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The Honorable Hillary Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

The Honorable Eric Holder
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

The Honorable Janet Napolitano
Secretary, Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Re: Ineligibility of Richard Goldstone to Enter the United States

Dear Secretaries Clinton, Napolitano and General Holder,

Recently disclosed information regarding the conduct of Richard Goldstone ("Goldstone") while he served as a judge for the apartheid regime of South Africa raises serious questions as to whether he is eligible for a visa to enter the United States.

Under Section 221(a)(2)(A)(i)(I) of the Immigration and Nationality Act, any alien who admits to acts which constitute the essential elements of a crime of moral turpitude is ineligible for a visa to enter this country. The recent public revelations, to which Goldstone reportedly has admitted, would appear to fit within this provision. At a minimum, there is ample basis for federal authorities to initiate an investigation into this matter.

It is indisputable that commencing in 1980 Goldstone sat for many years as a judge on South African courts while that country was governed by the notorious apartheid regime. There can be no questions that the inhuman laws and policies of that era legitimized and sanctioned crimes of moral turpitude. Just as clearly, the judicial enforcement of and acquiescence in those heinous laws constituted complicity and aiding and abetting in those crimes.

Under internationally recognized principles, inhuman acts committed for the purpose of establishing and maintaining domination by one racial group over any other racial group and systematically oppressing them are considered to be criminal. This is reflected in the International Convention of the Suppression and Punishment of the Crimes of Apartheid. While the U.S. did not sign the convention, its failure to do so was based on the reluctance to categorize these offenses as crimes against humanity. That those acts are considered to be criminal, however, has never been in doubt.

In his judicial position, Goldstone was necessarily instrumental in effectuating and legitimizing a regime universally known for its widespread human rights abuses. Indeed, according several published accounts, Goldstone has admitted to his role in enforcing draconian apartheid laws, including: sentencing black youths to whippings (lashes), which amounts to torture; upholding the conviction of a black youth for having protested against apartheid; upholding the conviction of two blacks whose crime was being in possession of a tape recording of anti-apartheid leaders; acquitting white policemen who had broken into a white woman's home, without a warrant, on suspicion that the woman had had relations with a black man, a serious crime under apartheid. In justifying the use of the death penalty - when it was patently obvious that it was used selectively and nefariously against blacks - Goldstone reportedly asserted that capital punishment was the only effective deterrent.

Make no mistake, Goldstone was a necessary cog in the machinery of systematic criminal behavior and human rights abuses which were the hallmark of apartheid South Africa.

There is solid precedent for holding judges to account for upholding and implementing the laws of a regime built on human rights abuses. In *The United States of America vs. Josef Altstötter, et al.*, our government indicted, prosecuted and convicted judges for their roles in applying and legitimizing the despicable laws of Nazi Germany. While the crimes of apartheid South Africa - as widespread and unconscionable as they were - cannot be equated with those of Nazi Germany, the powerful argument of chief prosecutor Telford Taylor during his opening statement is strikingly appropriate to the conduct of apartheid judges such as Goldstone:

This case is unusual in that the defendants are charged with crimes committed in the name of the law. These men... were the embodiment of what passed for justice The defendants... made the system of courts an integral part of dictatorship.

As was the case in the Third Reich, the diabolical laws and processes of apartheid relied upon their strict enforcement and acceptance by members of the bench. Judges such as

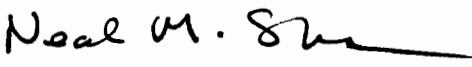
Goldstone surely knew that by giving their imprimatur, they were legitimizing that which could not be legitimized and serving as accomplices to policies which subjected a whole race to crimes and abuses committed in the name of the state. The apartheid judges, like the Nazi judges before them, presented to the world a façade of respectability, providing cover for the repressive regime while, in reality, they were engaging in the wholesale perversion of justice.

Goldstone reportedly has contended that he tried to reform the system from within, that it was better for a good man such as himself to be on the bench rather than a more hardcore supporter of apartheid and that, as a judge, he had no choice other than to enforce and follow the apartheid laws. Such an argument is nothing short of duplicitous, coming eerily close to the discredited and rejected defenses put forth by Nazi judges.

Nor can Goldstone or his apologists defend his actions by relying on his professional resume after leaving the apartheid bench. Ironically, that would put him in league with Kurt Waldheim who in 1987 was barred from entering the United States on account of his involvement in Nazi sponsored persecution. As the official within the Justice Department responsible for the Waldheim decision, I can attest to the fact that Waldheim tried mightily, but unsuccessfully, to avoid being excluded on the strength of his having attained positions of prominence - including U.N. Secretary General, - after WWII. Our government recognized that what mattered was his conduct during the war and that any subsequent achievements had no bearing on the inquiry. Likewise, in this matter, Goldstone's status should hinge exclusively on his conduct as an apartheid judge.

Accordingly, it is respectfully urged that an investigation be commenced to determine whether Richard Goldstone should be denied the privilege of obtaining a visa to enter the United States.

Sincerely,


NEAL M. SHER