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ADDRESS

BY

THE HONORABLE EDWARD H. LEVI  
ATTORNEY GENERAL OF THE UNITED STATES

BEFORE

THE BICENTENNIAL OBSERVANCE  
OF  
THE SOCIETY OF FRIENDS OF TOURO SYNAGOGUE

2:00 P.M.  
SUNDAY, SEPTEMBER 12, 1976  
TOURO SYNAGOGUE  
NEWPORT, RHODE ISLAND



I am honored to join you in commemorating the 200th anniversary of our Declaration of Independence and President George Washington's historic message to the Hebrew Congregation of Newport shortly following the founding of the Republic. It is fitting that we choose to remember these events in this place.

The religious impulse in America is strong indeed. Those who first came here were seeking an opportunity to worship freely. This hope has motivated millions of their successors.

America was a metaphorical reliving of the Old Testament -- some would say it was more than that -- a new land, a chosen people, a vision of the future. In 1630 John Winthrop described his Massachusetts Bay Colony, as Israel of old, -- "a city set on a hill" with the "eyes of all people upon us." After the American Revolution, Ezra Stiles, once a minister in Newport with a special interest in this congregation, looked forward to the day when "the Lord shall have made his American Israel high above all nations." And in the nineteenth century, Herman Melville proclaimed, "We Americans are the peculiar chosen people -- the Israel of our time; we bear the ark of liberties of the world."

The messianic tradition can be one of exclusivity. Exclusivity can lead to intolerance. Indeed, it was this attitude which prompted the expulsion of Roger Williams from Massachusetts and the genesis of Rhode Island's special place in our history.

The Founding Fathers -- George Washington, Thomas Jefferson, James Madison, and their colleagues -- were deeply religious men.

They shared a sense of America's mission. Yet they were in the tradition of Roger Williams. Their commitment to religious and political liberty for all was, in part, attributable to their unhappy experience with state-established religion. It also reflected a politically pragmatic recognition that America's diversity demanded religious tolerance if a nation of nations was to be established.

Most important, however, they considered religious and political liberty essential because of a shared conviction that God had indeed created all men equal and endowed them with certain rights which no civil government could properly grant or restrict. In 1876, my great-grandfather, Rabbi David Einhorn, described the Founders of the Republic as "men of deep and profound inner reverence for the unfathomable Universal spirit, in whose name they undertook their immortal great deeds." It was a recognition of the unknowable nature of the Divine that required tolerance and created a sense that, in Jefferson's words, the "integrity of views more than their soundness was the proper basis" of respect among men.

In this conception, to the equality and sovereignty of the people there was joined the ultimate accountability. Thus, Madison's Memorial and Remonstrance for religious freedom spoke of the duty to the Creator "precedent, both in order and time and in degree of obligation, to the claims of Civil Society."

It is these values which are eloquently expressed in Washington's message to the Hebrew Congregation of Newport. He spoke of a government which "gives to bigotry no sanction, to persecution no assistance" as an example to mankind, "a policy worthy of imitation." He described a government in which "all possess alike liberty of conscience and the immunities of citizenship" and, most significantly, rejected scornfully the idea that toleration could be regarded as an indulgence bestowed by one class upon another, rather than a recognition of inherent natural rights.

Washington's words are particularly impressive when recalled in perspective. Tolerance and mutual understanding then as now could not be taken for granted. During the War of Independence, in order to facilitate the raising of troops, England eliminated the required oath to the Anglican Church, which, in effect, prohibited Catholics from serving the King. But the controversy this provoked culminated in a march in London of 50,000 protesters, led by Lord George Gordon, a member of Parliament, who alternated between addressing the House of Commons and haranguing the crowd outside. This march was soon transformed into what would become a five-day riot resulting in hundreds of deaths, the destruction of many Catholic chapels and the emptying of the city's jail.

The First Amendment of the United States Constitution, which was ratified within a year of Washington's visit to Newport, expressly prohibited the Federal government from making any "law respecting

an establishment of religion or prohibiting the free exercise thereof." But at the same time, more than half of the states, including all in New England except Rhode Island, had state-supported religions. As late as 1820, the voters of Massachusetts rejected by almost 2 to 1 an amendment to the state constitution which would have extended public support to non-Protestant religious teachers and terminated compulsory attendance and public worship.

Although the United States Constitution prohibited religious tests for holding office, some of the older states retained disqualifications regarding Roman Catholics, Jews and other minorities. In 1809, the North Carolina legislature unsuccessfully tried to exclude Jacob Henry, who, as a Jew, did not subscribe to the Divine authority of the New Testament as required by the state constitution.

In 1819, Henry Brackenridge rose in the Maryland House of Delegates to put the question, "Have the Jews the right to be placed on a footing with other citizens?" It was not for six years that a law was enacted permitting Jews to hold office, serve on juries and practice law. The disqualifications against them were not removed from the North Carolina constitution until 1868.

Equality before the law, of course, does not signify an end to intolerance. Washington rightly assumed persistent prejudice when he announced the new government would give it no sanction

or assistance. His echoing words are in no way disparaged, indeed they are given added meaning, because they have charted a course, and not an easy one, for fulfillment.

My great-grandfather, David Einhorn, occupies a certain position in the growth of American Judaism: author of one of the outstanding prayer books, abolitionist, defender of human rights. It is perhaps inappropriate for me to speak of him, but it also would be odd for me not to recognize -- as others have done -- the historic centennial address which he delivered in 1876. He spoke then of the vision of the founders of the Republic -- the religious spirit of Washington, the Jeffersonian rejection of the concept of the racial sanctity of any class of men, the wisdom of Franklin, who was able to direct the lightning flashes of his spirit to destroy the chains of servitude. His message was perhaps commonplace. He recognized the power and the greatness of our Republic which had been achieved within one hundred years. The country had become a giant, but its strength was not in possessions, but, because of its founders, and its people, it had become a messenger of redemption with a deep and profound inner reverence for the unfathomable Universal spirit. And so the country had survived with its message through a veritable multitude of dangers. He asked then, at that centennial: Are the words and thoughts and examples of the founding fathers "still today the guiding stars which determine our people's thoughts and feelings, our

actions and our failures to act?" If the past is to have meaning now, as we desire it to have, this question always must be asked, and it is not to be obscured because the light of history makes the noble qualities more apparent by recognizing imperfections as well. The question comes to us now laden with events of subsequent cruelty in the world which I dare to say would have been unimaginable in my great grandfather's time. When we have doubts, as often we must, we still must recognize, particularly in this Bicentennial year, that we have had and still have these guiding stars which have helped to create the world's best hope.

In 1852, Henry Wadsworth Longfellow visited the Jewish cemetery at Newport. This synagogue was then closed and the Jewish community was virtually extinct. Viewing the graves of immigrants, Longfellow wondered, "How came they here?" And he then recounted a remarkable journey of "pride and humiliation" in words which you know full well:

In the background figures vague and vast  
Of patriarchs and prophets rose sublime  
And all the great traditions of the Past  
They saw reflected in the coming time.

Surveying the cemetery, Longfellow suggested that the Jewish people had expired because they let "life become a legend of the dead." Longfellow was wrong.

He was wrong about the Jewish people. In 1854 Judah Touro remembered his father, who ministered to this congregation. Like his brother before him, he substantially contributed to the restoration of this building -- not as a monument to the past, but as a living memorial, a part and symbol of the revival of the Jewish community here.

Longfellow was wrong also if he failed to understand that the American dream is itself a biblical dream, a response and reawakening of an ancient tradition which lives in many ways. It lives in us and it lives in others.

Today we remember Washington and Jefferson and Franklin and that inspired message of loyalty and hope expressed by this congregation to the federal union and to its leaders. That message and its response are treasures for mankind.

It remains for each of us to keep strong our sentiments with the past so that we may perfect the life of today and tomorrow, to keep strong the varied traditions of different groups which make our country great. In doing so, we shall be rededicated to giving bigotry no sanction, and to recognizing, guarding and helping to perfect the dignity of each individual among us.