

Teaching by Example

Category: Devarim, Shoftim

Jewish lessons from the Supreme Court.

The Shabbos-Observing Lawyer

As college students all over the country begin to make their way back to school, I would like to share with you a true story about the challenges and experiences of a Jewish college student in the '50's.

Back in the late 1950s, a young religious Jew finished his yeshivah education and went to law school. You may have heard that young man's name: Nathan "Nat" Lewin, the legendary lawyer who today is one of Washington, D.C.'s top attorneys.

Young Nat had studied at New York's Yeshiva University—and when he graduated with high honors, he submitted requests for acceptance at various law schools across America.

In that era, college tuition was "extremely expensive"—one thousand dollars a year. Tuition was \$500 and room and board was another \$500.

Nat was accepted by several universities, but decided to go to Yale University since it was close to New York and would allow him to come home for Shabbos and the holidays.

But then he met a father of a friend of his. This man was also the only lawyer that Nat knew at the time. When Nat told him that he would be going to Yale University, the man said, "That's very nice, but it's very unfortunate that you weren't accepted to Harvard University." Nat told him that he had indeed been accepted—and not only that, but they had given him a full scholarship too. "I could go there for free," said Nat.

So the lawyer said to him: "You have to be crazy to get accepted by Harvard but not go there!"

Hearing that, Nat Lewin went home and told his father that the only lawyer that he knows says that he's crazy for not going to Harvard.

His father asked him: “And what will be with kosher food?”

In those days, Harvard’s Hillel House was mainly busy with organizing parties for young Jews so the young Jewish men and women would have the opportunities to get to know each other and thus ultimately keep them marrying within the faith. But providing kosher or organizing synagogue services was not at all part of their regular work.

So Nat searched and found that there were three Orthodox young men on campus who ate kosher—and that they were seeking a fourth roommate. So off Nat Lewin went to Harvard.

Upon arrival, he found himself in a class of 500 students, of which only ten were women. Not only that, but at Harvard, classes were held six days a week, from Monday to Saturday, with only Sunday off. In general, there were several classes held on Shabbos day.

But Harvard was considerate with the Orthodox students and gave them a dispensation that they would only need to attend one class on Saturday. So those few Sabbath-observant students would organize a Shabbos minyan each Saturday morning at 7:00 a.m. so that they’d be able to later attend the one class at 10:00 a.m. Nat would join the early-morning minyan and then show up in class without any books, writing instruments or anything—because, after all, it was Shabbos. He would just sit at the back of the class and listen.

After his second year at Harvard, Nat looked for summer work at a law office as all the students did. He submitted requests to many offices, and even though he was one of the best students in his class as well as editor of the university’s magazine, he was still not accepted by any of them. They only employed non-Jews—and the only Jew who did get a job at one of these offices did so because he had a non-Jewish last name.

So Nat Lewin tried his luck in New York and went to look for work at a law office in the Big Apple.

In New York, various lawyers read his resume, where they saw that he had studied at Yeshiva University. So they would ask him: “Are you Sabbath-observant?” And he would say yes—but that he was prepared to work extra hours throughout the week so as to complete his Saturday work during the weekdays.

But they would tell him, “It can’t work that way. When we need you here on Friday afternoon to submit depositions to court, or if Rosh Hashanah falls on weekdays, we’ll need you to be in the office ready to do what needs to be done. Young man: If you really want to be a lawyer, go to your rabbi and get a dispensation from him, a special permit, that you are allowed to work on Shabbos and Jewish holidays.”

So Nat Lewin bounced from law firm to law firm, hearing the same words again and again. In that year, he could not find employment in any law office. He finally ended up working as an aide to one of the professors at Harvard—and so four years went by.

After he graduated with honors, young Mr. Lewin went looking for work again.

In those days, the most prestigious job after graduating law school was working as a clerk at the United States Supreme Court. Each justice would have two clerks— and to get a job working for a Supreme Court justice was, and probably is, the dream of every law-school student.

A few months after graduating, Nat Lewin got a phone call from one of his Harvard professors. The professor told him that every year, he advised Supreme Court justice John Marshall Harlan which of his students would be worth it for him to take on as clerks—and that this year, he had advised him to take Nat Lewin.

“Go to Washington,” said the professor to Nat. “He’ll interview you, and if he likes you, you’ve got a job.”

Obviously, Nat Lewin was very happy—but he knew that clerks were expected to work six days a week, including Saturdays. So he came to the interview and everything went well—until the end.

Nat Lewin said to the judge: “Listen, I’m a Sabbath and holiday-observant Jew. I cannot work on Saturdays and holidays.” So the judge asked him: “Are you prepared to work on Sundays instead?” “Absolutely!” Nat said. The judge responded: “If so, the second clerk will work on Saturdays and you’ll work on Sundays.”

And indeed, during that year of work at the Supreme Court, Nat Lewin found

himself working late winter Friday afternoons many times—at which point Justice Harlan would look out the window and tell him, “Nat, the sun is going down! It’s going to be Shabbos soon! You need to go home!”

The Best Argument

Many years passed. In the late 1970s, Nat Lewin was already a famous lawyer.

One day, he got a phone call from the late Brooklyn Congressman Stephen Solarz. Congressman Solarz told him that he was getting a lot of complaints from religious people that every time they don’t want to work on Jewish holidays, they need to count it as a vacation day—causing them to lose their vacation days and barring them from taking extended vacations with their families during the summer months. Congressman Solarz asked him what could be done about the issue.

So Mr. Lewin thought and said to him that they need to pass a law in Congress called Compensatory Time, in which you would be allowed work longer hours throughout the work week, thus compensating for all the time you wouldn’t be at work. And then, your holiday days off wouldn’t be counted as vacation days.

Congressman Solarz loved the idea. He drafted the text of the legislation, and began presenting it in Congress—and at the start, it seemed that the bill had many supporters.

And then one day, he got a call from the Congressman. He was all frantic.

Congressman Solarz said that the U.S. Dept. of Justice had just released a position paper saying that the bill ran counter to American law. As the Justice Department saw it, all American citizens are equal, but here, the bill posited that religious people get special treatment—which would mean that if someone wanted to go watch his son’s basketball game, he would not be able to put in compensation hours, but religious people who wanted to keep their holy days would get this special privilege.

For that reason, the Justice Dept. was opposing the bill, said Congressman Solarz—and if they are opposing it, then there’s no hope for the bill to pass.

But still, the Dept. of Justice was willing to give the bill another chance. They

would organize a summit of sorts at their headquarters, where representatives of all government bodies that would be affected by this law would be present—and there, Congressman Solarz would have the opportunity to come and explain his side and why he believed that the bill was not against the law.

And so, they all came to the Department of Justice on the appointed day. Over 50 people were there.

The first person to speak was a Department of Justice spokesperson. He explained why the bill was against the law, and everyone sat their nodding their heads in agreement with his words and taking notes for themselves.

When he finished his presentation, he turned to Congressman Solarz and said, “Now it’s your turn.”

Congressman Solarz rose and said, “I’m not an attorney. But I have here with me the distinguished lawyer Nathan Lewin, and he will take the stand for us on this issue.”

Now Nat Lewin got up to speak. He tried to explain how the bill was not against the law. He spoke about dry legalistic concepts—and he saw that the crowd had no interest in listening to him. They had already concluded that the first speaker was right, and he saw how they were falling asleep before his very eyes.

So he then began telling them how he had worked as a clerk for a United States Supreme Court Justice, and that the justice had allowed him to not work on Shabbos. And not only that, on Friday afternoon, the justice would tell him, of his own accord, “Nathan! It’s almost Shabbos! You need to go home!”

Concluding his remarks, Nat rhetorically asked: “Do you think that this distinguished justice did something against American law?”

As he concluded his words, there was silence in the room.

The very next day, Congressman Solarz called him and said: “Listen here: the story you told yesterday was like an explosive! The Dept. of Justice decided to change its position and support the law.”

And indeed, the law passed Congress and ever since, it has been part of the U.S. Code—and thousands of people have benefited from it.

A Living Example

That brings us to this week's Parshah: Shoftim, or judges—individuals who lay down the law, followed by shotrim, or officers, who enforce the laws.

The Rebbe would always quote an example in Jewish law that is similar to Justice Harlan's behavior towards Nat Lewin.

In Judaism, we find that the best proof for any given halachah is "maaseh rav," or rabbinical precedent. For example, there is a discussion in the Talmud (Tractate Shabbos 21a) about which wicks are permitted for use for the Shabbos candles—and Rabbi Shimon Ben-Gamliel is quoted as saying, "In my father's home, they would wrap a wick around a nut and light it." And Rashi comments: "Since he testifies that this is how his father's household would do it, it is halachah."

In other words, if a rabbi says something in a class or lecture, it's not certain that it's halachah in actuality, but if you see the rabbi actually doing what he had been talking about in his class or lecture, there's no better proof of its validity than that.

What this can teach us is that the most important thing in being a Jew is not what you say but what you do—to be a living example for your kids is the most convincing argument.

Bottom line, your one act is worth more than one thousand words.

When it came to convincing the Justice Department to allow Jews to take off for Shabbos and the holidays, Nat Lewin's legal words and arguments were unsuccessful.

However, when he told the story of Justice John Marshall Harlan and how the judge had set his own example, there was no argument against that.

My friends: The lesson here is that if you want to teach anything to anyone, there's no better way to teach it than by living it.