Spring 5-23-2019

Herman L. Midlo: Social Ally in Louisiana Religious Civil Rights

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Herman L. Midlo: Social Ally in Louisiana Religious Civil Rights

A Thesis

Submitted to the Graduate Faculty of the
University of New Orleans
in partial fulfillment of the
requirements for the degree of

Master of Arts
in
History

by

Kenneth Taylor
B.A. University of Great Falls, 2016

May, 2019
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Abstract

The study of social allies in the field of American Civil Rights and Liberties History is largely an underappreciated aspect of this historical era. This work argues that social allies and their stories are worthwhile histories that are beneficial to the study of American Civil Rights and Liberties using Louisiana lawyer Herman Lazard Midlo as a case study. Midlo worked as a Louisiana lawyer from the 1930s to 1960s and fought tirelessly for the religious liberties of the Jehovah’s Witness community in the state. His story shows how beneficial and consequential the actions of social allies have had and can have on the protection and expansion of civil rights and religious liberties.

Keywords: Herman L. Midlo, Civil Rights, Religious Liberty, Legal History, Social Allies, Jehovah’s Witness, Leander Perez, Louisiana, New Orleans, Angelina Treadway
**Introduction**

The twentieth century saw many major strides and milestones in the fight for and victories of civil rights and liberties in the United States, from universal voting suffrage for women to the fight against the many legal and social discriminations against people of color in the Civil Rights Movement, along with the beginning of the LGBTQ+ Rights Movement during the middle of and end of the century spilling over into the current day. This era in American history produced a massive number of leaders, as well as victims, fighting for their equal rights and liberties promised by the United States Constitution. This has spurred entire sub-fields of American history focusing on these topics as well as many items of pop-culture such as songs, novels, and films of American history in the twentieth century.

An aspect of this era often overlooked by mainstream historians are the social allies who worked side by side with persecuted people and groups during their struggles for civil liberties. Social allies (or social justice allies) have been integral to many events in American civil rights history. These social allies tend to be individuals who may not have been personally affected by a social and/or legal travesty, but still took it upon themselves, even at risk of social or violent backlash, to do what they could to guarantee better civil liberties and equality for their fellow man. While it is easy to find reference to these social allies such as Oskar Schindler or Stanley Levison in rally speeches and contemporary literature, even within Martin Luther King Jr.’s *I Have A Dream* speech, the names of those social allies who assisted in those struggles are often lost in history.

While this is not to suggest that focus should be taken away from those leaders of groups that were, and in many cases still are, directly affected by civil injustices, the effect that social allies had and continue to have should also be regarded as important in
the study of a movement or struggle regarding civil rights for a disenfranchised group. In order to not only to portray a more well-rounded and detailed view of the past and to point out how those who may not have a stake in civil liberties movements nonetheless acted and assisted others.

One field of historical study in which this can be seen as beneficial is that of Holocaust studies. The way in which well-known individuals such as Oskar Schindler, who saved over a thousand Jewish lives from the death camps, is represented by historians while still focusing on the remembrance of the horrors faced by those persecuted, serves as a template that could be applied to the study of civil rights and liberties movements in the United States. This strategy does not take away the main focus of this era of history, but rather shows the influence the actions of outside actors that took risks to help benefit others, despite the fact that they were not obligated to and, in many cases, put themselves in harm’s way for doing so.

One such case of an individual risking his social status and safety in order to help a disenfranchised group was that of Herman Lazard Midlo, an attorney in New Orleans, Louisiana, from 1927 to 1968. This paper will use Midlo as a case study to support the argument that social allies are deserving of a place in the study of the history of civil rights and liberties movements in the United States.

**Note on the sources**

The information utilized in this work is largely supplied from primary sources pertaining to Midlo’s life and career. The main supply of cited materials is from the Herman Lazard Midlo collection that during the time of research (summer and autumn of 2018) were housed at the University of New Orleans Archives in the Earl K. Long
Library in New Orleans, Louisiana. Midlo and his family donated this collection in the 1970s. Items contained in this collection include many boxes of legal papers, items, and articles pertaining to Midlo's personal interests, along with personal correspondence and other items. This collection served as the cornerstone to understanding the life and work of Herman Midlo during his legal career, as well as to how his story is a case for the impact of social allies, and why individuals are deserving of study.

Oral histories conducted by researchers at the University of New Orleans are liberally used in the research of this work. These interviews were with Herman Midlo, along with his daughter Gwendolyn Midlo-Hall, a renowned American historian. Interviews with Lawrence Lehmann of New Orleans, Louisiana (Midlo’s grandson) also assisted in gaining helpful understandings of Midlo’s personal life in his later years.

Additional sources gathered were done for clarification. Sources pertaining to the legal code and the outside events and characters that had an impact on Midlo’s career and personal life were used with the intention of offering context to the narrative of Herman Midlo.

**Early life of Herman Midlo**

On July 6, 1900, in the Eastern European city of Sosnowiec (then part of the Russian Empire, now modern-day Poland), Herman Lazard Midlo was born to an impoverished Jewish family. His early years were difficult for him as he was born sickly. Malnutrition likely contributed to a crippling condition of rickets in his legs,¹ which left his legs misshapen. The added stress placed on Midlo’s already strained family forced his

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¹ Rickets is a condition that affects mostly children, in which the bones soften and deteriorate, and can also lead to weakened muscles in the affected areas. The causes for Rickets usually tend to be from cases of extreme or prolonged insufficient intake of Vitamin D.
parents into making the difficult decision faced by many poor families at the time, to let the infant Midlo starve to death so that they could guarantee enough food to keep his siblings healthy and be able to focus on the survival of the rest of the family.

Despite his parents’ decision to not feed Midlo for the sake of his siblings, this did not stop his sister Mena from sharing what little food she had with her younger brother. This act of sibling love saved Midlo's infant life and gave him the opportunity to grow into adulthood, one of only six of the sixteen Midlo children to do so. This good fortune of survival, though, did not come with an easy adolescence. Due to his condition, Midlo was unable to walk until he was four years old. Even when he was able to, he still required the use of a cane, which he would be forced to use the entirety of his life. This disability and his family’s poverty were far from the only negative issues that would shape his younger years.²

Midlo and his family lived in the western region of an area called at that time the Pale.³ This region had been home to much of the Eastern European Jewish community over the many centuries of diaspora for Jews in Europe. While anti-Semitism was in no way unique to only the Pale, the political situations in the Russian Empire's part of the Pale brought on a wave of violence against not only Jews but other groups that Midlo's

² Gwendolyn Midlo-Hall (Historian and daughter of Herman L. Midlo), in discussion with Kenneth Taylor, June 2018. (Hereby referred to as “Gwendolyn Midlo-Hall interview”)

³ The Pale was a massive region in Eastern Europe that stretched all the way from the shores of the Baltic Sea, to the Black Sea. This region had become an area of concentration for Europe’s Jewish population over the centuries, as Polish Royals who wished for their expertise in professional fields promoted Jewish immigration to the area. Although this concentration initially found itself under relative religious toleration, as the land changed hands through the years, much of the Pale had fallen under the Russian Empire at the beginning of the twentieth century. For further information: “The Pale of Settlement,” Jewish Virtual Library, accessed August 2018, https://www.jewishvirtuallibrary.org/the-pale-of-settlement.
family were associated with. During the turn of the twentieth century, the Russian Empire under Czar Nicholas II was in an immensely fragile state. The lack of modernization in a growing industrialized world had caused the empire to fall behind many of its rivals and led to increased poverty across the land. This paired with the crushing defeat of Russia by the hands of Japan during the Russo-Japanese War, helped lead to the Revolution of 1905.

These events were detrimental to the well-being of the Midlos, as they found themselves in the crosshairs of the Russian Regime’s persecution towards many different groups following these calamities. The Midlo’s faith alone constituted a grave enough concern, as anti-Semitic rhetoric from the Russian Empire’s government had not been a new thing at the time of the early twentieth century. Even Peter the Great had been quoted on his feelings towards the Jews by saying,

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4 The Russo-Japanese War was a brief yet consequential conflict between the Russian Empire and Japan between 1904-05. Spurred by both Russian and Japanese imperial ambitions in the Far East (mainly China and Manchuria), along with an inability of the two sides to find any sense of compromise, a state of war was declared between the two powers. With the culmination of the Russian defeat at the battle of Tsushima, the war was decided in favor of the Japanese, destroying Russia’s hopes for a warm water port in the far east. This loss caused a myriad of social, economic, and political problems back in the Russian Empire, leading to emotions reaching a boiling point and sparking a revolution in 1905. For further information: Peggy Warner, *The Tide at Sunrise: A history of the Russo-Japanese War, 1904-05*, (Routledge, 2004).

5 The 1905 Revolution began as a series of demands for modernization from the Russian Empires liberal class. This grew to demands for increased workers' rights and a wave of nationalism for Russia's many ethnic minorities. Initially beginning as peaceful protests, the Czarist Regime quickly put a stop to the demands through a series of violent put downs and massacres across many Russian cities. For further information: Abraham Ascher, *The Revolution of 1905: A Short History*, (Stanford University Press, 2004).
“I prefer to see in our midst nations, nations professing Mohammedanism and paganism rather than Jews. They are rogues and cheats. It is my endeavor to eradicate evil, not multiply it.”

With the chaos in the first years of the twentieth century, the Russian government turned the anger of the people towards scapegoats, and with the nation’s long history of anti-Semitism, Jews were an easy target to for the Russian administration. This scapegoating came with the added benefit of combatting the growing sense of Jewish nationalism that had been rising throughout Europe at the time and had presented a challenge from millions of the Czar's subjects against his power. The following violence that ensued ended in the deaths of thousands of Jews and the destruction of many Jewish businesses and homes across the Russian Empire.

The Midlos had to worry not only about their religious and ethnic identity being reason enough to be attacked, but also their politics. The Midlos had been members of a socialist organization, as many impoverished Russians and Jews had been at the time. The name of the organization was the Jewish Labor Bund. Groups such as these were targeted ferociously by the Czar’s government during those years as they were yet

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9 The Jewish Labor Bund was an international Socialist movement that contained many members in Eastern Europe at the time. The main ideology of this organization was “Marxist Internationalism that preserved Yiddish Culture”. The primary goal of the Bund was to establish an international socialist system that incorporated all nations. And while the Bund believed in preserving Yiddish and/or European Jewish culture, it was anti-Zionist in nature, believing that the International Socialist aspects outweighed the Jewish aspect. For further information: *Jewish Labor Bund, 1897-1957*, (New York: International Labor Bund, 1958).
another possible threat to his power by uniting and organizing workers and minorities across the empire through promoting greater civil rights and nationalism. While it is not entirely clear just how much influence the Midlos may have had in the organization, the evidence is strong that the influence was powerful. Family stories tell that even young Midlo was involved in his family’s membership in the Bund as an infant, as his parents would hide revolutionary literature and pamphlets in his diapers to avoid detection from officials.  

An additional threat to the Midlo’s safety in Sosnowiec came from the actions of two of Midlo’s older sisters’ husbands. According to Midlo, these men had “skipped out” on the Russian Army during the Russo–Japanese War. This act of treachery against the Czar was met with severe repercussion in cases where those individuals were caught. These men saw themselves targeted and hunted down by the Czar’s Cossacks and brutally punished along with their families and neighborhoods raided in some cases. Midlo himself compared the raids to how the Ku Klux Klan would harass and attack groups in the American South.

In 1906, out of fear for their safety and lives, the Midlos knew that they would have to flee the Russian Empire. They would join the over two-and-a-half-million other Russian Jews seeking refuge elsewhere at the time. Midlo and his family fled Sosnowiec to the German town of Offenbach. This town was just outside the major city of Frankfurt. Here, the Midlos lived a fairly quiet life for seven years. Midlo began his

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10 Gwendolyn Midlo-Hall interview.
11 Herman Midlo, interview by Joseph Logsdon, Clive Hardy, David Wells, 1978, Earl K. Long Library University of New Orleans, New Orleans, LA. (Here on to be referred to as “Herman Midlo interview”)
schooling in Offenbach and quickly learned to fluently speak the German language. This newfound skill would be a cherished part of Midlo’s life, as he would actively use it every chance he got, whether in passing or for work.  

In 1913, for reasons that are not entirely clear, the Midlos once again moved to find a new home, this time in the United States. Unlike many other European Jews at the time though, the Midlos did not settle in the traditional areas of Jewish settlement like New York City. Initially, the United States government attempted to place the Midlos in Galveston, Texas, where they could find employment in the agricultural sector. Midlo’s father insisted that they should be allowed to immigrate to the city of New Orleans, Louisiana. Midlo’s father achieved this by informing the immigration offices that he had a brother-in-law who lived in the city and owned a restaurant on Rampart Street. Due to this reference, the family moved to New Orleans. However, Midlo’s father did fail to mention that by this time, his brother-in-law had already moved elsewhere, and the Midlos arrived in the city alone.

Once the family settled in New Orleans, Midlo’s father began utilizing his trade as a tailor for work to sustain the family. In those early days, Midlo and his family survived off the meager earnings of just $8 a week (roughly $200 in 2018 adjusted for inflation). Midlo spent much of his time even helping his father with his work while he was not in school or doing academic related duties.

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13 Herman Midlo interview.
14 Ibid.
16 Herman Midlo interview.
The Midlos soon moved again, this time north to Chicago, Illinois. The reasoning for this move was that Midlo’s father, was promised better work there than he could find in New Orleans. While living in Chicago, Midlo continued his education at a special high school that awarded him college credit for the state university system in Illinois to allow for an easy transition into college after high school. Midlo was unable to profit off this deal however, in 1917 soon he and his family moved back to New Orleans. The reasoning for moving this time was that Midlo’s father wished to once again find more profitable work in New Orleans as the economy in the city profited from the United States’ entrance into World War I.  

It is unclear how the Midlos would have felt about World War I, or the United States’ involvement in the war. But it is possible that the Midlos shared the same sentiment as many other American Jews, especially those who had emigrated from Eastern Europe, felt towards the war. Much of America’s Jewish population at the time supported the Central Powers before US involvement, due largely to the public outcry against the Allies’ cooperation with the Russian Empire, and the Czar’s treatment of Jews in Eastern Europe, compared to the slightly better treatment that Jews received in Central Powers nations such as the German Empire. The Czar’s persecution of socialist groups,

17 Herman Midlo interview.
18 Many American Jews at the time would come to support the Allied Powers primarily through support of France and the British Empire, along with the exit of the Russian Empire from the conflict. When the US officially entered the war in 1917, a large number of American Jews, many of them immigrants themselves, signed up for the American Expeditionary Force (AEF) to fight for their nation. The acceptance of Jews into the AEF was unprecedented at the time for many western militaries. Accounts of Passover Seders in Paris, and Kosher meat being sent to American Jews in the field showed an overall sense of general acceptance of the Jewish community into the American fabric. World War I marked a publicly seen point that Jews were not only tolerated in the United States but were accepted as equals amongst a large part of the
as well as the Midlos personal experience with that government, could have strongly affected their views.

The economy in New Orleans during and after the war proved to be fruitful for the Midlos, and they made the city their permanent home. During these years, Midlo enrolled at Warren Easton High School in Mid-City New Orleans. While receiving his education there, Midlo became involved in the debate club and public speaking for the school. During one speech, a teacher complimented him on his talent for public speaking and suggested that perhaps Midlo should utilize this talent and study to become a lawyer. Midlo would take this suggestion seriously and requested that his father allow Midlo to study law.\textsuperscript{19}

The primary obstacle that Midlo had to overcome was that his family was not financially in a position to send him to law school. At that time, they were already tied down fiscally to Midlo’s older brother, who was studying at medical school. The family could also not afford to lose Midlo at the tailor shop, where his assistance was desperately needed to keep the shop running efficiently. Midlo persisted though, until he and his father reached an agreement, that Midlo could study law, but only as long as he would continue to work for his father at the tailor shop.\textsuperscript{20}

Midlo’s options were limited to universities inside of the city at the time and he initially applied to the law school at Tulane University. This school would have been a fine institution for Midlo in particular, as it had already been accepting Jews for quite

\textsuperscript{19} Herman Midlo interview.  
\textsuperscript{20} Ibid.
some time by the 1920s. Unfortunately, for Midlo, Tulane University Law School did not accept the college credit that he had earned while at high school in Chicago. Because of this, Midlo opted for enrollment at Loyola University, a Jesuit university in the city. There, Midlo attended night classes from 5 to 7 pm five days a week. He did this while still working for his father at the tailor shop, as he had promised to do. He remained at Loyola University until 1927, when he graduated with his degree in law.\textsuperscript{21}

**Difficulty Beginning Law Career**

After Midlo graduated from Loyola University in 1927, it took him many years before he was truly able to begin his law career. The reasons behind this initial stagnation for Midlo’s practice, according to him, came largely from his failure to build up clientele during his collegiate career. or independently build up a caseload to give him a reputation. This impeded his ability to be hired into an established firm according to Midlo. The legal field at the time was like many other fields. It mattered most who you knew if you wanted to get a job.\textsuperscript{22}

There are many reasons as to why Midlo may not have been able to build up contacts that could help establish him in this field early on, but it was probably not his personality according to family accounts, Midlo was well known to be a friendly and outgoing individual to those he met.\textsuperscript{23} Midlo was not only one of the first in his immediate family to go to college, but he was also the first to go into law, so Midlo would not have received much advice on these issues from his family. In addition, Midlo had very little free time to build relationships with his fellow students at Loyola, since he spent nearly all of his time during the day at his fathers’ tailor shop. Only going to school in the

\textsuperscript{21} Herman Midlo interview.  
\textsuperscript{22} Ibid.  
\textsuperscript{23} Gwendolyn Midlo-Hall interview.
evenings, Midlo would have lacked having much of a social life while at Loyola, therefore, forcing him to possibly be an outcast amongst the students at Loyola University.

According to Midlo himself, this lack of contacts came largely from him being an outcast for other reasons. Since Loyola was a Catholic school, Midlo claimed that his being a Jew there was reason enough for others not getting to know him. This type of social prejudice came as no surprise, even though the percentage of Jewish students in universities at the time was roughly 10%. Non-Catholics at a Catholic school possibly would have very likely been seen as an intrusion into their safe space. Midlo’s attendance at a Catholic university after would have affected his ability to gain a meaningful number of cases as well, as many Jewish law firms at the time would have hired from either their alma mater, or schools that had contacts with their offices, which would have unlikely been a Catholic institution. Even those firms that hired primarily from Loyola would have been difficult to get into, as Midlo not only lacked connections there but also had to overcome the possibility of religious discrimination at these offices as well.

Founding his own firm would be of great difficulty at this point in his life as well, since his family’s funds were already stretched thin from sponsoring both him and his brothers’ education. Midlo was financially strapped since much of his personal finances were tied to the family business as well. Midlo suffered from not legally being allowed to put his name out in the public through advertisement, as Louisiana attorneys were banned from advertising their services at the time apart from law directories and business cards.

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24 Herman Midlo interview.
This law applied to other states as well, and would not be struck down nationally until fifty years after Midlo graduated from Loyola.

Other possible factors to consider when attempting to understand why Midlo would struggle to find his footing in a profession that is usually associated with wealth and job security, comes down to the time period in which Midlo received his degree. Just two short years after graduating from Loyola, the United States, along with much of the rest of the world, suffered from the Crash of 1929, which led to the Great Depression. The economic downturn affected most Americans but hit the South in particular. This region had already been the poorest in the nation, with average GDP around half that of the rest of the country even before the crash and pulled the prospects of many Southerners down to some of the worst economic outcomes compared to the rest of the United States.

This economic hardship severely limited the market of potential clients for Midlo, as those who still had money during the crash and years following would unlikely ask for representation from an attorney without experience. Midlo’s family with little doubt would have been affected as well as many of his father’s clients were African - American men and labor workers. These groups were hit particularly hard and had to cut back from buying tailored clothes. The lack of customers that were able to afford his father’s

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services more than likely had led to even greater economic hardships for his family, most likely prompting Midlo to stay and assist his father, rather than go into law full time.\(^{28}\)

**His Big Break**

For about seven years, Midlo continued to struggle to establishing himself as an attorney. His big break, in his own opinion, came when he was invited to speak at a meeting of the Louisiana Communist Party. Midlo agreed to give this speech detailing the Louisiana State Constitution. According to his own account, signs and posters were displayed promoting his speech to the Communists. It was because of this meeting that Midlo claimed that he began to receive his first big wave of potential clients.\(^{29}\)

During an interview shortly before his death regarding his career, Midlo insisted that he personally did not support or believe in the ideals of communism or the Communist Party of Louisiana, but it should be noted that he made this statement during the Cold War era. Midlo had already spent his entire life seeing the persecution of communists and socialists not only in Europe but also the United States as well during the Great Depression and Red Scare, leading to a high possibility that Midlo had wished to be careful as to who he shared his personal views and feelings.\(^{30}\)

According to his collection, Midlo was careful to not mention many of his political leanings, even during his early career. It does come to question why Midlo was invited to speak at this communist party meeting in the first place. While his recorded

\(^{28}\) Herman Midlo interview.

\(^{29}\) Ibid.

\(^{30}\) Ibid.
statements say one thing, it should be noted that his family history, as well as archived files, might suggest something different.\textsuperscript{31}

Midlo grew up in a family that was staunch supporters of Marxist teachings, with their dedication to Marxism being a primary reason that they fled the Russian Empire. As it is in many cases, it seems logical to believe that Midlo had been influenced by his family’s political dealings. There is evidence that Midlo’s religious beliefs, such as temple involvement and theological outlook, was influenced by his father, so it is reasonable to assume that family interest was present in Midlo’s outlook on life, including even his political and legal life.\textsuperscript{32}

Midlo’s surroundings at that time could have served as a source of influence on his political and legal outlook as well. With the environment of poverty suffered not only by his family but also a large part of the population around him, Midlo would have been constantly exposed to the pitfalls of capitalism and the downside of the lack of social safety nets for the public. Many governments in the South at that time opted out of government-run welfare programs in favor of private donations and community chests. This led to greater economic suffering for many southerners compared to their northern counterparts. Many groups across the South began organizing and demanding better social programs, along with promoting socialist and communist ideas in response to the

\textsuperscript{31} Files pertaining to Communist and Socialist dealings, 1930’s - 1950’s, Box 107, Folders 27-37, 44, 86, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
\textsuperscript{32} Gwendolyn Midlo-Hall interview.
economic hardship plaguing the region. Midlo would have witnessed this first-hand as he struggled himself to find employment in his field.

So, while Midlo’s official stance on communism cannot be proven through recorded statements, his attitudes can be interpreted by his actions and also by the literature that he collected, much of it related to leftist agenda.

Midlo’s archived files hold a number of publications and literature regarding both communist and socialist dealings in the United States, as well as the persecution of those individuals and groups. A number of these files are related to Midlo’s membership in the American Civil Liberties Union (ACLU). Many of these letters focused substantially on the defense of many communist leaders and party participants. Police harassment, freedom of speech challenges, and even attempts by government officials to deport American residents for their involvement in the Communist Party were key issues in many of these publications and letters that Midlo had saved. These files do not only pertain to material from the 1930s but also stretch into the 1950s as well, dealing largely with the Red Scare and the House Committee on Un-American Activities. Midlo was even involved in a petition against the US Federal Government to end the embargo against Republican Spain (a USSR backed and communist sympathetic government) during the Spanish Civil War.  


34 The Spanish Civil War was a military conflict lasting from 1936 – 1939. The fighting took place between the left-leaning Republican Government and the Conservative Nationalists. The war was notable as it was widely watched by the international community, and many nations pledged their support for each side. Most
While these files do not prove outright that Midlo was deeply involved in communist dealings, it does suggest that he was at the very least sympathetic to the cause of the Communist Party. Whether this was due to his family involvement, personal views, or simply his acquaintanceship with party members, his concern and interest are strongly suggested by the evidence. Furthermore, cases that Midlo would take on would suggest that Midlo shared the views of communism (and socialism) regarding the rights of labor workers, and individual struggles for the impoverished against companies and banks.

**Early Legal Career**

According to Midlo’s archived files, his early career consisted of many general cases, but focused heavily on naturalization and immigration cases, along with cases regarding religious persecution. His experience as an immigrant himself would suggest an interest in taking on immigration and naturalization cases. He undoubtedly had experience in the dealing of immigration courts for those attempting to navigate through that system. According to Midlo, one of his first cases regarding immigration came through contacts made at the Communist Party of Louisiana meeting at which he had spoken. The case involved a man whose father had brought him to the United States when he was young, but he had never properly finalized his papers with immigration. This situation led to the man being on the brink of being deported back to a land that he barely knew. Midlo took on this man’s case, leading him to work on a long line of cases regarding immigration and naturalization.\(^{36}\)

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\(^{35}\) Files pertaining to Communist and Socialist dealings, 1930’s - 1950’s, Box 107, Folders 27-37, 44, 86, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.

\(^{36}\) Herman Midlo interview.
Many of the clients that Midlo represented reflected Midlo’s personal experience since many were Eastern European Jews such as himself. Midlo knew all too well the persecution faced by these Eastern European Jews. He had grown up both hearing stories from family members and witnessing heinous acts against Jew’s himself. The Jewish and European connection between Midlo and his clients was on display in many of the files dealing with these cases. Several of the letters between Midlo and his clients were written in Hebrew script, with some even utilizing German. This showed his strong connection not only with the international Jewish community, but also the struggles faced by others who were like him, and his willingness to lend a helping hand to those that he empathized with in personal ways. Midlo even continued relations with these clients following their proceedings, as evidenced by letters and Western Union messages sent between Midlo and his clients.

A major case in which Midlo was involved during these early years involved the shooting of a protester at a labor strike in Violet, Louisiana, on August 23, 1939. The shooting took place during picketing of the Dunbar Dukate Company over labor rights for its workers. Initially, local parish authority Leander Perez demanded that the police break up this picket line; he did not want to deal with this issue or the negative publicity

37 Ibid.
38 Series II, 1926 - 1943, Box 107, Folders 30-37, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
39 Leander Perez was a Louisiana District Judge, District Attorney, and Democratic Political Boss of Plaquemines Parish during the early and mid-years of the twentieth century. Perez would gain considerable notoriety from his views and actions. He was involved in major corruption scandals whilst he was in power, including corrupt dealings with oil companies. Perez was also an outspoken supporter of segregation and an opponent of the Civil Rights Movement. His power and views gained him some fame as he was brought on talk shows to share his belief for the preservation of Jim Crow laws in the South. For further information: Glen Jeansonne, Leander Perez: Boss of the Delta, (University Press of Mississippi, 2006).
that was coming from the press in the area, stories that he referred to as “Newspaper Propaganda.” The police refused his demands, as picketing was not an illegal act, therefore making it unlawful for the authorities to disperse the protesters.40

During one picket protest, Mrs. Angelina Treadway, the victim, was shot as she stood across the street from the Dunbar Dukate Company. Treadway survived the initial shooting and was able to give the name of the man that she believed shot her before she died three days later, that individual was Adam Melerine.41 Several other witnesses at the scene of the crime claimed to have seen Melerine not only shoot in the direction of the picket line but also saw him running up the street afterward alongside other assailants with guns still in their hands.42

At the time Midlo agreed to become involved in the filings against Melerine, the case seemed very cut and dry. Both the victim, along with many other eyewitnesses, had seen the act and had identified the shooter, so it should have ended with a simple indictment against Melerine. This case, however, was on the verge of bringing forth other issues that would see Midlo take on Leander Perez face-to-face.

Despite the overwhelming evidence against the accused, the courts, under Perez, ended with no indictment against the shooters.43 This decision kicked off not only a series of appeals but also led to Midlo joining with others in an attempt to take down

40 Series V Angelina Treadway Files, 1938 - 1944, Box 107, Folders 1-3, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
41 “Man accused by sister of slain woman,” The Times (Shreveport, LA), June 18, 1940.
42 Series V Angelina Treadway Files, 1938 - 1944, Box 107, Folders 1-3, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
43 “Man Accused by Sister of Slain Woman,” The Times (Shreveport, LA), June 18, 1940.
Perez through a petition. The petition sought the removal of Perez from office, arguing that Perez had shown “incompetence” and “favoritism” during the Treadway trial. Perez denied these claims and fought back against the petition, claiming that the petition had only been a ploy to destroy his image by the gambling fraternities as he attempted to “clean up” his district and preserve law and order.

This petition would not lead to the ousting of Leander Perez from his position. Higher courts argued that Midlo’s petition had not proven the incompetence of Perez. Other concerns included the inability to prove that Perez and his court had shown favoritism, and whether or not this had actually affected the outcome of the Treadway trial. Although the petition failed, it set the tone for Midlo’s tenacity towards challenging what he believed was wrong.

Midlo had a habit of challenging the status quo of the legal and social fields of the times. Other lawyers respected him for his bravery to take on cases and struggles that many others would not dare to touch. This audacity sometimes came at a price. In 1941, Midlo was assaulted by a judge in Alexandria, Louisiana. Midlo had been defending a peddling violations case in the city at the time and was attacked by the judge soon after leaving the courtroom. Instead of the police apprehending the attacker in this case, Midlo was instead arrested and held in jail for over two hours without the opportunity to post bail. Midlo believed that the arrest was an attempt to intimidate him out of continuing

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44 Series V Angelina Treadway Files, 1938 - 1944, Box 107, Folders 1-3, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
46 “Perez Voices ‘No Fear of’ Ouster Suit,” The Monroe News-Star (Monroe, LA), February 1, 1940.
47 Series V Angelina Treadway Files, 1938 - 1944, Box 107, Folders 1-3, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
with the case, but Midlo returned to Alexandria and sued the judge for $5,000.\textsuperscript{48} That same judge went on to kill a lawyer by gunshot a few years later.\textsuperscript{49}

This hands-on approach to dealing with legal and societal wrongs in Midlo's career was a defining aspect in how he used his power as an attorney. Midlo did not always focus on those who were similar to him socially or politically, as while dealing with labor and immigration issues. He spent a large portion of his early career in the 1930s defending the civil liberties of a religious minority. This minority, however, was not the local Jewish population, but instead a religious group that had just arrived, relatively speaking, in the United States. This group was the Watch Tower Bible and Tract Society, otherwise known as the Jehovah’s Witnesses.

**Fight Against Religious Persecution**

The Jehovah’s Witnesses were a relatively new offshoot of the Christian faith at the beginning of the twentieth century, having been founded in the 1870s in Pennsylvania. One distinct aspect of their faith that separates them from others is their practice of actively sharing their beliefs through word of mouth, literature/pamphlets, and even visual and audio media.\textsuperscript{50} This practice led to their presence quickly becoming known across the United States as numerous Jehovah’s Witnesses came to towns to

\textsuperscript{48} “Judge Voltz Sued for $5,000,” *Alexandria Daily Town Talk* (Alexandria, LA), June 19, 1941.

\textsuperscript{49} “City Judge Gus Voltz Granted $3,000 Bail in District Court,” *Alexandria Daily Town Talk* (Alexandria, LA), July 15, 1944.

preach their beliefs. This, as well as other aspects, led in many areas to severe
discrimination both from the public, as well as from the courts. 51

Reasons for the animosity against this group included the usual initial distrust of a
new religious group. Other reasons had to do largely with the times and a growing sense
of nationalism in the 1930s. 52 Jehovah’s Witnesses have a strict interpretation on not
partaking in idolatry of any kind. This included acts such as flag-saluting. 53 This belief
led to groups attacking the Jehovah's Witnesses who they viewed as "Un-American."
Another cause for persecution was the fact that this group did not allow its members to
partake in the draft, causing further outrage from the American public shortly before and
during the United States’ involvement in World War II. 54

In Louisiana, as in other states at the time, one primary cause for the Jehovah’s
Witnesses to face backlash was largely due to the style of their preaching, and its
message. The Jehovah’s Witnesses circulated pamphlets and literature condemning the
Catholic Church and other religious organizations for what they viewed as false doctrine,
even going so far as to bring along records to play on people’s phonographs in their
homes, with recordings of speeches and sermons promoting their faith, and demonizing
others. 55 This practice angered many of those with whom they came into contact, and led

51 Series VII, 1936 - 1938, Box 107, Folder 40, Herman L. Midlo Collection,
University of New Orleans Archives, Earl K. Long Library.
52 Shawn Francis Peters, Judging Jehovah’s Witnesses: Religious Persecution and
53 Jehovah’s Witnesses: Proclaimers of God’s Kingdom(Midlo files).
54 Subseries VIII.2: Publications, 1938 - 1956, Box 107, Folder 84, Herman L.
Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
55 Series VII, 1936 - 1938, Box 107, Folders 38 – 58, Herman L. Midlo
Collection, University of New Orleans Archives, Earl K. Long Library.
to states such as Louisiana putting up legal barriers to curb the Jehovah’s Witnesses’ ability to preach in public, along with distributing literature and recordings.⁵⁶

One way in which the state of Louisiana found a way to deter the Jehovah’s Witnesses from spreading their message was through the use of peddling laws. As in most cities and states, in order to sell a product, one would have to first notify the local government and file the proper papers, as an act of quality control for the local economy, and also as increased income for the city due to the fees that would be required for a peddler’s license. Since the Jehovah’s Witnesses required funds to sustain their travels and preaching, they would charge nominal fees to those that read and listened to their pamphlets, literature, and recordings. Since most of these Jehovah’s Witnesses were simply traveling through, they did not bother to obtain peddling licenses as they would have only been of short use to them and could take too much of their time and resources. In the 1930s, many cities used peddling laws to begin arresting Jehovah’s Witnesses on the grounds of license violations.⁵⁷

Despite not being a follower of their faith, Midlo took on a number of these cases defending the Jehovah’s Witnesses. The primary defense used in many cases was that these peddling laws violated the First Amendment by hindering the Jehovah’s Witnesses to freely preach their religion. This defense was a bold one, as its goal to topple the entire system of persecution against the Jehovah’s Witnesses and required considerations of greater magnitude than just the usual license violation hearings. Midlo knew that this defense was, in the end, the correct strategy to defend the Jehovah’s Witnesses, because

⁵⁷ Series VII, 1936 - 1938, Box 107, Folders 38 – 58, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
their religious freedom was the root of the issue itself, and cases such as these would only continue if the law were not changed.58

This defense was not as effective as one might hope. In many cases, even when Midlo was able to get the defendants out of custody, the courts would refuse to strike down the law. However, Midlo pressed on with these cases and remained deeply involved with both the Jehovah's Witnesses and the ACLU in regards to these issues. His decision to defend the group made him a target amongst much of the legal and social field. The case in which he was assaulted by the judge and imprisoned in Alexandria, Louisiana in 1941 was a Jehovah’s Witnesses case.59 60

Midlo also had a keen interest in the plight of conscious objectors. Before the United States’ involvement in World War II, the federal government passed the Selective Service Act, requiring all men of fighting age to register in case the need for a draft arose (as it soon did). The Jehovah’s Witnesses protested this act as it violated their beliefs. Midlo supported the right of these objectors to refuse to sign up for the draft and kept a sizeable number of publishing’s from organizations such as the ACLU regarding this issue.61

58 Series VII, 1936 - 1938, Box 107, Folders 38 – 58, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
59 Ibid.
60 “Judge Voltz Sued for $5,000,” Alexandria Daily Town Talk (Alexandria, LA), June 19, 1941.
61 Series IV, 1936 - 1964, Box 107, Folder 28, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
Why Defend Jehovah’s Witnesses?
On the surface, Midlo had little reason to defend this group that belief wise had little in common with his own beliefs. Jehovah’s Witnesses and Jews (especially from Eastern Europe) had had immensely limited contact in the less than a century of existence since their founding to when Midlo came into legal contact with the group. A myriad of arguments could be made as to why Midlo not only took on these cases but also arguably became obsessed with defending the followers of this faith early on in his career.62

The possible argument that Midlo take on these cases simply because he was so desperate to build a caseload for his career is a tempting explanation, but evidence within his own records would suggest that this was not the case. Midlo, by the time of these cases, had already begun to build up a number of cases in which he represented clients ranging from immigration, workmen compensation, as well as other civil liberties cases. Therefore, he would have had plenty of options to help build and sustain a reputation without these Jehovah’s Witnesses cases. Taking on these legal endeavors were also a risk for Midlo, as defending such a disliked group at the time brought on the possibility of gaining negative notoriety, possibly harming his chances of gaining new clients.64

The possibility for great economic gain for Midlo is also highly unlikely and would have most likely not been that great of a concern for him. Midlo lived much of his life not caring for monetary riches. He had a strong habit of giving money away, so much so that his wife all but banned him from handling the family’s finances, as well as

63 Series I-II, 1926 - 1943, Box 107, Folders 4 – 21, 30 – 37, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
64 Series III – VI, 1937 - 1947, Box 107, Folders 59, 63 – 82, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
carrying much money on him at any time. In one story, involving Midlo’s daughter, Gwendolyn, he had to ask her for some change in order to purchase a newspaper. Midlo said to his daughter that he “wished to live a life in which he owned only what he could carry.”  

This aspect of Midlo’s personality spilled over into his business practice as well. According to business partners, Midlo was always keen on helping his clients in every way possible to be able to afford his services. These included putting them on payment plans in which they could set their own pace to come up with the funds for his services. During the case in Alexandria, Louisiana, in which he was attacked by the judge, Midlo sought to do his best to not overcharge his clients, going so far as to not charge them for any aspect of the ordeal that he did not believe was important enough to demand compensation for.  

Midlo was working alongside the ACLU at the time of these cases, working as a field agent. During his time when he was dealing with cases that regarded civil liberties, in which the ACLU had interest in, Midlo would be paid $15 a day for his services to the ACLU. That sum would be worth roughly $264 in 2018, but it should be noted that this was not a full-time position, and much of that sum would have been used in travel and

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65 Gwendolyn Midlo-Hall interview.  
66 Lawrence Lehmann (Attorney and grandson of Herman Midlo), in discussion with Kenneth Taylor, July 16, 2018. (Hereby referred to as (“Lawrence Lehmann interview”))  
67 Series VII, 1937 - 1939, Box 107, Folder 44, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.  
other dealings involved in these cases. Even the ACLU pointed out that this sum was not great and due to the lack of funds the organization could give towards this issue.69

The strongest evidence as to why Midlo took it onto himself to defend this group, and what his feelings towards their plight, came in the form of a correspondence between his associate, Victor Blackwell, and Midlo regarding the Jehovah’s Witness case in Alexandria, Louisiana.

“When I was in your office several weeks ago you remarked, in substance, that you believed in fighting back in such cases with counter actions. I have been and am firmly of the same mind. To lie down supinely and permit our rights and liberties to be snatched away by unscrupulous and lawless officials only encourages and invites such officials to continue their depredations. We should fight back with every legitimate weapon at our command. Such a policy might lessen the zeal of these religio-political fanatics in their determination to stamp out every vestige of civil rights.”70

This exchange highlights Midlo’s views on the persecution against the Jehovah’s Witnesses. When looking at his constant attempts to turn these cases into platforms for promoting and defending religious and civil liberties against the powers that be, it would make sense as to why Midlo risked his career and did not try to profit greatly off his clients as much as he could have done.

His actions should come as little surprise when looking at Midlo’s career. Even though he shared very little with the Jehovah's Witnesses when it came to beliefs or even

69 Series IV, 1936 - 1964, Box 107, Folder 28, Herman L. Midlo Collection, University of New Orleans Archives, Earl K. Long Library.
70 Victor Blackwell, letter to Herman Midlo, November 23, 1938. (Midlo files).
cultural history, he shared a common bond of persecution with this group. Midlo knew all too well what it was like to be on the receiving end of religious persecution, and with the climate in Europe at the time, with the tidal wave of anti-Semitic rhetoric and violence coming from Nazi Germany, as well as the onset of what would become the Holocaust beginning to take place, Midlo would have been regularly reminded of the risks that come from not challenging religious discrimination, or any discrimination in that case.

Midlo’s obsession with the state of civil liberties in the United States and the world at the time also showed his sincerity in taking on civil rights and liberties cases as a mean to do what he believed to be right, and not simply as a way to build up his law reputation and profit off the needs of those in such trials. His long study of civil liberties and rights, along with persecution of religious, political, and racial minorities that had been saved in his archived materials, show how important these issues were to him, and how much he wished to combat them head-on.71

Later Career

The number of Midlo’s archived caseload that focuses on issues such as civil liberties began to decline in the 1940s. While the entirety of his career is not on display in his collection, the material suggests that Midlo’s involvement in such cases tapered off nearly completely by the end of the 1940s. Reasons as to why exactly Midlo backed off can be interpreted from a multitude of aspects regarding Midlo's life and career at these times.

The first reason could be his heath. By the late 1940s, Midlo was no longer a young man. Since he had struggled with his health his entire life, it would have become

greater stress upon him in his later years to participate in such cases. During his career, there were many times when Midlo was in so much pain that he would fall into fits of bad temper in response to his condition. 72 Although Midlo did do his best to make sure that his condition did not completely control his life (he did enjoy outdoor activities such as fishing), his ability to travel outside of New Orleans for work likely would have become much more difficult as he aged. 73

Other reasons that could have led to a decrease in his involvement in religious discrimination cases against Jehovah’s Witnesses can be attributed to the increase in legal protections for this group at the time. United States Supreme Court cases such as West Virginia Board of Education v. Barnette74 in 1943 began to set the precedent against legal discrimination against this religious group. Other cases involving their right to be exempt from the draft set a further precedent for the protection of their rights nationally. Because of these judgements and laws, the need for the services provided by individuals such as Herman Midlo would have decreased as this religious group found itself relieved of the legalized religious persecution of earlier times.

Other reasons for Midlo’s reduced activity could be that Midlo had a growing family that needed to be taken care of. As noble as his actions were regarding cases involving religious persecution and confronting government corruption, these cases presented an increased amount of threats to Midlo’s safety. With the incidents such as the judge who assaulted Midlo in Alexandria, as well as confronting men like Perez who was

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72 Gwendolyn Midlo-Hall interview.
73 Lawrence Lehmann interview.
74 West Virginia Board of Education v. Barnette was a pivotal SCOTUS case from 1943 that extended First Amendment protections to Jehovah’s Witnesses rights to not be forced by public schools to salute or pledge allegiance to the US flag in class.
notorious with intimidation tactics, Midlo's continued involvement in controversial cases would have led to an increase in danger against not only himself but also possibly against his family. While other lawyers had applauded Midlo for his bravery at the time, the safety of his growing family could be a concern in looking at this pivot in his career.\(^{75}\)

Another consideration dealing with his family would be the added financial strain that can come from only taking cases that did not pay well, and the responsibilities that would require Midlo to focus more as a provider. While his archived materials do not show much of this, according to family and colleagues much of Midlo’s later career was focused on real estate cases, such as buying out debts and reselling deeds.\(^{76}\) These types of cases were a lucrative way for Midlo to keep a steady income to guarantee his family and practice were well provided. Even in these more lucrative cases, Midlo’s personal sense of not being in his profession for the money, as in many of the cases that Midlo handled, he did his best not to overcharge his clients and found ways for them to be able to afford his services.\(^{77}\)

Midlo retired in 1968 due to growing heart problems and recommendations from his physicians.\(^{78}\) He continued to assist in duties at his law office from time to time for the rest of his life, helping where he could. Much of his later life he would spend with his family and grandchildren, fishing as much as he could, as well as keeping up with the latest political and social news on subjects that he found interesting.\(^{79}\) Midlo passed away on April 25, 1978, in New Orleans, Louisiana.

\(^{75}\) Gwendolyn Midlo-Hall interview.  
\(^{76}\) Ibid.  
\(^{77}\) Lawrence Lehmann interview.  
\(^{78}\) Herman Midlo interview.  
\(^{79}\) Lawrence Lehmann Interview.
**Why Cases Like Herman Midlo Matter**

While Herman Midlo may not have been at the forefront of well-known national cases involving civil rights and liberties and will most likely remain generally unknown outside of Southern Louisiana, his story is a positive example as to how social allies can have an impactful influence on the expansion of civil rights and liberties. Even though at the time of the Jehovah’s Witnesses cases Midlo had already found a way to establish a steady career in law, as well as focus on cases that would have personally affected himself and those around him, he still took it upon himself to assist and protect the rights of this group with whom that he had no personal connection, and who were controversial to defend.

Midlo’s story can be seen as how to turn one’s empathy into action. Although Midlo had a shared sense of empathy with the Jehovah’s Witnesses, knowing all too well the pains and humiliation of being of a minority group suffering at the hands of legal persecution, he did not have to go about defending them in the way that he did. This is the true aspect that sets apart individuals like Midlo, along with other social allies. They are individuals who could have remained on the sidelines and taken no action when it came to the persecution of others, yet they did.

The story of social allies adds yet another aspect to the study of civil rights and liberties in the United States. Incorporating the struggle faced by those who had no choice but to stand up for their rights, with the story of those who went out of their way to help in any way that they could, paints a larger, more detailed picture of many movements involving civil rights and liberties. This includes whether their involvement challenged the very systems that be such as in the Civil Rights Movement of the 1960s or
simply normalized support and recognition of equal rights, liberties, and opportunities for groups such as the LGBTQ+ Community.

Shedding light on more stories such as that of Herman Midlo will not only give justice to many other social allies that assisted in the expansion of rights throughout the United States and other nations but influence future individuals to become social allies themselves. Those who may empathize with the disenfranchisement of others but feel that since they are not a member of those groups they may not be able to help in a meaningful way or would be unwilling to take the risks, may come along with their participation.

Stories like Herman Midlo’s help answer the question that is many times asked of social allies in the past, present, and undoubtedly in the future, “If you’re not affected, then why do you care?” These stories show the power, effect, and importance of putting one’s sense of shared humanity into action against the disenfranchisement of others that may be different from themselves. Therefore, social allies should be regarded as an aspect of civil rights and liberties history that deserves more attention and appreciation by the historical community.
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Vita

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