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Michelle Runyon
Santa Clara University, mrunyon@scu.edu

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“Gives to Bigotry No Sanction”: The Dangers of Continued Misinterpretation of Washington’s Letter to the Jews of Newport

Michelle Runyon

In 2017, the United States is confronting an uglier part of its heritage, one of bigotry against non-Christians. As activists search for examples of early religious pluralism in the United States, several hail George Washington’s letter to the Jews of Newport, Rhode Island as a shining example of early religious freedom in practice. Exactly 227 years ago, George Washington made a promise to the Newport Jewish congregation, saying that Jews would be protected in the new United States and be free to practice their religion without fear of persecution. Washington’s words have been hailed by modern activists as a start to American pluralistic democracy, especially in response to virulent anti-Islamic prejudice. However, this ahistorical interpretation ignores the complex legal reality that American Jews faced following the American Revolution, through the early nineteenth century. In “The Political Rights of the Jews in the United States: 1776–1840” (1958) Stanley F. Chyet found that the Constitution of the United States granted universal religious freedom at the federal level, but political rights at the state level were much more ambiguous, often denying Jews the right to hold public office or vote. Several scholars, such as Fritz Hirschfield in George Washington and The Jews (2005) and Vincent Phillip Muñoz in “George Washington on Religious Liberty” (2003), have examined how George Washington interacted with Jews. However, no one has combined knowledge of early Jewish legal rights and the actions of George Washington, especially regarding the words written in his letter to the Jews of Newport, to analyze their significance for Jewish-American history and religious pluralism in the United States more broadly. Washington’s letter to the Jewish congregation of Newport has been held up as an early model of religious pluralism, yet this acceptance is not reflected in the mixed legal protections early Jewish-Americans received. This contradiction is perpetuated in the present day, as various contemporary groups continue to interpret the letter to suit their own particular purposes.

Most early American Jews came first to the British and Dutch colonies after fleeing Brazil in 1654 after the Portuguese regained control of the colony from the Dutch. The Dutch were much more tolerant than the Portuguese, who expelled all
Jews who refused to convert to Catholicism by threat of prosecution by the Inquisition. Even in the British and Dutch colonies, which tended to be more tolerant, Jews were still denied many rights of citizenship. Not all colonies practiced religious tolerance even towards all Protestants, not to mention non-Christians. Maryland’s Toleration Act of 1649 was particularly hostile towards religious minorities who did not believe in Trinitarian Christianity. The law legalized the death penalty for those who blasphemed against the Trinity or related doctrine. The Pennsylvania Assembly of 1682 was less extreme, but still required all civil officers to be Protestants. Generally, Jews could obtain permanent residence, but not the right to vote or hold political office. Additionally, Jews were denied when they petitioned to fight in the New Amsterdam army during the late seventeenth century. This was a large blow to many Jews, as they sought to gain social status through military service. There was also a hope that Jews could “earn” political rights through providing useful service for the colonies, an important theme that dominated much of early Jewish-American history.

Prior to the American Revolution, Rhode Island Jews were denied full political rights, including the free exercise of religion. Some Jews were naturalized, but only when specific Jews rendered particularly valuable services to the state. Naturalization did not carry political rights. It merely allowed Jews to have legal permanent residence and to live more as subjects to the colonial government than as citizens, with less legal autonomy than the latter. Two Jews within the colonies, Aaron Lopez and Isaac Elizer, were even denied naturalization in 1761. Jews had previously been granted naturalization under the Naturalization Act of 1740, which allowed foreigners of various religious backgrounds in British-held territory to be naturalized to attract settlers to the small colony of Rhode Island. However, the Superior Court of Rhode Island ruled in 1761 that since Rhode Island had sufficient residents there was no need to naturalize more Jews, especially ones who already resided in the colony as Lopez and Elizer did. While

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local political tensions played a role in this decision, there were also growing concerns about the impact of religious diversity in the British colonies on the future state that many hoped for. Some believed that a more diverse environment would breed indifference towards religion, especially as intermarriage became more common between people of various faith traditions. For this reason, violence against religious minorities commonly considered to be highly heretical, such as Universalists and Quakers, increased. These sentiments came to shape the political climate of the future United States and led to push back against the proponents of religious freedom, such as James Madison and Thomas Jefferson.

After the American Revolution, Jews were granted religious freedom on the federal level. The Constitution ultimately guaranteed religious freedom, but the Free Exercise of Religion Clause was not uncontested. Article Six of the Constitution, forbidding a religious test as a requirement for holding a government position, was also challenged; the debate would carry over to the state level. Despite the challenges that came with ensuring freedom of worship at the federal level, the efforts of the proponents of religious freedom were not in vain; several states, including Georgia and South Carolina, perhaps encouraged or shamed by the Framers, altered their constitutions to be more inclusive of religious minorities. It was during this same time period that George Washington penned the letter that came to have a profound impact on how the Jewish community felt about its place in the United States and on how social and legal bigotry against Jews was manifested.

Many of George Washington’s actions affected how Americans relate to religion in a civic capacity, particularly in regard to the separation of church and state. The traditional scholarship holds that Washington was not as involved as other Founding Fathers were in debates over religious freedom. Thomas Jefferson and James Madison were more directly embroiled in the nitty-gritty, day-to-day work of establishing religious pluralism in the legal tradition of the United States, such as promoting the Free Exercise Clause in the U.S. Constitution. Washington

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6 Ibid., 45.
did not produce writings that clearly articulated his personal views on the subject; thus scholars must infer more from his actions.

Washington was known to butt heads with Madison over the issue of the separation of church and state, as Washington did not see the need for their explicit separation. Another issue that was particularly divisive between the two of them was whether or not it was constitutional to have congressional chaplains. Madison felt that such a measure was inappropriate while Washington disagreed. Madison worried that appointing chaplains would lead to solely the appointment of chaplains from the religion of the majority in Congress and that, “the tenets of the chaplains elected shut the door of worship against the members whose creeds and consciences forbid a participation in that of the majority,” as it was unlikely that a minister of a minority religion would ever be appointed. For this reason, he opposed any attempt to put religious leaders on the government payroll. However, Washington saw civic responsibility and religiosity as related virtues, so he championed the cause of providing chaplains in Congress and in the military. From various letters he wrote during his time as the Commander-in-Chief of the Continental Army and the President of the United States, it is apparent that he considered issues of minority representation among military chaplains. For example, Washington discusses this in one section of his general orders, which were military directives issued by superiors regulating personnel conduct in situations not explicitly covered by other military regulations. Washington writes, “As the Troops are to be exempt from all duties of fatigue to morrow (on the Sabbath), the regiments are … to be marched from thence a little before Ten, to Hear Divine Service from their Respective Chaplains.” He was well known for encouraging his troops to attend church services as often as their duties permitted them and was known himself for being particularly pious. These values substantially influenced how he related religion to government and led to fascinating ways in which he enacted his faith in a civic setting. For Washington,

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men of various religious backgrounds were admirable for their commitment to their faith, as long as it did not interfere with their ability to be good citizens. For example, he took issue with many of his Quaker recruits in the Continental Army, but only due to their pacifism interfering with his attempts to lead a unified military force. Overall, he took significant strides to make various religious minorities feel included in the new United States.

Washington reached out to several religious minority groups and emphasized their particular importance in the new American nation. While it would have been easy enough to have allowed Jews, Quakers, and Unitarians to remain on the fringes of society even while granting them legal protections, Washington did not settle for this. He made a point of replying to several congregations that had reached out to him throughout his presidency, but most especially after his First Inauguration. When Moses Seixas of the Jewish Newport Congregation expressed hope that the new government would give Jews full rights, George Washington assured him, “It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights.” This letter concerning the place of Jews in the new nation is significant because it represented the opinion of a vocal minority, including many Founding Fathers, that was working to change the United States for the better by giving religious minorities a place in American society and governance. Washington’s views did not seem to have an overt or immediate impact on the status of Jews in American law, but they did have some influence, marking a gradual evolution towards a more inclusive United States.

It was not until the first quarter of the nineteenth century that most American Jews received religious freedom and full political rights at the state level. Tied into ongoing issues concerning state versus federal power, states were much more powerful in the early United States than they are today. Most states opted to grant particular freedoms piece by piece. A notable exception was the state of Virginia, where Thomas Jefferson wrote the Virginia Bill of Religious Freedom in 1786, the

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10 Ibid., 23–27.
precursor to the Free Exercise Clause in the Constitution that ensured religious freedom on the federal level. However, there were plenty of individuals that opposed the bill. For example, John Swanwick, voiced concerns about granting equal federal rights to people of all faiths. According to scholar Chris Beneke, Swanwick feared that, “Under its unaccountably generous provisions, anyone, even an atheist or Muslim, could serve in the legislature, however hostile or indifferent he might be to the fate of republican government.” Swanwick himself questioned, “what the religion is which the assembly of Virginia calls our religion,” as he was skeptical of the strength of the state’s moral character if “they [the assembly of Virginia] do not require their citizens to be of any religious denomination whatever.” As for allowing the free exercise of religion, particularly non-Christian religion, it would “destroy the most powerful seeds of…virtue…in the state they represent.” The ability to hold public office at the state and local level was one of the last rights to be granted to Jews, a particularly significant delay as Jews tended to be more interested in running for local offices than those at the federal level. Moreover, the inability to run for local political offices effectively blocked Jews from running for federal offices as they could not gain political experience at the local and state level before running for higher office. Also, political immobility at the local and state level had a notable impact on local Jewish communities. Like many merchants at the time, Jews wanted to run for local offices in order to be more recognizable and build up their reputation to draw in more business. At the state and local level, Jewish communities greatly suffered from lack of representation in civic bodies; the social implications of this are seen in the debates surrounding the Maryland Jew Bill of 1826.

Maryland was the last state to allow Jews to hold public office. The repeated defeat of the Maryland Jew Bill became a source of national shame for the state until it finally passed in 1826. Virginians especially criticized their neighbors to the

13 Ibid., 168.
north given Virginia’s progressive legal stance on the treatment of non-Christians. There is ample evidence of bigotry against the Jews in Maryland. Numerous people wrote to newspapers during the various times that the bill was debated by the state legislature, reflecting private citizens’ debates upon the same issue. One editorial published anonymously in the *Maryland Gazette* attacked the right of Jews to participate in any capacity in the governance of the United States: “Government being founded in civil compact only in this state, … [Jews] were not parties to the compact…Is it not more rational, that a few dozen of a wandering tribe of people should conform to the laws of the state…than that the whole state and laws conform to them?”

On the other side of the heated debate, Jews and non-Jews endorsed increased rights for Jewish Americans by highlighting the fact that most Jews from the colonies fought in the struggle for independence despite their second class status. George Washington’s letter was also cited by proponents of the legislation to assert the legitimacy of the bill and to shame its opponents. One legislator, to further accentuate his argument, even read aloud in the middle of his speech from both the original letter from Moses Seixas and the response from George Washington. In an 1819 letter that was published as part of an article about the Jew Bill, Thomas Jefferson also commented on the bill’s defeat in the previous year. The struggle Maryland Jews faced, according to Jefferson, was due to “the universal spirit of religious intolerance inherent in every sect.” “The only antidote to this vice,” he declared, was “protecting our religious as they [the laws] do our civil rights, by putting all on an equal footing.” However, Jefferson also acknowledged that, “although we are free by the law, we are not so in practice.” He compared anti-Jewish bigotry to “an inquisition,” that “exercises its office with as much fanaticism as fans the flames of an *auto da fe* [act of faith, the public sentencing of guilty parties during various Inquisitions].”

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comparison resonated strongly with American Jews of the time, most of whom were descendants of those who fled from the Spanish and Portuguese Inquisitions. The Maryland Jew Bill signaled a turning point in American political discourse as it made public virulent debate over the rights of Jews specifically, not merely the rights of religious minorities in general. The history of the resistance to granting Jewish-Americans full rights contradicts the idealized and ahistorical assertion of present day activists that Washington’s letter was the beginning of the end of institutional anti-Jewish bigotry in the United States.

Contemporary activists promote the George Washington letter of 1790 as a sign of early religious toleration in the United States without demonstrating understanding of the political and legal context in which Washington wrote the letter. Eboo Patel, a Muslim-American interfaith activist who was part of President Obama’s Advisory Council on Faith-based Neighborhood Partnerships, regularly cites the Washington letter as an example of early religious pluralism in the United States. In his book *Sacred Ground: Pluralism, Prejudice, and the Promise of America*, Patel idealizes interpretations of the impact of the Washington letter. Patel implies certain nuanced interpretations of the text that do not correspond to the lived reality of early American Jews. For example, when describing Moses Seixas’ reasons for writing to George Washington, he says, “Seixas was worried about the fate of Jews in the new nation. Would they be harassed and hated as they had been for so many centuries in Europe?” Patel implies that Jews were a new group to the United States, one that did not already have an established history in America.

In no part of Patel’s discussion of the letter does he contextualize the history of Jewish-Americans to reveal why they might have reason to doubt their freedom to practice Judaism in the United States based on their own history in the American colonies. This omission suggests that Jews in America in 1790 were treated better than their European counterparts, an interpretation open for debate. Patel includes in *Sacred Ground* a section on the persecution of other religious minorities in colonial America, but not Jews. As a public intellectual, Patel’s refusal to provide sufficient context for understanding George Washington’s attitude towards the

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Jews perpetuates the decontextualized interpretation of the latter’s letter and inappropriately sanitizes the United States’ history of religious pluralism.

Contemporary Jewish-Americans vary in how they present the context of their early history in America. Some focus on the letter without providing the necessary historical context for understanding its importance and how it differed from the mainstream opinion of American Jews. The Touro Synagogue of the Newport Jewish congregation has made a unique effort to preserve its history and educate the public as to how George Washington’s letter impacted American religious liberty. However, their exhibits and information about religious liberty in relation to the 1790 Washington letter tend to romanticize Rhode Island’s stance on religious liberty in an ahistorical way. This distortion is particularly problematic given the Touro Synagogue’s prominence due to its unique place in this history.

Other Jewish-Americans have made more of a commitment to being historically accurate by contextualizing the letter. David Grubin in his documentary series *The Jewish Americans* effectively contextualizes the Washington letter by giving a fair and accurate assessment of how early Jewish immigrants were treated in the British and Dutch colonies in New England.

Contemporary Jewish groups who comment on the Washington letter all emphasize how it made an impact on their communities feeling welcome in the United States, yet various groups have interpreted the letter to support their own particular ideas, especially about modern day religious pluralism, without taking into account the complex legal status that early American Jews faced in the United States. This is a classic case of how interpretations of history can be distorted by reactions to contemporary events. Many seek a golden ideal of religious pluralism in American history and the George Washington letter has been misinterpreted as proof of that ideal. Yet a religiously pluralistic society no more existed at the founding of the United States than it did in Islamic Spain. Even now, Muslims and Sikhs face incredible prejudice against them in the aftermath of September 11, 2001. Some Jews have felt very unsafe given political tensions arising out of the Israel-Palestine conflict and its impacts in the United States. With the election of Donald Trump to the presidency, Americans are especially frightened as bigotry.

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against non-Christians intensifies.\footnote{Matthew D. Taylor, “Why Are Christians Supporting Trump the Heathen?,” \textit{The Huffington Post}, 22 Feb. 2016, \texttt{<http://www.huffingtonpost.com/matthew-d-taylor/donald-trump-embodies-wha_b_9287596.html>}.} We need only to look to the recent events of Charlottesville, Virginia for ample fuel for those fears. Conditions like these make it all the more difficult to achieve objective scholarship concerning religious pluralism. However, only that scholarship can make the case for religious pluralism stronger. A lack of religious pluralism hurt American-Jewish communities for hundreds of years, from the foundation of the American colonies until the early nineteenth century. History has the power to help avert repeating the same mistakes as those who came before. Americans should listen well, study comprehensively, and not give over to sensational bigotry or unmitigated idealism.