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REMARKS AT MEMORIAL SERVICE FOR DEAN EMERITUS FRED F. HERZOG APRIL 17, 2008

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Dean Herzog was a citizen of two continents and two countries. He was born in Europe on September 21, 1907, in Prague; he grew up in Graz; and he spent his early professional life in Vienna. He spent the second half of his life in the United States, where he arrived in New York City, studied in Iowa, and lived, worked, and eventually died in Chicago, Illinois, where he was laid to rest on March 24, 2008.

He was, as the Austrian consul general reminded us last September, always a devoted son of Austria. He was born in Prague, then the capital of the province of Bohemia, in the Austro-Hungarian Empire. When I visited Prague in 1992, I brought him a guidebook to the city, with a map. He showed me the street where he was born.

Yet it was only a temporary home, for his father, a professor at Charles University, was soon to receive a "call" to Austria, the family's home country.

Graz was his "hometown." The Herzog family moved there when Fred was a baby. The family was both educated and well-off. His mother Anna, whom he adored, came from a cultured family. She had gone to school in England, which was unusual for an Austrian girl of the latter part of the nineteenth century. His father, Professor David Herzog, was a professor of philology who specialized in ancient Semitic languages. Professor Herzog was also the chief rabbi of Graz and of the surrounding area of Styria, Upper Austria.

The children had a French governess while in the nursery and spoke French in the family. In fact, Fred said that his father hired a tutor to teach him German when he started school so that he "would not flunk first grade."

Fred remembered the Austro-Hungarian Empire with the devotion of one whose family had lived in Bavaria and Austria for almost four centuries. He always spoke with warmth of the Empress Elisabeth, the Bavarian princess who became Franz Josef II's consort; he thought of her the way a medieval troubadour thought of his "gracious lady."

He remembered the last years of the empire as golden. He remembered that his father had received decorations from the hand of the emperor himself.

He also remembered when that world began to crumble in the summer of 1914, which all Europe remembered as a *glorious* summer. The family was on holiday in August near Austria's border with "the Balkans." When Fred and his older brother Robert saw their father approach wearing a town suit, not vacation clothes, they knew something was wrong. Professor Herzog said that the Austrian army was commandeering all trains south of Vienna in order to invade Serbia. All Austrian subjects in the area were ordered to return to their homes.

He remembered the war years with sadness. Towards the end, even well-off families knew hunger. The blow they feared came in 1916 when the octogenarian emperor died. Fred said that it was as if someone had announced that "God was dead," for nobody could remember any other monarch. It was, he thought in his child's mind, a bad omen.

It *was* a bad sign. By 1918 Austria was only a Lilliputian version of its former self. As Fred said, the imperial city of Vienna, designed to be the capital of an empire that ranged from Poland to the southern Balkans, from Germany to Ruthenia, an empire one could transverse with only one passport and speaking only one language, German, was now a "very large head on a rather small body."

Yet Austria soon recovered. When the hyper-inflation ended in Austria, Fred accompanied his older brother Robert and a friend on a trip to Berlin. There they saw the devastating effects of the continuing inflation of that other imperial city and the continuing suffering and unrest among the German people. Fred said he saw that as a harbinger of what was to come.

Life went on, if not as before, still with considerable comfort. The boys had a classical gymnasium education supplemented by the musical events their mother participated in. While Robert studied mathematics and science and showed the promise of brilliance to come, Fred studied the humanities. He loved studying Latin and Greek, which Professor Herzog said were "modern languages" in comparison to the ancient Semitic tongues he studied.

Fred received his law degree from Graz. The degree was doctor juris utriusque, "doctor of both laws," meaning both the civil and canon law. One could not hope for a finer legal education in Austria.

To Fred, travelling and studying abroad and learning foreign languages and cultures were of great importance. After receiving his doctorate, he studied in Grenoble and Paris and visited much of Western Europe. He always considered himself a European in

culture. Years later, when I asked him why his Graz diploma was in German, not Latin, he asked me if I could read either language. I said I did, as well as some French. Only after I demonstrated my skill, did he pronounce me “properly educated.”

I think that the happiest years of Fred’s youth were spent in Vienna. While in law school, he chose the course of study that led to the judicial entrance examinations. (This included learning typing and shorthand; he was one of the best typists at John Marshall.) Fred could envision the life of a career civil servant at the highest levels.

Of course he began in the procurator general’s office, which meant he learned the prosecutorial system in Austria, the penal system, and how the courts and judiciary were organized. When he became a judge, he “rode the circuit.” He recalled visiting towns so small that, as he put it, the sidewalks were rolled up by nine p.m.

He learned his craft. He became the youngest federal judge in Austria. He was, as it happened, the *only* Jewish judge in the system. That does not seem to have mattered much to him then, but when I gave him a book on the history of Austrian Jewry, he was dismayed to read a sentence claiming that there were no Jewish judges in Austria between the wars. He wrote the author a letter beginning, “I enjoyed reading your book very much, but I beg to inform you that” Of course, the note was in his own distinctive handwriting.

Eventually, he was posted in Vienna. He enjoyed the cultural life to the fullest. He sang as a baritone with the Musikverein and with a Sunday afternoon madrigal society that met at the home of Sigmund Freud’s son. One day the elder Freuds came to the musicale. The great physician complimented Fred on his voice: “ach, der Bariton.” In the city of Mozart, Haydn, and Beethoven, a music lover was in heaven.

There was also a rich social life. Fred used to say with a laugh that whenever he was invited to a family’s home he could be certain that a young woman in the family would appear, a girl whom the family wished to introduce to the rising young judge who was still a bachelor. Even in the midst of a world-wide depression, life was good.

These halcyon days were soon to end. On July 25, 1934, while walking in the center of Vienna, he found that a police blockade prevented anyone from approaching the Kanzlerei, the office of the Austrian Chancellor. When he asked what was wrong, the police officer replied, “someone has just assassinated Chancellor Dollfuss.” The Nazis had made their first strike at the heart of Austria.

The final blow, the Anschluss, came on March 11, 1938. The young judge received a letter dated March 14, 1938: You are

dismissed from your post “because you are a Jew.”

Robert had left for France and become a Frenchman. For the moment, he seemed to be safe. Yet in 1943, French collaborators seized Robert and delivered him to the Gestapo, which transported him to his death in Auschwitz.

Fred’s parents were fortunate. Professor Herzog received an offer from Oxford University, and the elder Herzogs left for England. The Gestapo confiscated belongings they left behind, including Professor Herzog’s library, which the Red Army’s trophy brigade seized after the war. Fred spent much time in the last decade of his life trying to recover that unique repository of knowledge of ancient Semitic languages from Moscow, but without success.

After the war, the family learned of Robert’s tragic fate. The blow was too much for Professor Herzog. He died in Oxford. Fred brought his mother to Chicago on, as he put it, “the first plane out of England after the war.”

Fred escaped from Austria by boarding a train to Sweden. On the train, he met a young woman who was the daughter of the Swedish ambassador to Germany. When the guards refused to let Fred off the train to go to Sweden, she interceded. He arrived in Sweden, lived with a Swedish family, learned Swedish, and bided his time.

Fortunately, some scholars at Harvard University developed a program to enable European lawyers who were “at risk” to come to the United States, ostensibly as graduate students. The Warburg family financed the plan. The Warburgs sent money to their bank in Stockholm, which transmitted it to Fred. The U.S. Consul deemed him unlikely to be a charge upon the public if he entered the country, and granted him a visa.

Fred appeared at the pier where the ship bound for New York City was docked on a chilly April day in 1940, clutching the two suitcases he was allowed to bring to America. He was ready to leave behind an old world gone mad. The guards forbade access to the ship, saying “come back tomorrow.”

When he returned the next day, he boarded, and the ship set sail. Once the ship had cleared the foggy straits dividing Sweden and Denmark and was on open seas, Fred asked a ship’s officer why there had been a delay. The officer replied, “yesterday the German army used Sweden and the seas around Sweden to land in Norway.”

Fred looked northward to Norway, then in the first hours of invasion. He said to himself, “armes Norwegen, armes, armes, Norwegen”—“poor, poor Norway.” He knew he had left Europe just in time.

After a North Atlantic voyage in wartime, it was good to be sailing into New York City. Fred came on deck to see the

welcoming statue that has greeted so many of the “masses, yearning to breathe free.” It was foggy and cold—but he was free, he was safe, and he would soon find housing at the Warburg mansion on Fifth Avenue.

He would never again be a European. He would become an American. His life was to begin anew.

