

of this Court, that enables them to discern that a practice which the text of the Constitution does not clearly proscribe, and which our people have *regarded* as constitutional for 200 years, is in fact unconstitutional?" This would be his basis also for dissenting in the Court's same-sex marriage case. He decried the myth of "the Perfect Constitution": the belief that if something is undesirable public policy, it is necessarily for the courts through judicial review to ban it—as opposed to its being left to the people to address through democratic processes.

Among those who knew him and enjoyed his magnificent zest for life, any disagreement with Justice Scalia was focused on his reading of the law. And for the legal community at large, he was in important respects a teacher. This he will remain: As one former colleague, with a different jurisprudence, remarked to me, Justice Scalia is the one modern

judge whose opinions we can say confidently will still be read 50 and 100 years hence.

As for me, I already learned a great deal from him, including generally of the law and life. For example, I will always recall his telling a group of Marquette law students in 2001, "He who is careless in small things is presumed to be careless in large things." While I thus kept up with him over the years, I especially recall one of the last exchanges that I had with him as a law clerk. The Supreme Court library called me because I had its only unabridged Latin dictionary checked out, and Justice Scalia wanted it. When I brought it to him, he wanted to confirm the grammar of a Latin phrase that he had inserted into a dissent—the same reason that I had borrowed the book. He purported to be offended that I did not trust his Latin grammar, but I was unbothered. Hadn't he hired me for that reason? ■

Donald W. Layden, L'82

The Holocaust Education Research Center Honors Don Layden

The Nathan and Esther Pelz Holocaust Education Research Center (HERC) in Milwaukee, a program of the Milwaukee Jewish Federation, honored Donald W. Layden, L'82, this past fall for his dedication to HERC's work. These are Mr. Layden's remarks on that occasion.



Don Layden

Let me tell you some stories about why I am involved with the Nathan and Esther Pelz Holocaust Education Research Center. I am not the son or grandson of a Holocaust survivor. My story is a bit simpler.

My parents grew up in Park Slope in Brooklyn, New York. While they lived in the same neighborhood, they also lived worlds apart. They went to different schools, had different religions, and were from different

social standing. My grandfathers were both in the fur business: my maternal grandfather owned a retail store on the Lower East Side, and my paternal grandfather hauled the hides and dipped them in the lye chemical compound, which cured them for creating fur coats and hats that my maternal grandfather sold. They both died of industrial cancers from the industry they shared.

My parents met by chance and started to date and got married. Neither family was too happy with the arrangement, but each of my grandmothers embraced her new in-law as her own. Even as a child, it was easy for me to learn the lesson of the love of a parent overcoming intolerance and bigotry.

Growing up in Brooklyn, we saw my grandmothers regularly. Indeed, they both lived with us for a time.

One day my cousin was at our house and asked my maternal, Jewish grandmother why the Jews killed Jesus. She was indignant and quizzed my cousin on where he had heard this nonsense. He reported that one of the teachers in our Catholic grade school had taught it in class that day. In a rush my grandmother was out the door, telling my mother that she had a meeting with the pastor of the parish to set him straight. My grandmother was a force to be reckoned with, and, fortunately for the pastor, he was somewhat enlightened and immediately set out to correct the errant teacher spreading this hate-based message. Not surprisingly, the pastor and my grandmother became lifelong friends.

It was only as an adult that I fully understood my grandmother's actions. She told us then, and

repeated often, that intolerance, hatred, and bigotry could not be allowed to persist for even a moment.

My grandmother's family had emigrated from Russia in 1904, well before the pogroms of Hitler and Nazi Germany, but that did not mean that she was not deeply affected by the Holocaust. Her relatives all died in the camps—family members whom she never had the opportunity to meet. She represented the lessons of their death through her life—lessons she taught her children and grandchildren by the way she lived. For that I am grateful—and am committed to helping HERC continue to keep these lessons alive.

Thank you for tonight, and I look forward to working with my fellow honoree, Bruce Peckerman, and the board, so that HERC will have the resources to continue its mission. ■

John Gurda

"My Library"—The Evolution of a Milwaukee Institution

In October 2015, Marquette Law School hosted a conference, "The Future of the American Public Library," in partnership with the *Milwaukee Journal Sentinel* and with support from the Law School's Lubar Fund for Public Policy Research. (See the news article on page 4.) Milwaukee historian John Gurda was among those addressing the conference. His numerous books include *The Making of Milwaukee* and, most recently, *Milwaukee: City of Neighborhoods*. These are Mr. Gurda's remarks at the conference.

A public library was the very first place I was allowed to go without holding an adult's hand. I spent my early years in Milwaukee on S. 34th Street, not far from Jackson Park. By the age of five, maybe six, my parents gave me permission to walk from our little postwar prefab to the Layton Park branch library at 2913 W. Forest Home Avenue. The route took me past a bathtub factory, over a footbridge above the North Western railroad tracks, past Gilbert & Eileen's tavern with its wishing well out front, and finally to the cramped storefront library. The journey covered more than a half mile, uphill both ways (or so it seemed), and I made it so often that I must have worn out more than one pair of PF Flyers.

That was back in the 1950s, a time either genuinely safer or perhaps just less fearful than our

own; it's hard to imagine the same permission being granted today. I recall the Layton Park branch as a narrow, fairly spartan place—light in front and dark in back—but it had all I needed. I devoured stacks of easy readers and enough more-challenging fare to remain a member in good standing of the Billy the Bookworm Club.

Even before I'd outgrown Billy, my family had moved with hundreds of other south siders to suburban Hales Corners, and the Layton Park branch ►►



John Gurda