

**From:** [David Kraemer](#)  
**To:** [Covid Affiliate Archives](#)  
**Subject:** FW: One Person's Response to Communal Fear 6.16.20  
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**From:** Morris Allen <mojo210al@icloud.com>  
**Sent:** Tuesday, June 16, 2020 9:18 AM  
**To:** MOJO210AL <MOJO210AL@aol.com>  
**Subject:** One Person's Response to Communal Fear 6.16.20

WAGON WHEEL CENSUS 5 Trucks 4 Cars 2 Walkers 1 Dog Walker 1 Runner (and two other walkers who did not officially meet the definition of passing me or being passed by me on Wagon Wheel with a very cute dog)

Who knew? Yesterday by a 6-3 decision, our Supreme Court extended the definition of the 1964 Civil Rights Act to include employment protection for the LGBTQ community. It was a decision that was clearly and unambiguously embraced by a significant margin of the court. The majority opinion was written by the person who was appointed to the seat to which Merrick Garland had been nominated but never brought forward for a vote by an obstructionist majority leader. Life's turns are always delightful when they go in your favor. I am thrilled that finally people can love who they love, marry who they want to marry and work with the security that none of that impacts their job security—at least by the law itself.

What also really intrigued me though as a spectator of the decision was that the ACLU which argued the case understood the strategy they had to pursue. Indeed, listening to a commentator yesterday speak about that strategy, they said that they knew that “Gorsuch was a textualist and that we had to argue from that point of view.” Clearly knowing the audience before whom you are speaking is a necessary thing for anyone who hopes to influence your listeners. Understanding how to frame a case before 9 individual justices is a daunting prospect that I will never have the opportunity (OR THE WORRY) to do. But it got me thinking about two things—the importance of serious preparation in order to succeed and the significance of “textualism” in making this particular argument. I will leave the former for another day. On the other hand, “textualism” is something that many of us well understand.

As rabbis we don't call it “textualism”, we call it p'shat. In addressing any Jewish text, there are four different ways to unpack it. These four areas of unpacking form the Hebrew word PaRDeS which means garden or orchard. A person tasked with unpacking any text enters into an orchard of wonder and delight. These four different types of unpacking of a text provide endless hours of fascination for both preachers and students alike. And it is the first area—p'shat—that is often given short thrift by many as being “boring and simple” Clearly some argue there must be something more behind the text itself and so rabbis engage in drash—extracting from the text a new understanding that was not originally intended. It is what some argue in legal circles might be “legislating” and not ruling by the meaning of the words themselves. Neil Gorsuch reminded both rabbis as well as all Americans yesterday that sometimes textualism or p'shat matters.

We are living in very dangerous times inside this country. Words have become increasingly trivialized and often bent in ways that provide no serious way of creating shared understanding. Facts no longer matter, lies are regularly emanating from official quarters and it has led to a debasing of our country's norms. In truth, we are living at a time when "serious textual analysis" seems to be consolidated into a tweet of 140 characters. And so yesterday, all of us were given an opportunity to reclaim a piece of our heritage and our pride in the institutions that define our society. In a moment when great disruption is taking place, a court decision yesterday reminded us that the pillars around which this great democracy was built—imperfect as any human creation is going to be—still provide support. What a southern US senator introduced as "poison pill" to kill the act in 1964( it was laughed at by his colleagues on the floor but accepted by the authors of the bill) became the basis by which civil rights were extended to the LGTBQ community. This court decision will not undo the damage wrought by the intervening 56 years when many LGBTQ people lost jobs or were forced to live lives of closeted realities. This decision will not undo the pain of discrimination that forced so many to hide when they sought the light of day. But it will and it must remind us that what we have built over the past 200 plus years is a country that is too precious to take lightly. The decisions which we will make in the coming months regarding the future of our country must be taken seriously. It means that we cannot ever see our lives as being removed from the unfolding of the American narrative. Individuals often write history. Gerald Bostock, Donald Zarda and Aimee Stephens (the three individuals whose cases were the focus of yesterday's decision) will now be remembered as the catalyst for creating change and progress inside our country. George Floyd(zl) will be remembered for helping a nation come to grips with its systemic racism. Neil Gorsuch will be remembered for introducing p'shat into the lexicon of the American people—but maybe we will simply call it textualism. Morris

Sent by my iPad