

FROM MERI TO MILT

by

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THE CHICAGO LITERARY CLUB

28 February 2005

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From Meri to Milt

Lawyer that I am, I must begin with a mild disclaimer. The Meri and the Milt who form my title's bookends were my teachers. I have never been on a first-name basis with either one. To be sure, irreverent students often use their teachers' first names behind their backs, but right now irreverence is the farthest thing from my mind. It's just the devil in me that could not resist the alliteration.

I also recognize that writing about one's teachers is an ambiguous undertaking. Many of us—I wish it were all of us—have known teachers whose influence decisively changed our lives and made us better. But in paying tribute to those teachers, we are boasting, after all, that we have become better—that we actually learned something important and thus that we actually know something important. And so the danger is that the story becomes less about my teachers and more about me. I think the only way to deal with that danger is to acknowledge it and move on.

The overwhelming emotion I feel toward my teachers is gratitude, not so much for drumming knowledge into my

head but for showing me by their example how to think carefully and critically. Meri and Milt were not the only teachers in my life toward whom I feel that gratitude, but the theme I hope to convey here is that they taught by example through their unqualified commitment to the thoughtful and careful use of language. And as I get on in life, I become increasingly convinced that we are surrounded by people who cannot think straight because they do not know how or care how to express a clear thought in words.

I grew up in a small town in suburban New York. From the start, students in our public schools were indoctrinated with a deep sense of the world's lies and injustices. The town was founded in the nineteenth century as Muddy Creek, named after a small stream that meandered south of the business district. But when the railroad came through a few years later, its managers determined that "Muddy Creek" was no name for a stop on their sophisticated East Coast line. So the name was burnished to "Pearl River," and a myth was invented to justify the change: someone had discovered a pearl-bearing mussel in the stream.

Even as a kid I knew that was bunk.

Our town's founding father, Julius Braunsdorf, had laid out the streets in a grid, naming many of them after his large brood of children. We were taught to regard him as a latter-day Benjamin Franklin. The injustice stemmed from another town myth—this one with perhaps a bit of truth—that Braunsdorf had once worked for Thomas Edison in nearby New Jersey and that Braunsdorf, not Edison, had invented the electric light bulb. Thus, giving credit where credit was due was a big issue for us, and we were encouraged to develop a communal outrage at Edison for stealing his assistant's ideas.

Edison was no doubt a genius. Braunsdorf, based at least on the only remaining tangible evidence of his intelligence, the four-square layout of our town's streets, was not. So we must at least consider the possibility that Braunsdorf only deluded himself into believing the light bulb had glimmered in his mind before it glowed in Edison's. The citizens of Muddy Creek, unsure of their right to be citizens of Pearl River, sought legitimacy by promoting the belief that Braunsdorf was a great man. As far as I could see, there was no evidence supporting the Braunsdorf claim. We were taught it as an article of faith. But we were not taught how to distinguish faith from fact.

My first day of school was not a good start. After welcoming us and writing her name on the blackboard, my kindergarten teacher, Mrs. Dann, called the class roll. When she came to "Tomashefsky," she called "Clark Tomashefsky." Though that is my legal first name, my parents had never used it, and up to that moment, I had never heard it. When I didn't immediately answer, Mrs. Dann must have thought I was being a smart-aleck. She said something like "I guess Clark doesn't want us to know who he is." I knew enough to figure there were no other Tomashefskys in the room, and though I didn't understand why I was being called "Clark," I finally answered "here."

I then lost control and started crying. Nothing could make me stop. The principal, Mr. Reiner, had to take me out of class and drive me home. The only thing I remember about the trip is that he handed me a fluted paper cup with its bottom torn off. Even in my hysteria I wondered why Mr. Reiner thought that limp and useless object would console or distract me. Was it the only available object in his car? Had he learned in principals' school that little boys liked

holding paper cups? I must suppose it was an act of kindness. If so, it was the first act of kindness a teacher ever showed me.

People say things usually end as they begin. In my case, that first day did not become the model for the rest of my school career. I think I fell in love with my third-grade teacher, Miss Paulsen, who had just graduated from a religious college and who made us start each day by reciting the Lord's Prayer. In those days, prayer in public school was possible, if not common. Miss Paulsen never asked whether anyone in the class was not a Christian. I doubt she intended to offend the few of us who were Jews. Rather, I believe that she saw the Lord's Prayer as an ecumenical statement acceptable at least to all Judeo-Christians and perhaps even to all monotheists.

I recited the Lord's Prayer along with everyone else. I didn't think it was wrong of Miss Paulsen to make me say a Christian prayer. Perhaps I did think my praying was pointless because, I assumed, if the Christian god was listening to our class, he wouldn't likely be listening to me. But Miss Paulsen was so young and enthusiastic. She made us want to follow her. We were her first class, and she really seemed excited about teaching us. Maybe that's why I loved her a bit in return.

My parents, however, were concerned about the praying. And it wasn't just the praying. Religion thoroughly infused Miss Paulsen's classroom, especially at Christmas time. From her I learned how Mary and Joseph had been turned away at the inn; how Jesus was born in a manger; and how the three wise men brought gifts of frankincense and myrrh. The words "manger," "frankincense," and "myrrh" were mysterious Christian words. No one ever used them in

conversation. Miss Paulsen never explained what they meant. I assumed they were words only for Christians to know.

Miss Paulsen was adamant about one thing: we were not to abbreviate "Christmas" as "Xmas." Crossing out "Christ," she said, was like editing him out of your life. When I told my father what Miss Paulsen had said, he told me she didn't understand that the "X" in "Xmas" was the Greek letter chi, not a symbol of deletion. I had to decide whether to inform Miss Paulsen of her error. I didn't.

My parents didn't tell me to stop praying with my classmates. I don't think they lodged any complaints with the school system. Instead, with Miss Paulsen's blessing, my mother came to class one day and told us the story of Chanukah. You have to understand that my mother is an atheist whose knowledge of Jewish history and liturgy is slim. I'm sure she had to research the details of what she told us that day. And I'm equally sure the details didn't matter much to her except as a counterpoint to Miss Paulsen's pervasively Christian view of life. It must have been very awkward for my mother, but if it was awkward for Miss Paulsen, she didn't let it show.

My mother passed out Eskimo Pies as a treat to everyone after she finished the Chanukah. I suppose that made Miss Paulsen think Jews ate Eskimo Pies on Chanukah. The thing was, we never ate Eskimo Pies at home. I don't know where my mother got the idea. But even now, whenever I see an Eskimo Pie, I think of that day in Miss Paulsen's class.

Something dark must have been biding time beneath Miss Paulsen's enthusiasm. She did not return to teach the following year. Word got around that she'd had a "nervous breakdown." I spent much of the fourth grade wondering if I had done anything to help cause that. She never came back.

When I was about twelve, my parents started planning for my bar mitzvah. They were not religious believers, nor did they attend Sabbath services. But like so many parents, they saw no fundamental inconsistency in requiring their children to obtain some Jewish education and to celebrate a bar or bat mitzvah. I could have called my parents hypocrites. I could have refused to participate—or at least I could have tried to refuse.

But a sort of Stockholm Syndrome came over me instead. I became much more involved than they ever could have imagined. One of our synagogue's requirements was that, to have a bar or bat mitzvah there, you had to attend the junior congregation for the prior year. I had never attended Saturday services (or any services) before, and I wasn't keen on giving up my Saturday mornings for praying.

The junior congregation met in a classroom in the school wing, a cinder-block building whose internal walls were decorated with the multi-colored spatter-paint that schools used in those days to hide dirt. The teacher's desk served as a podium. On it was propped a small Torah scroll, the focal point of all Jewish services.

I paid little attention to the scroll. What caught my eye was the man standing at the front like a rabbi. He was barely a man, probably about twenty at the time, and he wasn't a rabbi. He was the rabbi's son, Aryeh Routtenberg, and he was the coolest looking Jew I had ever seen. He was then a junior at Columbia University, and he dressed like an Ivy League college student, in a tan fitted suit far from his father's baggy gray. On his head was a small knit yarmulke, brightly colored, not the limp black rayon skullcap the older congregants wore. The junior congregation was his creation, and I quickly became his acolyte.

Aryeh soon decided that I was not going to have a normal bar mitzvah. One of his specialties was reading from the Torah, and several months after we first met he told me I was going to read the entire Torah portion of the week at my bar mitzvah ceremony. In Jewish tradition, the Torah—which encompasses the Five Books of Moses—is divided into fifty-four more or less equal parts. In orthodox and some conservative congregations, one of those parts is read every Saturday of the year. Ours was a conservative congregation leaning toward the orthodox. We read the entire weekly portion, which could be quite long.

Nevertheless, at a typical bar mitzvah ceremony at our synagogue, the boy read none of the weekly portion himself. He was merely called up to the podium and recited a prayer while the regular Torah reader—usually Aryeh Routenberg—read aloud from the scroll.

You have to understand that a Torah must be written by hand with a quill pen on parchment—in Hebrew, of course, but not the sort of Hebrew I had studied in Sunday school. The scroll is written entirely in consonants, with no vowel markings or punctuation. That's not a great problem for someone fluent in Hebrew, but I was not. The other catch is that the Torah is not just read. It is sung. The melody is indicated by a series of small symbols resembling the diacritical marks used in dictionaries to indicate pronunciation. Those symbols can be found in printed Torah texts, but they are not in the scroll, so you must memorize them.

At least once a week, I met with Aryeh (I could call him by his first name because he was not yet a college graduate), and we went over a few paragraphs of the Torah portion. His usual attire was a black turtleneck under a white button-down shirt. Did I mention he represented the height of

cool? He knew I was not fluent enough in Hebrew to read from the scroll at sight. The whole project was therefore an enormous exercise in memorization, the key to which was a double-columned book with printed Hebrew, punctuation, and musical marks on one side and on the other a picture of the hand-written text as it appears in the scroll.

Week after week, I memorized bit after bit and sang it out for Aryeh to critique. He was funny and a bit sarcastic, but that didn't bother me. He had decided I could do this, and no one had ever given me so hard an assignment before.

About two weeks before the bar mitzvah, Aryeh came over for a full-length run-through, which took close to half an hour. The portion itself was the story of Jacob and Esau and of how Jacob tricked his father Isaac into giving him the birthright belonging to his older brother. It is one of the Torah's best-known and most dramatic stories. But I wasn't reading for comprehension. I was just trying to get the words right.

After I had sung the entire portion from the scroll side of the book, Aryeh looked me in the eye and said, "When you consider how many mistakes you had the opportunity to make, your reading was very good. But very good isn't good enough. It has to be perfect. You can't make any mistakes."

I realized from his tone that he wasn't kidding. But the concept was entirely new to me. In school, we were graded on a hundred-point scale. Getting 100 on a test or paper was the ideal, but anything above 90 was fully acceptable, even to my parents, who were not inclined to cut me much slack in such matters. No one had ever told me anything I did had to be *perfect*. None of my teachers had ever demanded perfection. None had ever expected perfection. Indeed, the passing grade was only 65, so you could sail through

school and graduate while being wrong thirty-five percent of the time.

Aryeh's comment was riveting. He alone, of all the people in my life, expected perfection, in the twin senses that he both required it and let me know he believed I could deliver it.

I wish I could say I lived up to his expectation. I didn't. During the ceremony, I made mistakes. Although my family—especially my rather religious grandfather—was as pleased as I had ever seen them, and although Aryeh never mentioned the mistakes, for the first time I felt at least a twinge of having let myself down.

When you're young, defining moments stick with you, but their full impact takes a while to develop. I haven't spent the rest of my life in an obsessive pursuit of perfection. But the thought Aryeh Routtenberg had planted in my mind certainly sharpened my awareness of what at least a few other teachers have tried to offer me.

Which brings me to Meri Wiggenhorn. About a year after my bar mitzvah, I started ninth grade, and I was assigned to Mrs. Wiggenhorn's English class. Until then, I knew her only as one of two gray-haired English teachers who seemed to have been at Pearl River High School forever. But she did not sponsor any clubs or coach any teams or sit in her classroom after school waiting for students to drop by, so I didn't know much about her.

At the time, she was about fifty—older than my parents, which was old. But unlike most old people I knew, she smiled a lot. It was a mischievous smile, which was fitting, because she was a mysterious person. For one thing, she was Welsh. I had no preconceived notions of the Welsh—no notions at all, really, except that the most famous man in the

world at that moment was a Welshman: Richard Burton. He was supposed to be good looking, but for me he was a voice. He recited Shakespeare the same way he talked about Elizabeth Taylor. It was a conversation, not a speech. He made the old lines sound as though he had just thought them up. In his voice, they were things a person might actually say, not poetry written on a page. So Welsh was glamorous, romantic, even exotic.

Mrs. Wiggenhorn was also a voice. Her pedagogical method was deceptively simple. She would sit on the corner of her desk, legs carefully crossed, and tell us stories about her life. It was an interesting life. She spoke only Welsh until she was five. When she was still a girl, her family moved to Montana, where her father had gotten a job as a mine inspector. When she graduated from high school, her mother took her back to Wales to enter the University, but she was told her American education was inadequate, so she attended high school in Wales before she was allowed to matriculate. At the University, she studied philosophy, French, and Latin.

Her husband, Bard Wiggenhorn, was an American, the brother of a high school friend from Montana. He was an artist. They married in 1938 and moved to California, where he got a job as an animator at Walt Disney Studios. He worked on "Pinocchio" and "Snow White." But they didn't like California and craved a society with more culture. So in 1951 they moved east, within striking distance of New York City. Mr. Wiggenhorn went on to create the animated figures of Bert and Harry Piel, the cartoon brothers who brewed Piel's Beer and whose voices were supplied by the radio comedy duo Bob and Ray. They were among the funniest things on television. *Time* magazine even commented on them in 1956, observing:

Since January, when Harry and Brother Bert made their debut in a series of cartoon commercials plugging Brooklyn's Piel Brothers' beer, they have won such fame that even the most blurb-worn viewers are changing their ways: instead of ducking out when the commercial goes on, Easterners are now turning on their sets to catch the Piel cartoons.

The Wiggenhorns must have had an interesting household.

They lived a few towns away from Pearl River. If I gave the impression that the area was a cultural wasteland, that is not quite correct. Pearl River itself was as resolutely square as Julius Braunsdorf's street grid. But in nearby towns lived Helen Hayes, the great actress; Alexandra Tolstoy, daughter of the novelist; and several enclaves of refugee intellectuals who had fled the Nazis. We even had a winery, High Tor Vineyards, which produced awful plonk but, as Samuel Johnson said (not to his credit) of a woman's preaching, it is not done well, but you are surprised to find it done at all.

That atmosphere apparently attracted the Wiggenhorns to the area, and Mrs. Wiggenhorn began teaching high school English. I don't believe she had any formal training to teach. In those days, it was not required. What she had was perfect diction and a deep love of literature.

I have said that her pedagogical method was to tell us stories. That is, of course, an exaggeration. But she spent more time simply talking to us than most teachers did—time we would have regarded in other teachers as fluff or filler when there was no more material in the day's lesson plan. But when Mrs. Wiggenhorn talked to us, she was—I believe—imprinting on us the rules of grammar and punctuation through sheer sound. The commas that vexed us were audible in her speech. The mysteries of "that" and "which" were not explained so much as internalized. You can't develop an ear for

music unless you are exposed to it, and you can't develop an ear for language unless you hear it spoken as it should be.

Mrs. Wiggenhorn did not neglect the fundamentals. We learned the parts of speech. We diagrammed sentences. We learned the difference between a subordinate and an independent clause. We learned to spell hard words. "Remember," I can hear her saying, "there's a 'villa' in 'villain.'"

I say "we learned." Perhaps some of us did and some of us didn't. But to this day I depend more on my ear than on the rules to know where a comma goes. And my ear developed almost entirely from listening to Mrs. Wiggenhorn speak. I suppose it's possible to write good English without being able to speak well, but it must be very hard.

One of my favorites among her stories involved a trip she and her husband took with some friends named Mushback. They arrived at their hotel to check in, but the desk clerk could find no reservations for "Wiggenhorn" or "Mushback." They were certain they had made a reservation, so they asked to see the day's list. Sure enough, there were reservations for "Mushhorn" and "Wiggenback." She howled with laughter when she said that. I was struck by her evident impression that the names "Mushhorn" and "Wiggenback" were much funnier than "Wiggenhorn" and "Mushback."

The writing we did in ninth-grade English consisted mostly of book reports. My classmates and I viewed them mostly as proof that we had read a book every so often. Mrs. Wiggenhorn saw them differently. She asked us to write what the book was about. I thought we were to summarize what had happened to the characters. But that was not what she meant. "You tend to tell plot, not theme," she wrote in red pen at the end of one of my reports. That was a new idea to me. I really didn't know the difference. "Plot is what the characters do,"

she said. "Theme is why they do it." Not for the last time, Mrs. Wiggenhorn introduced a concept that was both new and hard to grasp. You don't learn big ideas instantly.

I actually did more writing in other classes at that time. My social studies teacher, Mr. Golub, was as enthusiastic as Miss Paulsen. Fresh from college, he was a Bostonian with a thick New England accent. If Mrs. Wiggenhorn called Richard Burton to mind, I identified Mr. Golub very strongly with John F. Kennedy. When he agreed with you, he didn't say "yes." He said "yi-yuss," like Kennedy did.

I wrote a paper for him about the John Birch Society, with which I had become fascinated. I think that made him a bit suspicious of me. When I got the paper back, he had written at the end: "Are these your own words?" I had never been accused of plagiarism before, but I actually found the question somewhat gratifying. They were my own words, and the idea that he thought they might have been copied from a published book was almost flattering.

Yet, of course, they weren't my words. I didn't own any words. Everything I wrote was, in some sense, copied from what I was reading, and I believed in those days that big words, obscure words, and long sentences were the hallmark of a grown-up writer. My goal was to send the teacher to the dictionary.

Mrs. Wiggenhorn was my hardest nut to crack. There weren't any words she didn't know. She came to class each morning with the *New York Times* crossword puzzle and a pen. She finished the puzzle in seven minutes while she waited for us to assemble. I had some appreciation of what that meant. Both my parents were crossword addicts. My father did the Sunday *New York Times* crossword and the monthly "Puns and Anagrams." My mother did the month-

ly double-croctic and later subscribed to the *Saturday Review* solely because it ran a double-croctic as well. But my parents worked exclusively in pencil and set no time limits for completion. Mrs. Wiggenhorn's pen was not just a writing implement: it threw down a challenge.

To my great fortune, that year with Mrs. Wiggenhorn was not my last. She taught English my senior year, by which time I had started reading serious literature on my own. I was particularly drawn to Dostoyevsky and Kafka—I think because their characters and themes were so far removed from life in suburban New York. I fell hard for the opening of Kafka's *The Trial* in the English translation: "Someone must have traduced Josef K. . . ." The word "traduced" was just the sort of word I thought I needed to use. It was both obscure and sophisticated—the sort of word people who had studied Latin would know even if they had never heard it in English. For months I plotted to slip it into a paper in a way that would suggest both immense erudition and nonchalance. And then Mr. Golub or some other teacher would write, "Your own word?"

Mrs. Wiggenhorn assigned us to read Conrad's "Heart of Darkness." In retrospect it seems both an odd choice and yet a perfect vehicle for Mrs. Wiggenhorn's technique. It was an odd choice because its tone and theme were so far removed from any experiences we would have known in the suburban 1960s. But the Vietnam War had started to erode the post-World War II optimism that my parents' generation—younger than Mrs. Wiggenhorn's—had tried to establish as the normal state of American being. Francis Ford Coppola had not yet made "Apocalypse Now." But Mrs. Wiggenhorn apparently saw something in Conrad's novella that later struck a chord with Coppola as well.

You remember the story. Marlow the trader sails up-river in the Congo to find Kurtz, another trader who has built his own shady empire amid the corruption and exploitation foisted by the white colonizers. When at last Marlow finds Kurtz, the mysterious man is mortally ill. In the dark, on his deathbed, Kurtz whispers, "The horror! The horror!" and breathes his last.

Mrs. Wiggenhorn loved that line. It meant something to her, and she tried every trick in her bag to get us to grasp it. For her, the story wasn't about Africa, it was about "the horror!" But what was the horror? I can recall my own immense frustration at not getting the point she was trying to make. Here was an atmospheric tall tale of an adventure in Africa, with an overlay of romantic mystery that seemed similar to stories by Edgar Allan Poe. But the horror, if it was to be taken seriously and not just as a plot point, was beyond my experience. That layer of meaning remained opaque. I got the plot, but not the theme.

Not one to give up, Mrs. Wiggenhorn tried again. We next read *A Passage to India*, another work not on the usual school list. Mrs. Wiggenhorn introduced us to the novel by saying she believed Forster to be the greatest living novelist writing in English. It was odd to realize he was still alive, since most great authors were dead. He had not written a novel since publishing *A Passage to India* in 1924—the year my father was born. But nevertheless, in Mrs. Wiggenhorn's view, no younger writer could touch him.

I remember asking her what she thought of John Galsworthy, whose *Forsyte Saga* I had just begun. "A first-rate second rater," she said quickly. "An excellent storyteller, but with no depth." Though I was disappointed to be wasting my time on a second rater, my breath was taken by the confidence of her judgment. She may have been an English

teacher at a mediocre suburban high school, but she knew her literature and never equivocated.

1967 was an interesting year in which to be reading *A Passage to India*. Civil rights confrontations were forefront in the news. Martin Luther King was on television almost every day. Malcolm X was only recently dead. And *A Passage to India* seemed to illuminate racial prejudice from a less immediate and more analytical viewpoint. Forster's descriptions of the Britons' oppressive and disrespectful treatment of Hindus and Muslims could have been recast with only a few changes as current events.

"What is *A Passage to India* about?" Mrs. Wiggenhorn asked us one day. "It's about racial prejudice and discrimination," I said when she called on me.

"Anyone else?" she asked in a tone suggesting she had hoped for a different answer. No one ventured a guess.

"Isn't it about 'boum'?" she asked, referring to the echo Mrs. Moore had heard in the Marabar caves. Our faces must have telegraphed our collective incomprehension. "'Boum,'" she said again. "The emptiness. The meaninglessness. The contrast with what Mrs. Moore called 'poor little talkative Christianity.' Or perhaps it's related to 'om,'" she went on, "that featureless mystical sound that can't be reduced to details." She looked out again at blank faces.

Some forty years later, the parallel between "the horror!" at the head of the river and "boum" at the mouth of the cave seems plain enough, but part of the ability to tell theme from plot is the ability to make connections below the surface, and Mrs. Wiggenhorn was still trying to get us there. For me, the experience was as frustrating as hearing voices in another room but not being able to make out what was being said.

Now there are almost too many connections. The other day I wondered for the first time whether Mr. Reiner was trying to tell me something profound when he gave me the bottomless paper cup to hold on my first day of school. Was there some symbolism in the cup's bottomlessness? Or its uselessness? Or its emptiness?

For my last paper I wrote a grandiose essay on "Kafka and the Theory of the Modern Novel." I still have it. Mrs. Wiggernhorn gave me an A, for effort, I'm sure, certainly not for clarity of thought. Yet even though she gave me an A, her comments at the end struck an ominous tone. I probably kept the paper so I would never forget them. Here is what she wrote:

The fault in your writing is verbosity. Try eliminating every adjective not vital to your sentences; select your verbs with an eye to getting them to carry more freight. You dissipate the force of your writing by dribbling it away in superfluous phrases, weak verbs, and redundant adjectives. It is a serious fault, and my advice to you is to root it out now.

She was exactly right, of course. But that was about the last thing of any substance she taught me. I went off to college and saw her again only a few times in circumstances where we could only make light conversation. She died of cancer in 1980, shy of her sixty-eighth birthday. I can truthfully say hardly a day goes by when I don't think of her. She was a master diagnostician, but she was not—at least in my case—a surgeon. She recognized every fault in my writing, but I wrote too little to give her the opportunity to prune my bloated sentences to an appropriate size. For that, I needed Milt.

How I got to Milt—Judge Milton Shadur, as I will now properly call him—is a long story. After graduating from college, I came to Chicago with my wife, intending to study comparative literature at the University of Chicago. But I ended up taking a ten-year detour in the music business, where I learned to write press releases, liner notes, and the occasional song. By 1982, I finally made it to the University of Chicago, but this time at the Law School.

One of the dirty secrets of most law schools is that, though writing is much of what lawyers do, American legal education does not focus on writing skills. Indeed, you can go through law school without writing much of anything at all. The few students who participate in a law review may get more writing experience, but that often involves the blind leading the blind—students editing other students' work and their professors' articles as well.

One job opportunity available to law students when they graduate is clerking for a judge. Clerking in the modern sense was largely invented by Justice Oliver Wendell Holmes, who each year hired a graduate of Harvard Law School as his "secretary" for the following term. Holmes' secretaries helped him with research and served as sounding boards for his ideas. Most of his secretaries went on to have distinguished legal careers, though perhaps his most famous secretary, Alger Hiss, became internationally known for other reasons.

These days virtually all federal judges and many state-court judges hire recent law-school graduates to assist them for a year or two before moving on to private practice or other careers. Most law schools encourage their students to apply for clerkships, because they like to maintain connections with the judiciary, and placing their gradu-

ates with highly regarded judges enhances the schools' prestige.

One of my professors recommended that I apply to Judge Shadur, a federal district judge in Chicago. At that point, Judge Shadur had been on the bench about four years, but he was widely known in the legal community long before he put on the black robe. Raised in Milwaukee, he attended the University of Chicago, where he majored in mathematics. After serving in World War II, he entered the University of Chicago Law School, graduating in 1949. He was editor-in-chief of the Law Review and graduated with what I have heard is the highest grade-point average a student at the Law School has ever achieved.

He then joined the small firm of Goldberg & Devoe. Goldberg was Arthur J. Goldberg, who later became secretary of labor under President Kennedy, then a Supreme Court justice, and finally ambassador to the United Nations. Devoe was Carl Devoe, a business and real-estate lawyer who later became president of Executive House hotels.

Goldberg & Devoe had been founded in 1946, and Milton Shadur was its fourth lawyer. With Arthur Goldberg, he specialized early on in labor law, arguing his first Supreme Court case in 1957. His practice ranged into real-estate and business transactions as well. Years later, one of his clients told me, "Nobody could fly-speck a document like Milt Shadur." I knew someone who had gone to work for the firm in the late 1970s and who—so he said—entirely lost interest in practicing law after seeing his drafts ripped to shreds day after day by Milton Shadur's red pen.

Apart from serving his clients, Milton Shadur was active in bar association and community affairs. He worked on free speech cases with the ACLU and on the *Gautreaux* case,

which sought to desegregate public housing in Chicago. His last Supreme Court argument, shortly before going on the bench, vindicated the First Amendment rights of environmentalists who had been barred from door-to-door soliciting in Schaumburg.

During the Ford presidency, Edward Levi, then the attorney general and before that president of the University of Chicago and dean of its Law School, began talking up Milton Shadur as a candidate for judicial office. But he was a Democrat, and it was not to be.

Finally, in 1980, President Carter appointed him to the district court, which is where cases in the federal system are brought to trial. He had very little trial experience, normally thought to be an important prerequisite for that job. But no one who knew him was seriously worried about his ability to pick up the essentials quickly.

Like most federal district judges, Judge Shadur hires two clerks. In his chambers, one becomes the "even" clerk, taking care of all cases whose docket numbers are even. Of course, that makes the other clerk "odd." I was the even clerk.

My co-clerk and I had one main task: drafting opinions resolving various motions, including motions to dismiss and motions for summary judgment—both of which can end a case before it ever gets to trial. To start that process, the plaintiff and the defendant file briefs in support of their respective positions. Our job as clerks was to read the briefs, analyze the arguments, do any additional research we deemed necessary, and write a draft opinion deciding whether the motion should be granted or denied. My co-clerk and I each averaged about one opinion a week, typically ten or fifteen typed pages but sometimes much longer.

Most people are surprised to learn that the Judge usually did not tell us in advance how he thought the ruling should go. We would turn in our drafts along with the briefs and put all the case books on a shelf so the Judge could consult them. By the next morning when we arrived—he usually started work at about six-thirty, and I usually didn't come in until nine o'clock—he would have marked the draft with his edits. As I commented at the time, it was like taking a final exam every week.

Surprisingly, the Judge rarely disagreed with our proposed resolutions. In fact, I believe he changed only one result out of all the opinions I drafted for him. But his changes to the wording and the reasoning were brutal. My first draft opinion came back with hardly any word of mine remaining. My second fared little better. Almost every sentence was changed in some way. When he handed it back to me, he looked puzzled and said, "Didn't anyone tell you about my rule?"

"What rule, Judge?" I asked.

"I never begin a sentence with the words 'the' or 'a,'" he said. And glancing at the puddle of red ink in my hands, I saw that about half of my sentences, which had begun with the prohibited words, had been rewritten to avoid them.

"What's the reason for your rule, Judge?" I asked. "Did I miss something in Strunk and White or Fowler or the University of Chicago *Manual of Style*?"

"No," he said, "it's just a rule that I set for myself a while back. It helps me to be more self-conscious about my writing."

Judge Shadur was the first person I had ever met who self-consciously had a style and stuck to it consistently. It wasn't just the "the" and "a" business. He didn't like prepositional

phrases. He loved parenthetical comments and footnotes, not just for citing sources but to expand on thoughts that could not be treated fully in the text. He referred to himself impersonally as "This Court," even when speaking about his personal life. For example, in his 1982 opinion in *United States ex rel. Mitchell v. De Robertis*, he wrote (in a footnote):

Some 35 years ago this Court, then a law school student, helped expose the intolerable post-conviction labyrinth the Illinois courts had constructed to thwart prisoner petitions.

And in a footnote to his 1997 opinion in *United States ex rel. Barnes v. Gilmore*, he observed: "[O]ne of this Court's law school professors was the late great Professor Grant Gilmore."

They say no man is a hero to his valet, but most judges are heroes to their clerks. Our one overriding goal was to reduce the bloody mess of red ink on our drafts, partly by learning to think more perceptively, partly by paying exquisite attention to the rules of grammar, punctuation, and syntax, and partly by so deeply absorbing Judge Shadur's writing style that he would find every turn of phrase to his liking. Never before had I focused more attention on every word and its place in a sentence. Never before had I met anyone who thought so deeply about every word and every comma before he signed off on the final version. When Aryeh Routtenberg told me my Torah reading must be perfect, all I had to do was read what had already been written. Judge Shadur told us, in effect, that every word we wrote had to be perfect as well. That was the standard he set for himself, and it was the standard he expected us to follow.

As my friend had observed, Judge Shadur took pleasure in fly-specking. I saw it as a special challenge to find typos or

other errors in opinions he had already approved. That almost never happened. His commitment to perfection is the belief that all details are important and no detail is less important than any other. In a sense, it's the opposite of "boum" and the featureless heart of darkness. Every feature is there, and every feature matters, down to the smallest detail.

His treatment of lawyers could be withering, because he set standards as high for others as he set for himself. Reading his opinions, you will come across many footnotes castigating the lawyers for not doing their jobs, often crediting his law clerk for sorting out what the lawyers should have done. Here is an example, from the Judge's opinion in *Levenfeld v. Clinton*, citing my co-clerk, Ann Hamilton, under her maiden name:

Both sides have seen fit to burden this Court with volumes of paper (deposition excerpts and documents, as well as lengthy memoranda), perhaps subscribing to the theory (as to their own respective claims) that sheer bulk connotes the existence of material fact issues, precluding an adverse summary judgment. . . . Winnowing the wheat from the chaff was a formidable task, as was assembling the material into a workable form for a draft opinion to be reviewed, reshaped and recast by this Court—tasks of winnowing, assembling and initial drafting all ably performed by this Court's law clerk Ann Marchaterre.

Another barb, this one more pointed, came in *Northern Trust Co. v. E.T. Clancy Export Corp.*, referring to my immediate predecessor, Will Buck:

It is distressing enough for the analysis and search for authorities discussed in the text to have been forced upon this

Court's law clerk, Willis Buck, Esq. This Court will not compound the burden by sparing the litigants their task any further.

I assure you there are many more examples. Once a lawyer for the City of Chicago came to chambers to pick up an opinion the Judge had just issued. He took the opinion, quickly flipped through it, and sighed loudly. "No footnote!" he said with evident relief.

Gradually over the year, the density of red ink decreased. As I began to accept a world where no sentences began with "the" or "a," I found I really was paying more attention to how I put the words together. And as I began to accept a world where prepositional phrases were disfavored, I found I really was reducing the bloat. But still, once or twice a week there was the final exam. Had I really cut out the fat? Had I really avoided all ambiguities? Did every word have a purpose? Judge Shadur was relentless. He never let anything slide. When I was in the music business, there was a saying that, when something wasn't perfect, it was still "good enough for jazz." Nothing in Judge Shadur's chambers was good enough unless it was right.

That atmosphere was frightening, but it was also bracing. He had supreme self-confidence because he knew he had worried every detail to its resting place. On one rare occasion, he asked me to draft an opinion in a criminal case, and he told me in advance what he wanted the decision to be. Later, the decision was reversed by the Court of Appeals. I was very disappointed, and I told him so.

"Oh, I knew they would reverse me," he said.

"Well, then, why did you have me write it that way?" I asked.

"Because my decision was correct," he replied. Reversals never seemed to bother him.

Many federal district judges write and publish very little. I have heard some say they feel the case books are too thick with repetitive opinions that add nothing to the development of the law. Some cynics say those judges don't want to take the time and effort to write something that lawyers and law students will pick apart.

Judge Shadur publishes almost everything he writes. In the days before on-line services like Lexis and WestLaw became ubiquitous, that meant publishing in printed volumes called the *Federal Supplement*. Though the on-line services now pick up almost every decision, *Fed. Supp.* still prints only what judges decide to publish. It's an author's dream-world. Whatever you submit gets published within a few months of being written. You don't get paid, but you don't get cut or edited either.

Judge Shadur has been amazingly prolific. During his first five years on the bench, he averaged about 200 opinions a year. In 1986, the year I clerked, that spiked to 414 opinions—more than one every day. From 1987 through 1999, he averaged over 350 per year, reaching a high-water mark of 428 in 1997. Since 2000, the pace has slowed a bit, still averaging 160 per year. Some of those opinions were just a few pages and dealt with routine procedural matters. But it's still an amazing output and a fundamental commitment to communicating his decisions in writing for anyone to scrutinize.

When my clerkship year ended, I entered private practice at a large law firm. It took a while to adjust. Doing things Judge Shadur's way was perceived as pedantic, even a bit quirky. As I began to write for and with other people, I saw

the many different ways in which they approach the rules of grammar, punctuation, and syntax—or what I considered the rules to be. Of course, none of my colleagues had the opportunity to hear Mrs. Wiggenghorn speak, and only a few of them have had the experience of being edited to bits by Judge Shadur.

I recognize that the so-called rules are not immutable and that the history of the English language has been a history of change. The startling commercial success of *Eats, Shoots, and Leaves*, which is only the latest of hundreds of such books, testifies to our enduring need to point out other people's mistakes. As Henry Higgins said, "An Englishman's way of speaking absolutely classifies him. The moment he speaks he makes another Englishman despise him."

What ultimately is unacceptable under any circumstances, I think, is sheer thoughtlessness. Mrs. Wiggenghorn and Judge Shadur attained a level of self-consciousness that is both rare and uplifting. Being in close contact with them was, to me, an experience of the profound. Learning from them was a sensation that must at least resemble religion.

I'm sorry, but I didn't bring any Eskimo Pies.

Many thanks to Julie (Wiggenghorn) Winslett for sharing valuable information about her mother.

This paper was written for The Chicago
Literary Club and read before the Club on Monday
evening, the Twenty-eighth of February,
Two Thousand and Five.

This edition of three hundred copies
was printed for the Club in the month of
October, Two Thousand and Six.

PRINTED
IN THE U.S.A.