

Judge Ilana Diamond Rovner

"A CONVERSATION ON LAW,
LEARNING, AND LESSONS OF LIFE"
11th ROY R. and VIRGINIA F. RAY LECTURE
THE UNIVERSITY OF KENTUCKY COLLEGE OF LAW
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I AM WELL AWARE OF WHAT A GREAT HONOR IT IS TO HAVE BEEN
ASKED TO SPEAK AT THIS EVENT. AND I AM THRILLED BY YOUR KINDNESS
AND YOUR INTEREST.

I NORMALLY DO NOT HAVE TITLES FOR MY TALKS. TONIGHT'S
DISCUSSION, HOWEVER, DOES HAVE A TITLE — "A CONVERSATION ON LAW,
LEARNING, AND LESSONS OF LIFE." THAT ALLOWS ME THE LUXURY OF A
GREAT DEAL OF REFLECTION, AND MY REFLECTIONS ALWAYS FOCUS ON THE
HOLOCAUST. IT IS THAT TRAVESTY WHICH IS AT THE CENTER OF MY LIFE
AND MY STORY, EVEN THOUGH I WAS ONLY A VERY SMALL CHILD WHEN I
ARRIVED IN THE UNITED STATES FROM LATVIA.

A FEW YEARS AGO, THERE WAS A DEATH NOTICE IN THE *NEW YORK*

TIMES ENTITLED, "REMEMBERING A REMEMBERER," AND IT BEGAN THUSLY ---

[QUOTE]:

EUGEN ZUCKERMANN DIED ON NOVEMBER 24, THE CANCER FINALLY ACCOMPLISHING WHAT THE NAZIS DID NOT. HIS PASSING WAS HARDLY A SURPRISE. FOR 10 YEARS, THE DOCTORS HAD OPENED AND CLOSED HIM, PIPED AND DRAINED HIM, SET HIS INSIDES ON FIRE WITH CHEMOTHERAPY. STILL, MR. ZUCKERMANN, 71, RARELY SPOKE OF DYING, AND IT WAS EASY FOR FRIENDS TO FORGET THAT EVEN SURVIVORS DO NOT SURVIVE FOREVER.

HE WAS A TAILOR BY TRADE AND A SCHOLAR BY INCLINATION. . . .

A SELF-EDUCATED MAN, MR. ZUCKERMANN WAS LEARNED ABOUT MANY THINGS, THOUGH NOTHING MORE THAN THE HOLOCAUST. VOLUMES UPON VOLUMES ABOUT IT FILLED HIS SAGGING BOOKSHELVES. HE FELT IT WAS THE DUTY OF THE SURVIVOR TO TELL AND OF OTHERS TO LISTEN. . . .

IF ALOOF TO HIS OWN MORTALITY, MR. ZUCKERMANN, IN HIS FINAL YEARS, WAS PREOCCUPIED WITH THAT OF OTHERS. MOST SURVIVORS WERE NOW IN THEIR 70'S OR OLDER, DYING OFF LIKE SO MANY BURNED-OUT BULBS. HE WONDERED: WHO

EVEN TOOK NOTICE OF THEIR DEATHS, THESE ORDINARY PEOPLE WHO HAD WITNESSED SUCH EXTRAORDINARY MASS MURDER? MEMORY WAS EVERYTHING TO MR. ZUCKERMANN. "WILL THE NEXT GENERATIONS CARE?" HE ASKED. "WHEN THE SURVIVORS ARE GONE, WHO WILL DO THE TELLING, BEAR THE UNBEARABLE, MAKE THE UNREAL REAL?" THE WRITER CALLED MR. ZUCKERMANN "A SURVIVOR WHO WORRIED ABOUT THE FUTURE OF THE PAST."

AND SO, IN THIS WAY, THROUGH AN OBITUARY IN A NEWSPAPER, WE LEARN OF A MAN WHO TRULY PURSUED JUSTICE AND REMEMBRANCE. HE PURSUED IT IN THE ONLY WAY THAT HE KNEW --- RELIVING AND REMINDING AND RECALLING AND RETELLING.

I COME FROM PARENTS WHO ALSO LIVED THEIR ENTIRE LIVES IN THE SHADOW OF THIS UNBEARABLE TRUTH. THE HOLOCAUST HAS BEEN THE EVENT THAT SHAPED MY LIFE, AND I KNOW THAT WITH MY DYING BREATH, I WILL THINK OF HOW UNBELIEVABLY, INCREDIBLY, UNFATHOMABLY FORTUNATE I AM TO HAVE SURVIVED WHAT BEFELL MOST OF MY FAMILY.

AND FROM THAT INEXPLICABLE GOOD FORTUNE CAME MY DESIRE TO PURSUE JUSTICE.

MY FATHER CAME TO AMERICA IN NOVEMBER OF 1938, SIX WEEKS AFTER MY BIRTH. HE TRAVELLED VIA POLAND, STOPPING TO VISIT WITH FRIENDS. ALL OF THEM ASKED THE SAME QUESTIONS. "WHERE ARE YOU RUNNING?" AND "WHY ARE YOU RUNNING?" YOU MAY ASK, HOW IS IT THAT THEY DID NOT UNDERSTAND THAT WHAT WAS HAPPENING IN GERMANY WAS NOT A SMALL BRUSHFIRE THAT WOULD BE CONTAINED WITHIN GERMANY? HOW IS IT THAT AMONGST HIS FRIENDS, ONLY MY FATHER SEEMED TO UNDERSTAND THAT THE RULE OF LAW WAS DYING? I THINK IT WAS BECAUSE HE AND MY MOTHER HAD TRAVELLED ON THE CONTINENT IN 1936 AND 1937, AND THEY SAW AND HEARD AND REALIZED THAT THIS WAS DIFFERENT --- UNLIKE ANYTHING THAT HAD COME BEFORE. OF COURSE I THINK, TOO, THAT MY MOTHER, WHO HAD ATTENDED THE UNIVERSITY OF BONN IN 1933 AND 1934, AND HAD ACTUALLY SEEN HITLER, UNDERSTOOD THAT THIS WAS

DIFFERENT AS WELL. THUS, WHEN THEY RETURNED TO RIGA FROM THEIR TRAVELS, THEY SPOKE TO THEIR FAMILY AND FRIENDS ABOUT WHAT THEY BELIEVED TO BE THE HANDWRITING ON THE WALL. AND YET, THEY WERE FACED WITH DISBELIEF. NO ONE, NO ONE COULD EVER HAVE IMAGINED THE TRAGEDY THAT WOULD UNFOLD. BUT THEN HOW DOES ONE IMAGINE THE UNIMAGINABLE?

DECENT PEOPLE THE WORLD OVER TO THIS DAY CAN HARDLY BELIEVE THE HORROR OF READING NEWS ACCOUNTS THAT BEGAN WITH HEADLINES SUCH AS THAT OF THE NOVEMBER 10, 1938 *NEW YORK TIMES*: "NAZIS SMASH, LOOT AND BURN JEWISH SHOPS AND TEMPLES." IT WAS KRISTALLNACHT.

MY FATHER LEARNED OF KRISTALLNACHT IN PHILADELPHIA, PENNSYLVANIA ON NOVEMBER 10, 1938. BUT MY MOTHER LEARNED OF KRISTALLNACHT ON NOVEMBER 10, 1938 IN RIGA, LATVIA. SHE HAD FOUND HERSELF SIMPLY UNABLE TO LEAVE HER FAMILY, AND SO SHE SPENT MUCH OF HER TIME WRITING TO MY FATHER AND HE WRITING BACK TO HER --- SHE

PLEADING WITH HIM TO COME BACK TO LATVIA, HE PLEADING WITH HER TO COME TO THE UNITED STATES --- IF NOT FOR HER SAKE, THEN FOR MINE.

THEY EACH SAVED THE OTHER'S LETTERS, AND TO READ THEM IS BEYOND POIGNANT. EVENTUALLY MY MOTHER PURCHASED TICKETS FOR THE OCEAN LINER *ATHENIA*. HOWEVER, THE *ATHENIA* REFUSED TO CARRY MY MOTHER'S FURNITURE, AND SO, DESPERATELY LOOKING FOR YET ANOTHER REASON TO STAY WITH HER FAMILY, SHE SOLD HER TICKETS ON THAT SHIP TO A MOTHER AND SON. ON THAT VERY JOURNEY, THE *ATHENIA* BECAME THE FIRST PASSENGER SHIP TO BE SUNK IN WORLD WAR II. MY MOTHER GRIEVED FOR THAT MOTHER AND SON ALL THROUGH HER LIFE, AND I, TOO, HAVE THOUGHT OF THEM AND IMAGINED THEM THROUGH THE YEARS.

BUT THEN, RELENTING, MY MOTHER PURCHASED TICKETS FOR THE *QUEEN MARY*. THAT SHIP WAS COMMANDEERED BY THE BRITISH TO SERVE AS A TROOP SHIP AND IT DID NOT SAIL. FINALLY, PASSAGE WAS BOOKED ON THE *DROTTNINGHOLM*, WHICH SAILED WITH TWICE ITS LEGAL CAPACITY, AND

NEEDLESS TO SAY, WITHOUT MY MOTHER'S FURNITURE. IT ALSO SAILED ZIGZAG FASHION, DODGING SUBMARINES AND BOMBS FOR OVER TWO WEEKS, ALL THE WAY ACROSS THE OCEAN TO NEW YORK. I HAVE BEEN TOLD IT WAS THE LAST SHIP ON A REGULAR SAILING SCHEDULE TO SAFELY COMPLETE ITS VOYAGE.

MY FATHER WAS AN OPERA CRITIC IN EUROPE. INDEED, HE AND MY MOTHER, WHO HAD KNOWN A REMARKABLE WAY OF LIFE IN EUROPE, WERE NOW ALONE, WITH ONLY THEIR SPIRIT, THEIR FAITH, AND THEIR DETERMINATION. THEY HAD A PLAN. SOMEHOW THEY WOULD BRING THEIR PARENTS AND BROTHERS, THEIR SISTERS AND UNCLES AND AUNTS AND COUSINS AND FRIENDS, TO AMERICA BEFORE THE DELUGE CONSUMED THEM. NOTHING COULD DAUNT THEIR SPIRIT. AND SO WE WERE SAVED.

THROUGHOUT THE WAR, THERE WAS A STEADY TRICKLE OF INDIVIDUALS WHO SOMEHOW MANAGED TO ESCAPE EUROPE. MY FATHER BECAME HEAD OF THE LATVIAN-AMERICAN JEWISH RELIEF ORGANIZATION IN

PHILADELPHIA, AND THERE WAS A CONSTANT STREAM OF REFUGEES STAYING IN OUR HOME, SHARING WHATEVER LITTLE WE HAD IN THE WAY OF FOOD AND WARMTH. THEIR TRAGIC STORIES, UNBELIEVABLE TO ADULTS, WERE REALLY COMMONPLACE TO ME AS A CHILD. BY THE TIME I STARTED TO SCHOOL, I HAD LEARNED MORE OF THE INHUMANITY OF HUMAN BEINGS THAN SEEMS POSSIBLE. BUT WITH IT, I WAS TAUGHT HOW FORTUNATE I WAS TO BE ALIVE, THAT ABOVE ALL I WAS TO DO SOMETHING CONSTRUCTIVE AND WORTHWHILE WITH THIS LIFE THAT HAD BEEN MIRACULOUSLY SAVED.

WHEN MY SCHOOLMATES WERE BEING TOLD BEDTIME STORIES, I WAS HEARING ABOUT HOW THE RULE OF LAW HAD FAILED, HOW CONSTITUTIONS AND LAWS HAD BEEN MISUSED, AND ABOUT HOW WHOLE BODIES OF GOVERNMENT HAD BEEN UNDERMINED BY THE MADNESS AND THE LAWLESSNESS.

BY AGE SEVEN, I WAS WRITING SCHOOL ESSAYS ON BEING A LAWYER, WANTING TO USE THE LAW FOR GOOD ENDS --- IN THE WORDS OF A SEVEN-

YEAR-OLD, TO "DO GOOD." THE NEIGHBORS CALLED ME PORTIA, AFTER SHAKESPEARE'S CHARACTER IN *THE MERCHANT OF VENICE*, AND I BELIEVED THAT SOMEDAY I WOULD BE A LAWYER. IT NEVER OCCURRED TO ME THAT THERE WERE VERY FEW WOMEN LAWYERS. IT NEVER OCCURRED TO ME THAT I MIGHT NOT BE A LAWYER. IT NEVER OCCURRED TO ME THAT I HAD NEVER MET A LAWYER. I BELIEVED THAT LAWYERS COULD USE THE LAW TO IMPROVE THE WORLD.

AND SO, FROM THE HARDSHIPS AND THE LOSSES AND A LIFE QUITE DIFFERENT FROM THOSE OF MY SCHOOLMATES, CAME AN OVERWHELMING DESIRE TO PURSUE THE LAW. OF COURSE I COULD NEVER HAVE IMAGINED THAT I WOULD BE GIVEN AN OPPORTUNITY TO PURSUE JUSTICE AS A JUDGE.

I AM OFTEN ASKED WHETHER OR NOT I EVER BELIEVED OR HOPED TO BE A FEDERAL JUDGE. THE ANSWER TO THAT QUESTION IS AN ABSOLUTELY RESOUNDING "NO." WHEN I STARTED OUT AT GEORGETOWN UNIVERSITY LAW SCHOOL, ONLY TWO WOMEN IN THE HISTORY OF THE UNITED STATES HAD

EVER BEEN APPOINTED FEDERAL JUDGES. THOSE WOMEN WERE VIEWED AS SOME SORT OF PHENOMENA, AND THEY WERE. SURELY IT WAS NOT SOMETHING THAT I WOULD HAVE EVER DARED TO DREAM ABOUT, LET ALONE ACTUALLY ASPIRE TO.

I MUST TELL YOU THAT EVERY TIME I ENTER A COURTROOM, A FEELING OF ENORMOUS GRATITUDE COMES OVER ME. I DO NOT EXAGGERATE IN SAYING THIS. IT IS SIMPLY IMPOSSIBLE, I THINK, TO EXPLAIN WHAT IT FEELS LIKE TO WAKE UP EACH MORNING KNOWING THAT ONE WILL BE MAKING DECISIONS INVOLVING THE FULL PANOPLY OF LAW AND THE FULL RANGE OF HUMANITY. A JUDGE'S DECISIONS OFTEN AFFECT THE PARTIES FOR THE REST OF THEIR LIVES, BE IT IN THE AREA OF CIVIL LAW OR CRIMINAL LAW. WHEN I WAS A TRIAL JUDGE, MY HUSBAND USED TO SAY THAT I WENT TO WORK EVERY MORNING BELIEVING THAT I WAS THE DEFENDANT IN A CRIMINAL CASE. AND I HOPE THAT HE WAS CORRECT, BECAUSE I WOULD HOPE THAT I WILL NEVER LOSE MY FEELINGS OF COMPASSION AND UNDERSTANDING FOR

THOSE WHO, FOR WHATEVER REASON, HAVE ERRED, WHO HAVE CROSSED THE LINE. I PRAY, TOO, FOR THE WISDOM TO UNDERSTAND, ALWAYS, WHAT IT IS LIKE TO BE THE VICTIM. THE HISTORY OF MY FAMILY CERTAINLY HAS HELPED ME TO UNDERSTAND WHAT IT MEANS TO BE THE VICTIM. BUT I BELIEVE THAT EVERY DECENT PERSON IS CAPABLE OF SUCH AWARENESS, AND THAT THE INDEPENDENCE OF THE FEDERAL JUDICIARY IS DESIGNED TO ALLOW IT TO GIVE THAT AWARENESS FULL PLAY.

THOSE OF US WHO ARE JUDGES ARE OFTEN REMINDED THAT WE OUGHT TO BE ABLE, LIKE SOLOMON, TO LISTEN, TO CONTEMPLATE, AND TO BE FAIR TO THE LITIGANTS IN EACH CASE WHICH WE HAVE BEEN ENTRUSTED TO HEAR. WHEN OUR ANCIENT SAGES INTONED "JUSTICE, JUSTICE SHALT THOU PURSUE," THEY SURELY DID NOT SPEAK MERELY OF AN INTELLECTUAL JUSTICE, FOR THE PROPHETS BELIEVED DEEPLY IN THE CONCEPT OF HUMANITY.

INDEED, WHEN CANAAN WAS SETTLED AND THE JEWS CEASED BEING

NOMADS, A POLITICAL INSTITUTION WHICH HAD NO COUNTERPART IN HISTORY WAS BORN. THAT WAS THE SHOFTIM, OR JUDGES, WHO WERE CONSIDERED BY THE JEWS TO BE DIVINELY INSPIRED, ACCOUNTABLE TO G-D BY G-D. IT IS THEY WHO ESTABLISHED THE FIRST DEMOCRACY IN THE WORLD, THE GREEKS TO FOLLOW 400 YEARS LATER. THE NEW NATION CONSISTED OF THE 12 TRIBES OF THE BIBLE, AND THE ELDERS OF THE TRIBE DISPENSED JUSTICE WITHIN EACH TRIBE. ABOVE THE AUTHORITY OF THE ELDERS WAS THE JUDGE. BUT THE JUDGES' POWERS WERE LIMITED BY LAW, AND EVERY MAN WAS REQUIRED TO STUDY AND KNOW THE LAW.

"WHAT, IN ESSENCE, WAS IT THAT THE PROPHETS TAUGHT AND EXHORTED?" WRITES MAX DIMONT IN *JEWS, GOD AND HISTORY*. AND HE ANSWERS HIS QUESTION: "HUMANITY, JUSTICE, AND MORALITY. G-D WANTED HIGHER MORAL STANDARDS FROM HUMANKIND. . . . THE REAL SIN, WAS CORRUPTION AND PERVERSION OF JUSTICE." THIS IS OUR HISTORY. THIS IS OUR COMMANDMENT. THIS IS THE SPIRITUAL AND THE MORAL MESSAGE

THAT HUMANITY REQUIRES.

I FULLY UNDERSTAND THE UNBELIEVABLE GIFT THAT HAS BEEN BESTOWED UPON ME. I AM HUMBLLED AND AWED BY IT. I TRY NOT TO THINK OF THE ENORMITY OF THE TASKS THAT FACE ME EACH DAY, BECAUSE I FEAR THAT WOULD PARALYZE ME. RATHER, I TRY TO REMEMBER THAT EACH AND EVERY ONE OF US MUST BE RELENTLESS IN THE DEFENSE OF OURSELVES AND ONE ANOTHER AS INDIVIDUALS DESERVING OF DIGNITY, THAT EACH ONE OF US MUST MUSTER A DETERMINATION TO LIVE WITHIN THE LAW AND TO DO THE VERY BEST WE CAN DESPITE THE FRAILTIES AND WEAKNESSES THAT ARE PART OF MORTAL BEING.

THOSE OF US WHO CARRY WITHIN OUR MEMORIES THE INDELIBLE AWARENESS OF THE HOLOCAUST REALIZE HOW EXQUISITE ARE THE WORDS OF ANTHONY HECHT, WHO CAUTIONED THAT: "MERELY TO HAVE SURVIVED IS NOT AN INDEX OF EXCELLENCE." I TRY AND THINK OF THAT PHRASE DAILY. EVERY DAY, I THANK G-D FOR MY FAMILY. THEY ARE SYMBOLS OF

SURVIVAL. I THANK MY PARENTS OF BLESSED MEMORY FOR SAVING ME AND FOR TEACHING ME. REGARDLESS OF THE HORRORS THAT WERE ENDURED BY THEIR LOVED ONES, MY PARENTS CONSTANTLY IMPRESSED UPON ME THAT HAD THE RULE OF LAW PREVAILED, THE DEVASTATION THAT WAS THE HOLOCAUST WOULD NEVER HAVE OCCURRED. I MARVEL AT HOW THEY MANAGED TO LIVE WITH THEIR PAIN, AND I HURT FOR THE GUILT THEY LIVED WITH FOR NOT HAVING PERISHED WITH THEIR FAMILIES.

OVER THE YEARS, IN THE READING AND DISCUSSIONS THAT I HAVE HAD WITH SURVIVORS OF THE HOLOCAUST AND THE CHILDREN OF THE SURVIVORS AND THOSE SUCH AS I WHO SURVIVED BY BEING PERMITTED TO ESCAPE, I HAVE BEEN STRUCK BY HOW SIMILAR OUR LIVES HAVE BEEN. WE SHARE A DESIRE TO SUCCEED AND A DESIRE TO MAKE A DIFFERENCE REGARDLESS OF HOW LITTLE ONE INDIVIDUAL CAN ACCOMPLISH IN THE GREATER SCHEME OF THINGS. WE HAVE WANTED TO ACCOMPLISH NOT ONLY FOR OURSELVES BUT IN MEMORY OF OTHERS. MY THOUGHTS ARE OFTEN WITH THE FAMILY I HAVE

NEVER KNOWN. THESE ARE THE PEOPLE WHO HAVE BEEN MY INSPIRATION
AND MY GUIDE --- THEY AND THE MILLIONS OF DECENT AND GOOD FAMILIES
WHOSE FATE WAS SO GHASTLY BUT WHOSE SPIRIT AND IDEALS WERE TOO
STRONG AND TOO DEEP TO EVER PERISH.

THESE WERE INDIVIDUALS WHO BELIEVED IN THEIR RELIGION, IN THEIR
CULTURE AND IN THEIR PEOPLE. THEY DID NOT DESERVE THAT WHICH WAS
THEIR FATE. BUT WE ALL UNDERSTAND THAT THERE IS A DIFFERENCE
BETWEEN WHAT PEOPLE DESERVE AND WHAT THEY ENDURE IN LIFE. OUR
KNOWLEDGE, OUR ETHICS, OUR MORALS --- THESE MUST BE THE CONSTANTS
WHICH MAKE US WORTHY OF LIFE AND OUR LIVES WORTHWHILE.

AND SO FOR ME, THERE IS COMFORT IN THE RESPONSIBILITIES GIVEN.
PERHAPS MORE THAN ANYTHING, BECAUSE I AM SHARPLY AWARE THAT I
COME FROM FAMILIES FOR WHOM THERE WAS NO JUSTICE, IT IS MY
UNSHAKABLE BELIEF THAT THOSE INDIVIDUALS WHO EXPERIENCED
UNSPEAKABLE SUFFERING WOULD HAVE WANTED A MERCIFUL AND

COMPASSIONATE JUSTICE FOR OTHERS. THE PRINCIPLES THAT WE MUST UPHOLD REST UPON THE FUNDAMENTAL BELIEF THAT LIFE IS PRECIOUS AND THAT A MERCIFUL JUSTICE IS ITS PRIMARY DEFENSE.

MY MOTHER AND FATHER HAD UNBELIEVABLE DIFFICULTY SPEAKING ABOUT THEIR LIFE BEFORE THEIR ARRIVAL IN AMERICA. IT WAS SIMPLY TOO PAINFUL TO REMEMBER THE GLORIOUS YEARS. THE YEARS OF FAMILY AND FRIENDS AND FREEDOM.

LATVIA WAS AN UNUSUAL EUROPEAN COUNTRY IN MANY RESPECTS, ONE BEING THAT THOSE CITIZENS WHO PRACTICED JUDAISM AS A RELIGION OR WHO VIEWED THEMSELVES AS BEING ETHNICALLY JEWISH WERE NOT RESTRICTED IN THEIR UPWARD MOBILITY IN SOCIETY. JEWS SERVED IN THE PARLIAMENT, IN THE MILITARY, IN THE GOVERNMENT, AND WERE VERY MUCH A PART OF THE FABRIC OF LATVIAN LIFE, WHICH WAS NOT THE CASE THROUGHOUT MUCH OF EUROPE. INDEED, MY FATHER SERVED IN THE LATVIAN ARMY AS SECRETARY TO ONE OF THE GENERALS. MY FATHER

SPOKE AND WROTE FIVE LANGUAGES FLUENTLY, AND ONE OF HIS PRIMARY FUNCTIONS AS SECRETARY TO THIS GENERAL WAS TO TRANSLATE NOVELS FROM RUSSIAN INTO LATVIAN FOR THE GENERAL'S WIFE. HE ALSO SERVED IN THE STUDENT PARLIAMENT AT THE UNIVERSITY OF LATVIA. THAT IS NOT TO SAY THAT HE AND HIS FAMILY HAD NOT LIVED THROUGH MANY HARDSHIPS, BECAUSE, OF COURSE, THE FIRST WORLD WAR TOOK ITS TOLL ON THE BALTIC STATES, WHICH IN ACTUALITY WERE NOT REALLY STATES UNTIL THE INTERIM BETWEEN THE TWO WORLD WARS, OR, AT ANY RATE, NOT AS WE HAVE COME TO KNOW THEM.

ALLOW ME TO TELL YOU ONE STORY THAT MY FATHER DID SHARE ABOUT THE FIRST WORLD WAR.

IT WAS 1918, MY FATHER WAS 12 YEARS OLD AND VERY ILL WITH PNEUMONIA. SO ILL, IN FACT, THAT HIS MOTHER, ONE SISTER AND A NURSE AND HE WERE LEFT BY THE REST OF THE FAMILY IN THEIR SUMMER HOME ON THE MAIN STREET IN VALNERIA, WHICH WAS ABOUT 100 KILOMETERS FROM

RIGA. THE REST OF THE FAMILY HAD FLED TO RIGA BECAUSE THERE WAS FIERCE FIGHTING IN THE COUNTRYSIDE BETWEEN THE GERMAN AND RUSSIAN ARMIES. MY GRANDPARENTS LIVED IN A BUILDING HALF OF WHICH WAS OCCUPIED BY THE MAIN TELEGRAPH OFFICE IN THE AREA, AND THE GERMAN ARMY WAS BILLETED IN ALL OF THE HOMES ALONG THE STREET, TO BE NEAR WHAT ESSENTIALLY WAS THEIR COMMUNICATION CENTER. A GROUP OF GERMAN OFFICERS HAD TAKEN UP RESIDENCE IN SOME OF THE HOMES ADJACENT TO THE TELEGRAPH OFFICE, BUT HAD ALLOWED MY GRANDMOTHER TO STAY ON BECAUSE OF THE SERIOUS NATURE OF MY FATHER'S ILLNESS. THIS WAS IN THE PRE-PENICILLIN DAYS, OF COURSE, WHEN PNEUMONIA WAS A VERY SERIOUS ILLNESS. MY GRANDPARENTS' HOME WAS LARGE ENOUGH SO THAT A NUMBER OF THE OFFICERS WERE ACTUALLY LIVING WITH THEM.

ONE OF THE OFFICERS TOOK A LIKING TO THE YOUNG BOY AND WOULD SPEND LONG HOURS SITTING AND DISCUSSING LIFE WITH HIM. FOR A LAD OF

12, THESE STORIES TOOK ON MAGICAL PROPORTIONS, AND THE OFFICER WAS A GENTLE HERO IN MY FATHER'S EYES. THERE WAS AN ITEM OF PARTICULAR FASCINATION --- A SMALL CAMPAIGN CHEST IN WHICH THE OFFICER KEPT HIS MOST PRIZED POSSESSIONS. HE ASKED THE OFFICER ABOUT IT AND WAS TOLD THAT THE CHEST HAD BELONGED TO BOTH HIS FATHER AND HIS GRANDFATHER BEFORE HIM, WHO HAD BEEN OFFICERS IN THE GERMAN ARMY.

MY FATHER DESCRIBED THE BOX AS BEING INLAID WITH PRECIOUS MATERIALS -- AN EXTRAORDINARY TREASURE. ONE DAY THE OFFICER RETURNED TO THE HOUSE AND EXPLAINED THAT THE ARMY WAS GOING TO MOVE ON. HE SAID GOOD-BYE TO MY FATHER, WHO WAS VERY SADDENED THAT HIS DASHING FRIEND WAS LEAVING. THAT VERY DAY, THE RUSSIAN ARMY ARRIVED IN VALNERIA, AND IMMEDIATELY OFFICERS WERE BILLETED IN THE HOUSES ON THE MAIN STREET, ONCE AGAIN TO BE NEAR THE TELEGRAPH OFFICE WHICH WAS NECESSARY FOR RECEIVING ORDERS AND

FOR MILITARY CONTACT. AND OFFICERS WEARING DIFFERENT UNIFORMS
WERE LIVING IN THE HOUSE. THERE WAS A FIERCE BATTLE RAGING NEARBY,
AND FROM THE WINDOWS, MY FATHER COULD SEE FLAMES AND BURSTING
ARTILLERY IN THE SKY — [I ACTUALLY HAVE A PHOTOGRAPH HE TOOK FROM
THE WINDOW] — AND THE SOUNDS OF THE CANONS WERE OVERWHELMING.

THAT EVENING ONE OF THE RUSSIAN OFFICERS CAME IN AND SAID TO
MY FATHER, "MY BOY, LET ME SHOW YOU SOMETHING, A TROPHY OF WAR," -
- - - - AND IT WAS THE CAMPAIGN CHEST.

THE MEMORY REMAINED WITH MY FATHER ALWAYS, A REMINDER OF
THE FRAILTY OF LIFE AND THE EPHEMERALITY OF MATERIAL POSSESSIONS,
AND OF HOW QUICKLY THINGS CAN CHANGE.

I WROTE AN ESSAY TO MYSELF RECENTLY, AND I WOULD LIKE TO
SHARE IT WITH YOU.

I WAS BORN IN RIGA, LATVIA IN AUGUST OF 1938. MY FATHER
EMIGRATED TO THE UNITED STATES IN SEPTEMBER OF 1938. MY MOTHER AND

I FOLLOWED HIM IN SEPTEMBER OF 1939. HITLER HAD ALREADY INVADED POLAND. MY FATHER DIED IN MAY OF 1996. MY MOTHER DIED IN NOVEMBER OF 1997. I HAVE LEARNED A GREAT DEAL ABOUT THEIR PAST AND MINE SINCE I LOST THEM.

MY FATHER WAS AN OPERA CRITIC IN RIGA. HIS SEAT AT THE OPERA HOUSE IN 1938 WAS NEXT TO THAT OF A MAN WHO, I LEARNED VERY RECENTLY, WAS NAMED E. ALLEN LIGHTNER. HE WAS THE UNITED STATES CONSUL IN LATVIA. I HAD HEARD ABOUT HIM FROM MY FATHER, BUT I NEVER KNEW HIS NAME UNTIL I FOUND MY MOTHER'S LATVIAN PASSPORT AMONG HER PAPERS. MY FATHER NEVER TOLD US HIS NAME. HE SPOKE OF HIM REVERENTIALLY, BUT ALWAYS ANONYMOUSLY AND WITH A GAZE IN HIS EXTRAORDINARY BLUE EYES THAT WAS FAR AWAY. HE ONLY SAID THAT AT INTERMISSIONS, THEY DISCUSSED THE MUSIC, UNTIL ONE EVENING IN THE LATE SPRING OF 1938. IT WAS THEN THAT HIS SEATMATE ASKED MY FATHER WHETHER HE HAD APPLIED FOR A VISA.

I WONDER WHY? HE MUST HAVE SOMEHOW REALIZED THAT MY FATHER WAS JEWISH. I CAN NOT IMAGINE MY FATHER TELLING HIM THAT. HE WAS SUCH A FORMAL MAN. HE NEVER CALLED PEOPLE BY THEIR GIVEN NAME WITHOUT FIRST PUTTING A "MR." OR A "MISS" OR A "MRS." BEFORE THE NAME. "MISS THERESA," HE WOULD SAY TO A WOMAN HE HAD KNOWN FOR 40 YEARS.

YET THE CONSUL HAD ASKED HIM ABOUT A VISA. AND AS MY FATHER TOLD IT, HE ANSWERED THAT YES, HE HAD INDEED APPLIED FOR A VISA. HE WAS WAITING FOR IT. ALWAYS WITH THE SAME INTONATION, MY FATHER WOULD EXPLAIN IN HIS PRECISE AND EXQUISITE ENGLISH THAT THE CONSUL HAD SAID, "MR. DIMANTS, COME TO THE CONSULATE TOMORROW AND I SHALL SEE WHAT HAS HAPPENED." AND IN DOING SO, E. ALLEN LIGHTNER SAVED MY FATHER, MY MOTHER AND ME FROM THE FATE THAT BEFELL VIRTUALLY ALL OF MY PARENTS' FAMILY AND FRIENDS.

WHEN I FOUND THE BROWN PASSPORT WITH THE WORDS "LATVIJAS

REPUBLIKA,” AND THE SEAL. MY HANDS SHOOK. THERE IT WAS, “NO. 006125
R - RASJA BRAINA DIMANTS.” AND “UN BERNIEM,” IT SAID, WITH A NUMERAL
ONE WRITTEN IN. THAT WAS ME. I WAS THE “UN BERNIEM.”

TURNING THE PAGE, I SAW MAMA. I SAW MAMA’S PICTURE. SHE LOOKS
STUNNED IN THE PHOTOGRAPH, BUT BEAUTIFUL. OH, HOW BEAUTIFUL SHE
WAS! AND THERE WAS HER SIGNATURE — “R. DIMANTS” — THE LETTERS
FORMED IN THE VERY SAME WAY THAT SHE LATER WOULD WRITE “R.
DIAMOND.”

ON THE NEXT PAGE WAS PRINTED, “SIS PASES TERMINS NOTEK,” AND
UNDERNEATH, WRITTEN IN BY HAND, WAS “1939.21 OKTOBRE.” AND THEN A
FEW PAGES LATER, THE WORDS “NON QUOTA” WERE CROSSED OUT, AND
“LATVIAN” WAS WRITTEN IN OVER THE WORD “QUOTA,” FOLLOWED BY THE
DATE “AUGUST 29, 1939” AND THE SIGNATURE “E. ALLEN LIGHTNER”, AND IT
WAS STAMPED “AMERICAN CONSULATE, RIGA LATVIA.” ON THE NEXT PAGE,
IT WAS ALL THE SAME, EXCEPT “ILANA DIMANTS” WAS WRITTEN IN ABOVE E.

ALLEN LIGHTNER'S SIGNATURE.

THIS WAS IT! THIS BROWN PASSPORT WITH THE HAND OF E. ALLEN LIGHTNER THAT HAD SAVED US FROM THE TORTURE AND THE UNTHINKABLE, THE UNSPEAKABLE HELL ENDURED BY MY LITTLE COUSINS, MY AUNTS AND UNCLES, MY GRANDPARENTS, AND ALL THE OTHER PEOPLE WHO MADE UP THE FABRIC OF OUR LIVES.

AND SO I WROTE A LETTER — “DEAR SECRETARY OF STATE.” AND I RECEIVED A RESPONSE:

DEAR JUDGE ROVNER:

YOUR LETTER TO SECRETARY OF STATE ALBRIGHT HAS BEEN REFERRED TO THE OFFICE OF THE HISTORIAN. ENCLOSED ARE AN OBITUARY FOR FORMER AMBASSADOR E. ALLEN LIGHTNER, AND AN EXTRACT FROM THE 1970 BIOGRAPHIC REGISTER OF THE DEPARTMENT OF STATE WHICH PROVIDES A MORE DETAILED CHRONOLOGY OF HIS CAREER IN THE FOREIGN SERVICE.

I HOPE THAT THIS INFORMATION WILL BE OF ASSISTANCE TO YOU.

VERY TRULY YOURS,

EVAN M. DUNCAN
OFFICE OF THE HISTORIAN
BUREAU OF PUBLIC AFFAIRS.

I READ THE BIOGRAPHY. "LIGHTNER, EDWIN ALLEN JR. - BNY 12/8/07."

HE WAS A YEAR AND A HALF YOUNGER THAN MY FATHER. THEN I READ THE

OBITUARY:

E. ALLEN LIGHTNER, JR., 82, A RETIRED

FOREIGN SERVICE OFFICER AND FORMER

AMBASSADOR TO LIBYA, WHO AS THE STATE

DEPARTMENT SENIOR OFFICIAL IN BERLIN IN 1961,

HAD A MEMORABLE AND HIGHLY PUBLICIZED

CONFRONTATION WITH COMMUNIST FORCES, DIED OF

A HEART AILMENT YESTERDAY [SEPTEMBER 15, 1990]

AT HIS HOME IN BELFAST, MAINE . . .

HE SERVED IN LATIN AMERICA, OSLO, MOSCOW AND

RIGA, LATVIA . . .

RIGA, LATVIA. RIGA, LATVIA.

IF ONLY I HAD KNOWN. IF ONLY I HAD KNOWN OF THE EXISTENCE OF
THE PASSPORT, I COULD HAVE THANKED E. ALLEN LIGHTNER. I COULD HAVE
WRITTEN TO HIM. I COULD HAVE INVITED HIM TO MY SWEARING-IN
CEREMONY WHEN I BECAME A UNITED STATES DISTRICT COURT JUDGE IN
1984. PERHAPS HE WOULD HAVE COME TO CHICAGO. PERHAPS HE AND MY
FATHER WOULD HAVE GONE TO THE OPERA TOGETHER. HE WOULD HAVE
KNOWN THAT THE OPERA CRITIC LIVED BECAUSE OF HIM. HE WOULD HAVE
LEARNED THAT “UN BERNIEM” LIVED TO REALIZE THE AMERICAN DREAM TO
ITS FULLEST EXTENT, AND THAT HIS SEATMATE AND THE BEAUTIFUL RASJA
LIVED TO SEE IT HAPPEN. HE AND MY FATHER COULD HAVE REMINISCED
ABOUT THOSE EVENINGS AT THE OPERA IN RIGA. ABOUT ONE PARTICULAR
NIGHT AT THE OPERA IN THE LATE SPRING OF 1938.

I WONDER WHAT MY MOTHER AND FATHER, WHO FOR MOST OF THEIR LIVES COULD SPEAK OF NOTHING RELATED TO RIGA, LATVIA, WHOSE LIVES WERE SO UNALTERABLY CHANGED, WHO FOR HAVING SURVIVED, SUFFERED GUILT AND PAIN THAT WOULD HAVE BEEN UNIMAGINABLE TO MOST, WOULD HAVE SAID TO E. ALLEN LIGHTNER.

IF ONLY THEY HAD SHOWN ME THE PASSPORT, I COULD HAVE FOUND HIM. I COULD HAVE THANKED HIM.

BUT IN THINKING OF WHY IT IS THAT MY FATHER COULD NOT BRING HIMSELF TO LOOK FOR E. ALLEN LIGHTNER, I FIND IT TO BE IMPOSSIBLY COMPLICATED. SURELY, IN GREAT MEASURE IT WAS THE GUILT AND EVEN THE SHAME OF SURVIVAL. OF HAVING LEFT ALL BEHIND EVEN THOUGH THEY WOULD NOT CONSIDER LEAVING.

AND YET MY FATHER WAS BEYOND GRATEFUL TO HAVE SURVIVED — TO HAVE LIVED — TO HAVE FLOURISHED. AND SO IT IS AN IMPENETRABLE —

SOMETHING THAT CAN NEVER BE ANSWERED.

I THINK THAT IF I COULD LEAVE YOU WITH BUT ONE THOUGHT, IT WOULD BE TO KEEP ALIVE YOUR HISTORY, YOUR MEMORY, FOR IN DOING SO, WE GIVE CONSTANT LIFE TO THAT WHICH IS BEST IN US. AND TEACHING OTHERS ABOUT THAT WHICH IS BEST IN ONE'S OWN HERITAGE AND ONE'S OWN HISTORY IS A FORM OF PURSUING JUSTICE AND REMEMBRANCE. EUGEN ZUCKERMAN IN HIS WAY UNDERSTOOD THAT CONCEPT. EACH ONE OF YOU, IN MEMORIALIZING AND IN KEEPING ALIVE THE FLAMES OF YOUR ANCESTORS, YOUR HERITAGE, YOUR HISTORY, BECOME REMEMBERERS. EACH ONE OF YOU WILL HAVE A LEGACY TO LEAVE. HOPEFULLY, THAT LEGACY WILL BE ONE NURTURED AND FURTHERED BY YOUR STUDY AND YOUR UNDERSTANDING OF LAW AND JUSTICE. AND PERHAPS YOU WILL REFLECT NOW AND AGAIN ON ANTHONY HECHT'S WORDS, WHICH APPLY TO EACH ONE OF US: "MERELY TO HAVE SURVIVED IS NOT AN INDEX OF EXCELLENCE."