

So, You Think You Have Problems?

It is not unusual for me to volunteer for or be appointed to committees dealing with equity. After all, aside from the fact that I have tried and handled many civil rights cases, I am always receptive to the necessity of equality of treatment regardless of race, color, creed, gender, or other invidiously discriminatory factors. I am flattered that I am so often chosen to serve in such important roles.

Recently, during a telephone conference, an “attendee” of an equity committee meeting, was surprised to hear that Jewish lawyers have faced discrimination. She seemed very nonplused by my comment.

It is a reality that I have lived; a number of years ago, I videotaped my father in the last few years of his life. He told a very compelling story about when he applied for a job at the New York Telephone Company. He was asked directly whether he was Jewish. He responded “yes.” The response from the clerk was, “Well, we don’t hire Jews here.” My father said that he just did not know what to do. “Do I turn and walk away, do I crawl out, do I yell...just how do I get out of here?” He then went on to say, “Believe me, I know how the Blacks feel. There is nothing more degrading than discrimination.” My father was someone who thought it a conservative philosophy to demand equal treatment for equal work.

My arrival in Williamsport did not represent the first time that I faced anti-Semitism. When I worked at a municipal park in New York as a Coast Guard licensed launch operator, I was asked to shoo some kids away from a railing, so that nobody fell into the water and got hurt. I went up to the kids and I asked them to please move, as I had been ordered to do. One of the kids, I was told later she was 13 years of age, said to me: “I don’t have to take orders from no f*cking Jew.” She might just as well have slapped me in the face. I had never heard such talk about anyone before and I did not even know how to react. I said nothing.

The first place I lived in Williamsport was on Hastings Street. It was a busy truck route, since it was Route 15 North. After a short time, my wife did not want to live there because of the noise that wafted through the open windows in the summertime. I asked the landlord if we could move, should I be able to find a suitable tenant to replace us. He said the following: “Yes. But don’t rent to no colored folks. You know you’re lucky that we rented to you.” We looked long and hard for a Black couple.

The next place I lived was out on Route 87, in a countrified setting. We rented a carriage house on the property of a well-heeled Montoursville, Pennsylvania couple. Every year they had a Kentucky Derby party. They asked me, at this time a law clerk to a federal judge, to park the cars and wash them, but they never invited us to the party. Oh well, I never had much interest in horse racing anyway.

Some years later, I asked the federal judge I worked for, after sharing a couple glasses of wine with him, why it was that so many of his law clerks, it seemed to be about 50%, were Jewish. His answer was: “If there had not been quotas against Jews, I would never have gotten into Harvard Law School.” I did not take the conversation any further, shocked as I was by his candor. It is funny how the world changes. I was told

that I would never face admission difficulties to Ivy League law schools since they were making room for minority students.

Fast forward, not for very long, I found myself in trial before a young Democratic judge, nominated by Governor Shapp to fill a vacancy. I asked off for one of the Jewish holidays and I was abruptly told, "I talked to my friends [whose names I won't put here] and they told me that you do not have to take off the second day of Shavuot." I knew the people he referred to. They were very nice people who owned a small Jewish-style deli in Williamsport and belonged to the Reform Jewish Congregation. I said to him, now having a little bit more confidence, "You grew up Catholic in Jersey Shore, didn't you?" He said, "yes." I said, "Well then, you know there are Catholics and Unitarians." He said, "Yes." I said to him, "Well, I am a Catholic." He gave me the day off.

In that same trial, I called a witness who was an appraiser. In establishing the credentials of the appraiser, I asked whether anyone had questioned his appraisal for fine art, in particular paintings, since that was not his specialty. He responded by saying, on the record: "Some Jew in New York, one time, but it was nothing." I said nothing and just went on with the case. It was the first verdict in a divorce case in excess of \$1 million in the county where I primarily practiced.

Of interest is the fact that both the widow of the landlord at the Hasting Street address and the witness later apologized to me and asked for my forgiveness, which I was delighted to grant.

Not too many years later, I was called for a trial in Clinton County on a Jewish holiday. Again, I explained to the judge, now becoming an expert on asserting myself, why as an observant Jew, I could not attend the trial date when set. The judge's response was, "Well, that is what the contempt power is for." When I realized that the judge was intent on forcing me to attend the trial, I contacted a Supreme Court Justice by telephone. I was intending to file something with the court, but a telephone call from the Justice to the judge postponed the hearing. One would think that the judge would not have been very kind to me in the future, but, in fact, we went on to have a very pleasant and cordial relationship over the years until he was finally removed from the Bench for some sort of allegedly inappropriate conduct.

One of the most remarkable recollections that I have of anti-Semitism was during a trial in which I represented a developmentally challenged man who was a truckdriver. He delivered pigs to a farm. During the course of delivery, he helped the farm owner to place salt on an icy portion of the farm road. The truckdriver fell, banged his head and suffered injury. Defendants had a very good comparative negligence defense. In the closing, the very fine lawyer on the other side from Harrisburg said the following: "Mr. Rieders wants you to give an eye for an eye, but our Lord Jesus Christ taught us to turn the other cheek. If we took an eye for an eye, the world would be sightless and toothless." I was astounded by the lawyer's statement and my first inclination was to say nothing. However, when it came my turn at rebuttal, I decided that I was going to lose this case anyway and I might as well be honest with the jury. I had noted that throughout the trial a clergyman with his clerical collar sat next to the defendant farmer at all times. I said: Mr. "Doe" brought up the biblical question of an eye for an eye. This is not a religious court or tribunal and it is not the inquisition. It is not my role or anyone

else's to bring religion into these proceedings. However, I am constrained to say that in the Jewish law the term 'eye for an eye' was always from its inception a legal formula for 'measure for measure.' Never ever did any Sanhedrin impose a punishment for an eye for an eye or a tooth for a tooth. In fact, the rabbis tell us that a Sanhedrin that declared the death penalty once every 70 years was considered blood thirsty." I then went on to finish my rebuttal. The jury found for the plaintiff and several of the jurors went back to the judge afterwards and asked whether they thought they awarded too much.

I found myself in a trial in federal court where the judge called me up for a bench conference. We wondered what was going on and the judge specifically asked me, "Do you know what year Maimonides was born?" I guessed wrong, although I should have known the date. The judge corrected me. Now, why in heaven's name did he do that? Later in another trial before the same judge, involving constitutional law, I deliberately referred to the "Ten Commandments." The judge said, "Mr. Rieders I think you are in a different court; do you mean the ten Bill of Rights." I smiled and thanked him.

One might think that with the passage of time things got better but, actually, they got worse. When I became president of the Trial Lawyers, there was an individual of importance in Harrisburg who regularly referred to me as, "that curly haired liberal from upstate." On another occasion, he referred to Henry Kissinger as "that ugly old Jew." The amount of anti-Semitism that I experienced was shocking and revolting to me. Nevertheless, as my father's son, I hung in there and, oddly enough, became pretty good friends with one of the most initially inappropriate of individuals. He never apologized with words, but treated me with the greatest respect over the years that passed subsequent to our first involvement. I think he had been poisoned against me by some other people, who disappeared into lawyer oblivion.

Frequently, I used to receive calls saying, "I want a smart Jewish lawyer." I always respond: "Well, you got that one dumb one." I will not represent people who start off that way.

Internally, I have faced anti-Semitism as well. One of my partners wanted to represent a group of inmates at a penitentiary on a First Amendment claim. They wanted to bring the "Burning Spear" into the prison. I took one look at the newspaper and saw that it was the most anti-Semitic trash brag I had ever seen. I objected to the Firm representing these people. The lawyer said that he thought it was a First Amendment issue and he was going to do it regardless. Fortunately, they lost the case.

One of the associates who worked on that case made it clear to me that, "I don't like Jews." When he worked on a case where a Jewish lawyer was on the opposing side, he reiterated that he did not like Jews. I raised the issue with one of the partners who invited the two of us for a beer. When the associate was confronted with his bigotry, interestingly enough, he was a social liberal on many other issues, he responded that, "Well, my first wife was Jewish." My response, "Big deal, so was mine." He was not impressed. I almost left the Firm over the "Burning Spear" case.

More recently, I had a judge say to me, when I handed in some paperwork on time, "You must have had a good Jewish mother." My response: "Yes, I did. In fact, I

worked for that good Jewish mother as a financial controller in the aerospace engineering firm that she ran.” There was no further comment from the judge.

A number of years ago, I represented a group of Baptists who objected to a nativity scene in the courthouse fountain, which was emptied out for the winter. One of the partners, who had a relationship with a County Commissioner, brought me to his office and said, “You are looking at a hypocrite.” He then showed me a note that the County Commissioner had penned on a headline concerning the case ordering the senior partner to back me off the case. Fortunately, a compromise was reached and the nativity scene was removed to a private piece of land around the corner from the courthouse.

The beat goes on. A number of years ago, a renowned judge gave me Wellman’s Book, *The Art of Cross-Examination*. I was told this was a must-read book. I was about to begin a vitamin supplement trial in Philadelphia and I decided to read the book. This was in 2019. The book had a beautiful inscription from the judge to me. However, when I read the book, I was shocked at the rank anti-Semitism of the author, who wrote this book some time prior to World War II. I really could not get through the book, in spite of the interesting and helpful tidbits.

Today, anti-Semitism has evolved. If a Jew supports Republicans, that is distressing to Democrats. If Jews support Democrats, they are labeled as leftwing socialists or communists. I have found myself in the middle of political hot water, not necessarily based upon my legal views, but upon my level of observance. I am very active in many Bar related associations. Some of them are very good about avoiding Jewish holidays, and others could not care less. Meetings are frequently held on Friday afternoons, when Sabbath observance prohibits me from participating. Others are held on Jewish holidays when no one bothered to check as to whether there might be a conflict in the date because of Jewish religious observances. It is not unusual for Jewish members of various committees and groups to resent an observant Jew. One of my first articles published was about the “Jewish seat on the Supreme Court.” The article was actually endorsed by a letter from Gerald Ford. Ford had read the article before it was published and asked for a copy of it to be placed in his Presidential Library in Dearborn, Michigan. Nevertheless, Jewish members of the publication committee would not support the publication. Fortunately, the Presbyterian chairperson, overruled the opponents and the piece was published.

Of course, I expect no empathy and I do not deserve it. I am proud of whom I am, how I live and the religion that I observe. I enjoy different races, colors, religions, genders and the variety of people produced by God. I was taught at home, through example, to respect others based upon their abilities, decency and moral commitment. It was considered to be a sin of the highest order to mistreat somebody because they were different. I remember as a child, my father took a developmentally disabled man and his son fishing. They frequently hit each other on the boat and I asked my father not to invite them anymore. He turned to me and he said, “Son, they are God’s children too.” I never forgot that and I never will.

I am sure that I have missed out on many other stories, tidbits, vignettes, insults, minor and major. What we need to appreciate in Bar Associations and organizations is

that no one gets a free pass because of who they are. We all should be treated equally, and that means not treating some particular group better than others because of past discriminatory history. That winds up being unfair to some other group. Special privileges are just about as bad as special deficits. Let us strive for equality, keeping in mind the wisdom of Martin Luther King, Jr., that what counts is the quality of one's character, not the color of the skin.

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