

PEOPLE, POLITICS AND POLARIZATION

People, politics and polarization seem to be the order of the day. It is almost impossible these days to look at any political issue absent a complete and total fidelity to one point of view. Heaven forbid the pundit or political person who has the audacity to weigh differing points of view.

I have known Morton Klein for a long time. He became President of the Zionist Organization of America when it was down on its luck, without a mission. ZOA was formed approximately 1897 by, among others, the future Supreme Court Justice Louis Brandeis. ZOA spent its time through 1948 helping to assure safety and viability of the traditional Jewish homeland in the Middle East. It was a daunting task. Although the land known as Palestine was to be the Jewish homeland, the Arab states and Middle Eastern Islam in general would never accept a permanent presence of a Jewish or Christian population in that part of the world. While Mohammad himself fled from Medina and took refuge among the Jews of the Saudi Arabian peninsula, he later turned on those Jews and slaughtered all of them because they did not accept him as God's chosen prophet. That mentality, unfortunately, has not remediated in the centuries since.

Enter Morton Klein in the 1980s. Klein's new mission for the ZOA was to insure the safety and stability of the Jewish population in the Middle East, the viability of the nation and the right of Jews throughout America to express their support for the Jewish State. ZOA under Klein's leadership has taken amazing steps to fight anti-Semitism on college campuses and has been a true and loyal spokesman to those who recognize Israel as one of America's most important allies in the struggle for freedom, democracy and against the disease of terrorism.

Klein recently ran into big trouble with the hard left. My friend, Morton made the unforgivable error of complementing some of President Trump's advisors, especially Steve Bannon when it came to Israeli security. Never mind that Klein and ZOA have been extremely critical of Trump's State Department, General McMaster in the National Security Council and the dismissal of pro-Israel sympathetic Jewish voices on the National Security Council. When a political person in American life says anything good about an opponent, the "other side" will go ballistic.

Recently a leftist, some would say socialist, newspaper the *Forward* published a piece by Steve Davidson which equated Morton Klein with known murderers and terrorists. The catchy headline was "19 People Jews Should Worry About More Than Linda Sarsour." Linda Sarsour is an American-Muslim spokeswoman for those who

have committed acts of murder against Jews and others, while robing herself in the title of feminism. She is no more a feminist than Attila the Hun was Mother Teresa's immediate ancestor. Nevertheless, she has sold herself that way and has taken a certain amount of heat for her hypocrisy. Who were the 19 people Morton Klein was compared with, since he was sixth on the list? They are people who are not only known murderers but also admit to seeking destruction of the Jews. On the list was the head of Hezbollah, an organization which daily calls for the spilling of Jewish blood along with the President of Iran, Neo-Nazi David Duke and you name it; the Who's Who of really bad people. There of course is absolutely no truth to this allegation. Those of us who know Morton Klein and read his extremely informed erudite statements, know that he is unabashedly pro-Israel and supports the rights and the interests of the Jewish people both in the United States and abroad. If that is his sin, then he absolutely is guilty as charged. What he is not guilty of is promoting, supporting or speaking out in favor of terrorism, murderer or intolerance of others. The fact that Klein may have said something good about people the hard left do not like, does not support his being vilified in the press most beloved by the new left.

The *Forward* at one time was a very respected newspaper. It was a Yiddish language newspaper of the immigrant Jews in the United States. It was their voice. The *Forward* has fallen on hard times. The *Forward* is no longer published in Yiddish, but rather in English. It has struggled financially and is mainly an online publication, appealing to those without conscience or credo when it comes to legitimate Jewish principles. Nevertheless, there are a certain amount of those in the Jewish community like the *Forward*, are ashamed of themselves and are hostile to the very continuity of the Jewish people and the Jews in the land of Israel.

Of course, the *Forward* and its writers are entitled to their point of view and as my father would say, loosely quoting Voltaire, "I would fight to the death for their right to be wrong." However, it is also under American law and most democratic legal systems defamatory to speak an untruth or a factual lie about another person. To put Morton Klein in the same camp as terrorists, murderers and those who publicly call for the annihilation of others is a factual lie. It is simply not the truth. It is defamatory and it will cause harm to Klein and the ZOA. The purpose of Davidson and the *Forward* are to so marginalize Klein and the ZOA that no one will listen to them and they will be considered extremists in every camp. There is a method to the madness of those who are unwilling to live peacefully with their brethren and sistren.

What is odious and repulsive about the *Forward's* attack on Morton Klein and the ZOA is not that their opinions are unsavory but rather they assert facts in the disguise of opinions in order to seek the shield of the American First Amendment. The United States Supreme Court has struggled with this problem for many years. Examples are *New York Times v. Sullivan* and *Gertz v. Welch*, both of which dealt with the rights of

public figures. If one is a public figure, the party who defames them, must be proven to have acted with “actual malice.” This enhanced standard, essentially means that any creep who feels like perpetrating lies, can do it unless the victim can prove actual malice. The newspapers liked this law as well, since it protects them from lawsuits.

But when can an opinion be stripped of its shield so that the enunciation of facts which lie just beneath the surface can be supportive of a defamation action? The law in virtually every state recognizes that there is a difference between opinions and facts. Comparing a person to an admitted murderer, can only be seen as a factual assertion of truth.

Morton Klein and ZOA have a good reason to feel aggrieved. They have been attacked and bombarded for no reason other than the fact that they had the audacity not to hew to a single point of view but rather to look at this complex world in a way that recognizes a dichotomy. Sometimes bad people say and do good things and sometimes good people say and do bad things. Morton Klein and ZOA perform their obligation to their constituency with fidelity. At the same time, the ZOA has every reason to worry about the safety and the rights of American Jews who speak up for Israel and for Jewish interests. Keep up the good work Morton Klein and ZOA.

*Clifford A. Rieders, Esquire
Rieders, Travis, Humphrey,
Waters & Dohrmann
161 West Third Street
Williamsport, PA 17701
(570) 323-8711 (telephone)
(570) 323-4192 (facsimile)*

Cliff Rieders, who practices law in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a member of the Pennsylvania Patient Safety Authority. None of the opinions expressed necessarily represent the views of these organizations.