

# When it comes to judiciary, The New York Times puts Israel first, America second



by Lev Tsitrin

American Jews are often being accused of dual loyalty – or worse, of putting Israel's interests first. Naturally, the Jews vehemently reject this as fiction, as antisemitic innuendo.

I will be the first to agree that dual loyalty is nonsense – for a simple reason that there is no need for it. The interests of both countries are fundamentally the same and are intertwined at the core. This being the case, what strengthens one country, strengthens the other one, too. Not everyone understands this, of course – Obama didn't. But even his,

hostile actions – actions hostile to both Israel and America, actions like his Iran “deal” that was designed to assure soft landing for Iran’s nuclear project after Obama left the office, so he did not have to deal with it, were – out of political necessity to offer at least lip service to common interests – framed to project unity of purpose, and (of necessity hypocritically and flimsily) couched in pro-Israel language of “containing Iran’s nuclear threat” – though in fact the “deal” increased it exponentially, by providing the cover of international legitimacy to Iran’s enrichment activity done after 2030, paving its way to the bomb.

This said, public expressions of concern for Israel’s well-being, all complete with advice on how it should conduct its affairs, is not to be confused with prioritizing Israel over America. What is important is that such discourse not be made a cover for back-stabbing like Obama’s Iran deal was – it back-stabbing not just Israel, but America too, because nuclear-armed ayatollahs are a direct threat to America.

The latest installment of such I-know-better-than-the-Israelis-what-is-good-for-Israel rhetoric is the *New York Times*’ [Thomas Friedman’s critique](#) of Israel’s proposed reform of its judiciary that, according to Friedman, “could seriously damage Israel’s democracy and therefore its close ties to America and democracies everywhere.”

I won’t go here into discussing the suggested reform and into rebutting Friedman’s thoroughly absurd claim that is based on his disingenuously inaccurate description of the proposed reform. My purpose is to point out that, by covering Israel’s deeply flawed judiciary while adamantly refusing to shed light on the shady workings of our own judges, the *New York Times* and Thomas Friedman actually put Israel over the US – to America’s detriment.

Israeli judicial system is messed up in the way that is uniquely its own, its self-righteous “judicial activism” at

the expense of “due process” being open and brazen. But at least, Israelis do talk about it. Israeli press discusses pros and cons of the inner workings of Israeli judges. To Israeli journalists’ credit, their country’s judiciary is being treated by Israeli press as just another branch of government that, under democracy, should be accountable to the people – and not like holy priesthood officiating at esoteric rites that no hillbilly can or should understand, destined instead to stand in awe at judges’ superior oracular wisdom coming down as if from Olympus – if not Sinai – of mystical jurisprudence, as we have it here in America – because the mainstream American press adamantly refuses to treat judges as government, not as gods.

This putting-Israel-first by the *New York Times* is particular gulling to me, as I constantly try to contact the paper to urge it to report on the true state of American judiciary – or at least to find out why they refuse to do so. The only response I managed to get so far came from one of the editors (whom I will not name here – the guy has at least half a conscience, the others – the likes of David Brooks, Bret Stephens, or Jamelle Bouie who write upliftingly eloquent op-eds about “democracy” not replying at all; having cashed their paychecks, they forget about democracy, it being for them just business, nothing personal – so why out the man with a half-conscience that manifested itself in an impulse to reply, this hallmark of at least basic decency?) – his reply taking the form of “Please remove me [from your e-mail list]. And do your own research” – which hardly answered my question of “why do you journalists refuse to cover judicial fraud?”

And there is plenty to cover, starting with judges’ bizarre, self-given right to act from the bench “maliciously and corruptly” which they awarded themselves in *Pierson v Ray* – and use it to defend clearly illegal practices like replacing in decisions parties’ argument with the utterly bogus argument of judges’ own concoction. This sleight-of-hand that annuls

“due process” was called, in a court decision absolving one such judge whom I sued for fraud, “a classic exercise of judicial function.” Now, isn’t this newsworthy? If a judge follows “due process of the law” and forthrightly evaluates parties’ argument awarding victory to the stronger argument, this of course is “a classic exercise of judicial function.” But if a judge violates “due process” and illegally *makes* argument for parties instead of adjudicating the argument given him for adjudication, this is *also* “a classic exercise of judicial function!” In violating the law, the judge follows the law, a doctrine that is Kafkaesque rather than legal – let alone having anything to do with democratic accountability of the government to the governed. How is this not the first-rate journalistic fodder?

Mr. Friedman and the *New York Times* would do well to put America first and inform us of this brazen abuse of power by the judiciary, done right here in the US. Or at least, they should explain to the public why this reporting should not be done – in the e-mail to which I got the above-quoted, polite but terse “bug off” reply I even suggested a title for such piece – “*Why we won’t shed journalistic light on judges’ swindles.*” Alas! Though the *New York Times* has journalists assigned to the legal beat – Adam Liptak and Benjamin Weiser, with Linda Greenhouse doing the occasional opinion piece (plus a bunch of law professors who regularly contribute a “guest essay”), no one at the *New York Times* is willing to fill us in on this fascinating journalistic question. I repeatedly volunteered my services, but was invariably ignored.

So why put Israel first, Thomas Friedman and the *New York Times*? While I applaud you for being concerned about Israeli judiciary and its role in Israeli democracy, I wish you were equally concerned about the way judiciary operates right here in America, eviscerating *our* democracy.

Charity begins at home. It is not just Israelis who need genuine democracy and justice. We, Americans, need them too.

So please, *New York Times*, don't put America second. Treat in your journalism both countries – and both countries' deeply undemocratic judiciaries – equally.

*Lev Tsitrin is the founder of the Coalition Against Judicial Fraud, [cajfr.org](http://cajfr.org) – the site lately being down for – hopefully – just technical reasons.*