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The postcard in the foreground shows the original home and shoe store in Gemünden, Germany, of David Berney's paternal grandmother and great-grandparents. Prior to World War II, they owned and operated a shoe store out of the first floor of their residence. In the back-ground is the sneaker shop that now occupies the same site. Berney's story begins on page 38.

PHOTOGRAPH BY Jay Gorodetzer, a Philadelphia newspaper photo editor.
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Reconnecting With My German Jewish Heritage

BY DAVID J. BERNEY

Laws, in and of themselves, have scant moral worth. Rather, it is the nobility of purpose of the men and women who create, execute and interpret those laws that give them their value. I learned this lesson early in my life and was reminded of it during a recent family trip to Germany, in honor of my father.

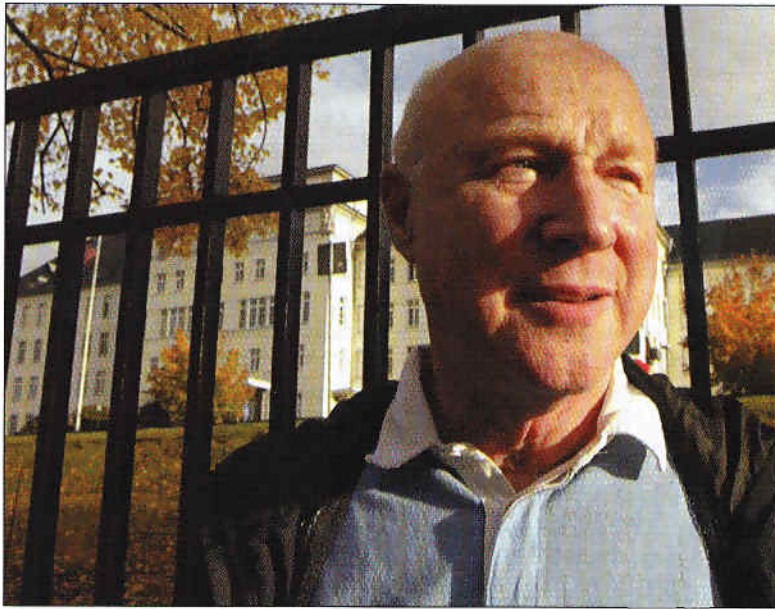
My father was born in Germany in 1935. In 1939, when he was three months shy of his fourth birthday, he and his parents escaped. For the next sixty-five years of his life, he had not been back to his birthplace. To celebrate his seventieth birthday, my family—eleven of us in total, including three children—traveled to Germany to reconnect to our German Jewish heritage.

For me, the travel was loaded with meaning. First, I thought about the excursion in the context of my profession—the law. As attorneys, we take an oath to obey and defend the Constitution of the United States, our country's ultimate source of authority. Now accompany me on a brief

thought experiment I took immediately prior to the trip. It is 1939. I am a citizen of Germany; an attorney; Gentile by faith. I am faced with a mandatory oath to defend the laws of the Third Reich. As we know, Germany's constitutional system at that time was predicated upon the total disenfranchisement of entire groups of people—those who were considered “socially undesirable.” Would I have stood idly by as the authorities forcibly removed Jews, Gypsies, homosexuals, communists and others from their homes, or would I have tried to offer assistance to them, either publicly or *sub rosa*? I had no easy answer to that question.

I also thought about the trip in the context of lessons I have learned about the concept of race. Simply, has a more pernicious idea ever entered the human mind? We know all too well the products of bigotry. In the United States alone, race-based attitudes have resulted in slavery, Jim Crow, Japanese internment and Native American genocide. In the world, *writ large*, we have seen racial and ethnic politics lead to the Hutu/Tutsi genocide, the Serbs' “ethnic cleansing” of the Bosnian Muslims, the Turks' slaughter of the Armenians and other tragic instances of genocide. In the case of our family excursion, we were traveling to a country where racism, modernity, politics and the law had been hewn together to produce

They were forced to abandon their family and friends, their country and everything else they had known and cherished.



The author's father, Steven Berney (ABOVE), stands in front of the German hospital in which he was born seventy years ago.

The author located the gravestone of his great-grandfather, Samuel Berney, in a Jewish cemetery in Karbach, Germany.



one of the most efficient and shocking forms of race-based extermination the world has ever had the misfortune of witnessing. While it is one type of emotional journey to read about the Holocaust, to study it in high school and college, to watch documentaries about it, far removed from its locus, it is quite another to actively confront it by traveling to its birthplace. My father's father had six siblings. Almost all of them were killed in death camps. Practically all of my extended family members had suffered a similar fate. As far as we knew, we represented the last surviving "Berneys."

And finally, the concept of family hit home for us. Here was my family metaphorically traveling back in time and space to discover what we could about our roots. The dearth of extant relatives had always challenged our sense of who we were, where we came from and our bonds to the past. My grandfather died when my father was a teenager, and my grandmother passed away almost a dozen years ago. My father was an only child and, before the trip, he knew little about our ancestry. His parents had avoided discussions about their former German lives. We had no pictures to guide us, no legal documents to direct us and no substantive memories to inform us. All we had were curious determination, uncertain expectations and a few family legends—some of which follow.

My paternal grandfather hailed from the small southern German village of Karbach. He and his family were farmers. We assumed that German ploughmen now possessed the family farm—that is, if it still existed.

My paternal grandmother hailed from Gemünden, Germany. Her parents owned and operated a shoe store out of the first floor of their residence. In 1945, the Germans destroyed the house while blowing up a bridge to prevent General Patton's advance to

Hammelburg, where his son-in-law was apparently held captive in a POW camp.

BEGINNING THE JOURNEY IN FRANKFURT

On October 20, 2005, my parents, my siblings and their families, and my fiancée and I commenced our ten-day journey. We landed in Frankfurt where we spent our first few days.

Frankfurt holds an ignominious place in our family lore. It was in Frankfurt, on November 9, 1938, during *Kristallnacht*, the infamous night of broken glass, that German police had arrested my grandfather, then a fabric salesman, for the high crime of being a Jew. They sent him to the Buchenwald death camp. Some six months later, in June 1939, my grandmother bribed a prison official to release my grandfather on the condition that he leave Germany within three days. At that time, the Panamanian government was issuing visas to Jews and agreed to give my grandfather one if he promised to forgo immigrating to Panama.

Immediately upon his release from Buchenwald, my grandfather fled for England. A few months later, in August 1939, on the eve of World War II, my grandmother secured tickets for herself and my father on one of the last trains out of Germany just before the borders closed. They met my grandfather in London.

They left their homeland with nothing of material value—no jewelry, no Deutschmarks of substance, nothing. They were forced to abandon their family and friends, their country and everything else they had known and cherished. As one can imagine, it was quite an emotional dislocation for three people who didn't speak a word of English. Flash forward to 2005. As my family walked along the streets of Frankfurt, we tried to imagine what it must have been like for my grandfather and other Jews of the day to live in Nazi Germany.

MUNICH AND NUREMBERG

After Frankfurt, we proceeded to Munich. Many historians credit Munich as Nazism's birthplace. During a walking tour, we were told that it was not until the Great Depression that the Nazi ideology gained a foothold in the collective imagination of the Bavarians. Hitler blamed Germany's fall from grace on the Jews, the communists and other "undesirables" whom he claimed had infiltrated the German body politic. Hitler promised to restore Germany to its so-called former greatness by purging the nation of its "antisocial elements."

It was during our stay in Munich that we visited the Dachau death camp. The children asked the hardest question of all: "Why did the Germans so hate the Jews?" Some of the adult responses ranged from the political to the sociological. But how can adults explain to children what they themselves do not understand?

Following Munich, we traveled to Nuremberg. We visited the parade grounds where Hitler held some of his most infamous rallies. It was during the Nazi parade in August 1935 that Hitler announced the enactment of the Nuremberg Laws that stripped Jews of their right to German citizenship. Only a few months later,

on December 31, 1935, my father was born, stateless, in a land that was in the process of forging its collective identity on the extirpation of Jews.

THE BERNEYS IN KARBACH

Finally, we traveled to the two places that held the most meaning for our family—Karbach and Gemünden.

In Karbach, while driving into the center of the village, we came upon two octogenarians. In German, my father explained that our family originated from the village and that, in 1939, we had left. In response, the two elderly women asked if we were Jewish. We acknowledged that we were. Neither seemed particularly bothered by our presence. They explained that the village was in the process of erecting a monument to commemorate the Jews of Karbach.

As we spoke, serendipity struck, as the apparent town historian, Joseph Laudenbacher, came ambling down the main thoroughfare. He became rather excited by our presence. He knew our family name and possessed many of the birth certificates, records and deeds that documented the genealogy of the Berneys in Karbach. He then guided us on a tour of the village and even walked us past the house where my father's father had grown up.

Afterwards, Laudenbacher showed us the old Jewish cemetery. It has remained in pristine condition probably because the people of Karbach did not despise their Jewish neighbors and because the site of the cemetery laid inconspicuously hidden behind a soccer field and woods. When we entered, the first gravestones we stumbled upon were those of my great-grandmother and great-grandfather, Ida and Samuel Berney. Because of our propitious encounter with Laudenbacher, we were able to learn a great deal more about our relatives dating back to 1699.

FAMILY TIES IN GEMÜNDEN

After Karbach, we drove to Gemünden. Our expectations were not great in terms of what we would find. Armed only with some sketchy details that the family home had been next to the bridge that crossed the Main River, we hoped simply to locate the spot where the house once stood and where my father had spent the first few years of his life.

When we arrived, we discovered, to our collective chagrin, that Gemünden had numerous bridges. And so, while my siblings and I squabbled over the correct bridge that marked the spot where the family home and shoe store once stood, my father wandered into a tourist information office where he learned that the town of Gemünden had published a booklet detailing the history and fate of its Jewish population. Incredibly, this booklet featured five pages on my family, explicitly mentioning my father, grandparents and great-grandparents by name.

When we explained that we hoped to pinpoint the former location of the family house, the tourist guides advised us that not only were they familiar with the house, but they had converted an old photograph of it into a postcard they distributed to tourists. In addition to the postcard, the information office gave us a video, featuring World War II-era footage that showed the destruction of my grandmother's house. Finally, a guide walked us to the spot where the house and shoe store once stood. Incredibly, in its place is a sneaker shop.

The trip to Germany proved to be both powerful and exhausting. Beyond the series of serendipitous events that allowed us to form closer ties to our family roots, it made me

wonder how law, politics, race and science, in a nation with such a highly educated citizenry, got folded together to produce such profoundly lethal consequences.

Fortunately, in the United States, we have the safeguards of a Bill of Rights that our courts have historically interpreted in a progressive, albeit unevenly humane, fashion. But even with such juridical protections in place, we, as lawyers, must remain ever watchful that our courts do not interpret these rights through a filter of prejudice. Indeed, in the face of our nation's ongoing war against terror, we must stay particularly vigilant that race, religion and hysteria do not combine to serve as substitutes for rational discourse.

As the Holocaust made clear, when megalomaniacal racial fantasies prevail over reasoned decision-making, people die, families are dislocated and atrocities transpire. Unfortunately, it is future generations who are left to pick up the emotional tab and are burdened with putting the pieces back together. ■

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The Berney family in Germany are Seth and Maureen Berney (FRONT CENTER) and (FROM LEFT, UP THE STAIRS) the author; his father, Steven; his mother, Hollis; his wife, Sharon; Laura Berney and Jay Gorodetzer; Sammy Gorodetzer; Leah Berney; and Kyle Berney.