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Mark K. Bauman, *Editor*

Rachel B. Heimovics, *Managing Editor*

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# Southern Jewish History

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*PERSONALITY PROFILE*

David Mendes Cohen, Beleaguered Marine<sup>1</sup>

by

Robert Marcus and Jim Quinlan

**D**avid Mendes Cohen was a fifth-generation American, whose Sephardic-Jewish forebears earned an enviable reputation serving in the United States military. Eager to follow family tradition, Cohen served as a commissioned officer in the United States Marine Corps, demonstrating great valor and ultimately rising to the rank of major. Yet along the way he suffered the deep humiliation of three courts-martial.

Some of Cohen's family made significant contributions to the country's early development. Jacob I. Cohen, a great uncle, achieved distinction in military, business, civic, and religious affairs. Jacob volunteered for the Continental army, as one of twenty-six Jews in the Charleston Regiment of Militia under the command of Captain Richard Lushington.<sup>2</sup> Cohen received a commendation from his superiors for his actions at the Battle of Beaufort, South Carolina. After his capture and escape from the British, he settled in Philadelphia and became active in Mickveh Israel, the city's venerable Jewish congregation. The synagogue's leaders strongly opposed his marrying Ester Whitlock Mordecai, a widow and a convert to Judaism. The couple married, relocated to Richmond, and helped found Beth Shalom, that city's first congregation.<sup>3</sup>

Jacob I. Cohen had a business relationship with the famous frontiersman, Daniel Boone,<sup>4</sup> who surveyed vast tracts of land on Cohen's behalf. Virginia's governor and future president, James Monroe, appointed him inspector of the state penitentiary.<sup>5</sup> In

1794, Cohen served as one of the trustees of Richmond's Masonic Hall under John Marshall. Cohen received frequent mention in the Madison Papers.<sup>6</sup> Ultimately, he settled in Baltimore where the Cohens achieved prominence.

During the War of 1812, David's father, Philip, and uncle, Mendes I. Cohen, volunteered to defend Baltimore against the British. They both were engaged in the heroic defense of Fort McHenry during the British bombardment when Francis Scott Key was inspired to pen the lines to the Star Spangled Banner.<sup>7</sup> In later life Mendes I. Cohen achieved fame as a world traveler and a leading collector of coins and medals. His numismatic holdings were donated to Johns Hopkins University. Dr. Joshua I. Cohen, another uncle, collected perhaps one of the largest Jewish book collections ever assembled.<sup>8</sup>

The Cohen brothers who settled in Baltimore assumed leading roles in the vigorous efforts to obtain Jewish rights in Maryland.<sup>9</sup> Jacob I. Cohen Jr., later president of a railroad and an insurance company, directly challenged the Maryland legislature in attacking the state's blatant discriminatory laws. Through the persistence of the Cohens and others, the famous "Jew Bill" was enacted into law in 1826. More accurately, this was an amendment to the Maryland constitution which allowed "those professing the Jewish religion" to hold public office and practice law. With passage of the legislation, Jacob I. Cohen Jr. was elected to Baltimore's city council.<sup>10</sup> The Cohen brothers continued to assail laws that discriminated against Jews in Maryland until after the Civil War. The Cohens of Baltimore were traditional Jews who observed the Sabbath. The family, however, did not join any of the city's established synagogues. Instead they helped organize a Sephardic congregation that existed briefly from 1856 to 1858.<sup>11</sup>

After the War of 1812, Philip settled in Norfolk, an expanding seaport city located on the Virginia Tidewater. On January 25, 1826, he married Augusta Myers, thereby uniting two of Virginia's leading Jewish families. Rabbi Isaac B. Seixas of Richmond's Beth Shalom officiated.<sup>12</sup> Augusta was the daughter of Moses Myers, an important early developer of Norfolk.

*David M. Cohen. (Courtesy George H. Menegaux.)*

As a young man, Moses Myers had been active in New York and Philadelphia synagogues. In March 1787, he married Elizabeth Judah Chapman, a young widow, in New York. The ceremony was performed by G. M. Seixas, the patriot rabbi of Revolutionary War fame and son of Rabbi Isaac B. Seixas. Interestingly, a business feud with Israel I. Cohen determined that Myers should not settle in Richmond, and he chose Norfolk as his home. Myers is credited with playing a key role in the development of Norfolk as a major seaport. He served as a major in the Virginia militia and had been a personal agent for Thomas Jefferson. President James Monroe appointed him customs collector.<sup>13</sup> His portrait was painted by Gilbert Stuart.<sup>14</sup> Two of Moses Myers's sons served in the War of 1812.<sup>15</sup>

In addition to unions with the Mordecai and Myers families, the Cohens married members of the Lopez, Etting, Levy, and Minis families.<sup>16</sup> Such ties between the first families of American Jewish history during the nineteenth century were typical.

America's pioneer Jewish families became well acquainted with each other in America, and there simply were not that many eligible Jewish partners from the same social-economic class available. Thus considerable intramarriage was inevitable.

Born on December 7, 1826, in Norfolk, David was the first of Philip and Augusta's eight children. In 1833, Philip moved his expanding family north to join his four brothers in Baltimore, where the family was already well-known as pioneer railroad promoters, doctors, bankers, engineers, and community leaders.

Little is known of David Cohen's early life, but, as early as 1846, he sought a commission in the United States Marine Corps, but to no avail. On January 20, 1852, in an attempt to assist Cohen, Samuel Watts, a member of a prominent Baltimore seafaring family, wrote a laudatory recommendation on his behalf to William A. Graham, Secretary of the Navy.<sup>17</sup> Watts mentioned a number of accomplishments of David's family members. "The inclinations of young Mr. Cohen are entirely and prominently military; they correspond with his taste and genius. He is ardently fond of the 'profession of arms'; and his aspirations are suited to the office he seeks," Watts glowingly wrote. With no appointment forthcoming, Cohen instead enrolled in the Norfolk Naval Academy and, upon graduation, again sought entrance into the Marine Corps. Finally on October 8, 1855, with the approval of Congress and appointment by President Franklin Pierce, David Cohen was commissioned a second lieutenant.<sup>18</sup> He served his country as a United States Marine for fourteen years before placement on the retired list on October 12, 1869.

During the early period of Cohen's military service, the United States continued to flourish as a nation and expand its influence to all corners of the globe. Marine detachments were posted to almost every major American warship. Initially reporting to the Marine Barracks, at Washington, D.C., in February 1856, Cohen's orders assigned him for duty aboard the newly commissioned steam frigate, USS *Merrimack*. There he served his first tour of sea duty as the junior Marine officer, visiting the Caribbean and Europe. A little over a year later, after serving aboard the USS *Roanoke*, he was reassigned to the USS *Merrimack*.

*The Myers House, Norfolk, home of David M. Cohen's  
maternal grandfather. (Early twentieth-century postcard  
from the collection of Robert Marcus.)*

Between 1858 and 1859, Cohen experienced the typical career path of a junior officer. His assignments included sea and administrative duties, such as sitting as a member of a court-martial board. These assignments kept Cohen primarily on the East Coast. When not serving aboard ship, he drew garrison duty in stations from Norfolk and Washington to the important naval yards at New York and Boston. While assigned to New York, he met James F. Harrison, a naval officer and ship's doctor from Prince William County, Virginia. The two southerners quickly became close friends and often set out together to see the sights of New York. Cohen even took Harrison to visit a New York synagogue.<sup>19</sup> After a short tour aboard the steamer *Westernport*, Cohen received orders to report as commander of the Marine detachment aboard the USS *Memphis*. However, as a result of an illness that was recorded as a hemorrhage of the lungs, which may have been a bout with tuberculosis, Cohen was unable to report as ordered. In April 1859, after a period of medical recuperation and being found fit for duty, Lieutenant Cohen reported to Norfolk, where he was

assigned as commanding officer of the Marine detachment aboard the sloop USS *John Adams*.

On March 15, 1861, with the approval of Congress and newly elected President Lincoln, Cohen was promoted to the rank of first lieutenant. Less than thirty days later the country went to war. David Mendes Cohen was one of many Jews already serving in the United States military at the outbreak of the Civil War. With war, citizens and members of the military became divided between state and federal government loyalty. Most of the senior officers were rooted to the South. Yet family and business ties, besides military allegiance, could make individual decisions painful. The American military men of the Jewish faith shared the identical dilemma of Robert E. Lee and countless other Americans in the early months of 1861.<sup>20</sup>

One southern Jew, Alfred Mordecai Sr., of Warrenton, North Carolina, graduated at the head of his class at West Point in 1823.<sup>21</sup> He rose to the rank of major and became a renowned authority in the field of ordnance. Mordecai was greatly disheartened with the outbreak of the war. Despite great pressure from his family to serve the Confederacy, the preservation of the Union was his foremost goal. He painfully concluded that his resignation from the army would best serve his goal of reconciliation between the North and South. The fact that Mordecai's wife and children had close ties to the North added greatly to his dilemma.<sup>22</sup> In keeping with family tradition, Alfred Jr., his son, graduated from West Point, class of June 1861. The prospect of bearing arms against his son was no doubt a major factor in Mordecai's decision to leave military service. His published works in the field of ordnance became bibles to both the Union and Confederate armies.

There are striking comparisons between the Mordecai and Cohen families in America. Both Sephardic families had been established for generations and were deeply rooted in the South. Mordecais and Cohens had shouldered arms in the American Revolution and War of 1812, and they continued this tradition proudly into the Civil War. Each family achieved respect and success within their communities in a number of diverse endeavors. Both clans spread to the North through business ventures and

*View of Norfolk, Virginia.* (Harper's Weekly, April 19, 1862.)

marriages. To the Mordecais and Cohens, close family members would become enemies at the outbreak of the Civil War.

Abraham C. Myers of Georgetown, South Carolina, graduated from West Point in 1833.<sup>23</sup> He received the rank of brevet major for heroism during the Mexican War. An officer within the quartermaster department, most of Myers's assignments were in the South. He commanded the quartermaster department in New Orleans at the outbreak of the Civil War. Myers cast his lot with the rebellion. He transferred the stores and supplies under his control to the Louisiana government and resigned his federal army commission. Within the year, he became quartermaster general of the Confederate army with the rank of full colonel.<sup>24</sup>

The long and tempestuous career of Commodore Uriah Phillips Levy has become better known in recent years. Levy was born in Philadelphia in 1792 and served in the United States Navy beginning with the War of 1812. His efforts resulted in the abolition of flogging in the navy. He ultimately attained the rank of commodore, then the highest naval rank. Prior to the Civil War, Levy was commander of America's fleet in the Mediterranean Sea. Nearly seventy when the Civil War broke out, Levy was regarded as too old to assume a command at sea.<sup>25</sup>

Out of great admiration for Thomas Jefferson, and strong encouragement from President Andrew Jackson, Levy purchased Monticello in 1836. He restored the decaying mansion and worked the land on the estate. For the next quarter century, Levy became deeply involved with the operation of Monticello. When the Civil War broke out, Levy wholeheartedly supported the Union. As a result of his loyalty, the Confederacy confiscated Levy's beloved plantation. Newspaperman Frank Leslie reported, "we are sure that an officer who has remained so faithful and useful to his government and country, and who has sacrificed pecuniarily so much for the 'Stars and Stripes' of his lifelong idolatry, will not now be forgotten, and as Monticello was taken from him because he belonged to the 'Lincoln Navy.' Certainly no officer in the army or navy has been so victimized by the Rebels."<sup>26</sup>

Cohen, distantly related to Mordecai, Myers, and Levy, found himself compelled to decide what course of action to take. With strong family ties to the Old South, he nonetheless chose to abide by his oath of allegiance to the Federal government. Edward Cohen, a first cousin, on the other hand, served in the Confederate army. Mendes, Edward's brother, was a delegate to the state peace convention, a secessionist meeting.<sup>27</sup>

In June 1861, the Marine Corps had only sixty officers, and Colonel John Harris served as its commandant. Reflecting his seniority, David Cohen was number 10 on the list of 20 first lieutenants on active duty. He was promoted to captain on April 1, 1862. Most of that first year of the war proved uneventful for him, with garrison duties at the naval yards in New York, Boston, and Philadelphia.

On August 1, 1862, Captain Cohen reported to Major Addison Garland for duty at the Marine barracks, Brooklyn, New York, doubtless believing his assignments, remote from the fighting then raging on Virginia's peninsula, would allow him little chance to see action. However, within weeks a bizarre event erupted that pitted Union soldiers against each other.

Elements of the Empire Brigade under the command of Brigadier General Francis B. Spinola, a New York politician who had organized the unit, were encamped near the Marine barracks.

*CSS Alabama as seen from the deck of the Mail Steamer Ariel.  
(Carte-de-Visite photograph from the collection of Robert Marcus.)*

Spinola later proved himself an inept commander and was forced to resign his commission.<sup>28</sup> On August 23, a riot erupted in New York when a number of soldiers in Spinola's command got drunk and rampaged through the streets. The New York City police, unprepared for such an occurrence, decided not to intervene. Instead, Captain Cohen, in charge of a detachment of fifty-five Marines, was dispatched from the navy yard to quell the riot. With bayonets fixed, order was quickly restored. At Spinola's request the Marine detachment remained as a camp guard at the Empire Brigade for five days before returning to the navy yard. The incident could well have proven an embarrassment for the Marines had not Captain Cohen handled it so decisively.

The threat of Confederate attacks against United States property and commercial shipping on the West Coast prompted Gideon Welles, Secretary of the Navy, to send in the Marines. Commandant Harris ordered Major Garland with a detachment of Marines to the Pacific Squadron with instructions to protect naval and public property in the vicinity of Mare Island, California, and to establish a permanent West Coast barracks.<sup>29</sup> Garland's detachment included Captain Cohen, 5 lieutenants,

14 noncommissioned officers, 4 musicians, 112 privates, and 4 laundresses for an aggregate strength of 140 personnel.<sup>30</sup>

On December 1, 1862, the Marines boarded the mail steamer *Ariel* at New York harbor and departed for the West Coast. They expected an uneventful trip to the first port of call at Aspinwall in the Isthmus of Panama. Instead, they encountered the most feared ship in the Confederate navy, the CSS *Alabama*.

On December 7, at 2:15 p.m., the big side-wheeler *Ariel* was sighted by the *Alabama's* lookout off the port beam. The *Alabama's* captain, Raphael Semmes, issued the order to build up steam and began the chase that would yield the Confederate raider its twenty-first prize. At 2:45 p.m. the *Alabama* lowered the Stars and Stripes she had flown as a deception and, in its place, raised the colors of the Confederacy. The *Ariel*, giving little heed to an enemy warning shot, attempted to outrun the rebel vessel in a desperate dash for safe haven. Semmes, an experienced seaman, was not about to lose his prize. He ordered two of his deck guns to aim and fire at the *Ariel's* smokestack.<sup>31</sup> The first round missed. However, the second found its mark on the foremast only feet above the passengers' heads, sending passengers and crew scurrying for safety. Captain Albert J. Jones of the *Ariel* realized further resistance was futile and would risk the lives of his civilian passengers, so he struck his colors in submission.<sup>32</sup>

At the first sign of trouble, orders had been issued for the Marine detachment to draw weapons and form for action. Conflicting accounts note that either Cohen or Major Garland commanded the Marines. Regardless of who the commander was, the detachment stood defiant as the *Alabama's* boarding party demanded that the Marines surrender their weapons. Confederate Lieutenant Arthur Sinclair later stated that Captain Cohen presented a vigorous protest to the *Ariel's* captain when ordered by the Confederates to have his Marines stack their arms. Captain Jones reminded Cohen of the *Alabama's* numerous gun ports poised to fire on and sink the *Ariel*. Reluctantly, Cohen ordered his Marines to capitulate and stack arms.<sup>33</sup>

Captain Semmes planned to sink the *Ariel* after transferring the captured passengers to a second vessel he had also pursued.

*Attack upon the Ariel by the CSS Alabama.*

Frank Leslie's Illustrated Newspaper, January 10, 1863.

After failing to capture the second ship, Semmes considered taking the prisoners to Kingston, Jamaica. Those plans were foiled when it was discovered yellow fever had broken out on the island. Ultimately, Semmes released the *Ariel* under a ransom bond payable on cessation of hostilities. After surrendering their weapons and signing paroles indicating they would not take up arms against the Confederacy until properly exchanged, the Marines were allowed to continue to California.<sup>34</sup>

Garland, Cohen, and the detachment arrived at Mare Island on December 27, 1862. Although Admiral Charles Bell had requested a Marine presence at Mare Island, the relationship between the navy and Marines assigned to the post was strained at best.<sup>35</sup> Captain Cohen did little to ease the growing tensions. On May 19, 1863, at a social function held in honor of the officers assigned to Mare Island, Cohen was offended by the actions of Edward A. Selfridge, the son and secretary of Captain Thomas O. Selfridge, the naval commandant of Mare Island. Cohen alleged Selfridge looked at him in an offensive manner in the presence of ladies. The next day Cohen dispatched First Lieutenant William B.

McKean with a note to Selfridge demanding a full apology or suffer the consequences. Selfridge immediately informed his father of Cohen's challenge to a duel. Captain Selfridge wasted no time in directing Major Garland to have Cohen withdraw his challenge. When Cohen refused, he and his emissary, Lieutenant McKean, were placed under arrest and brought under court-martial proceedings.<sup>36</sup> Both were charged with "scandalous conduct tending to the destruction of good morals." Cohen immediately sent a telegraph to the commandant of Marines, Colonel Harris, informing him of the charges. Cohen asked Harris to delay action until he received Cohen's letter of explanation.<sup>37</sup> Despite Cohen's request, the court-martial was convened. Cohen and McKean were found not guilty of the charges. However, they were found guilty of one specification, "that on the 20th of May Captain Cohen did send a message to Edward Selfridge in the nature of a challenge." The court determined that the punishment for Cohen, to be meted by the Secretary of the Navy, was to be an official reprimand while McKean was to receive an admonishment.<sup>38</sup>

Gideon Welles, Secretary of the Navy, upon review, disapproved of the findings of the court on the basis that if Cohen and McKean were found not guilty of the charges brought against them, they could not be found guilty of any specifications deriving from those charges.<sup>39</sup> Although Cohen was able to escape the punishment of a court-martial, he was now under the continual scrutiny of Captain Selfridge, the Mare Island commandant. Admiral Bell diffused the situation by having Cohen transferred to sea duty. Thus, only seven days after Welles's disapproval of court-martial proceedings, Cohen received orders to Bell's flagship, the USS *Lancaster*.

Assignment to the *Lancaster* did not end Cohen's strife with the navy. Almost immediately upon reporting for duty as commander of the Marine detachment, Cohen was at odds with the ship's captain. Although Marine detachments aboard ship were primarily assigned sentry duty, aboard the *Lancaster* they were assigned the extra duty of conducting gun drills with the ship's main guns. Cohen immediately protested up the naval chain of command to no avail. In desperation, he filed a complaint with the

Commandant of the Marine Corps but received little sympathy from Colonel Harris. In no uncertain terms Harris accused Cohen of dereliction of duty and emphasized that Marines should actively seek combat roles aboard naval vessels. Cohen was rebuked and told it was his duty to ensure the Marines were better trained at handling the ship's guns than even the ship's crew. Severely admonished, Cohen complied, and his Marines began gunnery instruction.<sup>40</sup>

On November 10, 1864, Henry K. Davenport, commander of the USS *Lancaster*, with the assistance of Cohen and a few of the *Lancaster's* crew, foiled a desperate plot by the Confederate navy to commandeer the American steamer *Salvador*. Captain Douglas of that vessel informed Rear Admiral G. F. Pearson that a number of suspicious passengers were planning to embark on the *Salvador* at Panama Bay, and that he was concerned for the safety of his ship and the welfare of his passengers. Because Panama Bay was under Colombian jurisdiction, the United States Navy could do little to prevent the suspicious passengers from boarding the *Salvador*. Unable to act in foreign waters, Pearson ordered the *Lancaster* to wait offshore. As the *Salvador* entered international waters, a party from the *Lancaster* was to board the *Salvador* to protect its passengers and crew against any trouble. Once in international waters, Davenport, Cohen, and their men quickly boarded the *Salvador*. Under the pretext of examining tickets, the passengers were gathered into a room where Cohen and others took the suspicious passengers into custody. Seven passengers proved to be members of the Confederate navy, who were attempting to slip aboard the *Salvador* and eventually place it under the flag of the Confederacy. In a dispatch to Pearson, Davenport recounted the *Salvador* incident mentioning Cohen's name first among those to receive favorable notice for their actions.<sup>41</sup>

Cohen served aboard the *Lancaster* for the remainder of the war. During March 1866, the ship put into Mare Island for repairs and resupply. Requesting a new assignment, Cohen received orders that detached him from the *Lancaster* on April 5, 1866, and assigned him once again to the Brooklyn Navy Yard.

Cohen's penchant for confrontation did not end with the close of the Civil War. On July 13, 1866, while in temporary command of the recruiting station on Bowery Street, New York, Cohen began a correspondence with Major William B. Slack, quartermaster of the Marine Corps that led to his second court-martial.

Although the reason is unclear, on July 13, Cohen sent a request to Headquarters, Marine Corps, Washington, D.C., asking for a supply of blank "Individual Clothing Account" forms. When the quartermaster questioned the purpose for the forms, Cohen took it as a personal attack upon his honor and responded with a fiery letter. Paying little attention to military customs and courtesies, Cohen questioned Slack's capability to properly function in his position, and charged the quartermaster department with dereliction and the inability to support the needs of the corps. Cohen ended the letter with an accusation that Slack's own act of involving the commandant was evidence that the major could not perform his responsibilities.<sup>42</sup>

Upon receipt of Cohen's letter, Slack showed it to Colonel Jacob Zeilen, commandant of Marines, who agreed that the letter was contemptuous and disrespectful. He directed Slack to make his complaint in the form of "charges and specifications" to be forwarded to the Secretary of the Navy.<sup>43</sup>

On July 25, 1866, six Marine officers were sworn in and sat as members of a court-martial for Captain David M. Cohen. The court addressed two charges. The first was "Treating with contempt and using disrespectful language to a superior officer while in the execution of his duty," and the second was "Conduct unbecoming of an Officer,"<sup>44</sup>

Cohen's lawyer called two primary defense witnesses, Captain George W. Collier and Sergeant George M. Brown, both of whom attested that Cohen should have been issued clothing forms in conjunction with his responsibilities at the recruiting station. Neither witness could address the charges against Cohen. The key witness for the prosecution was the testimony of the commandant, Colonel Zeilin. Once Zeilin stated that Cohen's letter was disrespectful and that Major Slack was Cohen's superior officer, the case was over. On August 4, 1866, the court presented

a verdict of guilty on all counts. Cohen was sentenced to be suspended from rank and duty for a period of two years and to receive no compensation from the United States government for the same period of time beyond his pay of sixty dollars per month.<sup>45</sup>

On March 12, 1868, the Senate approved Cohen's promotion to the rank of major. The effective date of rank was retroactive to December 5, 1867. That previous August, Cohen was ordered to Norfolk, the place of his birth. As what was to happen repeatedly, the government reneged on the original sentence.

Cohen's third and final court-martial occurred while he served as commanding officer of the Norfolk Marine detachment. On September 24, 1868, the proceedings convened at the Norfolk Navy Yard, with Colonel Matthew R. Kintzing presiding. The formal charge read, "scandalous conduct tending to the destruction of good morals." The specification stated that Cohen "did indulge in the use of intoxicating liquors to such extent as to require medical treatment for delirium tremens." Cohen pleaded "not-guilty."<sup>46</sup>

Cohen boarded at the Ocean House in nearby Portsmouth, a popular residence for military officers and businessmen. In early August 1868, he suffered from high fever and chills and was unable to leave his quarters and report for duty. Jacob S. Dungan, a naval surgeon with whom Cohen already had strained relations, examined him in his quarters.<sup>47</sup> Dungan reported that Cohen indulged in eight to ten drinks each day. The surgeon testified later under cross-examination that he did not actually see Cohen drink, however, he did smell alcohol on the Marine's breath. He further testified, Cohen was of "highly nervous temperament, greatly agitated, and exhibited the classic symptoms resulting from the withdrawal of heavy alcohol consumption." He had prescribed a treatment of laudanum, or opium. Dungan's report filtered upward through the naval chain of command and resulted in formal charges against Cohen and the subsequent court-martial.

In early August, entirely unaware that he would face a court-martial, Cohen departed Norfolk by ship for New York seeking specialized medical treatment for his illness. After successful

treatment under the care of James R. Leaming, the doctor provided Cohen with a written statement explaining the doctor's diagnosis and the treatment the major received for typho-malarial fever. His health improved, Cohen returned to Norfolk to resume his duties. Upon his arrival, he was shocked to learn of the impending court-martial.

George E. Harmon, first class apothecary, and Dungan were the first prosecution witnesses. Both men offered damaging testimony alleging that Cohen had admitted to having been a heavy drinker for much of his life. The defense produced sixteen witnesses on Cohen's behalf including two doctors who testified that other substances, such as quinine or opium, could readily have produced or exacerbated Cohen's symptoms. They further testified other misdiagnosed illnesses may have caused his disorders. Officers and enlisted alike, joined by fellow residents of the Ocean House, and his servant, Henry White, unanimously testified that Cohen was not a heavy drinker. A parade of defense witnesses followed, all of whom assailed Dungan's character and veracity.

On October 5, the court reached a guilty verdict. Cohen was suspended from rank and command for three years, with forfeiture of all allowances and reduction of pay to eighty dollars per month. Two days later, Secretary of the Navy Gideon Welles returned the court record for an explicit statement as to the intent of the sentence. In its clarifying reply, the court stated Cohen was to be deprived of "advancement in his own grade of major and of promotion to a higher one," and, further, he "shall remain the junior major of the Marine Corps for three years without rank and without command."

However, on March 2, 1869, just six months later, outgoing President Andrew Johnson relieved Cohen from suspension and ordered him to report for duty to the commandant of Marines. Finally, on July 10 he received orders to report to Pensacola, Florida, as commanding officer of the Marine detachment, and three months later he was placed on the retired list. After fourteen years, a somewhat turbulent, but distinguished military career came to an end, and Major Cohen settled in New York City.

David's mother had moved to New York from Baltimore in 1853 following the death of her husband.<sup>48</sup> She was accompanied by Eliza and Adeline, her surviving daughters. No doubt this influenced David's decision to reside permanently in New York. In 1872 Adeline married David Stern, a New Yorker of Prussian birth. David Stern's younger sister, Mathilde, was nineteen years younger than David Mendes Cohen. On December 5, 1879, two days before his fifty-third birthday, Mathilde and Cohen were married. Within the year Matilda gave birth to their only child, a daughter, Lillie. The Cohen family resided in Harlem, a fashionable neighborhood that included many prominent Jewish families in the late nineteenth century. Census reports and New York City directories of the period reported Cohen's occupation as "U.S.N.," indicating he most likely supported his family from his military pension. There are no indications that he was actively affiliated with any veterans or religious organizations in his later life.

On May 28, 1891, David Cohen died of a spinal ailment. His funeral services were held at Temple Israel in Harlem. He was laid to rest in Cypress Hills Cemetery of Congregation Shearith Israel (New York City) where Commodore Uriah P. Levy and other Jewish notables are also buried.<sup>49</sup>

Intriguing comparisons can be drawn from the military careers of David Mendes Cohen and the better-known Navy Commodore Uriah Phillips Levy. Both men, of distinguished Sephardic lineage, devoted themselves to the service of the United States military. Each attained high rank and clear distinction in their respective branches of the armed forces. Both had strong ties to the South, Cohen by birth and Levy as the proprietor of the historic Thomas Jefferson mansion and lands of Monticello. Yet each remained loyal to the Union throughout the Civil War. Each man demonstrated a combative personality that embroiled him in controversy throughout his career.

Levy often found it necessary to defend his Judaism during a long and distinguished career in the United States Navy. The authors found no concrete evidence of antisemitism in their research of Major Cohen, although they did come upon some curious testimony of his made during the third court-martial. In a written

rebuttal to the findings of the court, Cohen wrote, “the subject of the charge should be determined, or rejected, according to the established and acknowledged morals of the Christian world . . . (F)or the most limited intellect will perceive at a glance that if such a charge were declared just, the most upright gentleman and Christian soldier might lay himself liable to be court-martialed.”<sup>50</sup> Those passages tend to cloud his complicated personality. It can only be speculated that Cohen was insinuating that if he were Christian such charges would never have been presented to a court, or perhaps this was his way of saying that the charges had no merit.

It is doubtful that Cohen was plagued by antisemitism during his military career, and although court-martialed on three occasions, none of his defense testimony made claim to persecution for his religious beliefs. On the contrary, military historian Norman Flayderman suggests that David Cohen’s rise to the rank of major, when the commandant of the Marine Corps was a full colonel, fully demonstrated that “Cohen must have had something on the ball as a Marine, regardless of his religion.”<sup>51</sup> Flayderman’s point about Cohen’s achievement may have additional importance when considering that the Marine Corps has a long-standing reputation as an elite corps. Although we support that view, it is possible that Cohen rose in rank and had his sentences ignored because his services were needed. Indeed, in 1855 the corps consisted of only 53 officers and 1,338 enlisted men, a number soon diminished by those who left to support the Confederate cause. Throughout the Civil War, the corps never exceeded 3,900 Marines. Whatever the case, the rise to high rank surely indicates an officer had qualities that were a credit to both himself and to the United States Marine Corps.

Antisemitism and its effect on the careers of Jewish military officers during the early to mid 1800s will continue to be a topic of great debate. Although not known for a martial tradition, a minority of American Jews selected the military as a career. The lives of Cohen, Levy, Myers, and Mordecai Sr. clearly demonstrate that they had the opportunities to rise to senior positions within the United States military. They also felt sufficiently secure to stand

their ground and speak out when they felt their honor was challenged. Like fellow southerners, the Civil War forced them to make difficult choices. The war clearly divided Jews as it did the nation.

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## NOTES

<sup>1</sup> The authors gratefully acknowledge the assistance of Norman Flayderman and Benjamin Shapell.

<sup>2</sup> Myron Berman, *The Last of the Jews?* (Lanham, MD, 1998), 4–6.

<sup>3</sup> *Ibid.*

<sup>4</sup> In late 1781, Cohen and his partner commissioned Daniel Boone to locate ten thousand acres for them in Kentucky. Melvin L. Urofsky, *Commonwealth and Community: The Jewish Experience in Virginia* (Richmond, 1997), 11–12.

<sup>5</sup> *Ibid.*

<sup>6</sup> Simon Wolf, *The American Jew as Patriot and Citizen* (Philadelphia, 1895), 47.

<sup>7</sup> *Ibid.*, 69.

<sup>8</sup> Myron Berman, *Richmond's Jewry, 1769–1976, Shabbat in Shockhoe*. (Charlottesville, 1979), 12–13.

<sup>9</sup> *Encyclopedia Judaica* 5 (Jerusalem, Israel) C–DH, 663–664.

<sup>10</sup> Berman, *Richmond's Jewry*, 13

<sup>11</sup> *Encyclopedia Judaica*, 663–664.

<sup>12</sup> Louis Ginsberg, *Chapters on the Jews of Virginia, 1658–1900* (Richmond, 1969), 28.

<sup>13</sup> Jacob R. Marcus, *Early American Jewry: The Jews of Pennsylvania and the South 1655–1790* II (New York, 1953), 215.

<sup>14</sup> Urofsky, *Commonwealth and Community*, 16.

<sup>15</sup> Wolf, *American Jew*, 70.

<sup>16</sup> Malcolm H. Stern, *First American Jewish Families*, 3rd ed., (Baltimore, 1991), 32.

<sup>17</sup> A transcript of the letter is included in Cohen's surviving military file at the National Archives in Washington, DC.

<sup>18</sup> In a letter to Henry May, a Baltimore attorney, President Pierce wrote, "I have just signed Mr. Cohen's commission as Lieutenant of Marines." Benjamin Shapell Collection.

<sup>19</sup> James F. Harrison Diary, September 30, 1858, Robert Marcus Collection.

<sup>20</sup> Robert N. Rosen insightfully addresses the issue of this most agonizing and difficult decision of Alfred Mordecai, Abraham Myers, and others in *The Jewish Confederates* (Columbia, 2000), 43, 89, 91–92.

<sup>21</sup> William A. Gordon, *A Compilation of Registers of the Army of the United States from 1815 to 1837*, (Washington, DC, 1837), 260.

<sup>22</sup> Berman, *Richmond's Jewry*, 76–77.

<sup>23</sup> Gordon, *Compilation*, 502.

<sup>24</sup> Harry Simonhoff, *Jewish Participation in the Civil War*, (New York, 1963), 207–208.

<sup>25</sup> Urofsky, *Commonwealth and Community*, 31–32.

<sup>26</sup> Frank Leslie's [New York] *Illustrated Weekly*, February 8, 1862, 182.

<sup>27</sup> Isaac M. Fein, *The Making of an American Jewish Community: The History of Baltimore Jewry from 1773 to 1920* (Philadelphia, 1971), 100.

<sup>28</sup> The Empire Brigade consisted of two New York infantry regiments (132nd and 158th) and four Pennsylvania infantry regiments (158th, 168th, 171st, and 175th). Frederick H. Dyer, *A Compendium of the War of the Rebellion* (Des Moines, IA, 1908), 333

<sup>29</sup> David M. Sullivan, *The United States Marine Corps in the Civil War – The Second Year* (Shippensburg, PA, 1997), 160.

<sup>30</sup> *Ibid.*

<sup>31</sup> Semmes was keen to capture the *Ariel*, as she was the property of Cornelius Vanderbilt. At one time Vanderbilt made a gift of a steamer to the Union in the hope that it would be used against "rebel pirates." Raphael Semmes, *Memoirs of Service Afloat During the War Between the States* (Secaucus, NJ, 1987) 530–535.

<sup>32</sup> Charles G. Summersell, ed., *The Journal of George Townley Fullam*, (University, AL, 1973), 61–65.

<sup>33</sup> Arthur Sinclair, *Two Years on the Alabama* (Boston, 1895), 50–54. Sullivan writes that Captain Louis Sartori concurred with Major Garland that resistance was useless. Thus it is implied that Garland and not Cohen commanded the Marines aboard the *Ariel*. Sullivan, *U.S. Marines, Second Year*, 161.

<sup>34</sup> Sullivan, *U.S. Marines, Second Year*, 163.

<sup>35</sup> The Marines were sent to Mare Island to replace soldiers who were sent back to the war in the east. Summersell, *Fullam Journal*, 65.

<sup>36</sup> David M. Sullivan, *The United States Marine Corps in the Civil War – The Third Year* (Shippensburg, PA, 1998), 134–135.

<sup>37</sup> David M. Cohen to John Harris, May 25, 1863, telegram, David M. Cohen Collection, Marine Corps Historical Branch, Washington, DC.

<sup>38</sup> General Order No. 22, Navy Department, Washington, DC, October 17, 1863; Review of Court-Martial by Gideon Welles, Secretary of the Navy, Cohen Collection.

<sup>39</sup> *Ibid.*

<sup>40</sup> Sullivan, *U.S. Marines, The Third Year*, 295–296.

<sup>41</sup> Naval Official Records Serial I, Volume 3, 352–355.

<sup>42</sup> Records of General Courts-Martial and Courts of Inquiry of the Navy Department, 1799–1867, April 23–August 14, 1866, Microcopy M-273, Roll 177, Records of the National Archives, Washington, DC.

<sup>43</sup> *Ibid.*

<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

<sup>46</sup> Records of General Courts-Martial and Courts of Inquiry of the Navy Department, 1799–1867, September 24–October 7, 1868, Records of the National Archives, Washington, DC, for this and following paragraphs.

<sup>47</sup> First Lieutenant E. C. Saltmarsh testified he had confronted Dungan demanding to know why Dungan was "so opposed to Cohen." According to Saltmarsh's testimony, Dungan retorted, "I've made up my mind either Major Cohen or myself must leave this station very soon." Saltmarsh accused Dungan of making a number of false reports concerning Cohen.

<sup>48</sup> Stern, *First American Jewish Families*, 32.

<sup>49</sup> David and Tamar De Sola Pool, *An Old Faith in the New World, Portrait of Shearith Israel*, (New York, 1955), 305. Cohen's obituary was carried in the *New York Herald*, May 30, 1891. Shearith Israel was also known as the Spanish and Portuguese Synagogue.

<sup>50</sup> Records of General Courts-Martial and Courts of Inquiry of the Navy Department, 1799–1867, September 24–October 7, 1868, Records of the National Archives, Washington, DC.

<sup>51</sup> Norman Flayderman to Robert Marcus, c. 1994.