

Editorial

The Supreme Court: Not What It Used To Be

What has happened to the U.S. Supreme Court which had such giants as Cardozo, Marshall, Holmes, Brandeis, Frankfurter and Story? The current court has justices whose life experiences have been very narrow, especially in the judicial system. According to Stanford law professor Gerald Gunter, "There is a mediocrity on the court we haven't seen since the Truman administration."

The nomination of Clarence Thomas by President George Bush as "the best person" for the replacement of such a fantastic and legendary individual as Thurgood Marshall is, in itself, an insult to the very standards of the Supreme Court. At 43, he is younger and more inexperienced than most high-court nominees. He is neither a brilliant scholar nor an outstanding attorney.

For black leaders, his nomination presents a quandary. How can they really support a conservative who has repudiated the liberal policies they have struggled so long to win? Civil rights groups have launched a whispering campaign aimed at portraying him as an "Uncle Tom." As a government lawyer, he avoided "black" law — civil rights — and specialized in tax and corporate law.

Thomas, for all his talk of self-reliance, has benefited from the civil rights movement. He advocates black pride, but lives in a white suburb, has a white wife and, though he professes to be a foe of big government, rose professionally in government jobs.

For the Jews, he has been cited for being anti-Semitic. Two of his 1983 speeches mentioned a longtime admiration of black separatist Louis Farrakhan. Thomas has stated: "I repudiate the anti-Semitism of Louis Farrakhan or anyone else. While I support the concept of economic self-help, I have never supported or tolerated bigotry of any kind." However, William Taylor, a Washington civil rights lawyer, said Thomas' comments on Farrakhan are relevant. "Farrakhan was on record as being strenuously anti-Semitic long before that 1984 speech in Jesse Jackson's (presidential) campaign."

According to *Newsweek*, if confirmed, Clarence Thomas could cast the deciding vote on a number of controversial issues. His views as expressed in speeches, interview and published articles are:

"Quotas: Thomas opposes affirmative action to redress widespread discrimination. He favors remedies only when an individual can show he or she personally suffered from specific acts of discrimination.

"Abortion: Thomas has said little about the abortion debate. In a 1987 speech, however, he did hint at his opposition to an abortion by praising an article that claimed that fetuses have an inalienable right to life.

"School Prayer: Thomas has quoted his mother as saying, 'When they took God out of the schools, the schools went to hell.' He added, 'She may be right.'"

Thomas is known to have a temper, and during his college years had a liking for marijuana, cognac and cigars. He has since given up the marijuana and alcohol (after a friendly drinking contest one night in 1984). He married his present wife in 1987 and has a son, Jamal, 18, from his first marriage.

It remains to be seen whether the black groups will officially come out to oppose him. Women's groups have openly opposed his nomination as have many Jewish groups. Abortion rights groups are up in arms and senior citizens' groups are not happy that Thomas let languish some 13,000 age-discrimination suits at the EEOC.

I, for one, feel that Thomas is not the person I would like to see on the U.S. Supreme Court for the rest of his life (perhaps for another 40+ years). It is not a matter of whether he is black or white; it is a matter of what he represents. It is not a matter that he was Catholic...even though until recently, religion has been important in court nominations. The Roman Catholic seat (first occupied by Chief Justice Roger Taney in 1836) has been filled almost continuously since 1894. But it would be nice to have another minority represented again...the so-called Jewish seat existed only from 1916 to 1969.

What President Bush has looked for is candidates who have had little to say about most things and what they do say exhibits extreme conservatism.

Clarence Thomas will come before the Senate Judiciary Committee next month bringing a long record of judicial opinions upon which he will be judged. Let us hope that the committee will, themselves, judge wisely.

— Rita Mond

Waldheim's Retirement Opens New Challenges To Austrian-Jewish Relations

By Marc Tanenbaum
(JTA)

The welcome decision by Austrian President Kurt Waldheim not to run for a second six-year term may make it possible for Austria finally to come to terms with its Nazi past.

The years-long international controversy over Waldheim's involvement with Nazi units in the Balkans, which he tried to suppress during his first election campaign in 1986, had the paradoxical effect of casting him as a "supervictim" in the eyes of large numbers of conservative Austrians.

They rallied to his support in angry resentment against what they called "the international Jewish lobby" — which they charged with trying to dictate who the president of Austria should be. It became commonplace in these circles to associate the honor of Waldheim with the honor of Austria.

That polarization of the Austrian population had the disastrous effect of putting on the defensive a substantial number

of decent, often younger Austrians who were determined to face up to Austria's horrible Nazi past in order to uproot the poisonous weeds of anti-Semitism deeply buried in that ancient soil.

For several years, beginning in 1984, I and a number of my colleagues from the American Jewish Committee worked in Vienna and elsewhere in Austria to organize systematic programs in schools, universities, churches and the media for confronting that nation's pathological Nazi past, and to lay the foundations for a new attitude toward Jews, Judaism, the Holocaust, and Israel.

It was startling and reassuring to find a significant number of Austrians who were prepared to work with us on a long-term program. Foremost among them were the eminent Cardinal Koenig, the Mayor of Vienna, the Minister of Education, and key people in both the conservative People's Party and the Social Democrats.

We were encouraged by the progress we began to make with

the Education Ministry, producing impressive educational materials and arranging for regular visits and lectures at the Mauthausen concentration camp in an effort to reorient the understanding of every student in the Austrian school system.

The more successful these immunization programs against Nazism and anti-Semitism became, however, the stiffer grew the resistance of Waldheim's many supporters. More "Jewish interference and manipulation," they caricatured this oral cleansing, calling the philo-Semitic Austrians "traitors."

With Waldheim stepping down, and the equating of the president's political fortunes with "Austrian honor" possibly soon to become a thing of the past, it may now become smoother sailing for the decent, younger Austrians who are determined to create "a new Austria."

A final word.

During the height of the vigorous campaign led by the World Jewish Congress to defeat Waldheim's first election campaign, I agreed completely with their objective, but differed on the method and style of the international campaign, concerned that Waldheim not be made into a "supervictim" of "international Jewry."

Whatever our differences, the result that we all wanted has been achieved, and I express to the World Jewish Congress leadership and others involved a hearty "ye-yasher kochachem" — well done.

Rabbi Marc Tanenbaum, for 30 years the director of interreligious and international relations at the AJC, is now a lecturer, writer and consultant.



Jewish Power

By Pam Appelbaum

In reading a CLAL publication, I was intrigued with the analysis of Jewish leadership styles and its evolution over time. In the CLAL publication, modern Jewish leadership is referred to as "A New Era in Jewish History." Leadership has evolved along a continuum from the Biblical Era, the Rabbinic Era to the Third Era. Respectively, leadership has changed from divine leadership, Rabbinic leadership, to lay professional leadership. In contrast to Biblical and Rabbinic leadership, modern leadership is highly participatory, reaching all Jews alike. "To be a Jew is to taste the flavor of Jewish history every day whether eating food or through the mind."

Today, we can enhance and embrace our Jewish identification with Jewish power. Jewish power allows us to be active Jewish leaders. In fact, Jewish leadership is a function of accelerated Jewish power. Jewish leaders no longer work within clearly demarcated borders. Our Jewish leadership crosses many boundaries and touches many Jewish lives. We have developed a collaborative Jewish system in which we can effectively balance a wide ranging set of Jewish issues. By working collaboratively, we are enhancing the quality and quantity of the enterprise of Jewish leadership.

The rescue/airlift of Ethiopian Jews is a prime example of the coordination of Jewish pow-

er among three countries, many organizations, Jewish communities and individuals. The culmination is indeed reflected in our unique Jewish leadership. Jewish power has accelerated beyond our wildest imagination.

Recognition of Jewish leadership has changed throughout the years. In Biblical times, Moses and G-d were recognized for their leadership roles in the parting of the Red Sea. How times have changed! Today, recognition for the airlift of Ethiopian Jews would be difficult to determine. We are all instrumental players in the name of saving and preserving Jewish lives. I am proud to be a Jew. I am especially proud to be a

Jew today. Being a Jew is to be in the business of Jewish power development.

The avenues for involvement in the Jewish enterprise are vast. You can make a difference. Your actions are not solely reflected by philanthropic measures but also by cultivation of your Jewish power. Interested in increasing your level of Jewish power? Please call the Federation Office at 366-5007. We'll put you in touch with the power.

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