

A Battle For Political Freedom

THE HISTORIC STRUGGLE IN MARYLAND FOR THE REMOVAL OF THE DISABILITIES OF JEWISH CITIZENS.

The following extracts from the interesting paper recently read by Miss Selma A. Rosenthal before the Baltimore Section, Council of Jewish Women, on "The Maryland Jew Bill of 1825," of which a brief summary has already been given in THE SUN, portrays vividly the struggle that took place in this State for the removal of the political disabilities of Jewish citizens, and presents a chapter in Maryland history not familiar to the general reader of today:

Seventy-seven years ago the last shackles that bound the Maryland Jew in civil bondage was broken, so that a large proportion of the Jews now resident in this State were born in the light of freedom.

It has been said that "the luxuries of today are the necessities of tomorrow," and to our coreligionists in Maryland in the seventeenth, eighteenth and even until the second quarter of the nineteenth century liberty of thought and equality of opportunity were much-coveted luxuries. To us, favored children of a later, more enlightened age, they are necessities—privileges to which we have become so accustomed that, far from appreciating the degradation to which the denial of these rights subjected the Jewish pioneer, most of us are entirely ignorant of the long, hard struggle that finally secured for us the blessings of political, civil and religious liberty. It is one of the anomalies of history that Maryland, which Bancroft includes among the first colonies adopting "religious freedom as the basis of the State," should have been the last to proclaim the freedom of the Jew—the last to tear down the barriers which restricted his choice of a career and prevented him from occupying positions of trust and honor for which he was as eminently fitted as his Christian brother.

Even after the Revolution (to which the Jews gave their personal service and financial support), though under the Constitution of the United States a Jew was eligible to any office, he could hold none under the government of Maryland unless he were willing to sign a declaration of belief in the Christian religion. A Jew was qualified for the office of the nation's Chief Executive, yet Maryland would not permit him to plead as an attorney in her courts, nor would she even grant him a commission as ensign in her militia. Just here a paragraph from Macaulay's essay on "The Civil Disabilities of the Jews" is appropriate:

"The points of difference between Christianity and Judaism have very much to do with a man's fitness to be a bishop or a rabbi; but they have no more to do with his fitness to be a magistrate, a legislator or a minister of finance than with his fitness to be a cobbler. Nobody has ever thought of compelling cobblers to make any declaration on the true faith of a Christian. Any man would rather have his shoes mended by a heretical cobbler than by a person who had subscribed all the Thirty-nine Articles but had never handled an awl. Men act thus not because they are indifferent to religion, but because they do not see what religion has to do with the mending of their shoes. Yet religion has as much to do with the mending of shoes as with the budget and the army estimates."

Early Legislation.

Before going into the details of the struggle between the years 1818 and 1825, culminating in the passage of the Jew bill, the crowning act in the removal of Jewish disabilities in Maryland, let us get a bird's-eye view of the legislation affecting the Jews in this State during the two previous centuries. For this purpose I quote from Dr. Hollander's paper on "The Civil Status of the Jews in Maryland": "The most serious infringement upon the status of the Jew in Maryland came, curiously enough, in the legislation designed to secure religious toleration in the province. The oath of office prescribed in 1648 by the Lord Proprietor bound the Lieutenant-General not to 'trouble, molest or discountenance any person * * * professing to believe in Jesus Christ * * * for or in respect of his or her religion.' In 1649 this was crystallized in the famous 'Act Concerning Religion,' where provision was again made that no person professing belief in Jesus Christ should be in any wise molested, but further, that any person blaspheming or simply denying Jesus Christ to be the Son of God should be punished with death and forfeiture of land and goods. Under Protestant influence this act was repealed in 1654 and a second measure passed disenfranchising Roman Catholics but extending toleration to other forms of Christian faith and omitting the penalties clause. In 1658, with the expiration of the interregnum, the force of the Protestant measure came to an end, and the Toleration Act of 1649 was made perpetual. It seems almost antiquarian to inquire into matters of Jewish status when bare profession of Jewish faith was thus punishable with death." Dr. Hollander then goes on to give the experience of Jacob Lumbrozo, commonly referred to as "the Jew doctor," who lived in Maryland "probably as a professed Jew" from 1656 to 1658, and "gradually exercising the rights almost of a fully naturalized person." This to prove that the letter of the law was not too rigidly enforced, though "a partial explanation of this civil recognition," according to Dr. Hollander, "lies undoubtedly in the high economic importance of Lumbrozo." In other words, his community tolerated his religion because it needed his services. Just as long as he kept his religious convictions in the background the community was willing to avail itself of his skill and to let him dwell in peace; but the harmony of this arrangement was broken up by Lumbrozo himself, who, owing to the zeal with which a few fanatics insisted upon the vigorous enforcement of the law, rather than to general hostility toward him, was arrested for blasphemy, which might have cost him his life but for the proclamation of a general amnesty in the province 10 days later upon the accession of Richard Cromwell to the English protectorate.

This instance will serve to show the position of the Jew in provincial Maryland, where he lived only on sufferance and where a profession of faith meant martyrdom.

After the Declaration of Independence, when Maryland adopted a formal Constitution and drew up a Declaration of Rights, the state of affairs was more favorable to the Jew in so much that he "was secure in his religious profession and vested with certain political privileges. But the largest civic recognition was still withheld, and not until half a century later, after a persistent struggle extending over more than half this interval, was the fullest equality in the eye of the law accorded him."

Mr. Kennedy's Brave Fight.

A foreshadowing of this struggle which have been detected in 1797 and in the period 1801-4, but the persistent organized effort to remove the disabilities of the Jew and to enact legislation favorable to him really commenced on December 9, 1818, when Mr. Kennedy, a member of the House of Delegates from Washington county, "moved that a committee of three be appointed to consider the justice and expediency of extending to persons professing the Jewish religion the same privileges that are enjoyed by Christians." The committee, consisting of Mr. Kennedy and the

Messrs. Brackenridge and Thomas, of Baltimore, reported 12 days later in favor of passing an act extending such privileges. The report was an eloquent and impressive plea for justice to the Jew.

On the 20th of January, 1819, the debate in the House was opened by Mr. Kennedy. It is a strange circumstance that this champion of Jewish rights came from Washington county, where there was not a single Jew resident, nor had he, in his own words, "the slightest acquaintance with any Jew in the world." He did not even know that what he boldly calls "such odious distinctions" existed in Maryland until his attention was called to the matter by a gentleman in Baltimore. His manly indignation was immediately roused, and when, upon investigation, his informant's testimony was confirmed, he determined to raise his voice in condemnation of Maryland's policy of discrimination against the Jews. Parts of his speech read like a sermon. His denunciation was fearless. His lofty appeal to the Delegates not to allow their judgment to be warped by prejudice is an inspiration.

When Mr. Kennedy had resumed his seat Mr. Washington, of Montgomery, made a short speech in opposition, followed by Mr. Thomas, of Baltimore, who warmly advocated the proposed measure. Then Mr. Brackenridge rose in all the might of his eloquence and aimed powerful blows at the arguments of his opponents.

It is a matter of regret that this masterly defense cannot be given in full. Owing to lack of space a single extract must suffice. After making a noble plea that naturalized Jews be placed upon the same footing with other naturalized citizens, Mr. Brackenridge, speaking of their qualification for citizenship in this country, said:

"None have more gallantly and devotedly espoused its [the country's] cause, both in the late [i. e., the War of 1812] and Revolutionary War: none feel a livelier sense of gratitude and affection for the mild and liberal institutions of this country, which not only allows them publicly and freely the enjoyment and exercise of their religion, but also, with the exception of Maryland, has done away with odious political and civil discriminations. In the city which I have the honor to represent there are Jewish families who in point of respectability and worth are inferior to none; who are known only as differing from the Christian in their religious tenets; who are educated in the same schools with our youth, and, like them, glory in being Americans and freemen. Have we had any cause thus far to repent of our liberality—rather of our justice? Sir, I abhor intolerance; and yet I can scarcely regard tolerance as a virtue."

During the two following days the debate continued. But alas! the deep roots of the weeds of prejudice of centuries' growth would not yield too easily to the first hand that tried to pluck them. For every broad-minded, public-spirited man like Kennedy or Brackenridge in the House of Delegates there were two who clung tenaciously to the disease of their inherited bigotry and refused to be cured. And it took repeated applications of logic and eloquence to force the scales from their eyes. So the opposition won the day by a vote of 24 affirmative to 50 negative.

The press of the country was up in arms at the decision. Scathing denunciation was heaped upon Maryland by the newspapers, which could scarcely find words harsh enough to express their indignation.

In the Franklin Gazette the following verses appeared:

What! still reject the fated race
Thus long denied repose,
What! madly striving to efface
The rights that Heaven bestows!

Say, flows not in each Jewish vein,
Unchecked, without control,
A tide as pure, as free from stain,
As warms the Christian's soul?

Do ye not yet the times discern
That these shall cease to roam;
That Shiloh pledged for their return
Will bring his ransomed home?

Be error quick to darkness hurl'd!
No more with hate pursue,
For He who died to save a world—
Immanuel—was a Jew.

The Final Triumph.

But the measure had not received its death-blow. It not only was not dead; its vigorous adherents did not even permit it to slumber. They brought it before the Legislature at each succeeding session. Once (1822) it passed the House; but, according to the Constitution of the State, it could not become a law until it had been confirmed by the Legislature of the following year. This failed of accomplishment, owing to the unpopularity of the measure with the people, who returned to the next Assembly only 16 out of the 40 members who had given their support to the bill.

Still the friends of the measure were not discouraged. They seem to have taken unto themselves something of the patient perseverance of the people in whose behalf they were striving. But success was at hand. Scharf says, in his "History of Maryland": "As there were about 150 Jews in the State, representing a capital of about \$500,000, the prejudice of the people soon subsided and the measure gained strength. * * * In Baltimore it became a *sine qua non* of the election of the Delegate to argue himself in favor of it." Finally, on the last day of the session of 1824 (Saturday, February 26, 1825), it again passed the Assembly by a vote of 26 to 25, only 51 out of 80 members being present, and was ratified by the Assembly of 1825.

Triumph at last! A hard fight, but all the more glorious the victory!

The triumph of the triumph, however, may be said to have been achieved when, in the October following the ratification of the bill, two Jews—Solomon Etting and Jacob I. Cohen—were elected members of the City Council, each of them ultimately rising to the office of President of that body.

This Solomon Etting is the one to whom Governor Worthington referred in a speech delivered a month before the bill passed the House of Delegates. He said: "A Jew may be President of the United States, and yet in Maryland he cannot be a constable unless he makes a false declaration. He cannot bring up his sons to the practice of law, the high road to fame and sometimes wealth in this country. Was ever anything more cruel? I know an instance: Mr. Etting, of Baltimore, had a son of talents and acquirements; he spared no pains on him. The youth wished to study law. The father, with pain in his heart and tears in his eyes, told him that he could not. Even to be an attorney of a county court he would have first to renounce the religion of his father."

Such joy for the Jews of Maryland when such scenes were rendered forever impossible! What an impetus to right living—the knowledge that they could walk with step as proud and head as erect as any of their neighbors!

Today there are no more loyal sons of Maryland than the Jews who, by the conscientious discharge of the duties of citizenship, have proven that they are worthy of its privileges. And Maryland is glad to have rectified her error; glad to have turned aside from her ultra-conservative path, glad to pursue the broader course of liberalism, equality, fraternity.