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NOTES OF JEWISH INTEREST IN THE DISTRICT OF COLUMBIA.

BY REV. ABRAM SIMON, PH. D.

I.

A SUPPOSED INTERDENOMINATIONAL SOCIETY IN 1832.

When I came to Washington, D. C., in 1903, there was a tradition current and fondly accepted by all that during the year 1832 the Jews, Catholics, and Protestants speaking the German language met regularly for joint worship. Max J. Kohler, of New York, who had heard of it, called my attention to the precise language used by Mr. Justice Hagner in the famous Ebbinghaus-Killian case, decided November 21, 1881.¹ In the course of his opinion, the Court said:

It appears from the proof that about the year 1832 a large number of Germans found themselves domiciled in the city of Washington, which then contained no church where the services were performed in their own tongue. The bond of nationality proved stronger than devotion to religious forms, and they all, from time to time, assembled in common worship conducted in the German language by some of their members; and the testimony discloses the rather remarkable fact that this company of foreigners, composed of Jews, Roman Catholics, Lutherans, and Calvinists, for a considerable time continued in harmony to attend the same religious exercises.

About the close of the year, at one of these religious meetings, it was mentioned by some one present, that he understood there were two lots of ground in the western part of the city, which had been set apart by a certain Jacob Funk for the benefit of German religionists. It was therefore decided that inquiry should be made to ascertain the facts. The result of the investigation disclosed that on the assessment books of the city there stood in

¹1 Mackey (Supreme Court, D. C.), 247.

the name of "D. Reintzel, for Lutheran Congregation", a lot at the corner of Twentieth and G Streets, and in the name of "Reintzel, for Calvinist Society," a lot at the corner of Twenty-second and G Streets. . . .

But shortly afterwards they took possession of the lot at the corner of 20th and G Streets, and by the joint efforts of all the Protestant Germans, a church was erected for their common use; the Jews and Roman Catholics having previously withdrawn and allied themselves with congregations of their own faith.²

That there was a considerable population of Germans in what was later known as Washington at the time of the Revolutionary War calls for no special proof, but it is very probable that in the early streams of Germans before 1848 many Jews could be found.³

Justice Hagner's statement gives the impression that there were German Jews in Washington in the third decade of the nineteenth century. An examination of the early records of this remarkable Concordia Society reveals about fifty names but does not disclose on the surface of it names that would readily be distinguished as Jewish. Of these few dozen it is not likely that there could have been more than half a dozen Jews; yet it is impossible to identify even one. The files, affidavits, and testimony of the witnesses do not reveal anything further than that the Orthodox and Reform wings of the Protestant Church met together for joint worship.

The "City Directory" of 1834 contains the names of Captain Alfred Mordecai⁴ and E. A. Cohen. Miss Rosa Mordecai informs me that when her brother Frank died in Washington in 1841 her father found it impossible to locate any Jews who could be called to attend the funeral rites. The only one, so far as I can discover, who could have been called was E. A. Cohen. This directory in question was published by E. A.

² *Ibid.*, pp. 251, 252.

³ *Publications of the American Jewish Historical Society*, No. 9, pp. 87, 123.

⁴ See *ibid.*, No. 3, p. 40; *ibid.*, No. 6, p. 47; *ibid.*, No. 23, p. 125.

Cohen and Company. Some of the oldest residents here are fairly certain that this is the Mr. Cohen whose grandchildren, conducting a shoe business, have for the past fifty years been members of the Christian Church. That Mr. Justice Hagner had at his disposal any other information than what has passed under my eye must be assumed, and even with this assumption I am forced to the conclusion that the justice construed the testimony of the two branches of the Protestant denomination into the claim that Jews and Catholics worshipped with them.

II.

CAPTAIN JONAS PHILLIPS LEVY.

The name of Captain Levy appears so frequently in the early records of the Washington Jewish community that an extended publication of his varied activities, at least as a member of the Washington Hebrew Congregation, becomes historically necessary and valuable. Before his coming to Washington he had already won his spurs.* His splendid activities in connection with the Swiss Treaty and his courageous stand for the rights of our people are fully considered by Sol M. Stroock.* I do not know if Captain Levy was the official representative in Washington of the Board of Delegates of American Israelites, yet it is quite apparent that during his residence of seven years not a question affecting the interests of Jews anywhere failed to find in him a staunch advocate.

III.

A CHARTER FROM CONGRESS.

In the year 1852 there were about two dozen Jewish men who met for worship in various parts of Washington, as favor-

*Morais, "The Jews of Philadelphia," p. 471; "The Jewish Encyclopedia," vol. viii, p. 60.

**Publications, supra*, No. 11, p. 7.

ing conditions permitted them. The arrival of Captain Levy instantly stirred new life into the little congregation and forthwith they decided to organize on a permanent basis, to secure a lot for the synagogue and to send to New York, Philadelphia or Baltimore for a rabbi. Believing that the new congregation in 1854 did not possess sufficient right to elect and discharge its trustees at will, and to hold property under the existing laws of the District, and having learned from legal authorities that the laws of the District of Columbia, while not altogether sectarian, could be construed as specifically Christian, Levy presented a Memorial, written by him and signed by eighteen other members,¹ asking for a Congressional charter which would guarantee them equal rights with all the other denominations in the District of Columbia.

To The Honorable, the Senate and House of Representatives of the United States in Congress Assembled.

The Memorial and petition of the undersigned sheweth: That they are members of the religious body professing the Jewish religion and doctrines known as "Washington Hebrew Congregation". That the existing laws of the District contain no provision, as they are advised, under which they can be construed as a congregation, having power to purchase and hold for their common use and religious exercise a place of worship, or other real estate, or authorized to exercise any of the functions of a corporate body.

Your memorialists are residents of the District of Columbia and earnestly desire that your honorable bodies will confer upon them a Charter, investing them with corporate power, and with such privileges and immunities as are enjoyed by other religious bodies in this community, with such limitation and restrictions as to your Honorable Bodies may seem expedient and right, and as in duty bound they will ever pray.

¹ Joseph Friedenwald, Joseph Joseph, Leopold and M. Oppenheimer, H. Mela, Solomon Pribram, Feist and S. H. Hanlein, Jonas Gluck, Merno Lully, Herman Lissberger, Nehemiah Kaufman, William Wolf, Leopold Block, Sam Herman, A. Rice, N. A. Schloss, and Isaac Herzberg. The first officers of the chartered congregation were: Joseph Friedenwald, president; Joseph Joseph, vice-president; Leopold Oppenheimer, treasurer; and H. Mela, secretary.

Accompanying this Memorial was a letter dated January 28, 1856, by Jonas P. Levy to Hon. Lewis Cass, United States Senator from Michigan, in which the latter's coöperation in securing a bill for immediate passage was asked. At the same time Levy enclosed a model charter which he had written and added this note:

I would also suggest that you include the right to erect another synagogue under the same charter, should it be required by an increase of the Congregation. We also wish to have the power to sell stock of our corporation to our co-religionists.

With this model charter Levy wrote the following letter to Hon. A. G. Brown, on March 19, 1856:

Sir: The Law has been examined and will not answer our purpose as our counsellor informs us. Please present the one given to you with such amendments as your judgment may suggest.

It is interesting to note that aside from the details necessary to protect the congregation and the cemetery the model charter had as section 10 the following:

And be it further enacted that nothing in this act shall be so construed as to authorize said corporation to speculate in lands, or to issue any note, token, device, script or other evidence of debts to be, used as currency.

Senator Brown, then Chairman of the Senate Committee on the District of Columbia, presented this Memorial in a bill, No. 199, which was referred to the full committee for report. This report, known as No. 58, declares:

That Congress in 1844 passed a law conferring on religious societies without restriction as to sect, the power thro the intervention of Trustees to purchase and hold for the benefit of such religious congregations, as places of worship, any lot, tract or parcel of land. This law is general in its application, and confers on the Memorialists all the authority that other churches enjoy. The Memorialists, however, think there may be a doubt on this point, and they desire to have authority to appoint and dismiss their own trustees at pleasure, and to impose certain limitations on their power. Your Committee seeing no objection to this, and deeming it reasonable, report a bill for these limited purposes.

When this bill came before the House on April 17, 1856, Mr. Jones, of Tennessee, asked for its immediate consideration, to which Mr. Bennett, of Mississippi, objected. Mr. H. Marshall, anxious to push this bill, said:

The gentleman objected to the bill in regard to the Hebrews. My bill is in regard to the Americans [Laughter].

So reads an interesting item in the *Congressional Globe*. The charter was finally secured and a copy of the original written by Captain Levy hangs in the board-room of the congregation. The following is its language:

THIRTY-FOURTH CONGRESS OF THE UNITED STATES OF AMERICA, at the first session, begun and held at the City of Washington, in the District of Columbia, on Monday, the 3rd day of December, 1855.

AN ACT for the benefit of the Washington Hebrew Congregation in the City of Washington.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled. That all the rights, privileges and immunities heretofore granted by law to the Christian churches in the City of Washington, be and the same hereby are extended to the Hebrew Congregation of said City, and that the third section of the Act approved the seventeenth of June, eighteen hundred and forty-four, entitled "An act concerning conveyances or devises of places of worship in the District of Columbia," shall be so construed as to allow the members of the Hebrew Congregation from time to time, by a vote of two-thirds to elect their own trustees, and the same by a like vote to displace at pleasure, which said trustees shall, during their continuance in office, have the same title in and power over any lot or tract of land, as if held by them under the act aforesaid for a Christian church; *Provided*, That any and all legal and equitable rights, demands, or liabilities of the said Hebrew Congregation, acquired or assumed by or through said trustees, shall be limited to the trust property of said congregation held by said trustees.

The charter having been secured, Captain Levy proceeded to draw up the constitution and by-laws of the Washington Hebrew Congregation and on the 19th of July, 1857, forty-

four signatures were thereto affixed. Article 8 and Article 9, Section 2, thereof read, as follows:

There shall be elected by written ballot on the first Sunday in the Month of August 3 trustees according to our Charter from the Government of the United States, and all officers of this society must be citizens of the United States of America. . . .

Any member marrying contrary to our religious laws shall forfeit his or her membership.

The stern obedience demanded by military officers pervades the regulations and by-laws. For instance, Article 8 of the latter reads:

Any member who shall be elected to the Office of President, Treasurer or Secretary and refuse to serve, shall forfeit and pay a fine of \$5, unless he shall have served in either of the said offices in the preceeding year.

Section 12 adds:

For leaving a meeting without permission thereby destroying a quorum \$2 fine.

IV.

SUNDAY LEGISLATION.

The eleventh number of the *Publications of the American Jewish Historical Society** contains a very valuable article by Albert M. Friedenberg on the development of Sunday legislation with respect to the Jews in this country. The following incident indicates the first reference to this question in Washington. There was no municipal regulation concerning Sunday labor until 1864; but the laws of Maryland practically governed the District of Columbia with respect to property rights and civic obligations. The temperance question had for some time previous been hotly contested and the decision was reached "that no liquor be sold on Sunday." So liberal was the sentiment that the Council refused to call the community to a public celebration of Thanksgiving Day because it did not care to mix in "religious politics or political religion." But

* P. 101 *et seq.*

Mayor Berrett, "under the pressure of public opinion," issued a proclamation under his own authority.

It was to this same Mayor that Captain Levy wrote the following note of inquiry:

November 14, 1859.

Sir:

We most respectfully inquire of your Honor the following information:

It is desirable that our coreligionists, transacting business in this city and District shall keep their places of business closed on their Sabbath, the seventh day, set apart, from work or labor. If they do this strictly, will they be allowed to keep open their places of business on Sunday, the first day, without being subject to any disturbance of the local authorities or corporation laws of this City and District?

Your reply will much oblige,

Yours very Respectfully and obedient servant,

JONAS P. LEVY, 562 Penna. Ave.,

For himself and others.

To. Hon. J. G. Berrett, Mayor.

In the same issue of *The Washington Star* appears this reply:

November 18, 1859.

Gentlemen:

In reply to your inquiry I have to say that a law of Maryland which Congress has extended over this District expressly forbids "any bodily labor on the Lord's Day, commonly called Sunday," under penalty.

That day has become consecrated over the civilized world for more than eighteen hundred years, and the best interests of morality, of society and of humanity require that it should be kept "holy" according to sacred injunction.

In obedience to the law and my own conviction of duty, I feel it incumbent to exert my official authority in insisting that all places of business shall be closed on Sunday, and in requiring every penalty for its violation to be rigidly enforced.

Respectfully, your obedient servant,

JAMES G. BERRETT, Mayor.

To Jonas P. Levy and Others.

This response seems to have brought the incident to a close.