

THE FIRST KENNEDY

he led the fight to enable Jews to hold office, practice law and pursue certain other callings from which they were barred by the Maryland Constitution

By HARRY GOLDEN

IN 1622, King Charles I gave George Calvert, the first Lord Baltimore, all of Newfoundland. Calvert didn't want Newfoundland, a cold place. Charles reconsidered. In 1632, he gave Calvert a patent on Mary Land, named after the Queen, Henrietta Marie. Calvert died before the patent was secured but it passed to his son, Cecelius Calvert, the second Baron of Baltimore.

Cecelius Calvert hoped to increase his business interests by establishing a settlement in Maryland but he also hoped to provide a refuge for fellow Catholics.

The last paragraph of the King's Charter warned the new lord proprietor that nothing was to be admitted to the colony "by which God's Holy and Truly Christian religion may in any thing suffer any prejudice or diminution." When Cecelius Calvert and his brother, Leonard, who governed Maryland, recruited the first colonists, they made sure to include two boatloads of Protestants. For 15 years Catholics and Protestants lived in amity in St. Mary's the first settlement in Maryland, even sharing the same chapel.

More and more Puritans, however, came down to Maryland from the other colonies and the Puritans were gaining ascendancy in England.

When William of Orange succeeded to the English throne in 1682, Catholics suffered. They suffered in the colonies, too. In 1692, Maryland made the Church of England the established church of the colony and in 1702, the Legislature enacted a law which provided that residents pay the local minister in tobacco. In 1718, the Legislature proscribed Catholics from holding public office and effectively disenfranchised them.

The Revolutionary War erased differences. Once the colonies declared independence, they drew up their own constitutions in which they perpetuated little from English law. They abolished primogeniture, for example, the right of the first-born son to the estate of his father and they dis-established the Anglican Church. The Maryland Constitution, written in 1776, recognized the duty of every man to worship God "in such manner as he thinks most acceptable to Him; all persons professing the Christian religion are equally entitled

to protection in their religious liberty. No other test or qualification ought to be required on admission to any office of trust or profit than such oath and support of fidelity to the State and a declaration of belief in the Christian religion."

The historian Isaac M. Fein in "The Making of an American Jewish Community" writes, "It is doubtful whether the handful of Jews in the colony objected to this qualification. True, it was a discriminatory law, but it did not affect any of them. None of them aspired to a government position. They were strangers, and all they wanted was the opportunity to be left alone to make a living.

By 1790, however, at least 1 of the 50 Jews in Baltimore was concerned.

The Jew Solomon Etting who, in 1797, with his father-in-law, Bernard Gratz, sent a petition to the Legislature noting that they were "a sect of people called Jews and thereby are deprived of invaluable rights of citizenship and praying to be placed on the same footing as other good citizens."

Solomon was the son of Shinah Etting, a widow who moved a family of five daughters and two sons to Baltimore from York, Pa., after her husband's death in 1780. She started a boarding house at Market and Calvert streets which became a famous ornament in the city. In 1790, Solomon opened a hardware store. Six years later he was a director of the Union Bank and eventually he was to become a director in the first railroad, the Baltimore and Ohio.

Etting petitioned several times more and in 1804 was joined by Jacob Cohen, also the son of a widow, Judith Cohen, who had settled in Baltimore in 1803. The Cohen family ran a lottery which was one of the ways to accumulate funds for investment. Eventually, the lottery became a bank, the House of Jacob I. Cohen and Brothers, the agents for the Rothschilds in the United States.

There were compelling reasons for Etting and Gratz to petition for these rights. They were men of substance, rich by the standards of their time, and they wanted the rights as well as the privileges of rich men. They wanted the right to pursue their interests politically. They



"If Christianity cannot stand without the aid of persecution, let it fall," said Thomas Kennedy, the legislator.

were also native-born Americans who disliked the stamp of alien. While they themselves were businessmen, they may have entertained other ambitions for their sons

The legislators listened politely to the Jews and promptly buried the petition in committee.

The Ettings, the Gratzs and the Cohens might have gone on forever importuning the Legislature—Jews were not enfranchised in North Carolina until 1868—were it not for a Kennedy, a Kennedy not from Ireland but from Scotland. Thomas Kennedy was born in Paisley, Scotland, in 1776, the son of William, a farmer. His older brother, Matthew, had emigrated from Scotland to America and Thomas Kennedy, growing up, read glowing descriptions of the New World and cultivated a romantic desire to live in the land of freedom and "to spend my life in virtuous service for freedom's cause."

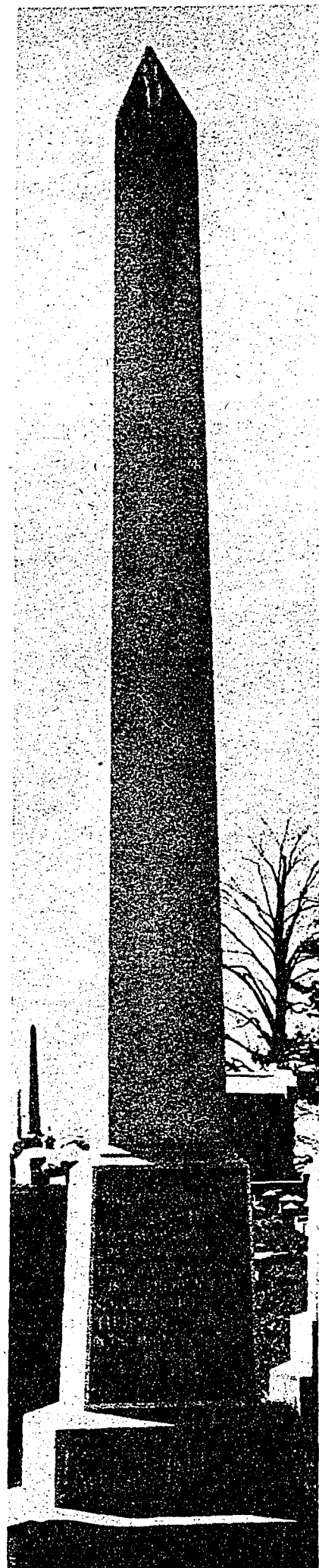
HE embarked at Glasgow on the Britannia and 38 days later landed at Georgetown on the Potomac. The ship fired a salvo as it dropped anchor which summoned the residents from their homes and shops and farms to the wharf. Kennedy was the first passenger out of the captain's jollyboat and the first person he met was his older brother, Matthew, whom he had not seen in 11 years. The event deserves mention not because of its singularity but because it tells us how small some American ports were.

"After drinking some republican whisky," Kennedy wrote. "I sat at my brother's table in peace."

Later Matthew took his brother to what was to become the new capital city, Washington, which was then, Kennedy

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From "The Jews in the South" by Harry Golden to be published by Putnam's in December. Harry Golden is editor of *The Carolina Israelite*, which describes itself as "the most widely quoted personal journal in the world" and is author of 18 books, including "Only in America," "For 2c Plain" and "Enjoy, Enjoy."



Obelisk dedicated by Baltimore Jews to Kennedy's memory outside Hagerstown.

wrote, "a wilderness." The White House was not completed and the Capitol had as yet no roof. The streets were muddy paths.

Thomas Kennedy found a job as a bookkeeper for a Georgetown merchant and later for the contractor who put the bridges across the Potomac. He loved sightseeing and on a visit to Niagara met Miss Rosalind Toms of Frederick. A few years later, he married her and moved to Hagerstown, where he founded a newspaper, the *Hagerstown Mail*.

HE was a man of medium height, portly, with blue eyes. He wrote poetry almost as long-winded as his speeches which, if not templates of rhetoric, were vessels of patriotism.

In 1817 he was elected to the State Legislature, as a representative from Washington county. He took his new duties seriously. He applied himself to a close reading of the United States Constitution and to the constitutions of other states. He discovered the disabilities visited by the law upon the Jews by the Maryland constitution.

Kennedy was a man looking for a cause. He had found one. He resolved to right this wrong. His opponents argued that the property of Jews was safeguarded, their lives were protected, their opportunity to earn a fortune guaranteed; why must they persevere in seeking the right to hold office?

"It is my duty," said Kennedy. It is as simple a statement as he ever made.

On December 9, 1818, Kennedy introduced a resolution calling for the appointment of a committee "to consider the justice and expedience of placing the Jewish inhabitants on an equal footing with the Christian." Appointed to this committee, of which Kennedy was chairman, were Henry Brackenridge, a judge from Baltimore, and Ebenezer Thomas from Baltimore county. The committee submitted a report in which it concluded there was only one side to the subject: In a democratic society, legislatures must determine civil, state and military duties, but as for religion there is no law which can reach a man's heart and no human tribunal has a right to take cognizance of this matter. The committee went on to introduce an act to confer upon Jews the same rights conferred by the constitution on all citizens of Maryland. It was popularly known as the "Jew Bill," or "Kennedy's Jew Baby."

The Legislature debated the bill the next year.

Kennedy argued: "I am free to declare that if Christianity cannot stand without the aid of persecution, let it fall; and let a new system, more rational and more benevolent, take its place."

It was not the appropriate sentiment to press upon men who took going to church seriously.

The bill lost, 50 to 24.

The "Jew Bill" became an inflammatory issue in which, curiously, the Jews were only incidental. Nativism was beginning to sink its roots in the American subsoil. With the end of the Napoleonic Wars in Europe immigration

to America began in earnest and rural, agrarian communities worried about foreigners taking over the government. There was also a crucial issue among the American constituency between the Jeffersonians and the Federalists, the argument between democratic home rule and a strong, centralized government, an issue which centered on tariffs, taxes and the minting of currency. Maryland was Federalist and the vote for or against the Jew Bill was determined by party lines.

In fact, controversy over the Jews of Maryland in the 1800's much resembled the controversy over fluoridation in the 1950's. If you wanted Congress to repeal the Fifth Amendment in order to flush out subversives you automatically did not want to fluoridate the municipal reservoirs. If you wanted to protect civil rights, you were in favor of fluoridation. In Maryland of 1819 if you wanted your party to control the state and distribute patronage, you automatically had to restrain Jews from running for public office. Kennedy had lit upon one of those minor issues which delight legislators, an issue on which men could uphold or sacrifice their principles without risking much.

In 1822, Kennedy came back for more. This time he introduced a broader bill, "An Act to extend to the citizens of Maryland the same civil rights and privileges that are enjoyed under the Constitution of the United States."

Kennedy was learning. Machiavelli advises the Prince never to tell his ministers there is a thorny and difficult problem awaiting their solution; instead the Prince must tell them there is an easy solution awaiting their signature. The way to pass a Jew Bill, Kennedy discovered, was by a constitutional amendment which subtracted Jews from the issue.

The legislature passed it. But because the Act involved a constitutional amendment the succeeding legislature had to confirm it.

Thomas Jefferson wrote letters to the newspapers urging passage. Jacob Cohen, in a letter to Ebenezer Thomas, reminded everyone, "In time of peril and war the Jews had borne the privation incident to such times in defense of the common cause." All of which helped the opponents connect the Jews to the act. They mustered the strength to defeat it, charging that the defenders of the Jews were a menace to the community and anti-Christian.

IN the election of 1823, Kennedy was in serious trouble with his constituency. He was accused of being an enemy of Christianity, a Judas Iscariot. His opponent, Benjamin Calloway, running on the Christian ticket, said he "deprecated any change in our state government calculated to afford the least chance to enemies of Christianity."

Kennedy was defeated.

But he won again in 1825, and this time the Amendment passed. This time, the Jews played a more active and vigorous role. They presented another petition, this one signed by Solomon Etting, Jacob Cohen and Levi Solomon.

The Baltimore newspapers supported the bill. And the national press urged passage. The Catholics in Maryland also favored its enactment.

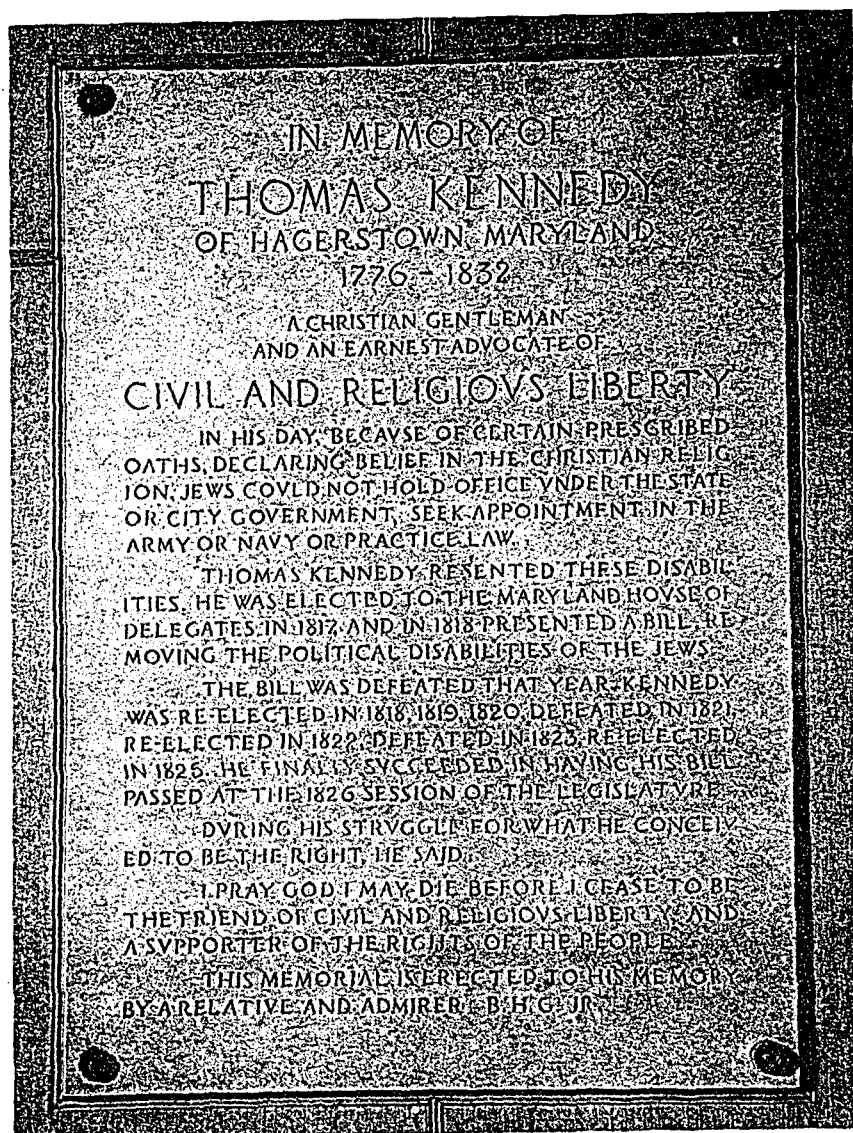
It passed 26 to 25, with 80 legislators abstaining or absent.

The Amendment required every citizen appointed or elected to any office of public trust to swear to defend the Constitution of Maryland and the United States and "make and subscribe a declaration of his belief in a future state of rewards and punishments."

By a vote of 45 to 32 the Amendment was confirmed in January of 1826. Later in the year, Solomon Etting and Jacob Cohen became the first Jews elected to office in Maryland when they won seats on the Baltimore City Council.

John Quincy Adams made Kennedy the Postmaster General of Hagerstown in 1828, a post Kennedy held for four years until he died of Asiatic cholera in 1832. Outside of Hagerstown is an obelisk dedicated by Baltimore Jews to Kennedy's memory.

The crucial fact about the Jew Bill in Maryland and about the antagonism it engendered is that throughout, it was a political fight. Catholic sentiment favored the Jews. Protestant sentiment may not have been enthusiastic but clergymen remained non-committal. One of the reasons the Jews did win the right to hold public office was because the issue was not religious. The fight against the Jews was led by politicians and legislators, not by ministers and priests; by people who may or may not have known what they were talking about rather than the people whose interests were directly at stake. The observation was made more succinctly in 1831 by the Frenchman, Alexis De Tocqueville, in Volume I of "Democracy in America." He writes, "It may be asserted then, that in the United States no religious doctrine displays the slightest hostility to democratic and republican institutions. The clergy of all different sects there hold the same language, their opinion is in agreement with the laws and the human mind flows onward, so to speak, in one undivided current."



A plaque in the lobby of Sinai Hospital in Baltimore details Thomas Kennedy's personal debate between introduction of his bill and its passage eight years later.