



Roger Simon

His stand for right not sitting well

His life will never be the same; he knows that now.

Friends and family members have turned on him. Some people have stopped speaking to him. He may lose the job he has held for the last 10 years. Certain doors will never be open to him again.

The organization he works for has lost one-quarter of its budget and more than 1,000 of its members because of what he has done.

He says: "I sometimes don't believe it. I didn't expect it. I guess I was naive. It is the first time in my life that common sense has not prevailed."

His name is David Goldberger. He is a Jew. He defends Nazis, He is legal director for the Illinois Chapter of the American Civil Liberties Union.

A few months ago he became a principal player in the biggest controversy in the history of that chapter and what may become the biggest controversy in the history of the ACLU. Nationwide, 2,100 persons have resigned from the organization because of what Goldberger has done.

EARLIER THIS year, a group of Chicago Nazis the ACLU had defended previously without much controversy was denied a permit to march through the northern suburb of Skokie. Skokie is not only predominantly Jewish, but the home of thousands who survived the Nazi death camps of World War II.

The ACLU and Goldberger agreed to represent the Nazis. The issue is still in the courts.

The public reaction was immediate, enormous, threatening and on the knife-edge of outright violence.

"One of my own relatives came up to me at a family gather-

ing," Goldberger said. "He said: 'I'll kill the Nazis if I can.' "

Many Jews, both in Skokie and elsewhere, threatened violent action if the Nazis marched. A busload of members of the Jewish Defense League arrived in Skokie from New York carrying a collection of lead pipes and clubs. They flatly threatened to murder the Nazis should they even march there.

And Goldberger was not only defending the Nazis, he was actively pursuing their cause and furthering their goals, even though he didn't agree with them.

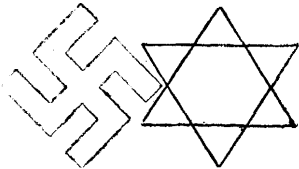
"Look, everybody has their retch level," he said. "Even with civil libertarians, you will find a blind spot. With many it turned out to be the defense of the Nazis.

"**I JUST DIDN'T** expect the resignations of so many members. I thought we'd lose a few I thought the rest would say: 'Okay, you're wrong to defend Nazis, but I will support you for the bigger issue, I will support you because you are defending the First Amendment.'

"That didn't happen. The loss of money because of it is a terrible loss. It will not blow over. These people will not come back to us. They are furious. I don't hate them for it. They are good people. They are wrong, but they are good people."

Goldberger's office in Chicago's Loop is one of the few places he is welcome these days. It looks like you would expect an ACLU office to look: Frosted glass doors, old wood desks, leaflets for a Sacco and Vanzetti memorial service, and a leather chair with the stuffing starting to come out.

He passed a legal document over the desk. It was part of a suit filed by a Jewish group, the Anti-Defamation League. The ADL had filed suit to prevent the Nazi march, largely because of public opinion. The ACLU view of the ADL these days is



DAVID GOLDBERGER

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simple: "They are cowards," an ACLU official told me.

In the document, Goldberger is referred to as a "neo-Nazi counsel." The man who wrote the document says that he only meant that Goldberger represents neo-Nazis, nothing more. Goldberger doesn't buy that and sees it as a grave personal insult. "I was astonished that a responsible lawyer would engage in that kind of smear in a court record," he said.

"I am being characterized as the bad guy. It is the first time in 10 years I have been unable to convince people that what we are doing is right, that the people I am defending are basically decent human beings. That is because they are not basically decent human beings.

"But they have rights! They have the First Amendment! I take great pride in defending this issue. I am not going to be deterred from defending a client's right to speak, just because I disagree with his speech."

But as much as Goldberger is fired up with defending the case, he admits to being depressed by what has taken place. "I am profoundly disappointed with the public reaction. Do people want the rule of law or mob rule?"

"I know things won't ever be the same. The only thing I ever wanted to do is civil rights practice. If I lose my job and go into private practice ...well, I suppose it will add about 50 per cent to my income.

"But this is the job I want to do," he said. "My father always told me one thing. It doesn't make any difference how much you make, but whether you are doing the right thing."