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A Shabbat Message from Rabbi Arthur Weiner

Friday March 8 2024 ~ Parsha: Vayakhel
Shabbat Shekalim

Fani Willis Has Only Herself To Blame

Dear JCCP/CBT family,

Former President Trump is facing six different trials. He has been indicted for interfering with the 2020 election, the payment of “hush money” to women during the 2016 campaign, and mishandling classified documents, as well as other serious charges. I’ve read recently that many Americans are unfamiliar with the range and scope of his legal troubles and challenges. Yet many are aware of his legal issues in Georgia, for all the wrong reasons.

Fani Willis, the District Attorney of Fulton County, Georgia, which comprises much of the city of Atlanta, requested an August 5 start date for her trial against President Trump and his allies for trying to overturn the 2020 election. He faces 13 felony charges as part of a broader alleged racketeering conspiracy. Sadly however, instead of attention being focused on the serious charges, it is the district attorney who has become the center of attention.

Fani Willis hired Nathan Wade, a prominent Atlanta-based attorney, to lead the prosecution of President Trump. Recently, significant evidence of a romantic relationship between Ms. Willis and Mr. Wade was presented by attorneys representing the former president and several of his co-defendants. The evidence strongly suggested that Ms. Willis hired Mr. Wade during the course of their relationship, and perhaps even more legally significant, may have derived financial gain as a result. While the evidence presented may not pass the legal bar for criminal charges against Ms. Willis, commentators across the political spectrum have criticized the judgment of both Ms. Willis and Mr. Wade, and the effect of their personal

relationship on the integrity of the judicial process.

Now, as you might imagine, this is not just any case. It is not every day that a former president is indicted on felony charges. In fact, it's the first time in American history. Given the historic nature of this trial, and the amount of public interest, it could reasonably be expected to command, one might have thought or assumed that every aspect of this important, high profile, and unique case would have been micromanaged by every layer of the district attorney's office to make sure (for lack of a better term) that everything was kosher! But sadly, Ms. Willis violated one of the most fundamental responsibilities of an officer of the court.

The American Bar Association's code of judicial conduct includes the following statement. "Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety..... ***Conduct that compromises or appears to compromise the independence, integrity, and impartiality undermines public confidence in the judiciary.***"

I watched with great interest some of the testimony offered in this case. I must tell you that from my perspective the appearance of impropriety was so strong and compelling that I am amazed that Ms. Willis and Mr. Wade have not yet resigned. A judge will ultimately rule on whether Ms. Willis and Mr. Wade should be disqualified from the case. But no matter the ruling, the American people deserve better from their elected officials.

In Jewish law, there is a concept known as *Marit Ayin* (literally "the seeing eye," or "the appearance to the eye), which states that certain actions which might seem to observers to be in violation of Jewish law, but in reality, are fully permissible, are themselves not allowed to prevent onlookers from arriving at a false conclusion. In other words, we are forbidden to engage in behavior that might give the impression that we are doing something wrong, especially when it may influence others to sin as well. Less well known is the concept of *Chashad* (suspicion), the prohibition against causing others to suspect you of wrongdoing, even when such suspicion will not cause

others to sin. While *Ma'arit Ayin* is the more serious infraction, *Chashad* reminds us that the mere appearance of impropriety is also forbidden.

I have found that in my personal life as well as my professional life, these two concepts keep me grounded and aware. They remind me that while I might like to think of myself as an independent actor, answerable only to myself, my family, and God, the truth is that I am also accountable to you, the members of the community who look to me for religious guidance. I'm even accountable to strangers who simply know that I am the Rabbi of a prominent synagogue in Bergen County, who will, whether I like it or not, whether it is fair or unfair, make judgements based on what I say and how I conduct myself in public. I am a public figure, and my behavior must never betray the public trust.

The same can also be said for our elected officials serving at the local, state or federal level. And especially a District Attorney overseeing the prosecution of one of the most significant trials in American history. I don't know if she is guilty, and as I wrote, I do not know that if she is, her ethical violations are worthy of additional investigation or simply exceedingly bad judgment. But if reasonable people are questioning her judgment, integrity, professionalism, and commitment to professional ethics, it's not because they are crazy or politically motivated. And if she is ultimately disqualified from this case, she has only herself to blame.

Shabbat Shalom,

Rabbi Arthur D. Weiner