

## Max M. Kampelman Papers

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## E PLURIBUS UNUM

## By Max M. Kampelman\*

The Supreme Court will soon be presented again with the question of how our country can constitutionally address the problems and consequences flowing from our shameful early history of slavery. Issues relating to "affirmative action" and how best to implement such an objective keep reappearing in spite of a specific assertion by Senator Hubert H. Humphrey, who authored the legislation on which affirmative action is based, that quotas are neither provided for nor protected by "affirmative action."

The issue is divisive, in part because of the strongly-held belief in some quarters that anyone opposing the program is tainted by racial prejudice, and in part because of deep concern that the wide-spread establishment of quotas to implement affirmative action programs creates unhealthy division at the expense of the "e pluribus unum" which has bound us together as a nation.

My views are obviously shaped by my life experiences. When my parents came to the United States from Romania early in this century, one of their first objectives was to learn how to read and write English. They had chosen America as their new home and instinctively understood that the freedom and economic opportunity they hoped to enjoy was intimately related to their becoming a contributing part of their new society.

They spoke Yiddish to one another and to their friends, also mainly new immigrants, because they were comfortable with the language they were born into. But in short order, English wove its way into their way of life, both because of experience and because English was the language in the night classes they attended, until it became the language in which they thought. After all, speaking English was a major characteristic of being an American -- and that's what they wanted to be and what they wanted their son to be. We expect all immigrants to have similar aspirations.

The atmosphere in the apartment in which we lived was decidedly Jewish. Not only was the language primarily Yiddish -- my grandmother knew no English at all -- but our culture and religious coloration were Jewish. We had a charity can hanging on the kitchen door, which collected pennies whose destination was to help needy Jews in Russia, Eastern Europe, and Palestine. On the annual occasion when my parents went to the synagogue, I accompanied them. I don't believe there was ever any doubt in my parent's mind that being Jewish and being American were compatible. My parents voted as a matter of duty and my father, when he could afford it during one brief period of his life, contributed modestly to the Democratic Party leader of the Bronx, Ed Flynn. The badge he received in return became a cherished possession.

My parents wanted me to have a Jewish education and I was enrolled in parochial schools beginning with grade school and continuing through high school. We studied Hebrew and religion in the mornings and the required English secular subjects in the afternoons -- full 9 a.m. to 5 p.m. days. My American patriotism has its roots in those studies, just as my continued proud identification as a Jew

remains. The values we hold in common are those of human brotherhood, which achieve their political expression in our democracy.

For me, "e pluribus unum" reflects the essence of our country, its strength, and its appeal. We are many different people, individuals from different cultures, ethnic groups, and racial backgrounds. Out of that "pluribus," however, we have learned from experience and from our broad religious tradition that our integrity and dignity require us to respect those from other cultures, races, and ethnic heritages. That respect is the essence of the "unum" we strive to achieve. We are not and should not strive to become a homogenized society; international cultures and languages should be preserved and we thereby enrich one another. But we must recognize the distinctive attributes that make us Americans, including our common language as well as our common values.

It has been my good fortune and privilege to represent our government at serious diplomatic negotiations seeking formulae for international security, stability, and peace. I have witnessed the ethnic and tribal divisions in Europe and elsewhere which have too often resulted in savage violence as ethnic, racial, and religious groups vie with each other in continued confrontation. This has usually produced a call from potential victims of those divisions that governments emphasize in their laws protection for the rights of minority groups. Those are understandable demands, but they are inadequate and miss the message of our American experience.

The unique American democratic message is that it is the individual and his dignity, expressed in legal rights and moral assumptions, that is at the essence of a

democratically stable and culturally rich society. The individual is free to speak, to assemble, to pray, to publish -- alone or with those he chooses to be with. By emphasizing the rights of the individual, we thereby protect the groups he chooses to be a part of. By emphasizing the group, we do not necessarily thereby protect the individual. Indeed, we thereby inadvertently foster a divisiveness which diminishes the "unum" in the society. Our census bureau may, in fact, be inadvertently contributing to this divisiveness by categorizing the increasingly large number of sub-groups that are forming within our population, particularly as a result of intermarriage. It may well be time for us to consider eliminating race and ethnicity categories in our government census.

Affirmative action, as it is too frequently inadequately interpreted, rewards or favors the individual not because of his or her personal worth, but because of the ethnic or color group to which he or she belongs. This runs contrary to our political and religious values. True affirmative action requires our society diligently and thoroughly to train and teach those who would otherwise be inadequately prepared so that they achieve the standards required for them to participate in our body politic and our economy on an equal footing with those members of the community who have had greater advantage.

The fundamental truth that should guide us was expressed eloquently by the Reverend Martin Luther King, Jr., who said he wanted his children to be judged on the basis of their character and not their color. This is, and must be, the essence of the democratic message.

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FINAL June 13, 2001

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Word count: 1,052