon, see http://www.jewishvirtuallibrary.org/jsource/judaica/ejud_0002_0018_0_18822.html (accessed 26 October 2015).

74 Michael B. Greenbaum, *Louis Finkelstein and the Conservative Movement: Conflict and Change* (New York: Jewish Theological Seminary Press, 2009).

75 R. G[omborow], letter to the editor of the *Jewish Times* (Baltimore), 30 November 1927, AAKA.

76 A motion was made by the defendant to exclude this answer.

77 On the Shulḥan Arukh, see http://www.yivoencyclopedia.org/article.aspx/Shulhan_arukh (accessed 26 October 2015).

78 This decision was rendered by Rabbi Moses Margolies. Ferziger, *Beyond Sectarianism*, 45.

79 Gurock, *Orthodox Jews in America*, 8.

80 Among the many books on this trial, see Edward J. Larson, *Summer for the Gods: The Scopes Trial and America's Continuing Debate Over Science and Religion* (Cambridge: Harvard University Press, 1998). On Jewish Orthodox reactions to the Scopes trial, see Rachel S.A. Pear, "Differences Over Darwinism: American Orthodox Jewish Responses to Evolution in the 1920s," *Aleph: Historical Studies in Science and Judaism* 15, no. 2 (2015): 343–387.

81 "Another Monkey Trial—This Time It's Jewish," 9 December 1927, clipping in AAKA.

82 Abraham Katz to Herbert Goldstein, 3 January 1928, AAKA.

83 Abraham Katz to Herbert Goldstein, 8 August 1929, AAKA.

84 Cited from the *Society for the Advancement of Judaism Review* by I.L. Bril, "In the News," *Tageblatt* [English section], 6 December 1927, AAKA.

85 Mel Scult, ed., *Communings of the Spirit: The Journals of Mordecai M. Kaplan, 1913–1934* (Detroit: Wayne State University Press, 2001), 346.

86 Israel Porath, "The Second Destruction of Cleveland Orthodox Synagogues" [Yiddish] *Jewish World*, 28 March 1945, 2.