

***Epiphanies:***  
***Moments When “God” Speaks to Us***

*by*

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Part I

## **A Christianity for Skeptics**

# Chapter One

## **Why I Wrote This**

Okay, let's start with the basics: I don't claim any special wisdom or insight about the topics covered in this essay. I have focused most of my attention on environmental law, which I have studied and tried to improve throughout my career. At the same time, I struggled with personal relationships but ended up happy and blessed. See Chapter Five on How I Learned that Prayers are Answered, the most important chapter.

Expertise in one area comes at the price of not seeing other things because, as humans, our time and cognitive capacity are limited. One of my mentors, [Herbert Simon](#), taught me that through his writings, although we never met. What has made me who I have been to date is that I chose to try to understand some things at the price of not understanding other things. We all do that, consciously or not.

However, as luck (or Providence, or Fate, or "God" or whatever else you want to call it) would have it, I have had some experience in interpreting texts. That skill comes from many years of studying law and judicial opinions but also from studying and teaching literature with a little moral philosophy thrown in. I try to bring those skills to bear to explain what some of the epiphanies in my life have enabled me to see. See Chapter Four, Everyone Has Got to be from Somewhere, the second most important chapter.

The older I get, the more I think I gradually see how some things work outside my chosen fields of professional study. Only some things, of course,

but things both big and small. These moments of what seems to be insight are sometimes called “[epiphanies](#),” eureka moments, when suddenly one thinks one understands something deeper about how life works. The Germans call these moment of sudden insight [aha erlebnisen](#), aha experiences, because such experiences cause one to say to oneself, “Aha, *now* I see how that works!”

I think that the Bible calls these moments when we glimpse a deeper meaning of something the appearance of “angels.” I say repeatedly in what follows, I “think” this or that. The tentativeness is intentional, because I have learned from my life experience that my conclusions are preliminary and subject to revision as I learn more, so please take everything I say as a merely a suggestion for your consideration. I write this to share some of what I think the “angels” or epiphanies or life experiences have taught me to date. I originally started to write it for my children and grandchildren, but as I thought about it, I came to feel that perhaps reporting what I think that I now apprehend may help others to decipher parts of the reality that we share which it took me a long time to fathom. If you already knew something, or consider it painfully obvious, please forgive me, but the point is still valid.

This is not an autobiography, nor is it a memoir. No, to be honest, I think I may have unintentionally backed in to inventing a new literary form that focuses only on the epiphanies in my ones’ life. Most of what happened in my life, and during my fifty-year career in teaching and practicing environmental law and writing eight books, over 200 articles and teaching and lecturing in the U.S., Europe, South America and Asia would not be of interest to most people.

Nor do most of the seemingly random events that occurred in my life matter much to me, and I write at least as much to make sense of things for myself as for others.

No, this is a collection of some *epiphanies* from my life, events that in retrospect reveal a lesson about how some aspect of life works, plus enough context about the events to help the reader understand the life lesson. Kinda like what happens in Aesop's fables. We all know that Aesop's famous fable isn't really just about a tortoise and a hare, right? The same kind of sudden recognition of a deeper meaning can happen when we read parables in the Bible, or read good literature, or even hear a song or hymn on the radio – WHAM: we suddenly see a deeper truth that resonates beyond the particulars of events to manifest us a larger life lesson.

Some call those sudden moments of insight “God speaking to us.”

### **Why I Put Words in Quotation Marks**

Throughout this essay I sometimes put word like “*God*” and “angels” in quotation marks, as I just did in the sentence above. That practice is not intended to be disrespectful; just the opposite: I do not believe that I – or anyone else for that matter – is really able to fully comprehend God's true nature. That idea is frequently mentioned in both the Old and New Testaments and also in Islam. It is sometimes called *Apophaticism* in [philosophy](#). See for example [Exodus 33:20](#), where “God” reportedly says to Moses “You cannot see My face, for no human can see Me and live.”

Here's how Google AI explains the point:

❓ **Incorporeality of God:** Medieval philosophers like Maimonides insisted that all biblical references to God's body parts—including a face—must be understood as metaphors, as God is a non-physical, incorporeal being.

❓ **Beyond human comprehension:** The face represents God's true, infinite essence. A finite human being cannot grasp this totality and survive the experience. We can perceive God's actions in the world, but not God's true, unadulterated nature.

But more importantly, I put words such as “God” and “angels” in quotation marks because they are freighted terms for most of us and I wish to try to avoid peripheral theological debates. I am not qualified to opine about such matters, nor am I particularly interested in trying to unravel metaphysical puzzles. Vexing theological disputes seem to me to be side issues that get in the way and distract many of us from absorbing the great wisdom embodied in the Christian tradition. That’s deeply ironic because throughout the New Testament Jesus tries to share his wisdom with others who miss the point because they get distracted by side issues or interpret his words literally. Instead, I try to interpret the epiphanies that “God” has sent my way as I would a poem, or a judicial opinion, so that even a skeptic like me can tap into the wisdom embodied in the Christian tradition. And yes, I am aware of the [“Bible as literature” movement](#), and am not claiming to have invented it.

The breakthrough for me came when the wonderful ministers at [the congregational church that I recently joined](#) taught me that “God still speaks to us today.” That had never occurred to me despite many years in the Presbyterian church. I thought God only spoke to us, if at all, through a bunch of old stories in the Bible. Silly me. There is even a 24-hour a day radio station

in Amityville, Long Island near me devoted to spreading the word that [“God still speaks,” WGSS](#). Like I said above: I am remarkably dense about a lot of things. We all are.

### **My Understanding of “Eternal Life”**

My goal in writing this essay is to try to put down in a form that will outlast my increasingly feeble mortal body some of what I think that I have learned in my 77 years and counting of a physical existence on this planet. I do believe in “everlasting life” as the phrase goes in Christianity, but I do not believe in the resurrection of the physical body or in reincarnation. No, as best I can understand so far, **our spirit lives on through our families, our disciples and the through tangible things like the art and books that we have imbued with our spirit**, a spirit that lives on and outlasts our physical bodies.

That is also how I now understand the passage in the bible ([Luke 24:36-49](#)) that Jesus “appeared” to his disciples on the third day after his crucifixion: they remembered what he had taught them and went on to spread his spirit throughout the world, thereby giving his spirit everlasting life for over two thousand years -- so far. It is impossible to imagine Jesus’s spirit still alive and changing lives throughout the world more than 20 centuries after his physical death if Peter and Paul and their successors had not shared his holy spirit with the world.

Now I finally understand why my wise and enlightened mother told me early in life that Santa Claus was not a person, but a spirit. She did not want to lie to me, but more importantly, my first and best teacher wanted me to

understand that spirits are for real. I am trying, so far unsuccessfully, to pass that on to my daughter for the benefit of my grandson, Cole, who is now seven. I fear that he, like me and many others, may be bitterly disappointed when he discovers that some of the things that they are teaching him in Catholic school are not literally true. As a result, he may lose touch with the many insights that Christianity has to teach us about how to live a satisfying and productive life. Things like the virgin birth are either translation errors or “noble fictions” invented by the Jesuits who thought that the common people in the Middle Ages could not handle the truth. For example, [the word virgin in Greek means any young woman of childbearing age, not merely those who have never had sexual relations](#). You probably already knew that; like I said, I’m slow about lots of things and am just learning that lots of stuff in the Bible has deeper meanings beyond the literal interpretations.

Many others got to that insight before I did. Joseph Campbell explained it to me in a way that I could understand in a 1991 book called [\*The Power of Myth\*](#). It was the first book that I gave to my beloved wife Gail. Campbell argues that all major religions are trying to convey similar spiritual truths, but must do so in physical metaphors because that’s the realm we live in. That’s not a new idea. Writing in the 1940’s, C.S. Lewis acknowledged in his great work *Mere Christianity* (on page 55) that some aspects of Christianity are beyond our mortal ken and can only be pictured imperfectly through physical analogies.

Thus, I try to interpret biblical passages, as well as the epiphanies in my life when “God” spoke to me, *symbolically* in terms of the larger point they

helped me to see. I see them as analogies that exemplify truths of a spiritual nature that we can capture only imperfectly through physical metaphors. In short, I try to read epiphanies as I'd read a poem rather a history book.

I do respect that many wise and learned people will disagree with how I try to read God's words, both ancient and modern. For them, what I lay out in these pages may seem like "Christianity-lite," if not blasphemy. I try to interpret both scriptures and life events so that one may tap into their wisdom without taking what Kierkegaard famously called "[the leap of faith](#)" to believe some deeply implausible things that contradict our ordinary experience as a tangible sign of one's faith.

I take my hat off to those true believers, sometimes called "fundamentalists," who are able to take that leap of faith to believe the unbelievable. I think that they and I both draw most of the same lessons; they just understand the mechanisms behind these eternal truths differently than I do. As you'll see on many of the pages that follow, I eschew speculating on why things like prayer work; I merely report that they *do* work, but do not try to explain *how* they work. The over-riding point – to my mind at least – is that a great many people miss the wisdom embodied in the Christian tradition because they cannot accept literal interpretations of some of the words in the Bible that I see as physical metaphors to try to express spiritual truths.

I recently shared with my grown-up daughter Eve Christina Savage Elliott Bousquet my understanding that "Son of God" was an idiom meaning an inspired person, a prophet or an angel. Over two dozen persons in the Bible

are identified as “sons of God,” not just Jesus. Properly understood the phrase “son of god” is, to my mind at least, not an account of Jesus’s biological origins but an idiomatic metaphor that means a person who is particularly close to God in the way that a son is like his father. Many biblical scholars far more erudite than I make that point. For example, Doctor of Divinity E. W. Bullington writes in *Figures of Speech Used in the Bible Explained and Illustrated* (Baker Book House, 1968) that “the ‘sons of God’ in the New Testament refers to those who partake of the New, Divine or spiritual nature, whether angels or men, as opposed to beasts or other human beings.” My wise and inspired Mother tried to teach me that by telling me that my father thought Gandhi was also a “son of God” like Jesus but I was too dumb at the time to understand what she was driving at.

### **Why Ponder Our Epiphanies**

I see now that earlier in life I was too young, hot-headed and arrogant to understand many of the things that my wise and loving parents tried to teach me. Like Mary in the Bible ([Luke 2:19](#)), I stored them up in my heart and pondered them until later in life when I had more experience and was better able to comprehend what my parents or other mentors were trying to teach me. Sometimes one senses that an event, or a phrase, has a deeper meaning, but the insight to interpret properly what an epiphany really means may not come until years later when one is wiser and has enough experience to see how things work in the longer run. See Chapter Eight about why one of my mentors, Judge Gerhard Gesell, turned down what seemed to me at the time to be a dream job, but I later understood exactly why he had done so.

Thus, I write in part to pass on to my children and grandchildren, as well as any others who may be interested, a few of the epiphanies from my life as I now understand them. I do so in the hope that maybe future readers may be inspired to grasp the significance that goes deeper than the particulars of any given event in their own lives as well as in mine.

That's more than enough for one morning. "She who must be obeyed" (in the wonderful phrase borrowed from John Mortimer's *Rumpole of the Bailey*) is up and it is time to install a shower rod in the guest room in our new downsized house in Florida. The "she" in question is my muse and life partner Gail Charnley Elliott PhD, my best friend and my best editor; she is truly my missing other half [as Plato thought of it](#). See Chapter Five about the most important event in my life to date, how my wonderful wife came into my life in answer to my prayers.

## Chapter Two

### **A Blessing Hidden in a Challenge**

Here is the most recent example of an epiphany from my life. As I write, I am being politely but firmly told by my dean that the current semester is my last semester of teaching at Yale Law School after 44 years of teaching and 47 years of learning at that unique place, which until now I chose to make one of the main centers of my life. Of course, that hurts. But I am now wise enough - or inspired enough by a power greater than my own -- to understand that **inside every challenge, a blessing is hidden.**

Earlier in life I would have only felt the hurt and been angry at the loss, but now I see that this profound change in my life, while painful, is also a blessing that “God” has sent me. By a “blessing,” I mean a gift that we do not earn or deserve but is bestowed on us by the order of the universe *i.e.* “God.” Many non-believers might just attribute blessings to “good luck.” But however you choose to think about it, a challenge like the one I now confront is an opportunity to make a course correction in how we choose to live our lives. I think of the lines from Shakespeare’s *As You Like It*, [“sweet are the uses of adversity ...”](#)

An example may help to clarify. As I will no longer “need” to be in the New Haven area for several months a year to teach law, Gail and I could move to New Orleans and help my son and his wife take care of their newborn baby daughter, Jordan Rose. If we do, my wife Gail and I would not only experience more of the joy (and sorrow) that comes from watching a young person grow into adulthood, but we would also be of more help to Ian and Robyn. At my

advantaged age, I foresee the strain that Ian and Robyn, a doctor and a lawyer, face from trying to raise a young child while each having very demanding jobs. Perhaps Gail and I could help Ian and his wife Robyn by sharing some of our last years with them and Jordan.

In short, **the blessing hidden in every challenge is the opportunity to re-consider our life choices and to make different ones going forward** – perhaps even to “become more like Jesus” in the words of that [wise old hymn](#). A challenge that unsettles one’s routine is a good time to ask the question [“What would Jesus do?”](#) My experience is that if you are sincere, “God” will provide the answer. See Chapter Five on how I learned that prayers are answered.

I suppose that I should disclose for the skeptics in the crowd that the day after I wrote the passage above, I prayed and asked God what I should do next with my life – and like magic, the next day I got an offer out of the blue of an appointment as a Yangtze River Distinguished Professor at Guangzhou University Law School in China, which is supposedly China’s highest academic honor. Is “God” “speaking” to me, or am I really being called to spend more time in New Orleans, or in our heaven on earth new home in Florida with Gail my love? I am trying to figure that out, but I can say for sure that who and what I am in my remaining years will be shaped by what I decide. (As usual, I am trying to figure out if there is a way to do “all of the above.”)

The life lesson in this epiphany that inside every challenge a blessing is hidden is not unique to Christianity. It is sometimes said that the Chinese ideogram for a "crisis" (危機) *wēi jī* is the combination of the two symbols for

"[opportunity](#)" and "[danger](#)." It is also said that the character 机 (jī) more accurately translates to "a crucial point" or "a point of change" rather than "crisis." Be that as it may, I see that "God," or Fate, or Karma, or the order of the universe, or "my higher power" (as they say in Alcoholics Anonymous) – whatever you want to call it -- has given me a chance to move beyond teaching young people to be lawyers and do something with the remaining years of my life that *really* matters to me, and I hope may matter to others as well.

I liked Charles Krauthammer a lot, but I was disappointed when I read his book, *Things that Matter*, because it was all about politics. Okay, I admit that politics matters some, as it deals with issues like war and peace and the economy that deeply affect the lives of many people. I write a fair amount about politics and law at *The American Spectator* [here](#) as well as in articles in law reviews and other professional publications [here](#).

Similarly, teaching lawyers to be wise and ethical is not a total waste of the limited time we are given on this earth. One of the best speeches I have given so far was at the University of Houston law school twenty years ago. My hosts had asked me to address the question "Is Law an Honorable Profession?" My answer was "no, it is not inherently an honorable profession, but it is possible to be an honorable person in the law." I went on to try to explain to law students how that works. The main ideas were never do anything you wouldn't be proud to tell your children that you had done, never make an argument for a client that you don't believe is valid and listen to and treat with respect those on the other side of the table. (Funny isn't it how those lessons I drew from my professional experience echo things that the

Bible tells us?) Perhaps the experience of giving that speech should have been an epiphany for me to re-focus my professional efforts, but I missed the point, although I did teach legal ethics a few times.

However, I recently attended my fiftieth-class reunion at the Yale Law School. We went around Room 127, the large ornate lecture hall in the ornate Yale Law School surrounded by paintings of our forebearers in the profession, and everyone described his or her career. The most significant story was from Joan Wexler, the former dean of Brooklyn Law school, who described the construction of a new building during her tenure as dean. I listened and said to myself at the end, “Why in the world am I devoting my life to educating people to do such things with their lives?”

Granted, some of the people in my law school class have done things that matter to some extent, at least as the world typically judges such things. I think particularly of our classmate Supreme Court Justice Clarence Thomas, a kind and loving man more sinned against than sinning. Or David Roe, who wrote a path-breaking environmental law for California called Proposition 65. Or Art Spitzer who ran the ACLU office in DC for many years. But they did not attend the law school reunion. (Maybe that says something too?)

### **The Justice Clarence Thomas I Know**

Here is a little epiphany about the Clarence Thomas I know. Clarence was angry at the Yale Law School – and at me in particular – for not coming forward to defend him in his contentious confirmation hearing in the Senate. I did not do so because I thought my testimony would have sunk his nomination because I would have seemed to confirm some of the charges

against him. He and I had indeed mentioned *Roe v. Wade*, the controversial abortion decision, one time briefly and in passing at a private lunch in Washington. What he had said about that controversial decision and to whom had become an issue in his confirmation hearing. As a member of the Supreme Court bar, I thought I might have an ethical obligation to come forward to contradict his testimony, so I got a copy of the transcript of exactly what he had said to the Senate Committee. I read it carefully and decided that what Clarence had said was not inconsistent with our passing mention of *Roe* in a lunch conversation because he had not indicated how he would rule on the matter. But by that time, I had had multiple experiences testifying before Congress myself and I judged that the legalistic distinction I was making would get lost in the political spectacle of a classmate appearing to contradict the nominee, so I decided to remain silent. As I describe elsewhere, I had learned from my father's example that **sometimes the most important thing to say is nothing at all**, see Chapter Four.

A few years passed with no contact between us and finally I called up Justice Thomas's chambers at the Supreme Court and scheduled a private lunch with him at his favorite restaurant. I explained to him why I had not come forward, and he seemed to forgive me, but not the law school. For many years thereafter, Clarence would have nothing to do with the Yale Law School. Finally, one of his law clerks, a good Christian, persuaded the Justice that he should forgive and reconcile with the law school. See the line from the Lord's Prayer, "forgive us our trespasses as we forgive those who trespass against us." ([Matthew 6:12](#)).

Clarence visited New Haven in 2012 and I was privileged to be invited to join a private meeting with Justice Thomas and a few students and faculty in the office of the then law school dean, Robert Post, at which Justice Thomas apologized and announced his intention [to reconcile with his \*alma mater\*](#). However, later in his visit, he stated publicly in a speech that he felt that the Yale Law School had “failed him.”

As luck would have it – or maybe it was “God’s will”; who knows? – Justice Thomas attended an alumni reunion at the Yale Law School and my wife Gail and I hosted my classmates including Clarence for Sunday brunch at our home, a former fishing cottage, overlooking the Long Island Sound in Milford, Connecticut. Clarence and his wife Ginni arrived in a big black limousine driven by one of the Supreme Court marshals. [As is his practice](#), Clarence went around and greeted everyone personally, including the catering staff who were working in the kitchen of our little beach cottage.



At some point, I drew Clarence aside and we walked to the corner of the front lawn where no one could hear us. I said to Clarence words to the effect of “You said the other day that the Yale Law School had failed you. Now when you graduated, no one would hire you for a suitable position. Guido Calabresi (then a professor and later dean) called up his former roommate and close friend John Danforth, who was then Attorney General of Missouri, and persuaded him to hire you as his special assistant. When Danforth became a Senator, he brought you to Washington with him and later persuade the President to nominate you first to the D.C. Circuit and then to the Supreme Court. Now tell me again how you think the law school ‘failed you.’”

Clarence looked at me as if he had been struck by a bolt of lightning. (Maybe it was an epiphany?) He looked down and said slowly in his deep bass voice, “I guess you are right, Don.” To the best of my knowledge, Justice Thomas never again claimed that the Yale Law School had “failed him.” I don’t correct Supreme Court justices very often and I don’t believe that I have ever heard another justice admit that he or she was wrong quite so clearly. Clarence and I disagree on many legal issues, but I recognize him as a “son of God” who tries to follow Jesus’s example of humility and loving your neighbor as yourself. Perhaps that is why I felt comfortable speaking frankly to him. (Epiphany alert!)

I do acknowledge that my frank conversation with Justice Thomas is also an example of the unique opportunities I have had through my Yale Law School affiliation. Another was moderating a private meeting between our Supreme Court justices and the judges of the European Court of Justice to discuss statutory interpretation, one of my specialties. We had a nice lunch at the Court’s private dining room afterwards. I sat between Justice Thomas on one side and Justice Breyer on the other, both of whom I had known for many years. The conversation was “off the record” so I cannot disclose exactly who said what, but it was indeed illuminating regarding their different approaches to judging. Most of the judges from Europe said they tried to figure out what [the purpose was underlying a statute and to interpret it to fulfill that goal](#); some of the more conservative U.S. justices objected, however, “who am I to say what the legislature intended.” Not an opportunity that everyone gets to be a fly on the wall for that conversation, I do realize.

Be that as it may, now rather late in life (77 years and counting), I think that I see that teaching at Yale Law School and practicing environmental law as General Counsel of the EPA, and thereafter with four big law defense firms, was both an amazing opportunity and a snare and delusion. I don't want to minimize its importance. I got the chance to teach and thereby influence the lives of many remarkable people such as J.D. Vance, our current vice president, and Ricky Revesz, who served as dean of New York University law school, and more recently the "regulatory czar" who reviewed and signed off on major regulations proposed by administrative agencies under President Biden. I also had the opportunity to teach many important judges including [Stephanos Bibas](#) on the federal Third Circuit Court of Appeals. Judge Bibas was [the first Trump-appointed judge to rule that Rudy Giuliani had not made the case for significant fraud affecting the result in the 2020 elections.](#)

Another fine judge whom I have been privileged to know is my close friend and former law partner, Charles Lee, [who is a Connecticut State court trial judge.](#) I had written a letter of recommendation for Charlie when he was nominated and after he had been on the bench for a while, I thought I should go see how he was doing. I was deeply impressed. When he ruled against someone, he looked them in the eye and explained clearly and personally to each of them in language that they could understand why he was ruling the way he was. In other words, he treated everyone in his courtroom with dignity and respect. The only other judge whom I have known who did that as well was Gerhard Gesell, for whom I was a law clerk. See Chapter Eight.

There is a little more to the story, and perhaps it is an epiphany too. Years later Charlie and his amazing wife Leslie Lee, [a leader for environmental improvement in Connecticut](#), invited Gail and me to come to a dinner of close family and friends in celebration of Charlie's 70<sup>th</sup> birthday. It was held at the Harvard Club in New York City, so of course I wore my Yale tie, but I digress. Anyway, the toastmaster went around the room and asked each of us to recount one recollection of the Charles we knew. I told the story about witnessing how Judge Lee treated losing parties in his courtroom. Charles later told me that was the toast that moved him the most. I don't know for sure why my comments moved him, but I surmise he was thinking "somebody noticed." Like Frank Dineen, whose story I recount elsewhere in these pages in Chapter Seven, Charles Lee is a "son of God" who is not famous but does good works day in and day out in relative obscurity, a lot like Jesus's example in my opinion.

I also taught and hopefully had an influence on many fine law teachers including Dan Esty and Adam Babich who are the co-editors of the new edition my most recent [book summarizing U.S. environmental law](#) for non-lawyers, and law students both here and abroad. They, and others whom I have taught, may have knowingly or unknowingly passed on to their students something that I had taught them. But as the end of my life on earth approaches, it seems that none of that *really* matters all that much.

I see now that the path I chose -- spending most of my limited time on this earth teaching lawyers -- was both a blessing and a snare and a delusion. It gave me something comfortable and rewarding to do with my time, but it

also gave me an easy out from trying to do more important things that *really matter* – like figuring out and sharing with others how things in life work. It is now time to try to share a few insights about some things that really do matter, but do not involve the law and politics that I usually write about with whomever may be interested.

## Part II

### What Growing Up in Indiana Taught Me

## Chapter Three

### **Jesus's Greatest Miracle**

“Jesus’s great miracle,” according to my brother-in-law Bill Drebus, “was that he had twelve friends when he was 33, and eleven of them were loyal to him.” That’s not entirely true; all of them denied him at one time or another, but Bill’s larger point is very true: friends and disciples are truly a miracle; they are the secret to the “eternal life” that the Bible promises to those who follow Jesus’s example. There are fifty-one places in the Bible that promise “eternal life,” sometimes translated as “everlasting life.” My favorite is [John 3:16](#) “For God so loved the world, that he gave his only Son, that whoever believes in him should not perish but have eternal life.”

It is Easter Sunday 2025 as I write this passage, and I believe that Jesus’s greatest miracle, his rising from the dead, is actually about how his disciples gave him eternal life. Imagine that Jesus had not had disciples; would we ever have heard of this Jewish carpenter from Nazareth who was executed and moaned on his cross, “My God, why has thou forsaken me?” ([Matthew 27:46](#)).

A glimpse into the [alternative history](#) of what things would have been like had Jesus not had disciples is set out in a book named [Zealot: The Life and Times of Jesus of Nazareth](#). An atheist friend of mine gave me a copy, which I read. It details how Jesus was not unique – as the author sees it – but was one of many Jewish rebels at his time who was put to death. Had Jesus not had disciples to spread and elaborate his wisdom, he would have been as obscure as his long-forgotten rebellious contemporaries.

No, I think that the true meaning of Easter, and of Christ's rising from the dead, comes when he "appears" again to his disciples ([John 20:19](#); [Luke 24:36-49](#)). I interpret this as their remembering his messages and committing their lives to spreading his wisdom throughout the world. I think that's what the oft-repeated phrase, "the church is the body of Christ in the world" ([1 Corinthians 12:12-14](#)) really means, at least to me: that Christ's spirit lives on and his work continues as long as we remember the stories and wisdom that he taught us and continue his work in the world.

### **The Other Side of Discipleship**

The other side of discipleship as I understand it is "mentoring," and both the mentor and the disciple both get back more than they put in, in my experience. (That's true for writing too; I am learning at least as much as any of my readers will from writing this.)

I am 77 years old, and as I contemplate my inevitable death, I take some comfort in knowing that those whom I have mentored over the years will carry on my spirit after my heart stops beating. They are mostly in my family, as well as those that I have been privileged to teach over the years, mostly but not exclusively at the Yale Law School, but also at several other law schools where I have taught as a visitor and in law practice, and in my writings, including this one. It is through them, if at all, that my spirit will live on past the death of my physical body. See the parallel to the Easter story? That's what I believe the Easter story of Christ rising from the dead is trying to teach us: we may live on past our physical death through the influence that we have had on others.

I have had many remarkable mentors in my lifetime, and through me and the others that they have inspired, they live on first through their influence on me and then through those whose lives I may have touched and to whom I passed on their wisdom. (See how this works? Clue: It isn't about physical "touching." That's another of those pesky physical metaphors that try to express a spiritual truth by analogy.)

### **My First Mentors**

My first, and probably most influential, mentors were my parents Edwin Donald Elliott and Mary Jane Bope Elliott. I learned a great many of the most important things that I know about what truly matters in life from them, as I detail in several chapters of this little book. They were not perfect, being human like the rest of us, but they both were wise and giving in different ways. They too have "eternal life" through the wisdom they passed on to me, and others whose lives they touched, and through me in turn to all who read this essay.

One of the most remarkable things about them was how non-sexist my parents Don and Mary Jane were. I grew up in the 1950's and 1960's, first in Chicago and later in Southern Indiana where my dad moved for a good job opportunity. It was an era when most people where I grew up were taught to obey strict gender-specific roles based on the sex to which they were assigned at birth. Boys got footballs or toy guns or tools for Christmas, and girls got babydolls and dollhouses or pots and pans to play with.

Not so my parents: my sister Jane had a small police car with pedals to ride just like I did, and I had a baby doll to feed and put to bed just like she did.

My parents taught me that men should love and nurture children just like women do.

My maternal grandmother Mildred Miller Bope taught me to cook, including how to make her wonderful fruit pies with homemade crusts. My mother refused to learn such things from her mother because Mom was a career girl – a teacher of the deaf who turned down a tenure-track position at Gallaudet University in Washington to raise me and my sister instead. Anyway, Mother knew – or thought she knew -- that you bought Wonder Bread at the grocery store rather than making bread from scratch at home like my grandmother did. No, she thought that making delicious homemade bread and pies was a badge of patriarchy, although she would not have described it exactly that way. Consequently, my grandmother shared her precious recipe for homemade pie crusts with me. I adapted it to the Cuisinart, and she lives on every time I taste or remember her amazing pie crust on her homemade rhubarb pies.

### **Examples of What Mom and Dad Taught Me**

One of the most important things that Don and Mary Jane Elliott taught me and that I have tried to pass on to the next generation was to **empower children to think about and speak their minds on issues of the day**. They accomplished that exercise in building the character of the next generation at the dinner table. We ate together as a family almost every night and Mom and Dad would go around the table and ask each child what they thought about some event that was taking place in the world. This practice communicated a subtle message to the children that their opinions were valued and that they

should be thinking about important events happening in the world around them. The message is like what happens when my ministers go around the congregation before every service making small talk to their parishioners. Who knows whether without this subtle encouragement from my first and best teachers, I would have ended up as a Yale Law School professor brave enough to speak an uncomfortable truth to a Supreme Court justice (see Chapter Two)

My sister Jane was also inspired by our parents but chose a different path for her life. She went home to Indiana after college and married her high school sweetheart Bill Drebus. They had a very different life than I did; not better or worse, just different. For example, my children both reside hundreds of miles away from me for professional reasons, but two out of three of Bill and Jane's kids still live in Evansville and take care of Bill lovingly as he ages.

My sister Jane majored in religious studies in college and was deeply religious throughout her life and a beacon of faith to me during my darkest hours. Good thing too, because she needed the strength she found in her faith. She was diagnosed in her twenties as having [multiple sclerosis](#), a debilitating nerve disease that gradually gets worse and for which there was no effective treatment at the time. Her doctors advised her she could never have children because the stress of pregnancy would kill her. She went ahead to have three and survive. That was my sister Jane at her best.

Jane's disease gradually worsened throughout her life and when she finally died in her sixties, death was a welcome release from torture. She was bed-ridden and could not even turn over by herself to scratch her back, as she

once confided in me. But none of this phased her. She told me near the end of her life: **“God doesn’t give us a challenge that we can’t handle.”** A real “son of God” by my lights and an example of the strength that faith can provide in difficult times, not only to me but also to many others who knew and loved her, as several people whom she had inspired shared with me at her funeral.

### **The Many Special Gifts My Parents Gave Jane and Me**

I don’t want to mislead anyone into thinking that Jane and I had a typical childhood growing up in Indiana. My Dad moved us there to take a very good job as a Vice President of a pharmaceutical company, the Mead Johnson Company. It became an ever better opportunity when someone at the company invented a product called [Metrecal](#), a low calorie drink that offered complete nutrition and became the diet rage of the 1960’s. Mead Johnson was acquired by an even larger pharmaceutical company Bristol Myers in 1967. Dad had stock options and did very well, but we continued to live a relatively simple middle-class life. Dad intentionally bought a nice house, but not in a fancy neighborhood, nor did I attend the ritzy private school in town, the Evansville Day School, although we could have afforded it. No, I went to a good public school, but not one in the richest suburb. Dad had served in the army in World War II and wanted me and Jane to grow up knowing people from a variety of socio-economic backgrounds.

Dad taught me that **“money is the least important thing in the world – provided you have enough,”** and that **“enough” is a function of how you choose to live your life as well as your income**, a lesson that has served me and Gail well throughout our lives together. For example, Dad continued to

drive his black 1951 Ford to work well into the 1960's until the company finally complained that it was embarrassment to them for him to park his old jalopy in the parking lot reserved for their top executives. Today I proudly drive a 2002 Prius, so in a sense, Dad's spirit lives on through what he taught me.

Dad was also fond of the [quote from Thornton Wilder](#) that "Money is like manure; it's not worth a thing unless it's spread around encouraging young things to grow." Mom and Dad put that particular epiphany into practice with Jane and me. Although we were not wealthy, Mom and Dad took Jane and me to New York repeatedly when Dad had to go there for business meetings and Mom would take us to museums and then we would fly home on the company plane, first an old propeller-driven DC-3 and later after Metrecal, a fancy new Lear jet.

Mom and Dad took Jane and me to England, France and Germany while we were still teens. In particular I remember seeing the lovely [monastery at Mont Saint-Michel](#) in Normandy where my Dad had come ashore on the third day after D-Day invasion only a few years earlier, never dreaming he'd be alive to see it again, this time accompanied by a loving wife and two children. We also visited the French family with whom my dad had lived while recovering from his wounds after the Normandy invasion. Their daughter even came to the U.S. and lived with us in Indiana for a year, and between my junior and senior years in high school, I lived with a family in Germany and only spoke German through a program sponsored by Indiana University.

I continued the family tradition by telling my two children that when they turned sixteen, I would take them any place in the world of their choice. They

each spent several years learning about other countries to decide where they wanted to go. My daughter Eve picked London and Paris, and I made the reservations, but a few weeks before we were scheduled to depart, one of my most important legal clients, the Toyota Motor Corporation, invited me to visit their headquarters in Japan. This is a great honor and indicated they were considering me for a larger role but unfortunately, Toyota picked the very week I was supposed to take my young daughter to Europe. I thought briefly about rescheduling our trip, but I thought that would signal to my daughter that I considered my job more important than our relationship. See Chapter Six about how actions speak louder than words. I declined Toyota's invitation and said I hoped they would invite me for a different date. They never did, inviting another lawyer from our firm instead who took over the Toyota business. I never looked back or regretted my decision to put family above a big client. The time that Eve and I spent together in London and Paris was priceless.

All of these experiences helped to form me into who I became, and in particular, they taught me valuable lessons about how to appreciate and navigate different cultures. See Chapter Four, Everybody Has Got to Be from Somewhere.

### **The Only Time Dad Lied to Me**

Dad only lied to me once, at least as far as I can discern. He told me that he had turned down a full football scholarship to Wabash College in Indiana, because his family insisted that he turn it down to go to the University

of Chicago instead. I took me years to figure out that wasn't true. The circumstances are illuminating.

I always did well on standardized tests, in part because my Mom and Dad were true intellectuals. For example, Dad bought a complete set of the Great Books which he and mother read to one another and discussed aloud at night after my sister and I had gone to bed. He also bought and placed strategically in my bedroom a complete set of the *World Book Encyclopedia* that I read voraciously at night when I was supposed to be sleeping. But I also played lots of games of strategy growing up and had taken summer school courses in speed reading and vocabulary while in high school.

Anyway, I did very well on the [National Merit Scholarship Test](#) and won a full college scholarship to the college of my choice – except that my Dad made too much money and so they would only pay the nominal sum of \$1,000. Several other colleges including Wabash College, a fine small liberal arts college in Indiana, offered me full tuition scholarships regardless of my family's income. I was inclined to turn down Yale and go to Wabash instead to save my family the costs of my college education. Dad lied to me and told me the same thing had happened to him, but for a football rather than an academic scholarship and his family had insisted that he go to the better school instead. He was that kind of guy, and it worked. It took me years to figure out that story probably wasn't literally true; he had told me a “little white lie” because he felt Yale would be better for me in the long run. See Chapter Nine, where I describe how I told a little white lie of my own to help Bill Barr get confirmed as Attorney General in the first Trump Administration.

## **My Proudest Moment**

Mary Ellen, the birth mother to my children, and I carried on some of what my parents had taught me by having family dinners most nights with our children and asking them what they thought about events far and wide. This practice paid off as the following example illustrates. In the early 2000's, we had a [big debate in the Presbyterian church](#) about whether we should allow gay couples to be married in the Presbyterian church. That was the subject of a congregational meeting in our church. Children were not automatically excluded from such meetings, but that decision was left up to their parents. Ours attended for reasons like those relating to our practices at family dinners. At one point, our son Ian Donald who was only twelve or thirteen at the time stood up in front of the assembled multitude of around a hundred adults who were engaged in a fractious debate and announced to the assembled congregation: "Well, I say that we ought to let anybody love whoever they want."

The next person to speak was [Bill Smalley](#), one of the wisest and most respected members of the congregation. Bill had been a famous missionary in Africa; his papers are preserved at the Smithsonian Institution, and he was at the Yale Divinity School at the time. This eminent theologian said merely "out of the mouths of babes" referring to my son's observations and sat down ([Matthew 21:16](#)). The debate was over, although the meeting continued for a while.

I was never prouder of Ian, and he has done many things in his life that made me proud, including leaving a lucrative career on Wall Street to go back

to school to get a medical degree so he could help people walk again as an orthopedic surgeon. Another was when Ian sidled up to the outcast in his junior high class and said, “I’ll be your friend.”

### **My Second Proudest Moment**

Our first-born child, our daughter Eve, has also given us many precious moments. The one that stands out starts with me standing in a swimming pool begging Eve, then a little girl of about eight, to dive into the water and swim across the pool. She was afraid and demurred repeatedly and I cajoled and reassured her that I’d be there to make sure nothing went wrong. Finally, I prevailed and Eve dove in and swam across the pool. As she climbed out, a middle-aged man approached the two of us and said “Would that little girl consider joining my swim team? She has the most beautiful swimming stroke I have ever seen.”

That’s my Eve-let. She rarely appreciates just how good she really is at many things. As luck would have it – unless you think maybe there really is a underlying logic to all of this – her mother Mary Ellen was trained as a psychiatrist and taught me that Eve, like many people, especially young girls, suffers from a lack of self-confidence and needs reassurance, particularly from their fathers. So I repeatedly remind Eve of our shared epiphany when she swam across that pool so beautifully even though she doubted she could do it, and I hope it has helped her muster the courage to take on new challenges, like accepting the job as general counsel of a new state agency. See chapter 8.

## How I Learned that What You Don't Say Often Matters the Most

My sister Jane grew up to become a star athlete like my Dad and my son Ian, who was a champion rugby player. Both were far better athletes than I. When we used to play pick-up basketball games in the backyard and needed an extra player, the guys would let my sis play too. I lived in fear that someday she'd get chosen before I did when the sides were picked beforehand but that never actually happened.

One time when Ian was a pre-teen and my dad was still physically alive, we were visiting my parents in Indiana and the three of us went across the street to the college campus across from the house I grew up in to kick a football. Dad had been an All-City football star in Chicago in high school, but he was now in his sixties. Nonetheless, he could still kick a football in a high arch over fifty yards in a perfect spiral; Ian's kick sailed over thirty yards, also in a perfect spiral. Mine hit the ground after about ten or twenty yards and bounced embarrassingly along a few feet above the ground. Dad didn't say a word but just smiled. I thought that I could sense what he must have been thinking: "Now I get it; the athletic ability gene skips a generation."

Think there is no epiphany there? Think again. If my father had voiced aloud what he must have been thinking – particularly in front of my young son – I would have been humiliated and probably never would have played sports again. Dad was a past master at human relations, far better than I. A lot we can learn from that "son of God," including that **sometimes what you do not say matters most**. See Chapter Two, where I describe how I applied that life

lesson later in life to avoid torpedoing Clarence Thomas's nomination to the Supreme Court.

### **Avoiding Military School**

As best as I can tell, I was what people at the time called a “sissy” probably because my mother had had more influence on me than my dad, but who knows: maybe I was born with more estrogen and less testosterone than average. Anyway, one day when I was in my teens, a sophomore in high school as best as I can remember, Mom took me aside and warned me that my dad wanted to ship me off to military school (Culver Academy in Indiana, to be precise) in order to “toughen me up.” The thought of getting kicked out of my happy home and losing my friends did not appeal to me, so I went out for high school football. I played offensive tackle and linebacker on defense, and I proved that I could bang my body into other people with the best of them, and so I managed to avoid military school. Again, no epiphany? What about the fact that both Mom and Dad saw that I had a female as well as a male side, and that Mom told me what was about to happen, and I took action to avoid a calamity?

### **Growing Up in Southern Indiana in the 1950's and 1960's**

The Southern Indiana that I grew up in had an ugly side too. Evansville is at the very southern tip of Indiana, just across the Ohio river from Kentucky, and south of Louisville, Kentucky. For a while when we lived there, it was home to the Grand Dragon of the Ku Klux Klan, I later learned. When we first got there in 1953 or 1954, they still had some “Whites Only” drinking

fountains. My Mom and Dad were from the north and Mom wouldn't let me see those White's Only fountains because she felt they were so evil.

Mom was like that, God love her; she also refused to stand in church when she didn't agree with doctrine in the hymn. In particular, she couldn't abide the Presbyterian doctrine that "babies are born in sin" and refused to stand when the ministers intoned that phrase during baptisms. Again, no epiphany? What about thinking for yourself and not taking dogma for granted? The protestant reformation was mostly about that.

### **What I Learned in High School**

I had great mentors in high school as well as at home. The high school teacher who refined what Mom had already taught me about writing had her graduate degree in education from Yale and my math teacher had received an award from Yale as one of the ten best high school teachers in the country. Both were unmarried women, and I later saw that as other more lucrative opportunities were not always open to them before the Civil Rights Act of 1964 made discrimination based on gender a federal offense, many very intelligent unmarried women, including my mother before she met my dad, went into teaching.

Perhaps the greatest mentor to me in high school was [C.Y. Allen](#), my debate coach, who later went on to teach speech at the University of Wisconsin at Stevens. We would often get up at 4 or 5 in the morning and drive in C.Y.'s VW beetle for a couple of hours to a speech and debate tournament in Terre Haute or somewhere else in northern Indiana a couple hundred miles away. Like many law students that I have taught subsequently,

I went into law in part because of high school debate. But it was the conversations that C.V. sparked with us in the car on the two or three hour ride each way that taught me even more than the debate tournaments. Yep, for sure C.Y. was an “angel” as I use the term. That doesn’t mean he was perfect in every way. I don’t know anything about the rest of his life, but his example taught me a lot and perhaps I went into teaching because of people like him and my mother.

### **What Randy’s Epiphany Taught Me**

I am still close friends with a remarkable person I got to know through high school debate, Randall T. Shepard, who was one year ahead of me in high school, and later, two years ahead of me at Yale Law School. Randy went back to Indiana and I went to Washington, D.C. after graduation, but we are still friends and chat from time to time by zoom.

One of the epiphanies in this chapter is about Randy, and I tell it with his permission. That is itself an important point: epiphanies do not have to happen to you; one can learn from the epiphanies in someone else’s life if you pay attention. Anyway, Randy worked at a pretty good, but not first-rate, big Wall Street law firm after his second summer in law school, but that firm declined to make him an offer of permanent employment for unknown reasons. I commiserated with Randy at dinner the day he found out and he was nearly in tears and thought his career was ruined. But he picked himself up and went on to work after graduation at the Department of Transportation and then went back to Indiana and went into politics. First, he ran for Mayor of Evansville, but he was defeated. Again, he picked himself up and became a local trial judge and after a few years trying cases in the trenches he was

selected as the Chief Justice of Indiana. At the time he was the youngest state chief justice in the country, and he went on to have a very distinguished and productive career. He is also happily married to a wonderful woman and together they produced a wonderful daughter.

So what's the lesson? [Be careful what you wish for; you might get it.](#) If Randy had gotten that job with that big New York law firm and had taken it, he would have lived an entirely different life, not necessarily a bad one, but certainly a different one. "God moves in a mysterious way, His wonders to perform," goes the [18<sup>th</sup> century hymn](#) written by English poet William Cowper. Cowper should know: the hymn grew out of his [three failed suicide attempts](#).

I am writing this on the day after the memorial service for Charlie Kirk, who was [gunned down by an assassin's bullet](#). Some, including his [widow Erika Kirk](#), predict that Charlie's vision of peaceful dialogue with those with whose opinions we differ may have even greater influence after his death, as occurred with Jesus and the Holy Spirit. We shall see whether Charlie Kirk's influence on his disciples after death will be even greater than it was during his life, but "God" does indeed work in mysterious ways that we cannot always understand or anticipate.

## Part III

### Things I Learned at Yale

## Chapter Four

### **Everybody's Got to be from Somewhere**

Yeah, I was scared alright. Here I was, a public high school kid from Evansville, an old river boat town in southern Indiana, and I found myself in Directed Studies, the first-year honors program at Yale College in which students read the classics like Plato, Aristotle, Thucydides and Dante. The rich kids from fancy eastern prep schools like Andover and Exeter, places that I had only heard of, kept using words in class like “epistemology” and “ontology” and I would go back to my dorm room and look up these new words to me in the beat up old Webster’s dictionary that Mom had thoughtfully given me to take with me to Yale.

Then it happened, like a bolt of lightning, an *aha* moment, like an “angel” speaking to me. We were sitting in a freshman lit class discussing Shakespeare, and somebody said something about “when the cock crows.” Nobody knew what that meant – nobody except me, of course. I hadn’t grown up on a farm in Indiana exactly. More like the suburbs of a medium-sized city that had encroached on what used to be farms. But yes, neighbors nearby did still keep chickens and I woke up every morning to the sound of the rooster crowing. Didn’t everybody?

Then it hit me: ***everybody’s got to be from somewhere***. I knew stuff they didn’t know and vice versa. (Epiphany alert.)

Fast forward to law school: I am now looking out over a class of the best and brightest at Yale Law School. They are all very smart and come from

diverse backgrounds but all are top notch and very intelligent. How will I ever compete with them, particularly since we are all reading exactly the same legal casebooks? Oops, that's it! The professors always mentioned one or two authors that they hadn't assigned. I'll go and read some of them too!

One of my favorite teachers in law school was [Ellen Ash Peters](#), later Chief Justice of the Connecticut Supreme Court and the first tenured woman faculty member at the Yale Law School. She taught contracts and related subjects, and she kept mentioning two authors named Corbin, who had been on the Yale faculty, and Williston, who had taught at Harvard. They had written the two great treatises on contract law in the previous generation, so I went to the library and read a chapter or two from each of them. I had studied literature in college and done a year of graduate school in English Literature at Yale before law school, as well as having studied in Germany, so I was used to analyzing texts and cultures and understanding how an author sees the world.

When it came to exam time, Professor Peters asked us to write an essay on some issue of contract law. I can't remember exactly what the exam question was, but I do remember my answer: I wrote here's how Williston would answer the question, and here's how Corbin would answer the question, and finally, here's how I would answer the question. Simple trick, but by exam time, I knew more about the subject than most of the other students who all sounded pretty much the same because they all read the same stuff and heard the same lectures. I think my insight came from playing cards and other games of strategy with my father growing up (epiphany alert).

I got an Honors in the course, but more importantly, Professor Peters became an advocate for getting the law school to hire me after graduation. Professor Peters eventually became chair of the hiring committee, and she and the then-dean Harry Wellington, for whom I had been a teaching assistant, recruited me back to teach at my *alma mater*.

### **How Dean Wellington Recruited Me to Yale**

Why I went back to teach at Yale Law School is a story too, maybe even an epiphany, if we can find it. Dean Harry Wellington was a labor lawyer and a great negotiator. At Ellen Peters' urging, he started trying to recruit me back when I was about three years out, after my two clerkships with two great federal judges, Gerhard Gesell and David Bazelon (see Chapter Three on mentors and disciples). By then I was having a great time trying cases in federal court (see Chapter Eight on how to cross-examine a witness), so I would put them off by saying I was complimented but it was too soon and I hoped they would get back to me again later. Finally, after two or three rounds of this, Dean Wellington called me up again and made me an offer I couldn't refuse: he warned that this was the last time they were going to make me an offer, because he said that they had found that if people stayed in law practice more than five or six years, they didn't make good academics. Not theoretical enough I surmise. Of course, I immediately accepted and promised to come, although I did put off my start date for as long as I could. I have often wondered whether what Dean Wellington had said was really true or just a negotiating tactic, but I didn't dare call his bluff to find out.

## What the Wellingtons Taught Me About Yale – and Life

Harry Wellington and his amazing wife [Sheila Wellington](#), who served as Secretary of Yale University, the number three position in the university, became mentors to me after I got there as a young faculty member in 1981. I remember they invited me and my then wife Mary Ellen for a private dinner at their home. During the conversation at dinner, they complained that they felt like “outsiders” at Yale because they were Jewish. Here they were, the Dean of the law school and the Secretary of the university, and *they* felt like outsiders; at that moment, I realized that there is something about Yale that makes everyone feel like an outsider who doesn’t belong. Maybe it is the *faux* Gothic and Georgian architecture? Anyway, I often tell that story to students who are feeling – as many do at one time or another – that they got in by mistake and don’t belong at Yale. See how the disciple thing works: I pass on the insight that the Wellingtons shared with me to the next generation and maybe some of them will remember it and pass it on yet again.

The lesson I learned from these prosaic events is that **we all have to be from somewhere**, and that we know certain things and we don’t know other things. The challenge is to figure out how to make good use of what you do know and to figure out a strategy for learning what you do not know but would benefit from knowing. The latter often involves reading books by mentors who know more about something than you do. (See Chapter Eight about how to cross examine a witness.)

## Part IV

### The Darkness and the Dawn

## Chapter Five

### **How I Learned that Prayers Are Answered**

I have been blessed far beyond my just desserts. That's true in most aspects of my life, but here I am going to focus on the one blessing that I consider the single most important: how after forty years of searching, I finally found my other half, the person with whom I spend most of my time and who has had the biggest influence on me for good, my remarkable wife Gail Charnley Elliott PhD. For over 25 years now, I have been married to this earth angel that God sent my way. What follows is the remarkable story of how this modern miracle happened.

#### **How I Found Happiness in Gail's Love**

I am a very happy man today and blessed far beyond my just deserts, but 'twas not always so. I struggled for over thirty years through various relationships that failed, mostly as a result of my faults. But those are tales for another day, plus I believe we learn more from studying successes than failures. "Happy families are all alike; every unhappy family is unhappy in its own way," writes [Leo Tolstoy in the epigram to \*Anna Karenina\*](#). (Epiphany alert).

So for purposes of argument, or as we lawyers say *arguendo*, please grant me the premise that I am happily married to a spectacular woman who is loving, kind, giving, brilliant, sexy and beautiful. A dream come true. I am not bragging; I am sharing how the most important thing in my life to date transpired and more importantly, what I learned from it. I'll put my cards on the table this time: I learned that prayers really can be answered, although I

don't know how. You can judge that for yourself. Granted, the answer is not always what we want; we can't order God around; but we can learn to live in harmony with the universe. That's what Mother had tried to teach me, slow pupil that I was, by teaching me and my sister to end every prayer with "not my will, but thy will."

Now I not just saying nice things about Gail out of a fear that she will read this someday. No, she earned an undergraduate degree in biochemistry from Wellesley and PhD in toxicology from MIT, and headed the toxicology program at the National Academy of Sciences. She is wise as well as intelligent; delights in feeding those she loves delicious and nutritious food, much of it from her own privately printed cookbook that she gives to family and friends; looks like a model twenty or thirty years younger than her chronological age, and was said to have the best legs in the scientific community in Washington, DC. Really. A huge photo of Gail, a redhead, and two of her girlfriends, a blond and a brunette, once hung above the bar at a watering hole in the center of Georgetown. Her greatest love gift to me was turning down two prominent jobs in government as head of two different federal administrative agencies to love and take care of me and her elderly mother.

But Gail is a human being like the rest of us. She is not perfect, so she asked me to add this paragraph. She is a first-born daughter who is willful, even stubborn; she is detail-conscious to the point of being anal-compulsive and she finds it hard to admit when she is wrong. Plus she blames her

misconception of “God” for taking her father from her via premature death from colon cancer when she was only thirteen.

### **How I Won Gails’ Heart**

But I digress. The question is how I won the heart of this amazing but admittedly imperfect earth angel who has made me very happy and a better human being for over 25 years now. It was not always thus, and to understand how this miracle -- and yes, I do mean that word -- happened, we need to go back a few years.

I had the head start in life that comes from having had two amazing parents. My Dad was a star high school athlete in Chicago and then a war hero. He went into the army during World War II as a private and came out as a major with a silver star (the second highest medal right below the Congressional medal of honor) and two bronze stars for heroism in battle. He would almost never talk to me about his exploits. Most of what I know I learned from my mother who had read the citations for his medals that were buried in a dusty black trunk in our basement. Dad, for whom I am named, had fought his way across France with Patton’s Army until he was wounded in battle. A German Panzer tank fired into a brick wall and Dad was on the other side and was showered with shrapnel. He completely lost any feeling in his left arm. Dad woke up under an apple tree being tended to by a beautiful French nurse. He thought he had died and gone to heaven. However, his leg started to hurt. He started to cry not from the pain but because he realized that he wasn’t dead after all and so he prayed and thanked God for the gift of life. That kind of guy.

Dad was deeply religious, in part because of his experiences in the war. Our family attended First Presbyterian church in Evansville, Indiana regularly. I was exposed to religious ideas there but did not understand or accept them until later in life. This is not only the story of how the angel Gail came into my life, but even more importantly, how I began to understand some things about how life works that my parents had tried to teach me but I did not comprehend until later in life. Much to their credit, they gave me the building blocks to interpret the epiphanies that my life presented me with later in life and to enable me to learn life lessons from my experience. I know that not everyone has had the blessing of two such wise and giving parents and it is for those people as well as myself and my children and grandchildren that this essay is written. It isn't the same as being raised by two wise and loving parents, but I hope that maybe it will help some people make more sense of their experience, and it certainly helps me to reflect and then try to write down what some of things that happened to me really meant.

### **An Epiphany Dad Shared**

As a boy and a young man, I was filled with doubt; that's one of the reasons I became a lawyer rather than a professional minister. I once asked my Dad whether prayer really worked and was there really a "God" who heard our prayers? He smiled a gentle smile and said simply "You'll know when it happens to you." And then he told me one of the few stories he ever told me about his experiences in World War II. Seems Dad was hunkered down in a foxhole that was being shelled by the Germans, and he sensed that God was speaking to him and telling him to get out of that foxhole right now. He did.

Now, this exit made no sense whatsoever from a rational perspective. Bullets were whizzing all around him and artillery shells were exploring nearby. Getting up and running out of the foxhole exposed himself to enemy fire. Sure enough, shortly after he exited, a German shell struck the foxhole in a direct hit and all the men in it were killed.

**“When God speaks to you, you’ll know it, Buddy,”** he said. I shrugged dubiously, thought it was probably just a lucky coincidence, but stored it up in my heart like Mary in the Bible ([Luke 2:19](#)) hoping that maybe someday I would understand what Dad’s story meant. I’m kinda slow sometimes. It took me almost three decades before I really understood what Dad was trying to tell me.

### **The Darkest Days in My Life**

Fast forward about twenty-five years and I’m now a tenured professor at Yale Law School with two kids, two cars, a pretty wife in medical school and a mortgage on a lovely large colonial house on tree-lined McKinley Avenue in New Haven. The American Dream, right? Until she kicked me out. It wasn’t her fault. I had been a less than perfect husband. Yeah, I paid for her medical school and met the children at 3 pm every afternoon when they came home from school and made them dinner and put them to bed every other night while she spent the night in the hospital learning to be a doctor. Those years as a “house husband” were among the happiest years in my life. But, among other issues, I had problems with the fidelity thing. But regardless of who was at fault, she kicked me out and I hit rock bottom.

I found myself living in a tiny, rented room in Stony Creek, Connecticut a small former fishing village on the coastline about ten miles northeast of New Haven. Picturesque place, but suddenly I had no life. I thought about suicide but Mother, a lifelong teacher, had taught me and my sister to say to “this too shall pass” over and over if we ever thought about suicide, followed by “Satan get thee hence.” (No, I don’t know why she used the outdated lingo; I think that that phrase had been passed down for generations and I remember Mom saying her mother had taught it to her.) That inspiration passed down through the generations helped me some, but only to reject suicide, which Mom had taught me was the coward’s way out, but not about how to get my life moving in a better direction.

### **My Rough Draft Prayer**

After I decided with Mom’s help not to end my life, out of desperation, I turned to God in prayer. I wasn’t sure that I even believed that God exists – and I still don’t if you mean by “God” a little man who lives in the sky with a long beard and runs everything down here on earth. No, it was more my version of [Pascal’s famous argument for faith](#): it doesn’t cost much to try, and even if the chances that it is true are low, the rewards are potentially huge. Kinda like why people play the lottery. (The technical term in economics is a large [expected value](#) despite a small probability of success because a large payoff if it does happen.)

I had once heard a sermon that pointed out that Jesus did not restrict the things we might ask from God in prayer, and having someone with whom to share my life seemed like the most important thing in my life at that time.

So I asked God to send me what I thought I wanted. I asked for an attractive young blonde who was good cook and very smart – and oh yes, with big tits too. I'm not proud that I was so superficial, but I am being honest.

And like magic she appeared. To be more precise, she had been there all along and I just didn't see her. She had been a student of mine at Yale Law School five years earlier and had even been my research assistant. I remember I was struck by her great physical beauty one day when my children and I happened to sit behind her at a Yale football game, but I never hit on her while she was a student. By then Yale had a policy that it was a firing offense for professors to date students, even if they were both consenting adults. But five years later I thought it would be okay because it had been five years since she had been my student and by then she was working as a young environmental lawyer at a national law firm in Washington in the building right next to mine.

By then I was working two jobs, as a full-time law professor at Yale and a full-time environmental partner in a big national law firm, Paul Hastings Janofsky & Walker. I did that so my two kids whom I loved dearly (and still do) would not have to drop out of their private school or move out of their home when their mother and I got divorced. But then I discovered that I liked doing both at once. Most of my competitors did one or the other, and I discovered that doing both gave me a rare perspective and a competitive advantage in both jobs because I saw things that other people didn't.

That's two important lessons too, in case you are not paying attention: (1) sweet are the uses of adversity, to quote Shakespeare, or as my daughter

who is wise beyond her years puts it “when life hands you a lemon, make lemonade” and (2) our competitive advantages come from how we are different from most other people. See Chapter Four “Everyone Has Got to Be from Somewhere.”

But back to the first dream-come-true woman that God sent me. She and I became an item. She was from Alabama, a great southern cook; very smart and very sensual. She also had a transfixing sense of ironic humor. The first time I asked her out she said, “Yeah. You still have your hair. I’ll go out with you.” (Again, for those who aren’t paying attention, that presages a big problem for us as a couple; it is literary trope called [foreshadowing](#); authors do it a lot in detective stories.)

My Alabama dream girl was always kind and loving to me. She traveled out to Indiana with me a few times to help me care for my dying mother. She also played a good two-on-one basketball game with me and my young teen son Ian. I thought I was going to marry her and I probably would have but for what happened next.

### **Mom’s Visions**

Despite all of Miss Alabama’s kindness to my mother, Mom announced one fine day in Indiana that she was not going to leave my then girlfriend one of her prized possessions, antique crystal water goblets in the wheat pattern, when she died. “I just sense that there is going to be someone else, Donnie,” she explained to me privately one day. Mom was like that. I am convinced that if she had lived in an earlier era she would have been burned as a witch, because she saw a lot of things that other people did not see. Some of them

were actually there. I think that I became an environmental lawyer in part because I was fascinated by which of the many risks that Mom saw lurking around every corner were real and which were not. Her paranoia was not her fault; when she was a pre-teen, her cousin David had been killed in front of her when he ran out between two parked cars while they were playing together.

I was generally skeptical of Mom's visions. But by then, I had learned that you couldn't be too quick to disregard the old lady's prophecies. A few years prior, she had literally saved my life. I was scheduled to fly from DC to Columbus, Ohio for the funeral of Russell B. Bope, my grandfather and her father. About 6 a.m. the phone rang in my apartment in DC. It was Mom. She said "Don't come. The weather is bad." And hung up. For reasons I still do not understand to this day, I obeyed her and went back to bed. The plane I was booked on for the trip back to DC crashed and everyone on it was killed. No lie. Check it out. [TWA flight #541 on December 1, 1974](#). I remember distinctly sitting in my apartment one fine Sunday morning listening to classical music on FM radio and hearing the program interrupted by the announcement that the plane I was supposed to be on had crashed and everyone on it was killed.

Of course, that experience changed my life. I learned that every day is a precious gift and we should try to spend each day as we would if we knew it was our last day on earth. I have tried to live by that maxim, but of course, being as human as the next person, I often fall short. For years, I would start each day by thanking Providence or God or whatever else you want to call it for

the gift of another beautiful new day and I recommend that practice as a good start for the day.

### **Why I Didn't Marry My First Dream Girl**

Anyway, the reason I didn't marry my Alabama dream girl, assuming that she would have had me, was not just that my prescient Mom wouldn't give her the prized water goblets (which, by the way, Gail now treasures; that's one clue when we are on the right path; everything starts to fit together and fall into place.) The water goblet thing was merely Mom's foreseeing the future as she did with disturbing regularity. No, there were other problems with my relationship with the Alabama dream girl.

First, she was fourteen years younger than I, as she had noted with her remark about my still having my hair when she first agreed to go out with me. That wasn't much of a problem when I was in my late forties and she was in her mid-thirties, but I could see that we would be in very different stages of life when I was in my seventies, and she was in her fifties. But I probably would have discounted that as a long way off, except for something else that happened: she went off to Alaska on vacation without me and without even talking much with me about it first. I think maybe she told me, but she didn't offer to bring me along or to modify her plans to include me. I considered that a fundamental breach of our relationship as a couple and I was quietly furious. Maybe she didn't consider us a couple although I did.

I have often wondered why I didn't just confront her and get it out of my system, but I didn't. Maybe I was wrong, or possibly this was supposed to happen; I don't know. No, I did something even more radical than having an

argument with her about her trip: I prayed to God again. I started by thanking God for sending me what I had asked for in a mate and acknowledging that it had worked like a charm. But this time, I asked God to send me not what I wanted, but the person whom he/she/or it thought was the woman that I should be with.

That was something else that I had learned from my mother but never really understood until later in life. Mom taught my sister Jane and me to end every prayer with “not my will, but thy will.” I never really understood why, but I repeated those words by rote. But by the time I was nearing fifty, I was beginning to understand what those mandatory words at the end of every prayer signified.

### **How God Calls Us**

In the Presbyterian church where I grew up, we were taught that we should not try to pick our profession; that would be trying to impose our will on the galaxy, which doesn't work well; no, rather one should try to “find one's calling.” The idea is that we are all suited to do something and it is our task to figure out what it is that we are called by Providence etc. to do. I still have a copy of the “Teen of the Week” profile of me in the local Evansville Indiana newspaper when I was a junior in high school; I was asked what I wanted to be when I grew up, and I said without a moment's hesitation “a professor of jurisprudence.” Pretty arrogant for a high school junior in public high school in southern Indiana. I don't know where that came from but somehow it worked out. Going into environmental law was more problematic: I repeatedly resisted what I was being called to do. The specifics are worth a short detour just to illustrate how this stuff about being “called” works.

I was first inspired to go into environmental law by the books written by the late [Barry Commoner](#), a biologist at Washington University in Saint Louis. (See how his spirit lives on in the amazing books he wrote, but also through me and the disciples that I have taught because he inspired me to devote a large part of my life to protecting the environment?) But for quite a while I was willful and resisted what “God” was calling me to do with my professional life.

After clerking for Judge Gesell, I moved upstairs in the courthouse to become a law clerk for David L. Bazelon, chief judge of the United States Court of Appeals for the District of Columbia Circuit, the court right below the Supreme Court that rules on most of the cases from administrative agencies. I had gone on to clerk for Judge Bazelon because he was the judge in the country most thoughtful about [the relationship between law and science](#), which interested me and still does. However, at that time, “law and science” was primarily about the insanity defense, or so I thought.

Judge Bazelon typically had one law clerk from Harvard Law and one from Yale Law, and he assigned the insanity defense cases to my co-clerk from Harvard and the environmental and other agency cases to me. Like my friend Randy Shepard whose epiphany I related above, I was distraught and thought that my professional life was ruined. I remember that Judge Bazelon took me aside and in his kindly manner comforted me with words to the effect that the environmental cases were more important in the long run. He was right, of course. The first case that I worked on was [Ethyl v. EPA](#) which upheld EPA taking the lead out of gasoline. Judge Bazelon cast the deciding vote. It has gone down in history as [one of the best decisions for protecting public](#)

[health that EPA ever made](#). But as a willful recent law school graduate in my late twenties, I still resisted what I was being called to do by experience, fate or “God.”

When it came time to get a “real job” after my two clerkships, I decided to join a medium-sized law firm that didn’t have an environmental practice in order to get more trial experience. I’d been there only a few months when a memo came around asking if anyone had any experience with environmental cases because the firm had just hired [W. Roger Strelow](#), one of the founders of EPA and the first head of its air and water programs. I volunteered and Roger became one of my best friends and mentors; we still email one another two or three times a week.

But I STILL resisted. When I went up to Yale to start teaching in 1981, I primarily taught civil procedure, constitutional law, complex civil litigation and other courses about litigation with a little environmental law thrown in on the side. But then Yale’s primary environmental lawyer at the time, [Bruce A. Ackerman](#), who also became one of my mentors, left to go to Columbia Law school, leaving me at Yale Law’s only environmental lawyer at the time.

I resisted yet again what I was being called to do. Finally, I got the opportunity to become the General Counsel of the EPA, a presidential appointment as the top lawyer and leader of an office of 250. I took that opportunity, and finally accept my destiny, saying to myself, “Okay, Don, you’re an environmental lawyer.”

See the pattern: like my friend Randy, **be careful what you wish for and do not try to impose your will on the universe; instead listen to what “God” is trying to tell you.**

Anyway, back to how I learned that prayers are answered.

### **My Most Successful Prayer**

I had figured out by the time that I was alone and unhappy after my divorce from Mary Ellen that maybe the “not my will but thy will” principle might work for finding a mate as well as a career, so I asked “God,” whatever that may be, a second time for the woman that God thought that I *should* be with rather than telling God what I wanted. Sure enough, it worked like a charm the second time too! I woke up the next morning, and it was perfectly obvious to me that I should call the young woman whose business card I had kept for three years in the center of my desk but had never called. That was Gail, who became the great love of my life.

Yeah, I do know that this wasn’t fair to Miss Alabama. I still feel guilty about that, and I have often pondered how my life would have been different had I not been so hot-headed, which is one of my greatest weaknesses. One of my sadder moments in my life was when I had to tell that lovely young woman that I was breaking up with her. She cried and protested “But you made me feel so beautiful.” I had the presence of mind to reply sincerely and truthfully, “You ARE beautiful!” (By the way, that’s a partial answer to Ian’s question about how a nerd like me ended up with beautiful women: I saw beauty in them that others did not see and that helped to bring it out and they became even more beautiful. See Chapter Six).

Plus I know now, but I didn't see then, I didn't really love Miss Alabama; I wanted to love her and I thought I did at the time; I admired her and I liked her a lot and she was everything I thought I wanted. But when I met Gail, she just blew me away. That's also something Dad had told me, but I didn't understand until it actually happened to me. He said one time, "Donnie, don't marry anyone until you absolutely cannot think of doing anything else." I wanted more than anything to be happily married again, and I was trying to talk myself into marrying Miss Alabama. There I go again trying to impose my will on the universe. See the pattern here? Not my will but thy will, as Mom had tried to teach me.

Anyway, Miss Alabama went on to make a happy life with a husband and a child and a great career as an environmental lawyer, the subject I had taught her at Yale. I am convinced that what I did was for best for both of us, but I did it because I thought that it was right for me. Sadly, she still doesn't speak to me. I hope that someday she will forgive me. She is remarkably beautiful today, not just physically but in spirit as well. I'd like to think that knowing me had something to do with her coming out of her shell of shyness and blossoming into the woman she is today.

### **How to Tell If "God" or "Satan" is Speaking.**

Assuming that "God" still speaks to us today, how are we to recognize "God's" voice among the welter of random thoughts that come into our minds? That's a hard one and I'm not at all sure that I know the answer, but I can share a few clues:

(1) **Prayer.** If you have prayed to your God about what you should do about a problem that has been vexing you, and you wake up in the morning and suddenly the answer is clear as a bell, that is probably “God,” as I understand the term, speaking to you.

(2) **Plausibility.** The second criterion is more difficult to apply but even more important. Ask yourself is this the kind of guidance that the “God” that you know would provide? If the voice in your head tells you what stock to buy to get even richer, or how best to seduce the attractive young woman sitting in the pew in front of you, you can be pretty sure that is NOT God speaking to you. No, the more than we know about God from reading the Bible and going to church, the easier it is to recognize God’s voice when he, she or it speaks to us.

(3) **Revelation.** One more thing: when “God,” or whatever you want to call it, speaks to me, I hear this voice in my head, sometimes called an internal monologue, but that voice is *telling me something I didn’t think I already knew*. This principle is sometimes called the doctrine of “revelation” in Christian theology. Alcoholics Anonymous counsels people who need help not to pray to any particular “God” but rather to appeal to their “higher power,” whatever it may be. The point is that God enables us to tap into a wisdom greater than our own.

### **How Revelation Works**

Perhaps we knew something all along deep down and were just blind to see it until “God” spoke to us and pointed out the way. That’s why I mentioned above that I had been acquainted with both Miss Alabama and Gail for years

before I approached them; I just didn't really see them until I prayed and asked for God's help and then saw clearly what I was called to do.

I don't claim to understand the mechanism. It has occurred to me that maybe the answer was in our brains all along and we just weren't able to hear it. Maybe prayer is a form of meditation that helps us connect data in our brains that has gotten lost and isn't usually accessible, like doing a global search on your computer. That possibility is consistent with the fact that it seems to help me to pray at night, and then the answer is clear in the morning. I really don't care much about *how* it works; I just know that it *does* work.

When it happens to you, you'll know it too, like Dad told me long ago, and as is recorded in the story of Doubting Thomas in the Bible ([John 20:24-29](#)). Until recently I misunderstood that parable and thought it meant that Thomas was a bad guy and that we weren't supposed to have doubts. No, wrong again. Duh. I now think the point of that parable is what Dad tried to tell me when he said I'd believe that God answers our prayers when it happened to me. A related point is that those of us who have experienced the reality of hearing God's voice should share it with skeptics and urge them to try it for themselves, which is called "[witnessing](#)" in the Christian tradition. Witnessing is different than "preaching," which comes later for those who have decided to follow Christ's example. Witnessing means sharing the good news of your experience with others so they can try it for themselves, or so I currently think.

## Chapter Six

### **A Nerd Like Me**

My son Ian was about sixteen when he asked me one fine day “Dad, how come a nerd like you ended up with two such beautiful women” as Gail, my current wife of 25 years and his mother, Mary Ellen, my ex-wife to whom I was previously married for 20 years. They both are indeed lookers as well as being very intelligent; one a PhD toxicologist and other an MD, but they both look like models. Below is Gail today at age 69. (No, that’s not a misprint.)



Now I must confess that I was initially a little miffed to be called a “nerd” to my face. I had hoped he wasn’t going to notice, but it was true, of course. Then I began to realize that his question was a sincere request for information from a young man who wanted to duplicate my success in attracting desirable members of the females of our species – so I set about to try to answer him honestly.

The first thing that occurred to me was “I had a sister.” Just like he does. And an intelligent mother. Just like he does. I knew that women were people too, and that you could talk with them and respect their opinions. My mother, for example, saw many things most people don’t see.

That helped answer his question, no doubt. But what about laughing? I know how to make Gail laugh. I am about the only one who does. Yes, that helps too.

But I think the breakthrough for me came when an “angel” in the form of my then-law school dean Harry Wellington revealed the truth to me. My wife and I were having dinner at Harry’s house with him and his wife Sheila, then secretary of the university, the number three person in the Yale hierarchy. Harry smiled at me, a disarming smile that only he as a labor arbitrator had mastered, and said with a twinkle in his eye, “Don, it is a good thing for a man to be married to a woman who is just a LITTLE BIT smarter than he is.”

Did he believe it? I don’t know but that line reverberates to me over and over. Most men shied away from Gail because she was brilliant. That didn’t bother me. I felt I was smart enough to keep up. She explained to me on our first date at a fancy French restaurant why the linear no threshold hypothesis

for carcinogenesis must be wrong (in her view) because of redundant information and DNA repair. I said to myself, “I am going to marry that woman.”

It took me years to realize that Gail isn't really a bad putter; she just doesn't want to beat me too badly at golf. Or what my Dad really meant when he used to say: “Your mother and I have a deal: she makes all the little decisions, and I make all the big ones. We have been married for 35 years, and we haven't had to make a big decision yet, but when we do, I intend to make it.” I always knew that was funny, but it took me into my fifties before I saw the real point. He was trying to teach me that in a relationship, there aren't any “big decisions” worth putting the relationship at risk. Another message from another angel.

Dad also taught me by example that a wife should always drive a better car than her husband. Today my wife drives a brand-new 2024 Mercedes and I drive a 2002 Prius. I don't think that Dad was so ignorant that he thought one could buy a woman's lover with a fancy car. No, Dad was frugal; he drove a black 1951 Ford well into the 1960's until his company complained that it embarrassed them to have such an old jalopy parked in their executive parking lot, but he didn't want to impose his values on others.

Anyway, on our first Christmas together, when Gail and I had tentatively agreed to marry but were living together for a year to make sure we were not rushing into something, I followed Dad's example and bought Gail a brand-new Jaguar with part of the inheritance from my parents' estate. The brand-new royal blue Jag was sitting in the driveway with a big red bow on it when

she walked downstairs on Christmas morning. She started to cry and said “You must really love me!”

Think the epiphany here is buying a woman’s love with a fancy car? No, think again. It is about non-verbal communication. It is easy to say things in words; actions, particularly those that involve some sacrifice, are more credible. Hence, the wise old saying that “[actions speak louder than words.](#)”

Here is a simpler example that may help. The partner with the largest practice in my big DC law firm always got on group calls with clients five or ten minutes late, whereas I typically joined the call early. Then I figured out she was signaling clients how lucky they were that she could work them into her busy schedule, while my joining early – which I intended as a sign of respect – came across as I didn’t have anything else to do. (The second epiphany here is to **observe and learn from those who are better at what you want to do.**)

A luxury car, like a diamond engagement ring, is a tangible sign of sacrifice to exemplify that one cares. If diamonds were not rare and expensive, we would not make sacrifices to give them to those we wish to convince that we really do love them.

That’s a point (I am not arrogant enough to assert that it is *the only* point) of [the story in the Bible](#) about Abraham being willing to sacrifice his only son Isaac to show how much he loved God ([Genesis 22](#)). Sacrifice is a physical act to try to communicate credibly what is in our hearts. Gail had no way of knowing for sure whether I really loved her and would stick with her through the ups and downs inevitable in any long-term partnership. Buying

her an expensive car showed her that I was committed, at least to some extent.

Evolutionary theorists such as [John Maynard Smith](#) and [Amotz Zahavi](#) have made a parallel point about why animals such as gazelles jump up and down when approached by a predator such as a lion, a behavior called *stotting*. Think about it: why waste time and energy jumping up and down instead of just trying to run away? The [“most likely explanation” in evolutionary theory](#) is that the gazelle is communicating to the potential predator how fit and fast it is in an attempt to persuade the predator not even to bother trying to catch it.

By the way, that’s a good clue for spotting epiphanies – something that just doesn’t add up as you currently understand how things work; maybe there is a deeper meaning if only we can find it.

## Part IV

### Some Things I Learned Practicing Law

## Chapter Seven

### **A Man a Lot like Jesus**

I never knew Jesus in the flesh personally of course, but I imagine in my mind's eye what he was like based on the stories about him that I have read in the Bible or heard in church. I think of Jesus as a perfect man and the role model whom we should try to emulate. That is my current understanding of the biblical phrases: "The Word became flesh and dwelt among us, and we beheld His glory, the glory as of the only begotten of the Father, full of grace and truth" ([John 1:14](#)) and "God was manifest in the flesh, justified in the Spirit, seen by angels, preached among the Gentiles, believed on in the world, received up into glory." ([1 Timothy 3:16](#)).

Regardless of whether my current conception is accurate theologically, I do know that sometimes an epiphany comes not as a single moment but through the exemplary life of another human being who reminds us of Jesus and inspires us by his or her example.

One person like that in my life – an “angel” or “son of god,” if you will -- was [Francis Xavier Dineen](#). Frank – or Mr. Dineen, as we law students always called him with a certain implicit reverence – was the top lawyer at the New Haven Legal Assistance Association and taught for many years as a clinical faculty member at the Yale Law School. Through his example, Frank Dineen taught me a lot about how to be a lawyer, but more importantly, about humility and service to others. He was an excellent lawyer and could have made a great deal of money in private practice or become famous and influential in

politics or government. Instead like Jesus, he chose obscurity and helping individual people in times of trouble.

There are too many examples of moments when his example taught me something important about both law and life to relate in this short piece so I will confine myself to extracts from a talk I gave a few years back at a Yale Law School event in his honor. That approach is not merely because I am lazy; I tried but I just can't do any better to capture Frank Dineen's spirit in words than what I said then.

Frank Dineen was a lawyer *extraordinaire* and a very special person. He taught and he inspired, but he did so largely by example. He made me a better lawyer, a better teacher, and a better person. I often find myself thinking in a difficult situation, "What would Frank Dineen do?"

Frank was there at the very moment that I became a lawyer. It is rare that one can identify an exact moment when her or she became a lawyer, but I can precisely. Frank took me over to the housing court clerk's office and asked the clerk behind the counter to show us in the official file for an eviction case the return of service, the document that the sheriff fills out showing how he or she served the summons and complaint on the defendant. Mr. Dineen looked at it quickly, turned to me and said, "Alright Elliott, there are three errors in the *mesne* process – what are they?" And it was like the magic words "open sesame" in *Ali Baba*: a whole new world opened up at that moment. I think I spotted two out of the three mistakes -- and after 40 years of teaching advanced civil procedure, I'm still trying to figure out what the third one was.

Mr. Dineen and I worked together on many cases and I learned a great deal from him. I remember one case in particular that we worked on together representing a woman named Helen Dawson, who was unable to pay her rent. We defended her against eviction by filing pleas attacking technical deficiencies in the process of serving her eviction notices. So, for example, if the sheriff had served somebody by leaving the documents at their usual place of abode and said in the return of service that the writ notice had been left at 175 Whalley Avenue, we got it dismissed because they didn't say "175 Whalley Avenue, back left apartment."

The landlord's lawyer in the Helen Dawson case was a local probate judge. Until recently, I had thought that we kept Helen Dawson in her apartment for over two years by getting notices dismissed over and over again for various technical deficiencies. But Mr. Dineen pointed out that he had already been working on the case for about 3 years before I got there. In total, he got 11 cases dismissed and kept her in her apartment for over five years, setting a new record.

One day, I came into the office and Frank was visibly upset. "What's the problem?" I asked. "The other side has called up and offered to allow Helen Dawson to live in her apartment rent-free for six months," he answered. With all the *naiveté* of youth, I replied, "What's wrong with that? That's great. We have won six months rent-free for our client."

Mr. Dineen understood much better than I did what was going to happen. Our client accepted the settlement, lived in the apartment rent-free for six months, but in the end she was unable to find another place and was

about to get evicted and literally put out on the street with her several young children. I remember looking at Mr. Dineen the night before it was due to happen and he said, “I guess I’ll call up the other side and see if they’ll give her another couple of weeks.” I never was prouder of him than at that moment. It was humiliating for him to have to call the other side and beg, but he did. He did it because he cared and because it was a lawyer’s sacred obligation to do all that he could to serve his client.

When Frank Dineen received the Yale Law Women’s Teaching Award in the year 2000, someone used the word “saint” to refer to him. I don’t know much about sainthood works, but Frank Dineen really was an exemplary man with much in common with Jesus by my lights. In the Christian tradition, it’s not lost on us that the example we are to emulate was born into an obscure working-class family – a simple carpenter who washed the feet of his disciples. He was humble, strong and wise and found meaning in everyday interactions with the people whose lives he touched. Frank Dineen may not have been famous, at least not outside of New Haven, but he was one of the best teachers, the best lawyers, and the best human beings I’ve ever known.

The episode involving Helen Dawson’s eviction, among others, inspired my Yale Law School classmate John Bolton, later ambassador to the UN and national security adviser to President Trump in his first term, to write a [note in the Yale Law Journal](#) with a co-author in 1973 that was critical of the role legal assistance played in eviction cases. Re-reading that note today, I can now see that they had a point: by keeping poor people in apartments they couldn’t afford, we legal aid lawyers were not really addressing the underlying problem

that they were too poor to afford a decent place to live. Perhaps that is why many legal aid attorneys “burn out” after a few years and go on to something else, as I did in my life.

Nonetheless, I am very proud that my first-born child, Eve Christina Savage Elliott Bousquet, chose to spend her first six or seven years after law school as a legal aid attorney representing veterans in domestic relations cases. I sometimes wonder whether Frank Dineen’s spirit, transmitted through me, had anything to do with that.

And yes, she did burn out after a while. In her last few years as a legal aid attorney when I would ask her how her work had gone that day, she would simply reply “same shit; different day.” She went on from there to her present job as general counsel to a Massachusetts state [agency that advocates for veterans](#). I am very proud of her for her career, but even more for how she somehow manages to balance her roles as mother, wife, and lawyer so skillfully.

## Chapter Eight

### **How to Cross-Examine a Witness**

I grew up watching *Perry Mason* on television. In most episodes of that 1960's TV show the witness breaks down on the witness stand under cross-examination and confesses. Unfortunately, it almost never works that way in real life, as I learned in watching dozens of trials as a federal district court law clerk for federal judge Gerhard Gesell after law school. No, the best strategy in my experience is to get the witness to tell an obvious lie in front of the jury even about a peripheral matter and then the jury will view skeptically anything else he or she has to say.

I first learned that watching murder trials in southern Indiana with my mom. For reasons that I still don't understand, Mother enjoyed watching trials and took me along. Some of the local lawyers in Evansville, Indiana where I grew up were past masters at conducting cross examination in front of juries.

My personal observations were not only confirmed but expanded and enhanced by one of the many things that one of my mentors taught me along the way. After graduating from Yale Law School in 1974, I was privileged to clerk for a wonderful federal District Court judge in Washington, D.C. named [Gerhard A. Gesell](#). He had been the chief litigator for Covington & Burling, a large, prestigious Washington, D.C law firm, and his portrait now hangs in the student lounge at the Yale Law School, his *alma mater*. I clerked for him in the mid-1970's in the wake of the Watergate scandal. Judge Gesell had the case about whether to release Nixon's secret White House tapes among many

other famous and important cases. On my first day on the job, then Secretary of State Henry Kissinger was testifying in the case about the break-in to the office of Daniel Ellsberg's psychiatrist to try to find embarrassing information about him. Ellsberg was the guy who had leaked the Pentagon Papers to the *New York Times* and the White House under Nixon was out to get him using former CIA agents who also did the break in at the Democrat party headquarters across the street from the Watergate.

### **Things Judge Gesell Taught Me**

Judge Gesell taught me many things but perhaps the most basic but often overlooked by most lawyers was to **read books written by or about people who know how to do what you want to learn how to do.** In retrospect, that seems perfectly obvious but neither I nor most of the lawyers and law students I have known do it. Funny that never occurs to most of us: if you were going to build a canoe, or raise a child, and didn't know how to do it, what would you do? Get a book – or today, instructions on the internet – to learn how to do it.

I read books about how to cross-examine a witness voraciously. I was smart enough even at that time to ask Judge Gesell which particular trial lawyers he recommended. He responded without a moment's hesitation [\*Carson the Advocate\*](#), a 19<sup>th</sup> century barrister. I read everything I could find about him and then Louie Nizer's book *My Life In Court*, a couple of books about Clarence Darrow's famous cases and most importantly of all, a best-selling book called [\*The Art Of Cross Examination\*](#) written by Francis Wellman, a long-time trial lawyer for the New York district attorney's office who had

done literally hundreds of trials. I learned that Wellman had written three or four other less famous books about his career that are out of print and harder to find, but I found them in antique bookstores and read all of them too. I recently gifted my collection of stories about famous trial lawyers to an accomplished trial lawyer, Jesse Bousquet, who is married to my daughter Eve, and is wise enough to want to learn to be an even better trial lawyer by studying the greats.

Fast forward a few years, and I am now a young associate in a medium-size law firm in DC where I had gone instead of to one of the big firms because I wanted to get more trial experience than I thought I would get at a big corporate firm. I was right about that. I was now junior member of a team of three that was trying a multi-million-dollar construction case growing out of the construction of the Walter Reed army hospital. The other side had put on an expert witness who started his testimony by describing his experience as a project manager on big construction projects in order to establish his credentials to opine on the issues in our case.

That's the first lesson that I had learned from Wellman and the other great trial lawyers: *listen to the witness!* That may seem obvious, but you'd be surprised how many lawyers don't do it. You're nervous and so you over prepare and go through your prepared notes rather than *ad lib*-ing based on what the witnesses said. But I had had a lot of experience with extemporaneous speaking back in Indiana on my high school debate team, so I listened hard to what the expert witness said and I saw my opening and took it.

I stood up and after a few preliminary throwaway questions just to get my sea legs and relax the witness, I homed in on my target. “I believe you said on direct examination that you had been a project manager on lots of big construction projects, right?” The witness looked at me with a contemptuous expression that conveyed, “you young idiot, I’m about to eat your lunch” and launched into a long-winded dissertation about all of his experience as a project manager.

On the bench, Judge Gesell rolled his eyes with an expression that said “Don, didn’t I teach you anything?” You see, I had invited the witness to repeat to the jury his prepared testimony about all of his experience in actually managing projects as opposed to merely testifying about them as a hired-gun expert witness. I listen patiently as he droned on and on and then walked up to him, pointed my finger at him ominously, and said, more loudly than usual to wake up the jury, “Isn’t it true that over 95% of your money comes from testimony in court.” Sheepishly he admitted that was true.

“No further questions of this witness your Honor,” I said with evident disdain and sat down. He was done. Stick a fork in him. I had gotten him to exaggerate his credentials to the jury in a way that they could see through. The jury awarded our clients [\\$9.2 million, \\$400,000 more than we had asked for](#), and one of the largest verdicts in the District of Columbia at the time. But even more importantly to me, I could see from his glowing expression that Judge Gesell was thinking “Maybe I taught this young man something after all.”

Second epiphany lesson: **don't underestimate the young lawyer that is about to cross-examine you – or in biblical terms, do not be guilty of the sin of pride.**

### **What “Angels” Can Teach Us**

I do acknowledge that how to cross-examine a witness is mundane and not exactly a perfect example of “God speaking to us today.” But “angels” teach us what they know, and Judge Gesell and the spirits of the great lawyers of the past embodied in the books that he recommended knew how to cross-examine a witness, so that’s what they were able to teach me.

That’s a third lesson from this epiphany: **choose carefully with whom you associate, because you will become more like them.** I often share that with the law students who ask my advice when they are trying to decide where to go to work: “ask yourself if you’d like to be similar to these people in twenty years, because you will become them.” Again, not literally. You’ll become more like them in spirit.

No surprise, this wisdom is also in the Bible: [Proverbs 13:20](#) ("He who walks with the wise will become wise, but the companion of fools will be destroyed") and [1 Corinthians 15:33](#) ("Do not be misled: 'Bad company corrupts good character'").

### **Gesell Lesson Number Two**

Judge Gesell was definitely “wise” and working with him for a year as his law clerk assistant taught me many important lessons. I remember in particular hearing from someone that before Gesell became a judge and was

still a partner in a big law firm, he had been offered but turned down the job as General Counsel of DuPont. As a recent law school graduate, becoming General Counsel of DuPont seemed like a dream job to me, so I asked the judge one fine day why he had turned it down. He looked at me as if I were a dunce and harumphed “What? Give up my independence?”

As a twenty-something recent law school graduate, I had no clue as to what he meant, so like Mary in the Bible ([Luke 2:19](#)), I stored that conversation up in my heart and pondered it later. Thirty years later as a partner in a big law firm myself, I understood perfectly what he had meant. A partner in a law firm typically has multiple clients and can lose any one of them whereas an in-house lawyer has only one and that dependency can sometimes cloud one’s judgement. True, sometimes partners in law firm also become too dependent on a single big client and get into trouble when they lose the independence of judgment that comes from having a diversity of clients. **Sweet are the uses of diversity.** I have generally had two jobs and at least three of four different financial advisers managing our money; if any one of them falls through, I have still got the others to fall back on.

There are several lessons from this epiphany. Storing things up in our hearts until we can understand them is one, and the power of diversification is another, but perhaps the most important one is less obvious than the other two: Judge Gesell had made himself approachable to his young assistants in a way that had made me feel comfortable asking him a personal question about his career. This reminds me of Jesus’s saying “[let the little children come unto me ...](#)” (Matthew 19:14). To be a good mentor, one has to be approachable by

projecting a willingness to share one's perspectives with others. Judge Gesell did that by starting every day with a short conversation with his law clerks about life in general; that told us that he cared about us as people, not just as employees who did legal research for him. The ministers at my church do something similar by walking around the congregation before each service and making small talk with their parishioners.

Gerhard Gesell was a wise and loving man. He [walked with God](#) as the saying goes. Did I mention that he [played a key role in desegregating the U.S. armed forces](#)? Or that some of the other district court judges thought that Judge Gesell must somehow be manipulating the wheel that was used to randomly assign new cases because he got all the interesting ones? When I told him that, Judge Gesell just laughed, shrugged and said to me, "Don, there aren't any inherently interesting or uninteresting cases; it is just that some lawyers see interesting issues in a case that others overlook." That lesson served me well in law practice. Sometimes the angel comes right out and tells you the moral.

## Part VI

### Lessons I Learned in Government

# Chapter Nine

## **How to Win by Losing**

After eight years of teaching environmental law, civil procedure and other subjects at Yale Law School, I got an opportunity to become the General Counsel of the Environmental Protection Agency in Washington, a presidential appointment confirmed by the Senate and the head of an office of 250 lawyers. I had had been on the job as General Counsel of the EPA for only about a month when I argued one of the most important legal cases of my life, not to a court but instead to the Counsel to the President. My opponent was Bill Barr, then Assistant Attorney General for the Office of Legal Counsel (OLC) at the Department of Justice, the guy who advises the President what he can and cannot do, and later Attorney General – twice!

Let's go back a week or so. The Red Phone on my desk with the direct line to the EPA Administrator's office rang for the first and last time. No surprise: the voice at the other end was my boss EPA Administrator [William Kane Reilly](#), a patrician and the only career environmentalist to ever hold the top job at EPA. "Don, can you come up right now please. Seems we've got a little problem with Congressman Dingell."

[John Dingell](#), the long-serving Congressman from Michigan, cast a long shadow over anything and everything affecting the automobile industry. Seems Congressman Dingell had instructed Administrator Reilly on what he wanted him to do on some upcoming policy issue affecting the auto industry. Reilly had thanked him for his opinion, although apparently not with sufficient

sincerity, as Congressman Dingell responded “Listen, I have brought down one administrator of EPA and I can bring down another,” or so the conversation was reported to me by Administrator Reilly. Congressman Dingell was referring to an unfortunate dispute in the previous administration in which Ted Olson, then Barr’s predecessor at OLC, had insisted that Anne Burford Gorsuch, then head of EPA, had to withhold certain documents that Congressman Dingell has requested in order to protect the evidentiary privileges of the Executive branch. I had read all about it in her book, [\*Are You Tough Enough\*](#).

It worked once, so the Congressman was trying the same ploy again. Barr was there to argue to Boyden why we at EPA shouldn’t be allowed to release the documents – which incidentally I never actually saw or knew anything about their contents. It was my job as I saw it to figure out how to save my Administrator from his predecessor’s fate.

When I got to the office of C. Boyden Gray, the White House counsel, Barr was already waiting for me in the outer office. Barr immediately started working me to gain an advantage. “What have you been doing these last four years, Don”? “Teaching first year procedure to baby lawyers at Yale” would have been the accurate answer, although I think I managed something more noncommittal. “How about you Bill?” “Yes, General Counsel to the Central Intelligence Agency.” “I see. Lots of important and interesting stuff there I bet.” I knew about trash talking from basketball out in Indiana, so I didn’t let it knock me off my game.

Barr made all of the predictable arguments about protecting executive privilege from the prying eyes of the Congress – as I knew he would – and Boyden ruled against me on every single one – as I also knew he would. Then, as we were just about to stand up and leave the room, I said “Just one more thing: why don’t we advise Congressman Dingell that we will deliver all the documents in question to our lawyer, Mr. Barr, and he will work out all the details with the committee.”

A sly smile spread across Boyden’s face, and he looked me in the eye and said slowly, “Yes, Don. I think we can do that.” He knew exactly what I was trying to do but he owed me one after ruling against me on everything else. I went back to my office and wrote the letter to the Congressman saying that we had delivered the documents in question to our lawyer, Mr. Barr, and from now on they could work things out with him.

The negotiation with the Congress became the bane of Barr’s first year in his new job and eventually he turned over every single one of the documents – much to his embarrassment after convincing the White House that the foundations of the republic would crumble if we at EPA had released them – and he never spoke to me again. Oh well. His loss. More importantly, Congressman Dingell wasn’t able to bring down another EPA Administrator as he had vowed.

### **Another “Angel,” C. Boyden Gray**

[Boyden Gray](#) was a great man who is under-appreciated, and not only because he had given me the only thing in the meeting with Barr that really mattered as a kind of consolation prize after ruling against me on everything

else. Boyden was responsible behind the scenes for many of the accomplishment of the first Bush Administration, including the Clean Air Act Amendments of 1990, one of the most comprehensive and [successful](#) pieces of environmental legislation in our history. Boyden's career is a perfect illustration of [Ronald Reagan's observation](#) that **“There is no limit to the amount of good you can do if you don't care who gets the credit.”**

(Epiphany alert)

For a long time, I thought how to win by losing with grace and creativity was the epiphany, the life lesson, in this incident, but it wasn't the only one. Another was that I had read Anne Burford's book and understood that Ted Olson had been brave and uncompromising in part because it was her career and reputation that were on the line, not his. That misalignment of incentives was the dynamic that went to the heart of the matter and was what I needed to reverse, so that was what I focused on. A great lawyer, Elaine Amendola, taught me that in any negotiation there are big issues and little issues, and it is important to try to win the big ones.

When I think about that life lesson, I also remember the scene in the movie *Patton*. After Patton's army beats Rommel, the top German general in North Africa, Patton gloats “I read your book, you S.O.B.” I understood the dynamic in the meeting with Boyden because I had read Anne Burford's book about what had happened to her in the dispute with Dingell in the previous administration.

## **My Chance to Get Even**

There is one more chapter to the story: I got my chance to get even with Bill Barr but I didn't take it. When he came up for Attorney General in the first Trump Administration years later, some of the environmental groups tried to block his nomination by pointing out he had over-ruled one of my decisions at EPA that they liked. I assured the press that he had had nothing to do with it, although I am not entirely sure that was correct. See Chapter Three, about the time my Dad lied to me.

I have always felt good about not retaliating against Bill when I had the chance. Perhaps that is what Jesus meant in the Sermon on the Mount when he said [if someone strikes you on one cheek, turn the other](#). (Matthew 5:39). You win some and you lose some, but it is always better to be kind to the people on the other side of the table.

Some epiphanies – perhaps even most of them -- have more than one lesson to teach us if only we can see them.

## Chapter Ten

### **What a Student Taught Me about Leading**

I had been teaching environmental law at Yale Law School for only a short time when a law student in his final year came up to me in the hall to ask my advice. He was a strong environmentalist and had been offered his dream job at an attorney at the regional office of the Environmental Protection Agency (EPA) in Boston, but he was troubled about taking it because Ronald Regan, a conservative, was President. The student, whom I later learned was named E. Michael Thomas, doubted that he could serve in a Republican administration. He had heard that I had practiced environmental law in Washington, D.C. before coming to teach and he wanted my advice. This seemed a little strange because he hadn't bothered to take my Environmental Law course, which was the only one offered at the Yale Law School at the time, but I answered him to the best of my ability anyway. I advised him to take the job, saying that based on my experience, I didn't think the Reagan Administration's policies would have much effect on his work as a regional enforcement attorney in Boston. And then – for reasons that I still cannot fathom, I added gratuitously -- “plus if you learn the ropes in Boston, maybe someday someone who is more pro-environmental will give you a chance to work in a more pro-environmental administration in Washington.” That was a prophecy and to this day, I have no idea why I said it or exactly where it came from.

Five or six years later, I had the opportunity to serve in Washington as Assistant Administrator and General Counsel of the EPA. I served under a remarkable administrator of EPA, William K. Reilly, the only career environmentalist to ever hold the top job at EPA. Reilly and the White House assembled a remarkable and experienced team including Hank Habicht as Deputy Administrator, William Rosenberg at Air, LaJuana Wilcher at Water, Don Clay at Waste, Jim Strock at enforcement and Linda Fisher at Pesticides and Toxics.

I figured I should make the prophecy come true, so I called up Michael and asked him to come to Washington to be my special assistant. He did and he helped me a lot. I wanted him because I thought he knew more than I did about how the EPA worked from the inside, but more importantly, I knew that he would always speak the truth to me and tell me what he really thought. He did.

After we had been at the EPA for about a year, Michael came into my office at the end of the working day, closed the door behind him and said more or less the following: “Don, you may think you are smarter than the 250 people out there who work for you, but you are NOT 250 times smarter. You will be a lot more successful if you can lead them by getting them to understand what you are trying to accomplish rather than just trying to order them around.” That conversation changed my professional life, not only at EPA but in my subsequent career in setting up environmental departments and managing people at four major law firms. I learned from Michael that **to get people to follow your lead with enthusiasm and creativity, you have to persuade**

**them to believe in what you are doing.** Funny that a former student needed to teach that to his nominal teacher, but that's what happened. That's an important lesson too: **sometimes our proteges can become mentors if we listen to them.**

My career deputy at EPA, [Gerald H. Yamada](#), a remarkable man, who had seen many General Counsels come and go, told me that my second year at EPA as GC was much more successful than the first and tried to get me to stay on for a third year. A decade later when he was ready to leave government, Gerald approached me and said he wanted to practice law with me, so I must have been doing something right. We practiced law together for over a decade and are still friends.

By the end of my second year at EPA, my friend Dick Stewart who had been running the Environment and Natural Resources Division at the Department of Justice had decided to go back to academia. Dick recommended me to the then attorney general Richard L. Thornburgh as his successor. I had met Thornburgh by chance (?) on a plane back to DC from New Haven after he had given a speech, and we hit it off. Who knows what my career would have been if I had taken that job. As it was, the White House offered me a federal district court judgeship when I left, and they told me that I had been the main competitor for an appointment to the even more prestigious United States Court of Appeals for the District of Columbia Circuit which went instead to a young guy – also from Indiana like me – named John Roberts who went on to become Chief Justice of the United States.

But that was not to be. My then wife Mary Ellen told me straight out “Donald, you can take the DOJ job if you want but the children and I are going back to New Haven.” She had just completed her first year of medical school at George Washington University in DC, and Yale had agreed to take her as a transfer student, in part to get me back. That was how Mary Ellen negotiated. It didn’t take me long to decide that I didn’t want to be separated from my wife and two young children for any job, so I cancelled the private lunch that had been set up for me with the Attorney General about moving to DOJ and changed the oil in my car instead.

I had become good friends with Bill Rosenberg, a remarkable man who headed the air program at EPA and we were working together to implement the most expensive and most important environmental legislation in our history, the Clean Air Act Amendments of 1990. Bill took me aside one day and tried to persuade me to stay at EPA. Administrator Reilly even had me and my then-wife Mary Ellen out to his home for a private dinner when he told her Mary Ellen straight out that he needed me to stay. She was not persuaded; she wanted a Yale degree and explained to me bluntly that I already had two Yale degrees and she wanted one too.

I told Rosenberg that I felt I had to go back to New Haven to try to save my marriage. He asked me how I would feel about turning down the promotion if she divorced me anyway. I thought about that for only a little while and decided my family was more important to me than any job. So I went back to New Haven and started teaching again. But more importantly, I took care of my children. After a year or two, my wife was a resident in training

at Yale Medical School who had to stay overnight in the hospital every other night, so I met our two children Eve and Ian who were young pre-teens every day at 3 p.m., took them to their after school activities and cooked them dinner and put them to bed. I remember one of them asked me once why Mommy wasn't around much anymore, and I explained that "Mommy had a dream to become a doctor, and it was important that we all help her achieve her dream."

In many ways, those were among the happiest days of my life, and to this day I am much closer to both of my children than most men in our society who are too focused on their work in my opinion. One time when I was in Japan to give a lecture, I saw a cartoon of a Japanese "salary man" at his son's high school graduation. As the young graduates walked across the stage to get their diplomas, the man in the cartoon turned to his wife and whispered, "which one is ours?" (epiphany alert!) I was determined not to let that happen to me over a career, and it didn't. Today my children and I are close, and we speak on FaceTime several times a week and visit one another periodically despite the physical distances between our residences. That is one of the greatest sources of joy in my life, and I never regret my decision to put family first.

## Part VI

### Sin and Redemption

## Chapter Eleven

### **Sin**

Finally, a chapter on something that I know a lot about: sin.

The standard definition is something along the lines of “violating God’s law” or “rebellious against God,” but those are both metaphors that try to explicate the concept by analogy to familiar concepts from everyday life such as crime or insurrection. I heard them growing up but they never really made much sense to me, so here’s an alternative definition based on my lived experience: ***sin is choosing to do or say something that is likely to make you and those you love suffer unhappiness in the long run.***

Sin usually involves putting a temporary passion or appetite above the long term good of ourselves and those we love. Sin just isn’t worth the pain it causes in the long run. That is why we are warned by those wiser than ourselves not to give in to temptation, because doing so predictably leads to rack and ruin. For example, see Chapter Five about how my infidelities resulted in the break-up of my previous marriage to Mary Ellen, which nearly drove me to suicide and caused great pain to both her and our children. She once told me “You have ruined my life Donald,” and a quarter century later, I still feel pain as those words echo in my brain because I deeply wounded someone I loved.

All the sins that I can think of have that same essential characteristic: they are counter-productive in the sense that they tend to result in chaos and unhappiness; they may give us a brief thrill, but they are a false path because

in long-run they can cause far greater pain. Lying leads to other people being unwilling to trust us; killing invites retaliation and a blood feud like the Hatfields and McCoys. Consider the decades-long (maybe centuries long) cycle of “retaliatory” killings between Jews and Palestinians. Jesus’s point about turning the other cheek was that an eye for an eye to teach the other side a lesson doesn’t work.

Similarly, the obsessive pursuit of money, or fame or gluttony often leads to unhappiness; someone is always going to be richer or thinner or more successful.

### **Serving False Gods**

That’s what the stuff in the Bible about “serving false gods” means to me. Some sins consist in doing something, even a good thing, to excess so that the something in question comes to dominate your life. There is nothing wrong with doing honorable work to earn “enough” to provide reasonably for ourselves and those we love. My Dad taught me that money is the least important thing in the world as long as one has “enough,” and that what is “enough” depends on how you choose to live as well as how much income you have. See Chapter Three. The “sin” comes in becoming obsessed with material wealth so that it overwhelms other values.

I once represented a billionaire whom I will not name for obvious reasons. He was one of the unhappiest people that I have ever known. He never seemed to enjoy his riches, including a wonderful wife, because he was obsessed with trying to acquire even more earthly wealth. That’s also what

some [studies](#) in the emerging field of happiness studies confirm: winning the lottery does not necessarily increase someone's happiness.

Too much of a good thing can be bad. Gluttony is a perfect example; we all need food to sustain our bodies but if we carry the love of good-tasting food too far, it becomes the sin of gluttony and harms our health. That's what the expressions "a virtue carried to extremes becomes a vice or "moderation in all things" mean to me. This idea is in Aristotle, although I don't know that he ever said it exactly that way.

Google's Artificial Intelligence sums up the over-arching point about the nature of sin this way:

"Pride goeth before the fall" is a proverb, derived from the Bible's Book of Proverbs 16:18, that means being excessively proud or overconfident leads to eventual ruin or failure. People who think they are superior to others or so important they don't need anyone else often become arrogant, which clouds their judgment and sets them up for a setback or downfall."

See Chapter Eight about how to cross-examine a witness for an example.

The Bible makes the point over and over that sin is not a good deal for the sinner because it is the road to ruin and suffering, but the Bible often makes this point in antiquated language that I, at least, had a hard time understanding. For example, [Lamentations 1:8](#) says "Jerusalem hath grievously sinned; therefore she is removed: all that honoured her despise her, because they have seen her nakedness ...."

By my lights, this passage is not about body-shaming or a warning against nudism; rather than “her nakedness,” a better rendering might be “her true nature.” When our sinfulness is exposed to other people, they recoil from us and we lose their love and companionship. “Fool me once, shame on you; fool me twice, shame on me,” as the old saying goes. In short, “sin” is a bad bargain that we make because we cannot foresee the long-term consequences of our actions. That is probably what the ancient great Greek philosopher Plato meant by [his famous observation](#) that “ignorance [is] the root and stem of all evil.”

Or how about another biblical passage “But the fearful, and unbelieving, and the abominable, and murderers, and whoremongers, and sorcerers, and idolaters, and all liars, shall have their part in the lake which burneth with fire and brimstone: which is the second death.” ([Revelation 21:8](#)).

For my part, that passage isn’t really about a physical lake or hell somewhere that caught on fire; the image is a metaphor for what it feels like when you have sinned and are paying the consequences. Take it from me: the consequences of sin feel a lot like being trapped in a big lake from which you cannot escape and being tortured by the fire of regret at the consequences of your actions.

The concept of sin is not unique to the Christian religion. The Ten Commandments are part of the tradition that we inherited from our Jewish heritage, as we probably all know. But many other religions as well as most moral and philosophical traditions also share a concept of sin, which are all pretty much the same thing in different words. In [Hinduism](#), for example, sin

(which they call *papa*) means taking an action that violates *Dharma*, the natural order of the universe, and therefore leads to bad *karma*, suffering in the long run. That's easier for me to get my mind around than the stuff about Jerusalem suffering in her nakedness or lakes of fire, as Joseph Campbell predicted. See page 9 above.

### **Why Don't All Sinners Suffer?**

The skeptics among you might be thinking: "Okay, if sin leads to suffering and [perdition](#), why aren't all sinners punished?" The truthful answer is I don't know. All I can do is report that the sins that I have committed in my life have always led to unhappiness for me and others.

Here's the best that I can do as of now to explain whether pain and suffering also happen to every other sinner. If "everlasting life" is at least in part about how we are remembered by others, as I have suggested elsewhere (see Chapter Three), then great sinners such as Hitler and Putin suffer "eternal damnation" after death in how they are remembered. I know that would be slim comfort to those who are now suffering death and destruction from Putin's war to conquer Ukraine. That senseless war is still going on as I write this and has already killed over a million people and wrought destruction throughout that beautiful country.

Why don't bad things happen to bad people is the other side of Job's question to God in the book of Job about why bad things happen to good people. I think, for example, of the pain and suffering that my sister endured from multiple sclerosis, or that one of my favorite law school teachers, [Arthur Leff](#), died in his mid-forties from what he rightly called a "very unfair cancer."

As I understand [“God’s” “answer” to Job](#) boils down to basically “You wouldn’t understand.” That’s true, at least for me. I don’t understand either why some good people of faith suffer and some great sinners do not.

### **The Path Back from Sin**

What is unique about Christianity is that it is the only religious tradition, at least as far as I know, that offers the path to forgiveness of our sins and restoration of right relationships with others and the order of the universe, or “God” if you prefer. My ex-wife Mary Ellen now comes to share Thanksgiving and Christmas with us all together as a family, a blessing that I do not deserve.

That was one of the things that the pastors of my Presbyterian church explained to me before they married Gail and me twenty-five years ago: Christianity offers us the chance to be “re-born,” to begin anew, but we must acknowledge our sins and repent them, not just verbally but by trying hard not to repeat them, in order to restore the right relationship between ourselves and others.

We all sin – some of us, more than others, to be sure -- but Christianity shows us the way back to repair the broken relationships and harm that we have done and thereby to heal ourselves from the wounds caused by our selfish and inappropriate behavior. Like prayer, I know that works because it has happened to me.

## Chapter Twelve

### **Why Ponder Epiphanies?**

I was blessed to be born to a mostly good witch, Mary Jane Bope Elliott. She was an extraordinary woman who graduated from college at sixteen with two degrees and managed to be a sorority girl and homecoming queen at a large state university, Ohio State, along the way. From there she went on to become first a high school teacher in Ohio, and then a teacher of the deaf and partially deaf, which is how she met my father.

I do understand that “witches” have a bad reputation with many people. They are women who are scary to many people because they understand things that most of us do not. Mary Jane was as benign, wise and loving as a flawed human being can be. She was my first and best teacher, as she once reminded me when I as an arrogant young lawyer I thought I had bested her in a political argument: “I taught you the names of the animals,” she said and walked away. I’ll never forget that line. She was trying to teach me something important about myself and humility. Now that I have recorded that epiphany in print and digital form, that part of her indomitable spirit will live on for others to appreciate long as someone reads this.

But more importantly, notice *how* Mary Jane the good witch tried to teach me important life lessons about humility and listening receptively to other people’s perspectives rather than rejecting them out of hand. She could have responded to my arrogance with anger and confrontation. Instead, she gave me the blessing of an epiphany by merely reminding me of all she had

done for me and walked away, leaving it to me to discover and learn the life lesson embodied in her cryptic comment as I pondered it over the years. What a perfect application of [Pascal's famous advice](#) on how to win an argument gracefully without losing a friend by acknowledging where your partner in the discussion is correct but also leading him or her to see your point of view for himself or herself. But that lesson was not apparent to me at the time; it only became clear to me why Mom had said that years later as I had more experience and hopefully became a little wiser. That's how epiphanies often work in my experience: sometimes we have to store them up in our hearts and ponder them until we are wise enough to understand them, like Mary in the Bible ([Luke 2:19](#)).

The main subject of this essay in case it wasn't always clear is parables and epiphanies and how teachers and mentors help us to understand them. And yes, I do think everything that I have written so far is relevant to that subject. It is up to you to figure out how. As a long-time Yale Law professor, like Pascal, I understand that students learn best when they discover something for themselves. It is our challenge as teachers and mentors to pose questions in a way and in a context that makes the answer obvious enough that the brighter ones can discover it for themselves and announce it proudly to the rest of the class.

That teaching technique is sometimes called "[the Socratic method](#)," although I haven't been able to see that either the historical Socrates or Plato's character Socrates actually used it. I do know that Jesus and his disciples used what later came to be called the Socratic method. That's what

the parables in the New Testament are about: telling us a story that makes an important point in a way that helps us discover for ourselves something about how the universe works.

Epiphanies and parables, and the mentors and “angels” who share them with us, have been the subject of this essay. They are the moments when something about how life in this universe really works is made manifest in a way that our simple human brains can fathom because we recognize a pattern that captures the relationship between seeming random events. My premise is that some of our experiences, and some of the stories and sayings that we hear, are more important than others because they can teach us more about how life really works, and therefore how to make a better life for ourselves and for others. That’s what I mean by “epiphanies.”

As a child I wondered every year around Easter time how come Palm Sunday, when Jesus was lauded by the crowds as a hero to a chorus of hosannas was only a week before Good Friday when they killed him. That’s the point dummy: **fame is fleeting**. Whether it actually happened that way historically is beside the point for me. As Mark Twain writes in the epigraph to *The Prince and the Pauper* [“It may have happened, it may not have happened, but it could have happened.”](#)

Azar Nafisi makes a similar point in *Reading Lolita in Tehran* when she argues that it is not a valid criticism to say that something didn’t really happen exactly the way it is portrayed in literature. The purpose of literature, she says, is to identify the deeper meaning of events, stripped of the vagaries of what actually happened in any particular example. “*Do not, under any*

circumstances,” she writes, “belittle a work of fiction by trying to turn it into a carbon copy of real life; what we search for in fiction is not so much reality but the epiphany of truth.”

I think that’s also the point Plato was groping for with his theory of ideal [“forms” that are truer than any particular instantiation](#). And maybe that’s even what the old saying “poetry is truer than history,” an idea that goes back to [Aristotle](#), really means.

Epiphanies, epiphanies all around us, if only we can hear the messages when “God” speaks to us.