



By Aaron Ginsburg

The Wisdom of Our Forefathers

Jeshuat Israel, Shearith Israel and Touro Synagogue.

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Interior of the Touro Synagogue (Photo: Aaron Ginsburg)

Congregation Shearith Israel of New York (CSI) has filed a motion to evict Congregation Jeshuat Israel of Newport (CJI) from Touro Synagogue. The story has been widely reported in the media, including [an article](#) from the Jewish Telegraphic Agency (JTA), which is well worth reading.

In a public statement, Shearith Israel president Louis Solomon said, “In seeking to change the board overseeing day-to-day activities at Touro Synagogue, no congregants are being evicted. None will be, ever. Shearith Israel also hopes the current rabbi of Touro will consider staying, as he is very welcome. Ritual services will remain the same. Congregation Shearith Israel is exercising the rights clearly granted it by the final court decision against CJI. Our disagreement is solely with a few members of the CJI board, and we wish to restructure the group overseeing day-to-day activities of Touro Synagogue to restore trust and confidence that has historically existed, for close to 200 years, between Shearith Israel and Touro Synagogue.”

Jeshuat Israel's co-president, Louise Ellen Teitz, told The New York Jewish Week, “We are shocked that Shearith Israel seeks to expel Rhode Island's Congregation Jeshuat Israel from the historic Touro Synagogue, the oldest synagogue in the country and the nation's cradle of religious liberty. The members of the Jeshuat Israel Congregation have been the faithful stewards of and peaceable worshippers at Touro Synagogue for more than 140 years. At a

time of unprecedented attacks on American Jewry, we are devastated that our congregation has become the target of a shameful power grab by another Jewish congregation that over the years has not provided us or Touro any meaningful support at all. We condemn this destructive attack on our congregation and displacement of our community, and call upon Shearith Israel to let Jeshuat Israel live and pray in peace.”

As reported by JTA, a January 2022 Jeshuat Israel letter to its congregants said, “We are a proud congregation with a proud history—and our independence is vital to our future. In other words, no landlord participates in its tenants’ activities on a day-to-day basis like what CSI is asking of CJI,” and, “The Jeshuat Israel congregation objects to the call for board members from the New York synagogue ‘without any promise of either a long-term lease or that CSI will not make future demands at any point,’ and, “In other words, granting CSI its demand of two board seats will not provide any long term stability or comfort with respect to CJI’s future ability to pray at Touro Synagogue.”

There is a difference in tone between Mr. Solomon’s statements and CJI’s statements. Solomon writes of welcome, and of trust and confidence. CJI writes of shock, shameful power grab, destructive attack and independence.

CJI’s passionate tone and words of outrage make for good print. They are inspiring, fighting words. But are fighting words the best words for the current situation?

Let’s review the history:

At the beginning of the 20th century, different factions of the Newport Jewish community tried to get access to Touro Synagogue. Attempts to bring the future of Touro Synagogue to court failed and Congregation Shearith Israel remained in control of the building. Newport’s Jeshuat Israel recognized the weakness of its position and accepted New York’s offer of a simple one year lease for \$1 a year that would renew annually.

The lease is brief. Jeshuat Israel is obliged to pay the rent, neither alter the building (without permission) nor assign the lease, to worship according to Orthodox Spanish and Portuguese Jewish custom, submit its religious leader for approval and to leave the building in the condition received if the lease ends. That lease has been in effect for almost 120 years. At the bottom is the exact wording. The full text is [here](#).

Perhaps Congregation Jeshuat Israel wanted to be independent. But that did not stop them from accepting the agreement with Shearith Israel.

After a long lawsuit, the courts have decided once again that the New York congregation controls the building and the ritual objects that go with it. Jeshuat Israel lost and is in a weak position.

After the legal battle ended in 2019, Parnas Louis Solomon of Shearith Israel wrote, “...we want to go into what we hope will be a very long and lasting period of harmony and cooperation with the congregation up there for the long betterment of the Touro Synagogue. We want to make sure that it remains an active, vibrant house of worship open to all Jews.” In remarks directed to Jeshuat Israel members, he said, “...I really hope that we can re-engage in an instructive and harmonious way.”

He reiterated, “We’re quite serious about it. It’s time to put this past behind us. There are not only decades but literally a century of harmony...and yes, ups and downs, but basic respect and harmony. Let’s re-achieve that.”

Jeshuat Israel is adamant that adding Shearith Israel members to its board would end its independence. However, the Newporters imply that in return for a long-term lease,

concessions might be possible.

Analysis:

The years of litigation have reaffirmed that Shearith Israel of New York owns Touro Synagogue. Now Jeshuat Israel of Newport is faced with eviction after 120 years. Perhaps it is time for a different strategy.

Is Shearith Israel an intransigent bully engaged in a power grab and trying to take away Jeshuat Israel's independence? Or is it exercising its legal rights and fulfilling its duty as owner of Touro Synagogue? The issues seem to be landlord participation, the length of the lease, board seats, future demands and independence.

Touro Synagogue is not an ordinary building. And most leases nowadays (and condominium bylaws) are full of conditions and stipulations about what you can do and when you can do it and what you cannot do.

In asking for a longer lease, CJI is attempting to renegotiate an agreement that has served it well for 120 years. It just might be that CSI might want to make changes to the lease too.

As mentioned above, Shearith Israel wants two seats on the Jeshuat Israel's board, "without any promise of either a long-term lease or that CSI will not make future demands at any point." "Demands" is another fighting word. Agreements (and promises) are constantly changing as conditions change and as we learn more. Most agreements recognize this and include a way to revise themselves as needed. It is wishful thinking to believe that the promise the Newport congregation asks for would preclude future changes.

What does independence mean? In the current context, it is not clear. As human beings and Jews, we depend on each other.

CJI is dependent on visitors to help maintain worship services and on donors from all over the world. CJI depends on the agreement with CSI to worship in Touro Synagogue, and it has been that way for over 120 years. CJI has not been independent.

Let's look at this from Shearith Israel's point of view. As the owner of Touro Synagogue, they have both a right and a duty to make sure it is in good hands. A snafu regarding the colonial Jewish cemetery by Jeshuat Israel did not help (Jeshuat Israel apologized but the damage was done). After years of acrimonious litigation and the failure after three years to come to a *modus vivendi*, the New York congregation feels board access would be helpful.

When Prince Henri of Navarre became King Henry IV of France, he was Protestant. Eventually, to consolidate his reign, he became Catholic, saying, "Paris is worth a Mass." ("Paris vaut une messe.") Among Henri's accomplishments, he built a public square in the Marais district, the Place des Vosges, which became the model of many similar squares in Europe.

For Congregation Jeshuat Israel of Newport, the dilemma is whether or not to follow the example of its forefathers 120 years ago and make an agreement with Congregation Shearith Israel of New York. Is a short-term lease and Congregation Shearith Israel board participation worth it to continue worshipping in Touro Synagogue?

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