

Isaac Harby on Religious Equality

A Letter to Secretary of State James Monroe

[In the summer of 1815, Mordecai M. Noah, United States Consul at Tunis, was recalled by James Monroe, President Madison's Secretary of State. Among the reasons given for the recall was that Noah had erred in employing Richard R. Keene to ransom American prisoners in the hands of the Algerians, that Noah had ransomed the wrong men, and had expended too much money for that purpose. More significant, however, was the opening statement in Monroe's letter of dismissal: "At the time of your appointment as consul at Tunis, it was not known that the religion which you profess would form any obstacle to the exercise of your consular functions."]

On his return to the United States, Noah attacked the government in a pamphlet: *Correspondence and Documents Relative to the Attempt to Negotiate for the Release of the American Captives at Algiers, etc.* (Washington City, 1816). A number of prominent Jews, and at least one congregation, rallied to Noah's support. They believed that he was a victim of anti-Jewish prejudice.

Among those who protested Monroe's action was Isaac Harby (1788-1828), a well-known Charlestonian educator, dramatist, and editor. In the Jewry of the next decade, he was to become known as the founder of the religiously radical Reform Movement.

Harby's letter of protest is found in the National Archives, General Records of the Department of State, *Miscellaneous Letters*, April, May, 1816. There is a copy in the *American Jewish Archives*. — EDITOR.]

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(Private)

Office of the *Southern Patriot*
Charleston, May 13th, 1816.

Honorable James Monroe,

Dear Sir:

I have just finished the perusal of a pamphlet, submitted to my inspection and *impartial judgment* by Mr. Noah, our late consul at Tunis. To say that the explanations and documents exhibited in this pamphlet were satisfactory, *to my mind*, of the zeal and ability

with which Mr. Noah discharged his official duties, might possibly be attributed to the friendship contracted between us during a long acquaintance. But you, sir, who can look upon him from higher and more impartial ground; you, whose *candour* as a man blends so happily with that strict *justice* which should guide your public actions, can judge of Mr. Noah's conduct with cooler and steadier calculation than myself. On this impartiality, this purity of mind that has ever distinguished your official life, Mr. Noah must rely for a full justification. His friends are also willing to rely upon it.

When this gentleman was first recommended to the regard of government, he was supported by many worthy and influential men. These men must think it due to themselves to know how he has realized the expectations of his friends. May I add, sir, that I think it due to *yourself*, to the *country*, to the *Constitution*, to enquire into the nature of the *cause* why he has been so abruptly recalled.

I, certainly, am by no means authorised to engage your valuable time with the discussion of particulars. I shall not enquire into the policy or honour resulting from the employment of such a man as Keene. It should be considered, however, that throughout the transaction the government of the U. S. *were not known*, that the selection of this man as an agent was an act of *necessity*, and that the objects for which he was employed succeeded as far as practicable. Nor would I undertake to justify Mr. Noah, or any other consul, in construing with too wide a latitude the discretionary power given him of drawing bills [of exchange] upon [the] government. The exercise of this power should be carefully limited. But I do think that the successful termination of Mr. Noah's negotiation generally, his zeal and industry for the interests of his countrymen, his *manners* so well adapted to win his way among strangers — these, taken together, should at least have entitled him to a full and impartial hearing, before your sudden fiat had issued, to his injury and to the astonishment of his friends.

Now, sir, the sole and vital principle which prompts me to hazard a letter to Mr. Monroe (to whom I am personally unknown, but from whose *public*, I cannot but draw the most favourable image of his *private*, character), the ground on which alone I am authorised to write to a gentleman high in the estimation of his country, and soon to become the *first citizen of the republic*, is the ground of *right*.

The first sentence in your letter of recal to Mr. Noah contains these words: "It was not known at the time of your appointment

as consul for Tunis that the *religion* which you professed would form any *obstacle* to the exercise of your functions."! It was this sentiment, sir, which immediately fixed and rivetted my attention, my astonishment. I would ask, since it was not *then* known, whether it has been *since* discovered that *religion* disqualifies a man from the exercise of his political functions? Or has this doctrine *ever* been known, since the first hour of the establishment of our invaluable Constitution?

Had such a sentiment proceeded from an *intollerant* mind, had it been uttered by the minister of any other cabinet than that of America, we should not have wondered. But, proceeding from *you*, from a component part of the Executive of the United States, from you, one of the soundest constitutional lawyers in the country, surely we *might* wonder, and in respect for you, attribute the expression to haste and inconsiderateness, rather than to principle. To *principle*? God forbid! When, in the convention of Virginia (a theatre filled with talents), you and other true and liberal statesmen guarrant'y'd *perfect freedom of religion*, then it was you acted upon *principle*. When the Constitution of the United States declares that liberty shall be *secured to every citizen*, this is *principle*. The principle of *equality of rights* is inherent in every letter, and breathes its spirit throughout the whole mass of our laws. This salutary principle, which for ever destroyed the union of church and state, that bane of political happiness, that insult to heaven, mingles with the feelings and morals and education of the American people. An objection, on the score of religion, would sound to them "most monstrous and unnatural." They know no religious distinctions. One great character of *citizenship* alone prevails.

*Spiritus intus alit, totamque infusa per artus
Mens agitat molem, et magno se corpore miscet.*

["A spirit within sustains; and mind, pervading its members, sways the whole mass and mingles with its mighty frame."]

It is upon the principle, not of *toleration* (for man has no *power* to tolerate religion — that is a concern between man and his maker) — but upon the principle of equal, inalienable, *constitutional rights*, that we see Jews appointed to offices, that we see them elected in our state representation, and that, in proportion as their talents and their influence can bear them through, we see them mingling in

the honours of their country. They are by no means to be considered as a *religious sect*, tolerated by the government; they constitute a portion of *the people*. They are, in every respect, woven in and compacted with the citizens of the republic. Quakers and Catholics, Episcopalians and Presbyterians, Baptists and Jews, all constitute one great political family. *Simplex, duntaxat, et unum*. ["One and only one."] In this light, every wise statesman must regard them. I do, therefore, appeal to you, not only as a philanthropist, but as a politician, not only as a *just man*, but as the *Secretary of State* to this free government, to erase the sentence in your letter above alluded to. Strike it from the records of your office! It can only remain to your own injury, and to the reproach of the liberal character of our institutions.

In taking the liberty, sir, of addressing you on this subject, I trust I have made no infringement on propriety. Your own sense of *justice* will admit that, in the cause of religious freedom, every man in *this country* may raise his voice. I am not only Mr. Noah's *co-religionaire*; I am his *fellow-citizen*. The latter relation is, in my mind, infinitely stronger than the former. I shall, certainly, while I have life and thought, contend for those rights which God and nature and our free Constitution have guarrant'y'd to me and my posterity. Should the *dictum* by which Mr. Noah was recalled *stand* among the archives of the government, the *opinion* will, in a short time, amount to *precedent*, and *precedent* become *law*! What innumerable evils would spring from *one hasty sentence*! Let but *religious distinctions* once prevail, and the Jews of the United States, however powerful by numbers, by wealth, or by talent, will prove too weak for the numerous disciples of other doctrines. They must, if they retain those proud feelings which an education in America implants, abandon their country for ever, and seek an asylum on some foreign shore, among rocks and deserts, if *liberty there* holds her residence.

Be assured, sir, that Mr. Noah's pamphlet has been seen by no one in Charleston, except myself. I have your public character and the interest of the Republican party too much at heart to suffer a syllable of its contents to transpire, if you desire its suppression. Mr. Noah informed me that when last at Washington some of his friends had read the work. I think he was wrong in showing it to any person but yourself. I was satisfied, and am so still, that upon cool reflection you will be induced to strike from your files the document I speak of. Your political enemies shall never say that

Mr. Noah's *religion* was very well known *before* his appointment and that in the midst of his consular pursuits, the Secretary of State recalled him, because it was afterwards discovered that his religion constituted "an obstacle" to his appointment, "an obstacle to the discharge of his functions"!

With respect to any *reparation* (not on account of *Mr. Noah*; he is only *secondary* in the affair), for the sake of a large portion of the American people from whom such a transaction should be forever buried, for the sake of justice, of the Constitution, of your own cause, I certainly must leave everything *remedial* to your well-known candour and your better judgement, suggesting, however, at the same time, that an appointment to an equal rank, or at least some public and honourable mention of Mr. Noah, would be highly satisfactory to his feelings, to the feelings of all his co-religionaires, and, I doubt not, to the feelings of your bosom.

What I have written, I trust you will regard (as I sincerely assure you it is meant to be) moderate, friendly, and respectful. No government, no officer of government, however highly endowed, but in the course of a long political career *may* commit an error. To remedy it is in this case left to *your* liberality and justice.

Believe me, sir, to be with the highest respect,

Your obedient servant,

ISAAC HARBY

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