

# Keeping Faith with the Dead

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Martin S. Cohen

It was a day of firsts for me. I hadn't ever been in Dannemora before. (I'm not even sure I knew where it was before I began to make plans to head up there.) I hadn't ever been inside a men's maximum-security prison. I certainly hadn't ever met James Donniger before. I'd been to the Adirondacks—my parents used to take me there for a family week after camp was over and before the school year began—but that was a very long time ago and I hadn't been back since I'd stopped going to sleepaway camp at age fourteen.

I drove into town from the east on route 374, then stopped at the Dunkin' Donuts on Cook Street. I bought a coffee and sat down on one of the orange molded-plastic benches to drink it as I attempted to gather my thoughts. It wasn't that complicated a message, I told myself. Just one that would either make a doomed man's life even more miserable...or grant him solace in a way he could surely not even remotely be expecting. Either possibility seemed plausible. It struck me that Dunkin' Donuts coffee used to be stronger and tastier, and I found myself floating away from the real issue I needed to consider and wondering instead if their coffee was just more weakly brewed now than it once was or if they were possibly using a cheaper coffee bean instead.



I've been at Prestigunquit now for six years. Before that I served congregations in Washington State and in California, but I began my career in the rabbinate in New York and it was in those first years of service, while I was still in Queens, that this

story really begins. I was young and untried in the profession when I first began. Some of what I needed to figure out came more or less intuitively. Some stuff I just made up. For more vexing issues, I had a few older and more experienced colleagues nearby I felt comfortable calling for advice. So it wasn't as though I was *entirely* on my own. Plus, I had Deena to bounce ideas off of, and that counted for a lot, particularly in the early years of our marriage.

Slowly, I got to know the members of my congregation. Some were Shabbos regulars; others were far less frequently seen in the sanctuary. Some were faithful attendees at my classes; others came only rarely or never at all. And some were absent entirely, congregants who paid their dues because they wished to support the community but who apparently felt no compelling need ever actually to set foot inside the building. And then there was Jackie. Her mother, Shelly Zuckergood, was an active member. There had once been a Mr. Zuckergood, but by the time I arrived in my first pulpit he was so long gone that almost no one could even recall his first name. There was a son too, Danny, but he lived in Manhattan and showed up only on the rarest occasions. Jackie, on the other hand, never showed up at all...but for that she had an excellent excuse: she was at the time incarcerated in a state prison for having done what her own mother referenced only obliquely as "some stuff."

Shelly met me early on and asked me point blank if I could or would visit her daughter at the Taconic Correctional Facility up in Westchester. Not having the nerve to ask why a nice Jewish girl from Queens would be spending time in a state prison, I agreed easily. It was not even a full hour's drive away. Why *wouldn't* I go? Wasn't that my job?

The first time was the worst, but that was mostly because I had no idea what I was getting into. It wasn't the frisking or the metal detectors that unnerved me, it was the whole oppressive feel of the place, as though gravity was somehow more potent there than elsewhere on Earth. The air felt heavy and, even in winter, peculiarly warm. You have to go through a lot just to get through the front door. But I eventually got used to the whole procedure and I ended up hardly giving the matter any thought at all.

Our first visits were a bit stilted, but as we got to know each other the tenor of our conversations changed. Mostly, we talked about Eric, her son. He had only been nine months old when she “went away” seven years earlier and had been living with his Grandma Shelly, Jackie’s mother, ever since. He was, she said, adorable—which detail I could corroborate, having met the boy several times, even before my first trip to Westchester—and extremely bright for his age. That too turned out to be the truth—later on, I was astounded by the boy’s insight and ability to recall even the least consequential information that he once heard or read somewhere. Jackie was clearly living for the day when she would get out and resume her life as Eric’s mom, which hopeful sentiment I strongly encouraged.

Our visits became routine; once a month, I’d drive up. I’d allow the nice men at the front door to probe and prod me in ways that you could have someone arrested on the outside for attempting. I took it all in stride, making jokes and never complaining. And then Jackie and I would have an hour to visit, during which she’d tell me everything *except* how she ended up in prison. I never asked. And then, out of the blue, she asked me a question I should have anticipated but somehow never had.

“Rabbi, can you ever do right by doing wrong?”

That got my attention, but I wasn’t quite sure what the answer ought to be. “I suppose it would depend,” I said vaguely, “on the circumstances.”

“What if doing the right thing for person A meant doing the wrong thing for person B? Does that make it not matter what you choose because no matter what there will be one winner and one loser?”

“I don’t think that’s right,” I said tentatively. “It would depend on the details—in what way A would benefit and in what specific way B would be harmed.”

“What if A were a child and B an adult? Would that matter?” We were clearly talking about something. But what? That was where I should have withdrawn from the conversation until more information was forthcoming. But, being naïve and trying to be kind, I persevered.

“You mean like stealing milk from an adult to give to a hungry baby?” I have no idea where that came from. From somewhere!

Jackie thought that over for a while before responding. “Not exactly...but tell me the answer anyway: *would* you steal a quart of milk from a 7-11 if a baby was hungry? What if the baby was dying of hunger? What if it wasn't *a* baby, but *your* baby, your own child...would you steal food to feed it?”

I felt a bit queasy. “I would, yes. But I'd know I had done wrong and I'd try to atone later on.”

“After your baby was fed?”

“Yes, after the baby was fed.”

“So it's right to do something wrong to do something right... if you feel bad after?”

“No, that's not at all what I said.” But, of course, it was exactly what I had said, and I knew it too. The time had clearly come to talk about whatever it was we were really talking about. “Did you steal milk once when Eric was hungry?”

Jackie looked at me quizzically, as though she couldn't quite believe I thought she was talking about stealing milk from a 7-11. “No, I certainly did not,” she said almost proudly. “But I did tell Eric's father that I had lost the baby so that he'd be permanently out of both of our lives.”

My jaw dropped open. “You...you what?” I must have sounded like an idiot, but I couldn't quite fathom what she had just said. Then, without waiting for an answer, I suddenly found my bearings. “You lied to Eric's father and told him that you lost the baby? Why would you do that?”

“Because he was a violent criminal and a drug abuser, and because he was as hot-tempered as they come. He used to beat the daylights out of me when he got mad, so I just sort of guessed he wouldn't make the world's greatest dad either. And it wasn't like it took a lot to get away with it—he was already in jail by then, so I just stopped visiting once I began to show. It's not like we were boyfriend and girlfriend, you know. Not really!”

“Oh,” I said, then fell silent.

“So?”

“So what?”

“So did I do the right thing? Eric is being raised by my mom while I’m away. She’s a loving Jewish grandma; she dotes on him just the same way I would if I was there to do the doting. He went to a Jewish pre-school; now he goes to Hebrew School. He’s well-mannered and smart and secure, and that’s *with* his mom being in the slammer. If Jimmy knew where he was, how do I know he wouldn’t claim his parental right to raise his own son and then sell him to the highest bidder?”

“He wouldn’t do that.”

“Oh yeah, he would. And I don’t think he would be sending the boy to Hebrew School either.”

And then she told me the whole story. Jimmy’s full name. His background. His record. His history of bad acts. She told me about her relationship with Jimmy, such as it was. About how it had been something like fun briefly, but had turned quickly to him taking what he wanted and her either giving it up freely or getting beaten to hell until she did. Finally, he was arrested and confined at Rikers awaiting trial. And while he was there, she found out she was pregnant. Seven months later, she gave birth. And nine months after that, she was arrested “for doing stuff” herself, and ended up being sent to Taconic Hills. She made me promise that I would never reveal Jimmy’s name to Eric. And, because I felt I had to, I formally raised my hand just as she asked me to and swore that I never would.



I finished my coffee. I used the restroom. I ordered another coffee, not because I wanted it but just to justify sitting on the orange bench for another hour. I was way early. Visiting hours only began at 11 AM and it was just nine-thirty. I wondered briefly if the donuts they sell in the kosher-certified Dunkin’ Donuts shops are really any different from the ones they sell in every other one of their stores, then decided

to show some discipline and to avoid a foodstuff that Deena would have a fit if she saw me eating anyway. I let the coffee get cold in front of me. I checked my mail. I checked my text messages. I read a little. Then I checked my mail again. Then I used the restroom again. And finally I went out into the cold air and got into my car.

You can't miss the Clinton Correctional Facility, conveniently located on the other side of Cook Street just half a block past the Dunkin' Donuts in downtown Dannemora. Rising out of the morning mist like a giant's castle in a Scottish fairytale, it is not just imposing, but truly intimidating...and that's just from the outside. Finding the front entrance was easy enough. Parking in the visitors' lot was not particularly daunting either. But then walking in...and knowing that this is where people who do really bad things spend, at least in some cases, their entire lives...something about knowing that I was entering some sort of earthside netherworld into which people vanish never to emerge again filled me with a kind of inner dread that will be familiar only to others who have walked through similar portals.

I submitted to a series of inspections not unlike the routine I knew from visiting Jackie in Taconic Hills, only twenty times more intense. Eventually, they were convinced that I hadn't come to smuggle drugs or weapons into the prison, and that I truly was who I said I was and whom the Warden had pre-cleared for this visit. A guard was assigned to me, which somehow unnerved me more than it made me feel secure, and together we made our way down a long corridor into the visiting area designated for lawyers and clergy. It was a large room with a scuffed linoleum floor, several dozen folding chairs standing haphazardly around the room, a single pay phone on the far wall, and a folding table set up in one of the corners. It was just the guard and me. I told him, politely, that I hoped to speak privately with the prisoner I had come to visit, which request elicited the information that our four hands had to be visible for the entire time we were together but that he would stand far enough away for us to be able to speak without being overheard. Clearly, this was a big deal, and I wisely decided not to challenge the rule.

A quarter-hour passed, then another. I had known to leave my phone in my car, so had nothing to read, no email to check, nothing at all to do. The guard clearly did not

wish to talk. And so I sat there on one of the folding chairs wondering about all my favorite questions of late. Was I doing the right thing...or a terrible thing? Was this an act of true *tzedakah* or a sin I was about to commit? Was I dishonoring Jackie's memory by going against her specific wishes...or was I helping her, albeit posthumously, to do the right thing even if it wasn't something she herself ever felt able or willing to do? I was deep within the matrix of these unanswerable questions when the door suddenly opened, startling me out of my reverie. And there before me stood one James M. Donniger.



When I first met Jackie, she had been up at Taconic Hills for seven years. And four years later, almost to the day, she was released on parole. This part of the story is almost too painful for me to tell in detail, but the short version is that she was released on a Sunday and was dead of a drug overdose that very evening. I found her body myself. Shelly and Eric were away for the weekend at a family wedding in Boston. The plan was for Jackie to have a quiet evening alone to adjust to life on the outside, then for her mom and son to come home the next day and for their new life together to commence. It seemed to me personally like not such a great idea—that they not be there when she arrived home—but Shelly was adamant that this was the way to go: Jackie, she said, needed time to adjust to new surroundings and an evening to herself would probably make their reunion the following day go that much more smoothly. Also, she reminded me, Eric had not seen his mother since he was an infant. She had never permitted him to visit while she was “away” and, although they did speak on the phone almost weekly, he hadn't ever seen her other than in photographs. I wasn't convinced, but it wasn't my call. I would, I said, drop by to welcome Jackie home, and then leave her to get a decent night's sleep.

I walked over a little after eight. The lights were on inside, but no one answered the doorbell. I had a weird sense that all was not well, but when I tried the door and it opened easily I was suddenly overcome with a kind of preternatural certainty that things were terribly wrong. And they were: she was gone, long gone, when I found her on the living room floor, the paraphernalia of serious drug use telling the story she herself no longer could. I phoned 911, then several women from *shul* whom I

thought I could trust and asked them to come over. Then I called a colleague in Boston, really in Needham, and, locating the invitation easily enough on the fridge, asked him to go to the wedding in person, to find Shelly and to tell her to come home with Eric that same night. I told him what had happened, but assured him he wouldn't have to say more to Shelly than that I called and asked him to find her and to tell her to come right home.

A year later, I found myself in a courtroom in the Queens County Family Court in Jamaica in the courtroom of the Honorable Sheila Floor to offer my opinion regarding the reasonability of allowing Mrs. Shelly Zuckergood formally to adopt her grandson. I showed up naively expecting to say my piece and be on my way. But nothing happens quickly in court and we had to wait for hours until the judge even got to our case.

I had my remarks memorized. I was completely ready. When prompted, I declared my full name, my profession, and my relationship to the applicant.

The judge seemed unexpectedly interested in me. "You knew the boy's mother?" she asked.

I was caught a bit off guard. Wasn't this supposed to be about Shelly, not Jackie? "Yes, your honor," I answered politely. "I knew her well."

"You knew her only in prison."

"Yes, your honor. The only time I laid eyes on her outside of prison was after she had died."

The judge, who clearly knew the whole story, nodded slightly. "How often did you go to visit her?" she asked.

"Monthly," your honor. "Monthly for years."

"How many years?"

"Four, your honor."

"Did you ever discuss Miss Zuckergood's son?"

“Miss Zuckergood’s son was often *all* we talked about. She was interested in everything about him—how he was doing in school, whether he was well-behaved, if he seemed well-adjusted. Things like that.”

So far, so banal. But it was precisely then that I felt myself seized by unseen hands as a strange, unsettling shiver of ill ease crept down my spine.

Judge Floor looked oddly at me for a moment, as though she were trying to make it clear that I was being neither trapped nor tricked, only invited to live up to my own professed set of values and virtues, the very one I spend my entire professional life encouraging others to embrace. And then she asked her question, simply and clearly. “Rabbi Weissbrot, do you know who Eric’s father is?”

If she had taken out a two-by-four and smacked me on the head with it, I couldn’t have been caught more off-guard. I felt my heart pounding so loudly in my chest that I was surprised it wasn’t audible to everyone in the court. My undershirt was suddenly drenched. I could feel drops of perspiration dripping down the small of my back. For an odd moment, I thought I felt my father’s presence just behind my right shoulder, but he was gone almost before I was fully aware of it. (I know from experience that my father’s ghost never appears visibly to me, so I didn’t bother to turn my head.) And then my heart slowed down back to normal and I suddenly felt comfortable and secure. “No, your honor,” I said calmly, “I don’t.”

The rest, you can imagine. Just to be sure, Judge Floor asked me the same question three more times. I answered it in exactly the same way each time. Eventually, she grew tired of asking. The proceedings wound down. I told the judge what a wonderful mother I thought Shelly Zuckergood would make and that was more or less that. By the end of the day, Eric’s biological grandmother was also his legal parent.



Years passed. I took a much larger (and better paying) pulpit in Seattle, then another in southern California. And then, in 2007, I came to the Prestigunquit Hebrew Congregation after its previous rabbi was murdered in cold blood in front of Penn

Station by some inept mugger who was arrested within an hour or two of fleeing the scene, and there I stayed. Deena was still keeping up with one or two girlfriends from my first pulpit and relayed their news to me, but Shelly and I hadn't been in touch for years when she died of a massive heart attack the year before last. And then, just a few months ago, I noticed a story in the paper that opened up a door for me to step through if I dared, a kind of road to travel forward...if I had the courage of my own convictions.

The story was in *Newsday*, Long Island's largest newspaper, in the human-interest section. A prisoner serving a life sentence for participating in what turned out to be a felony murder had been granted permission to donate a kidney to his own ailing sister ten years earlier, and was now himself dying of kidney failure. A successful kidney transplant would save his life, but he was refusing to put himself on the transplant list—this was the whole point of the *Newsday* story—because he felt that an available kidney should go to someone who could go on to do real good in the world, not someone highly likely to spend the rest of his life behind bars.

I recognized his name immediately. And as the world fell away, I could somehow see myself all those years earlier raising my right hand to swear to Jackie that I would never tell Eric who his biological father was. But I never promised not to speak to his father or to try to meet him. And it was that detail that was now looming front and center before me and daring me to look away. Was it a mere oversight? Was Jackie simply incapable of imagining a scenario in which James M. Donniger and I would ever meet? Or was her concern merely for her son and not even remotely for her son's father?

I read more. The article was a long one. Donniger had been, as Jackie had reported to me, a violent man, a criminal. He had done many bad things, but in prison he somehow found himself in a way that had eluded him earlier on. He embraced his Catholic faith. He got his high school diploma. He became a kind of father figure for younger prisoners, helping them find their way onto the path of repentance and atonement for their crimes. He expressed regret to the reporter that there was no way for him to become a priest and to devote his life to God's service in that capacity. He even joked about how unfair that was, given that he was at least as poor, celibate, and

obedient as any priest on the outside could possibly ever be. But, he said, even if the priesthood was just an unfulfillable fantasy, he was still intent on doing what he could to make the world a better place even from within the confines of a prison fortress like Dannemora.



I shook his hand. He seemed slightly confused by my *kippah*, but not at all hostile. I told him I was a rabbi, then fell silent. When he finally spoke, it was to ask me if I was a prison chaplain. And that was the door I had needed him to open.

“No,” I said, “I am the rabbi of a synagogue on Long Island. But once I had a pulpit in Queens and it was there that I met Jackie Zuckergood. Or not *there*, of course, because she was already ‘away’ when I got there, but I knew her mother and I went to visit Jackie regularly upstate.”

There was still time to back off, to turn away, to make up some crazy story about “just” being in the neighborhood and thinking it would be a nice gesture to stop by and say hello. It would have sounded idiotic, but I could have babbled away for a bit, then beat a hasty retreat. It was just a six-hour drive to Long Island—I could almost be home for dinner, this whole crazy episode behind me forever. But then I saw a different path open up before me. I looked into his eyes as I took his hands in mine. “You have a son,” I said.

Donniger looked down at our four hands. “A son?” he half-asked, half-said.

“Yes, a boy. Eric. A teenager now. Nineteen. A sophomore at Stony Brook.”

I told him the whole story from beginning to end, just as I’ve written it down here. I told him what I knew of Eric. But I didn’t tell him what to do nor, in fact, did I offer any specific counsel at all. I simply told him the story, including the part about me swearing never to tell Eric who his father was. That he himself had no specific reason to feel bound by *my* promise in that regard, I left unsaid.

“I’d be proud of him, you think?” he asked in a shaky voice, his eyes wet.

“Yes,” I said, my voice quivering too by this point, “I think you would.”



James M. Donniger died three months later without, as far as I know, making any effort to contact Eric. And with his death, my own options were reduced back to a single one: to keep faith with the dead by honoring my solemn oath never to reveal to a young man his father's identity. And, being a man of my word, I never have.