diary

Alex Kozinski

By Alex Kozinski

Posted Saturday, July 20, 1996, at 12:30 AM ET

Posted Friday, July 19, 1996, at 10:25 PM ET

Day One
Friday, July 19, 1996

It's 8:03 a.m. and I'm scared to death. My fingers clutch the armrests and I can feel the pulse in my left temple. Tchaikovsky's *Voyevoda* is beating through my headset. I look around me for someone to commiserate with, but everyone seems fine. The woman in the seat next to me nonchalantly reads a magazine; two guys across the aisle are absorbed in conversation.

About 30 seconds after takeoff, we hit a bump and my body convulses. This is it! The thought flashes through my mind and for a split second, I am convinced I'll never see my family again. But, of course, everything is fine, and I feel embarrassed at having reacted--once again--to a perfectly ordinary takeoff. Has anybody noticed? There's an etiquette about flying, certain things you just don't do: 12A doesn't engage 12B in conversation, you don't get up too often, and you don't show fear. I try to cover up by pretending I was reaching down to check my briefcase. If anybody's noticed, they don't let on. That's part of the etiquette too.

It's not the crash off Long Island, though the headlines announcing 230 dead the night before didn't help a bit. And it's not that I'm afraid of flying--not really. I have, after all, piloted a Cessna--a much more dangerous enterprise. It's the total lack of control--the feeling of being Spam in a can, to borrow a compact metaphor from *The Right Stuff*--that gets to me. My life, the lives of my fellow passengers and crew, depends entirely on other people--invisible people--doing their jobs right. And who among us always does his job right?

Why do I put myself through this? The simple truth is that you cannot live a normal professional life without spending a good deal of time in the air. I'm a

federal judge riding a circuit more or less the size of India. It stretches from Arizona to Alaska, and from Montana to Hawaii. I could decline some nonessential engagements, but how can I give in to fears that I know are irrational? I've seen the statistics: I'm much safer flying from Los Angeles to San Francisco for the day than driving the 27 miles to my office. I can't--won't--let a few minutes of terror stand in the way.

The flight is uneventful, and we land in San Francisco after 52 minutes aloft. I rush to the courthouse for a day of meetings. I had hoped to get out early to work on some of my opinions, but no luck.

It's 5:23 p.m. and I'm scared to death. I look across the aisle. ...

Posted Saturday, July 20, 1996, at 10:25 PM ET

Day Two
Monday, July 22, 1996

I still don't know his name. The invitation, which comes to me courtesy one of my law clerks, is from Damion Seraglio Bond--a pseudonym. The Location: Gatsby's Rendezvous by the Sea, "the house that all of Malibu deems the scandalous haven of sleepless nights." The Event: DSB's Fourth Annual Pajama and Lingerie Party. This seems like an opportunity to check out the state of decadence in Southern California, so off we go.

We arrive early, having been warned of parking gridlock later in the evening. A sentry outside the gray stucco beach house asks us to wait by the door. Soon we start hearing a loud growl from inside. After 30 seconds or so, a large doggie door pops open to reveal a mechanical wolf--eyes aglow, water drooling from his bared teeth--lunging in our direction. "Don't worry, he's chained," the smiling sentry assures us as he lets us pass.

Inside, a few revelers are milling about, much like at any party, except they're in pajamas, robes, and teddies. A few men are wearing women's makeup and lingerie. Beer, frozen margaritas, and soft drinks flow freely, but no hard liquor, and no smoking allowed. A squad of Israeli security guards,

conspicuous in coats and ties, patrols the premises and enforces the rules.

We wander past the far edge of the pool when a palm tree suddenly rises from the ground and a zombie shoots up, entangled in its roots. He makes furious noises and finally squirts a jet of water from his mouth before he disappears. Another one of our host's mechanical booby traps, the wolf's first cousin.

Our host seems to have left nothing to chance. The exercise room, behind a glass panel, has been turned into a bondage peep show. Dancers undulate in cages, on raised stands, and on a Plexiglas platform in the middle of the pool. A magician in a bathrobe adorned with the moon and stars performs card tricks. A masseuse, caricaturists, and a body painter ply their trades.

For all this, the party is not much different from a junior-high sock hop. People eye each other nervously while snatching finger food. Every one seems to be waiting for something to happen.

As midnight approaches the place becomes so packed--there are now perhaps 700 bodies in the living room and on the pool decks--that it's difficult to move. The later arrivals display slightly more provocative costumes. One fellow walks in supporting a clip-on cup and precious little else. Reminds me of a nightmare I've had where I go to a party but forget to dress. One lady appears in a black leather bondage outfit; handcuffs hang from her belt and she carries a coiled whip. More lingerie than a Victoria's Secret catalogue. It dawns on me that I'm at a pajama costume party, sort of a sleepover for adults, but with no sleeping allowed.

As midnight strikes, the crowd becomes quiet and everyone rushes to the deck overlooking the Pacific. Soon, fireworks start shooting from a barge anchored offshore. I'm glad our host hasn't overlooked this detail. You know how dull parties often get when they forget to tow in the barge for the private pyrotechnics.

After the fireworks, the crowd begins to thin and we take our leave. As we wait for the van to the parking lot, I join the smokers' exile across the street. Our host stops by and I offer him a cigar. "No thank you, I don't smoke," he says, wrinkling his nose. I mean to ask him his name, but he rushes off. As we drive away, we marvel at the event we just attended. It was certainly different and wonderful in many ways, and breathtakingly expensive. But decadent?

Not really.

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Day Three
Tuesday, July 23, 1996
David Kozinski, my grandfather, was a scoundrel and a bootlegger. Worse, and unheard-of for a Jewish man of his time and place, he was a philanderer who neglected his wife and three children, unless it was to beat them. Because he got into trouble with the law in the Polish village of Dzurov (now Dzurovia, Ukraine), he fled to Romania in the early '30s, leaving his wife, Reizl, and his four children, Ruth, Lisa, Moses, and Malka, behind.

For three long years Reizl toiled on her own to raise the children, putting bread on the table by running a grocery store from her tiny hut. Eventually, she learned that David was in Bucharest, and one day, the family, disguised as peasants (Jews were not allowed to travel without a permit), left Dzurov for good. Moses spent most of World War II in concentration camps, but survived. After the war, he met my mother and they married. I was born July 23, 1950.

Those my family left behind in the small Jewish community of Dzurov were awakened on the night of Dec. 7, 1941, by Nazi troops led by an Ukrainian named Zemjanjuk. Jewish families were pulled from their houses, which were then burned. Jews from Dzurov and surrounding villages were loaded onto trucks and taken to a field outside Zablotov, the regional center. There they were marched, single file, to the top of a rise and shot. Their bodies fell into a pit dug for that purpose. About 400 Jewish men, women, and children died that day.

As I was growing up, I heard stories about life in Dzurov, about my grandfather, my grandmother, my father, and aunts, and their life there. For decades, Dzurov was off-limits behind the wall that was the Soviet Union. Two years ago, I got a call from my cousin Arnon, Malka's son, who lives in Tel Aviv. "Cousin," he said, "we must go visit Dzurov while there might still be living memories of our family there." Always a man of action, Arnon had

gathered maps and travel information and had set a date. He would go with me or alone. Of course, I went.

We arrived in Dzurov a few weeks later. The village, it turned out, was not all that different from the way our parents described it. Ruth, who was still alive then, had drawn a map, showing the location of the Kozinski hovel by reference to the village church. We followed the path, hearts beating, and there it was: The house where Moses and Malka were born. It consisted of three rooms--a bedroom, a combination dining room and kitchen, and, in between, a tiny alcove where Reizl plied her wares. We also found Maria Nikoforos, 87 years old, who remembered the Kozinski children and my father in particular. "Oi, Moishale, Moishale," she sighed as she told us how my father used to bring goodies from his mother's store to share with the village children.

We also talked to others in the village, many of whom had vivid memories of the night of Dec. 7. "There was a Jewish family living right over there. They were nice people; we always had good relations with them," one woman told us, tears in her eyes. Another woman, Elena, led us to the killing field outside Zablotov. "I was hiding behind some bushes, and I saw the trucks arrive with people dressed in black. They stood in line and, right there, on top of the hill, they were shot. One woman ran away, but I saw her body on a cart a few days later. All the bodies, they dropped right over there. You can see the depression in the ground." And that's all that's left of the Jewish community of Dzurov and surrounding villages, except a cemetery, untouched by human hands for over half a century.

On this, my 46th birthday, I contemplate the vagaries of fate. I think about those who died in villages like Dzurov, deaths made all the more tragic because no one was even left to mourn. And I think about David Kozinski, the scoundrel who, despite his many faults, was the reason the Kozinski family left Dzurov in the nick of time. And about Reizl, that courageous woman, who maintained her family without a husband and took them out of harm's way. And about my father, Moses, a brave and decent man, who brought his own small family out from behind the Iron Curtain, so his son could grow up in America. And I sigh.

To read an article about Moses Kozinski, written by Alex Kozinski on Moses' death, click here

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Day Four
Wednesday, July 24, 1996
I must admit to a certain *Schadenfreude* at newspaper reports that the *Hunchback of Notre Dame* is not doing all that great at the box office. It's not that I don't like Disney shtick--I loved *Aladdin* and can't wait for *Return of the Genie* and *The Sultan Strikes Back*. But I was ticked off--offended to the core is more like it--at having the great tragic novel I grew up with turned into a feel-good love fest. Where is Oliver Stone when you need him?

I do believe in artistic freedom, and I realize that every classic, from *Oedipus Rex* to *The Great Gatsby*, is fair game. But there's a fine line between freedom and license, between interpretation and demolition. Disney's *Hunchback* doesn't awkwardly shuffle over that line--it sings and dances its way across it. The essence of *Hunchback*--the real one--is hardness, cruelty, injustice, and hopelessness. These are not edifying concepts, but they're part of the human condition and Victor Hugo does a masterful job of capturing them on paper.

Through the power of Hugo's writing, Quasimodo has become a part of our culture, tragedy personified. (Contrast the cheesy characters in Ken Follett's *Pillars of the Earth*, which more aptly should have been named *Peyton Place Builds a Great Big Church.*) Will children who grow up with Quasi, the McDonald's Happy Meal action figure, be able to see and understand Quasimodo, the tragic figure? And if they cannot, if the ability of an entire generation to enjoy and learn from the novel is undermined by early exposure to the bastardized version, will Quasimodo, the symbol, be lost to our culture?

I do hope not. Perhaps the movie's relative lack of success--the fact that *Hunchback* merchandise goes begging on store shelves--is a sign that the whole smarmy enterprise will leave no permanent scar. And perhaps it will be a lesson to Hollywood that if you want a real feel-good movie, you have to go to the trouble of doing the creative work from scratch

Posted Tuesday, July 23, 1996, at 10:26 PM ET

Day Five
Thursday, July 25, 1996
It starts tugging at my mind shortly after lunch. By mid-afternoon, I am casting longing glances at the humidor. I try to peck at my typewriter (for those under 30, that's a mechanical device used in ancient times to create carbon images of words on paper), but the ideas won't flow. My brain keeps multitasking, darting furtive thoughts at the Punch Chateau "L" lying there waiting to be enjoyed. But it's still too early.

Finally, 5 p.m. rolls around and I begin the ritual. First, I fetch it from the humidor and rub it between my fingers. Yes, it's moist and soft. Brittle cigars crack and burn the throat. For good measure, I run it under my nose and imbibe the aroma. A pungent scent, but not so strong that it affronts the nostrils. Excellent.

Time to decide: Do I remove the ring or leave it on? For reasons that are unclear, this is a hotly debated topic among cigar smokers. To me, it's a question of aesthetics: A cigar with a ring on it doesn't look like it's quite ready to be enjoyed--sort of like an oyster that's still attached to its shell. So off comes the ring.

John, my law clerk, offers me a cutter, but I turn it down: Attacking a fine cigar with a metallic guillotine seems barbaric. Instead, I gently moisten the tip with my lips and, when it's nice and soft, I bite it off. I do a nice clean job of it too, the mark of experience.

Finally, John offers me a light. Ah, the draw is first-rate. I take a few minutes to enjoy the smoke. It has plenty of body, but it's not heavy. It fills my mouth with smoky flavor, yet it's cool and oddly refreshing--sort of like a well-aged single malt Islay Whiskey.

One mark of a good cigar is the color of the ashes, and how long they take to fall off. This one is first-rate. Yes, the writing is going much better now.

So, Pierre Salinger tells this tale out of school: One day JFK orders him to collect as many H. Upman Petites as he can overnight. "Were you thinking of a box or two, Mr. President?" Salinger asked. "No, more like a thousand," JFK

replied. The following morning, the president impatiently asked Salinger how he had done, to which the press secretary replied proudly that he had gathered 1200 of these fine Cuban cigars. "Good," said JFK, "Now where are those embargo papers?"

For more of Kozinski's connoisseurship, read his essay on building your own home computer.

Posted Wednesday, July 24, 1996, at 10:26 PM ET

Day Six
Friday, July 26, 1996
I look back with nostalgia on the days when I had writer's block. Faced with a memorandum or term paper, I'd brood for hours--sometimes days--as the deadline approached. Finally, I would approach my typewriter the way one greets an enemy, and begin pecking out a tentative first sentence. Unhappy with the flawed effort, I'd noisily remove the offending sheet of paper, crumple it into a ball, and toss it in the trash like so much hazardous waste. So too with the next dozen attempts. Eventually, with the deadline closing in, the need to write something would become pressing, so I'd rescue some discarded scrap from the basket and push on.

Much of my professional life now consists of writing--court opinions and orders, memoranda to colleagues, letters, e-mail, articles, book reviews. There is so much to do that I can no longer afford the luxury of writer's block. Time is so tightly budgeted that the subtle pleasure of procrastination is no longer available to me.

Nor has writing gotten much easier over the years. I've always found it painful--sort of like extracting something from deep inside and putting it on paper. But I know I must do it, and I also know that when I'm done I will likely delight in it. But the words seldom flow easily and of their own force--usually more a cricket pump than a gusher. In fact, I revise habitually, sometimes going through 50 drafts or more, but wait until I have a complete first draft before allowing myself the pleasure of revising, reorganizing, cutting.

Today's tough drafting job is a dissent. Two of my colleagues have signed on to an opinion that, in my view, is just plain wrong. They've misstated the facts and distorted the authorities. In a dozen or more ways, their view of the case differs from mine. How best to explain these differences so maybe, just maybe, one of them will change his mind? Or if not, perhaps another judge at another time will find my view persuasive. A dispute about a legal principle is never conclusively resolved in a single case; it can take years or decades, and dissenters are sometimes vindicated. Justice Harlan's dissent in *Plessy vs. Ferguson*, resoundingly rejected in 1896, became the law 58 years later in *Brown vs. Board of Education*. This is the exemplar we all secretly strive to emulate.

But first I must get past that first sentence. Let's see:

"My colleagues miss the boat because they're on a wild goose chase after having swallowed a red herring."

Hmm, a bit much. How about something more conciliatory: "Well-intentioned jurists can have honest differences of opinion in difficult cases."

Nah, too namby-pamby. I really want to say that my colleagues are out to lunch, but in a way that won't tick them off. How about: "Were we writing on a clean slate, this would be a difficult case. But we're not. Our cases, and those of the Supreme Court, blaze a clear path; my colleagues have strayed from it. I cannot join them in their misguided journey."

What I'm really thinking is, "Why couldn't THEY have writer's block?"

Posted Thursday, July 25, 1996, at 10:26 PM ET

Day Seven
Monday, July 29, 1996
A while ago, my wife started talking about getting a boat.

"No way," I said. "Jews don't belong on boats."

"Don't be silly," she replied. "The Old Testament is full of Jews who were mariners. Think about Noah."

"That was a case of dire necessity. Anyway, as I recall, he put up a big fight."

"OK," she insisted, "What about Jonah?"

"Proves my point," I said. "He got eaten by a fish."

"Well, Jesus was a fisherman," she insisted.

"Sure," I said, "And look what happened to him."

Some ideas can't be stopped, however, especially once my boys get into the act. They thought it was a great idea, so I reluctantly agreed. Of course, I don't know the first thing about boating, so whenever I'm out there on Big Bear Lake, as I was this past weekend, these absurd Dr. Seuss rhymes keep popping into my head. I feel a twang of reluctance about sharing them with the world--they would surely make me cringe if uttered by someone not of my faith--but self-mockery has always been an important component of Jewish humor, so here goes:

Jews and Boats

Jews and boats, boats and Jews.
Such a sight will sure amuse.

Why do they do it? I can't say.
All day long they play and play.

Say!
Look, two crawdads
they have caught ...
Such tasty crawdads
can't be bought.

But
they'll go free after a while,
'cause they're not even kosher style!

Tight and bright,
are their suits.
Their Bump-R-Tubes
are real beauts.

In the boat they jump,
Oh, dear!
To play some water games,
I fear!

I do not like
to tie a rope.
I cannot do it,
I cannot cope!
Slip knots, square knots, knots galore,
Oh! What a pain! Oh! What a bore!

It's so confusing
for a sport.
Which way's starboard,
which way port?

The kids are bumped
Bump!
Bump!
Bump!
Bump!
And in water
they get dumped.

I notice that
the engine's hot.
What is wrong?
Oh, quite a lot!

The water pump,
the rectifier.
What is that?
Please don't inquire.

A new propeller's
needed too.
And a tuneup's
long overdue.

Those who own one
know it's true.
A boat's a hole
in water blue.
A hole, a hole,
Yes! It's a sin!
A hole to throw
your money in.

Now our day is
almost done.
So much pleasure!
So much fun!
Three boys,
Mama and papa.
This family is
MESHUGGENEH!

Posted Friday, July 26, 1996, at 10:26 PM ET

Day Eight
Tuesday, July 30, 1996

It's the week before oral argument and the office--known somewhat pretentiously as "chambers"--is bustling. One week a month, eight months out of the year, I am assigned to an oral argument calendar with two of my colleagues on the U.S. Court of Appeals for the 9th Circuit. Arguments are heard throughout our far-flung territory; next week's calendar is in Anchorage. About five weeks ago the briefs and records for the Anchorage cases arrived in the office, thousands of pages filling a dozen or more boxes. My three law clerks divided the cases between them, and recruited six externs, law students

who are spending the summer with us, to help us digest the masses of documentation.

When they first come in, the cases--some 35 of them--are only names: *United States vs. Doe*; *Smith vs. Jones Corp.*; *In re Insolvent Q. Debtor*. As the law clerks and externs start reading and talking about the briefs, the cases come into focus--each a story of someone's usually unfortunate entanglement with the law. Memoranda from the three judges' offices start flowing over the court's e-mail system; we begin to make decisions, sometimes dispositive ones, long before the cases are even supposed to be heard.

"*Smith vs. Jones Corp.* is a simple contract dispute controlled by the law of Alaska. There is Alaska Supreme Court authority directly on point," one of my colleagues writes. "I believe the case can be submitted on the briefs." Submitting a case on the briefs means that there will be no oral argument, as it would be a waste of the court's time and the clients' money to have the lawyers come and argue a case where the result is preordained.

"Appellant in United States vs. Jones has filed a motion to move the argument from Thursday to Tuesday, as his lawyer is tied up in trial. I vote to grant the motion," another colleague writes. My law clerks offer their recommendations and we send consent by e-mail in both cases. Slowly, the argument calendar is pared and shaped, leaving us plenty of time to focus our attention on the cases raising the most difficult issues.

As argument week approaches, the law clerks and externs carefully review each of the cases and present them to me in memos and conversation. They analyze the issues, pull out key portions of the records, and gather the relevant authorities. All the materials are then put in briefing books that I consult, in conjunction with the parties' own submissions, as I prepare for the sitting. Careful preparation for argument is important, not only because it helps me to engage in meaningful colloquy with the lawyers about their cases, but also because it enables me to vote at post-argument conferences with my colleagues.

Meanwhile, work on other cases continues. I am making progress on a dozen or so opinions or dissents from prior calendars; reviewing opinions circulated by my colleagues; writing memos to my colleagues about their opinions; responding to memos they have sent me. The flow never abates. During the

course of a year, each of our judges decides some 300 cases.

After more than 10 years as a judge of this court, I find that the flow of cases begins to resemble a moving train, with each window revealing a still life of an individual human drama. The sheer volume of cases, and the fact that we rarely see the faces of the participants--just written words on paper and, sometimes, the arguments of lawyers--makes it difficult to remember that there are human beings somewhere looking to us with hope and yearning for a decision in their favor. The law, too, is quite complex. Cases often turn on legal technicalities that bear only a tangential relationship to concepts such as fairness and equity. Justice, we tell ourselves--and I do believe this--is done if the law is applied without regard to the outcome in a particular case.

One of my law clerks walks in to talk about an opinion he has been drafting. The plaintiff has a strong case on the merits, and presents a heartbreaking human tragedy. But there is a difficult statute of limitations question; the case may have to be dismissed. We've been discussing the case for several days, looking for a credible way to vault the limitations hurdle. We find none. We try another approach, but to no avail. Could I write an opinion that steps around the issue? That would fudge the facts just a little bit to make it come out right? Who would really care, except, of course, the defendant? I'm tempted but can't see my way to doing it. Is it a matter of principle or a subtle form of hubris?

There is a story, no doubt apocryphal, about the lawyer who fights ferociously for his client in a criminal case. He is brilliant in his cross-examination, moving in his summation. The jury, nevertheless, comes back with a conviction.

"Where do we go from here?" the frightened and bewildered client asks the lawyer.

"Well," the lawyer answers, "I'm going home and you're going to jail."

Lawyers and judges, the professionals of the legal system, do their best to untangle the painful knots created by human interactions, but ultimately they must disengage lest they be sucked into the vortex. My law clerk and I go over the case one more time but find no solution. I take a deep breath and turn back to preparing for next week's calendar.

The train moves on.

Posted Saturday, July 27, 1996, at 10:26 PM ET

Day Nine
Wednesday, July 31, 1996
My office has a great view: well-manicured gardens, mountains in the distance, and Suicide Bridge. Erected in 1913, the 1,400 foot concrete structure (otherwise known as the Colorado Street Bridge) spans the Arroyo Seco, a dry river bed that wends its way through Pasadena to the Rose Bowl, about a mile away. Some 100 people have jumped to their deaths in the bridge's 83-year history. In 1937, a 3-year-old girl was thrown over the side by her despondent mother, who then leapt to her own death. The child survived the 160-foot drop when her fall was broken by trees and shrubs below.

Like the bridge, the courthouse where my office is located is a Pasadena landmark. Built in 1930 as a grand hotel, the Vista del Arroyo, it served the well-to-do who came west to enjoy the sun and sea of Southern California. During World War II, it was acquired by the Army under the War Powers Act and used as a hospital. The building was eventually abandoned and declared surplus. Before it could be sold to the public, my court acquired it and converted it into a courthouse. It is one of the most pleasant and serene places where the serious business of law is conducted.

The renovation maintained the building's Spanish architecture and all its soaring spaces. The main dining hall became a placid law library. The old gift shops are now conference rooms. What had been known as the Spanish Room was turned into one courtroom, and the grand ballroom, into another. Unlike many courthouses, which overflow with activity, the public corridors here are muted even when the courtrooms are in full use.

Trial judges quip that appellate judges are warriors who come late to the battlefield and shoot the wounded. The joke underscores the feeling of many lawyers that appellate judges are too far removed from the realities of trials, perhaps life itself. There is much to this. Not only do we see cases only in

terms of a cold paper record (reading what a witness said is no substitute for looking him in the eye when he says it), but we have little occasion to see life itself, except through our personal experiences. The job brings us to the courtroom only a few days a year, and even then we see only the lawyers, and for brief snippets of time. We work closely with our clerks and secretaries, and communicate with each other, but have little contact with anyone else. In many ways it is a closed and lonely existence. The serene beauty of our surroundings only emphasizes this.

Two years ago, a man jumped to his death off Suicide Bridge. He landed within sight of my window. I did not see him jump, but his motionless body lay there for quite some time as the police and paramedics did their grim duty. It was a terrifying sight, a cold infusion of reality into my otherwise detached existence. As I contemplate my cases and look out over the bridge, I think of him from time to time--a reminder that try as we may, not all human dramas have a happy ending, and real life is never as far away as we might think.

Posted Sunday, July 28, 1996, at 10:27 PM ET

Day Ten

Thursday, Aug. 1, 1996
If one could name tomato plants the way one names children, I would have to name mine Lyle and Erik.

It all started last winter when, at the local video store, I ran across *Attack of the Killer Tomatoes*. The movie, I had heard, was a dud, but what caught my eye was the prize bundled with the video: a bright yellow packet proclaiming "Grow Your Own KILLER TOMATOES (L. Esculentum Dangerous)." The back of the package disclosed that "[t]hese seeds ... are known to have produced tomatoes of 3 pounds or more. In 1986, a tomato raised by some dude in Edmond, Oklahoma, weighed in at an incredible *7 lbs., 12 oz.*, and is listed in *Ripley's Believe It or Not*."

Tomatoes are among my favorite foods, and the thought of home-grown giant tomatoes, sliced fresh from the vine, made my mouth water. I fell for it. I bought the rotten movie (and it did turn out to be a real stinker) just to get

those seeds.

Of course, there was nothing I could do about it right away; tomatoes don't grow in the winter, even in Southern California. But the little packet of seeds sat there, tacked to my bulletin board, titillating my taste buds. As spring approached, I got to thinking that maybe I shouldn't pin all my hopes on one kind of tomato--so I started buying seeds and plants of all varieties, the more unusual, the more irresistible: Great White, Cherokee Purple, Marble Striped, Jubilee, Double Rich, Odoriko. Each variety had its own succulent description: "Gives an abundance of rich, sweet fruit over a long growing season." "Fruit is low in acidity and has an unusually mellow flavor reminiscent of Tangerine." "Widely acclaimed as the world's tastiest tomato." Who could resist?

Soon the kitchen window box was filled with little containers, each sprouting dozens of tiny tomato plants. Anxious to give my children the ideal upbringing, I consulted books and sought the advice of anyone with an opinion on how best to grow tomatoes. "Never plant in the garden," one school of thought went. "The soil isn't rich enough. Use planters instead." Another school shunned planters: "Too difficult to keep the moisture level constant. Plant only in the garden."

Taking no chances, I decided to do both, and when I ran out of garden and planters in my own yard, I invaded my mother's. I placed each little tomato plant into the soil with loving care, added nitrogen and urea, a hefty helping of bone meal, something called Osmacote, and watered with Miracle-Gro. Through the spring and early summer I visited my plants every evening after work, checking the moisture of the soil with a battery-powered meter, building cages, covering the plants with a net to guard against birds and raccoons, pinching off suckers, rearranging the leaves and branches to give them the maximum sunlight. My efforts were rewarded with abundant foliage and a sprinkling of yellow flowers that slowly turned into tiny fruits. No father was ever prouder.

Then came bitter disappointment. As the tomatoes started ripening, I noticed large black spots at their centers. Was it a pest? A fungus? A chemical imbalance? I turned to the experts again, sending furious messages over the Internet, buttonholing people at the nursery. The answer came back loud and clear: My plants were suffering from blossom-end rot. They had gotten too

much nitrogen, not enough calcium.

The news cut me to the quick. Was there a solution? "You should have added some lime to the soil before you planted," one expert smugly proclaimed. Where was this advice when I asked the first time? Was it too late? Were all my labors in vain? "You could try spraying the leaves with calcium solution and adding some gypsum to the soil, but there is no guarantee," the expert advised. A drowning man grasps at straws, so I embarked on a campaign to give my plants the calcium they so sorely needed: I sprayed every little leaf, saturated the soil, added gypsum.

The effort finally paid off. Today I picked my first small basket of ripe tomatoes. The Great Whites--actually a creamy yellow with tiny red veins--dominated the harvest. The Marble Striped--actually entirely red--added color. And a few tiny Cherokee Purples--a deep shade of red with a purplish hue--provided an accent. The taste was not bad at all, but not remarkably better than that of the store-bought kind.

I am immensely proud of them nonetheless. Not just because they look different, but because they were grown with my own hands. In a world where everything we consume is prepared by other people in distant places, forcing the soil of my own garden to yield produce my family and I can enjoy gives me immense satisfaction. The first crop may not have landed me in *Ripley's Believe It or Not*, but it is the fruit of my own labors. And that gives them a special sweetness that store-bought tomatoes can never have.

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