Hadley

Vision Loss and Justice

Presented by Ricky Enger

**Ricky Enger:** Welcome to Hadley Presents. I'm your host, Ricky Enger, inviting you to sit back, relax and enjoy a conversation with the experts. In this episode, retired judge David Tatel joins us to discuss his book entitled, Vision a Memoir of Blindness and Justice. Welcome to the show, David.

**David Tatel:** Good morning. Ricky. It's nice to be back.

**Ricky Enger:** Yes. It's so good to have you back. You were on with us in, I think, 2021, which seems like forever ago, actually. A couple of things have changed since that time. You've slowly retired for one, and you've written a book, and I'm really excited to talk about that. Before we do that, though, for people who are not familiar with you, why don't you just give us a brief intro?

Dave Tatel: Sure. My name is David Tatel, and I'm a lawyer and a judge. I spent many years as a civil rights lawyer both inside and outside of government. During the Carter administration, I ran the Office for Civil Rights at the Department of Health, Education and Welfare. I was a partner in a major Washington law firm for two decades, where I founded and ran the firm's education practice.

In 1994, President Clinton appointed me to the US Court of Appeals for the District of Columbia Circuit. And he appointed me to fill the seat that Ruth Bader Ginsburg had occupied, which became vacant when he appointed her to the Supreme Court. I fully retired from the court after 30 years, just earlier this June. I've returned to my law firm, Hogan Lovells, as senior counsel.

I'm married. My wife's name is Edie. We've been married for almost 60 years. We have four children, eight grandchildren and one great grandchild. For the past three years, I have been writing this book, which is now finished.

**Ricky Enger:** Wow. Fantastic. And the title of the book is Vision a Memoir of Blindness and Justice. And that kind of gives a hint of what the book might be about. But I'm wondering if you can elaborate on that. What can people expect to find when they pick up this book?

**David Tatel:** Well, the book is called a braided memoir, and that's because it has several different themes. The two primary ones are my experience with blindness. I have retinitis pigmentosa, and I pretty much lost my sight in my mid 30s. So I've been functioning for almost 50 years without sight. And the other major braid is my experience as a civil rights lawyer and as a federal judge.

Maybe I could just read a quick excerpt from the book. Ricky. Would that be okay?

**Ricky Enger:** Yeah, that sounds great.

**David Tatel:** The two things listeners need to know about this excerpt is that it follows, a two-page description of a death penalty case that I handled involving a murderer named Lee, that's his last name. So you'll hear a reference to that. Also, of course, I've already mentioned my wife, Edie. So here's the excerpt.

”This book chronicles my journey from a curious student to a passionate civil rights lawyer, to this seasoned federal judge you saw work in the Lee case. It also chronicles another, more private journey from shame about my deteriorating vision to denial about the effects of my blindness, and ultimately to acceptance and equanimity. This memoir is a coda to both of those journeys. And yes, it's also about a love story in a marriage made challenging at times by my blindness.

Without Edie, my partner in life and in love, my story, let alone this memoir, would not be possible. The two threads of this memoir have inverse trajectories. When I was coming of age, I was inspired by the role that lawyers and courts were playing in enforcing the guarantees of our great Constitution. But I was unwilling and unable to deal with my declining vision.

Now, a half century later, I've made peace with my blindness. But I'm concerned about the Supreme Court. Braided together, those two threads are my story.”

**Ricky Enger:** Fantastic, I love it. I was lucky enough to get an advance copy of this book and what a nice way to sort of give people a preview of that. What I noticed as I was reading your book was that you went to incredible lengths, you expended a lot of energy early on in concealing your vision loss.

You didn't want people to know what was going on. And you share stories of some people who figured out what was going on, and they stepped in to help where appropriate. They did that in exactly the right way, and they never said anything about why they were stepping in.

Then you had people who did not figure out what was going on. They had no idea, and they were making assumptions about your behavior that weren't, “Oh, he's struggling with a vision loss.” What did you learn from all of those experiences?

**David Tatel:** During the first couple of years the limitations were pretty much limited to night blindness. I couldn't really see in the dark very well. That became worse but also my peripheral vision narrowed. I wasn't visibly blind. People wouldn’t look at me and say, “Oh, he's blind.” I was concerned about whether my blindness would affect my opportunities. And of course, you want to be like your friends. You don't want to be different.

I felt uncomfortable telling my friends. For example, in the movie theater, instead of saying to them, I can't see in the dark to get popcorn, would you go get it? I figured out a way to do it myself by counting the seats and counting the rows. And, you know, over the years I developed lots of techniques for covering up my declining vision.

People had different reactions to that. Much of this is in retrospect, because in writing the book, I've gone back and interviewed people. Some people just had no idea, and some of them thought, “He's just clumsy.” Or when they waved at me and I didn't respond back, they said, “Well, he's just rude.”

So that was one kind of reaction. The other is, even though I tried to conceal it, people I knew well obviously knew something was going on, but they also knew I wasn't comfortable talking about it. They respected me for that. They accepted that. And, you know, every once in a while, someone would lend me a hand. That was the two categories of people.

This all ended when I finally got a cane. I put off the cane for years, but finally I just had no choice. It was getting dangerous, and I really couldn't get around on my own. Once I got the cane, all that ended because it identified me as someone with limited sight.

All of the misunderstandings ended, and it was much easier for me to ask for help when I needed it, because people understood why I was asking. It's been 50 years since those events and yes, it was me, but with this perspective of history, I look back on me then almost as he, because I'm such a different person now, I wonder why he acted the way he did.

I try to explain some of this in the book, but not a lot, because to be honest, I don't have all the answers. But the lesson I learned from that if young David Tatel ask me now for advice, I'd say get a cane. You know, don't cover it up. You're going to be much better off with a cane. I know you don't want one but get one because it'll solve all your problems. All the misunderstandings will be over, and you'll have much more mobility. That doesn't mean it'll solve all your problems, but you'll be much better off with a cane. And looking back, I wish I had done that.

**Ricky Enger:** Thank you for that. There’re some really good stories just illustrating both these categories of people. I think one of my favorites was the teenager who walked with you and prevented you from hailing a garbage truck or bus or whatever instead of a cab. Those are well worth the read.

**David Tatel:** Right?

**Ricky Enger:** You know, when we talk about vision loss, we know that it doesn't just affect the person who is losing the vision. It has an effect on your family, your friends, and unfortunately, it’s really easy to find stories that are very negative examples of how friends and family are adjusting. You know, my family doesn't want me in the kitchen anymore, or they won't let me go stroll around the neighborhood by myself or whatever.

I'm wondering if you can share a positive example of how your family adjusted to your vision loss?

**David Tatel:** That's a really good question, because like you, I have lots of stories of people not behaving well. But my family is probably the best positive story there is. Our first child was born after we’d been married for three years, and my wife adapted right away to my limited eyesight. You know, at that time when Edie and I were married, I was still riding a bike and reading newspapers.

But there were some things I still couldn't do. For example, I stopped driving. So Edie was the driver. And during those times, we lived a pretty normal life. But as my vision declined, Edie became much more of a describer and it was all sort of natural. On walks, she naturally would say, “Gee, David, these clouds are beautiful today.”

And she describes them to me. She was much more attentive to obstacles and things like that. As my eyesight declined, Edie took over quite a bit of the reading. She just sensed what was going on and responded to it. And then the children, as I said, we have four, and just like with Edie, without any discussion, they sensed what was going on and they will automatically when we're walking, take an elbow, and they'll point out obstacles. They’re all great describers.

In my family we’re big walkers and hikers, and when we were writing the book, we sent the children a questionnaire and they all wrote back. They're totally wonderful reactions. It's very clear from those that my children didn't think growing up in a house with a dad with limited eyesight was unusual, they thought that was normal.

In fact, one of the children said they were in a car with another family, and they said they were surprised to see that dads drive cars because they don't in our house. The other thing that was just a total treasure was the children came along at about the same time that I was really struggling with reading.

When I discovered talking books in the Library of Congress, I started ordering children's books. And so we would listen to Goodnight Moon, and the child would turn the pages, and you know, that was just a wonderfully cozy experience. It meant that even though I couldn't see enough to read, I had all the joys of reading goodnight stories to them, to a child.

The other thing that comes about as a result of first talking books and now audible, is that Edie and I are both big readers, and we always have at least one book going together. So whether we're driving or walking, we are always listening to a book together, which is really quite wonderful. It's like a little private book club where you can read together and talk about the book. So those are really those are the good things about it.

**Ricky Enger:** Yeah. That's beautiful. So many great memories with your family. And as you said, reading something together is wonderful. You know, I think we have actually managed a great deal of restraint so far because we haven't talked much about Vixen, your guide dog, but I really want to change that.

I really, really enjoyed the story of how you ultimately made the decision to get Vixen. It's really cool and well worth the read. I think when people go into the process of getting a dog, they have some conceptions about what it's going to be like, and you hear all of the stories about how it will navigate you around obstacles and you'll be able to weave through a crowd with a little more precision than you can with a cane.

So, maybe you knew some of that going in, but what was the most surprising thing to you? What didn't you expect from your partnership with Vixen?

**David Tatel:** Well, I think there were probably several things. One was I certainly didn't expect the guiding to be as good as it is. People who've never used a guide dog, and I was one of them for a long time, it's just hard to understand how effective these dogs are in guiding people.

Vixen is a German shepherd, and she comes to me from Fidelco which breeds and trains only German shepherds. For the first couple of months it was really hard to learn how to use a dog. The last chapter in the book is all about the dog. It's called, The Dog that Changed My Life. That's the name of the chapter. Once Vixen and I clicked, once I gained confidence and more important, once she gained confidence in me, I became totally amazed at her capabilities and her ability to weave me through things she's never been before.

The other thing that I did not understand, when our children were little, we had dogs, we had big collies. The children loved the dogs and Edie loved the dogs. The dogs weren't mine and they were mostly obstacles for me to trip over. So I never really had a relationship with dogs, but I had no idea how deep the relationship with this dog would become. She and I communicate in so many ways. She's with me 24 hours a day, seven days a week. We're always together. She really guides me, but she senses so many things.

I tell the story in the book that in the middle of a very tense case, when I was sitting here at my desk and talking to my law clerks on zoom, Vixen showed up and stuck her nose under my elbow, she didn't need to go out, and she wasn't hungry. She just sensed the tension, and this was her way of coming to be helpful.

I mean, the relationship between the human and the guide dog is completely amazing to me Ricky. We've been together for three years, and every day something happens that's new and interesting in terms of what she’s able to do for me.

**Ricky Enger:** Yeah, it really is amazing that relationship that you build. If you go in thinking that a guide dog is a mobility tool and they are, but it's so, so much more than that.

**David Tatel:** Yeah, it's a very special relationship. And as I said a few minutes ago, we were talking about the cane. I didn't get this dog until I was 77 years old. I really, really wish I had done it years earlier now.

**Ricky Enger:** I think one thing we don't talk about enough and we should, is that when you get a dog, there is going to be an effect on family dynamics, right? You all have your routines, your way of doing things and your way of being together. Suddenly this other being shows up and changes things. So I'm wondering how Vixen has affected your daily life with Edie?

**David Tatel:** Well, dramatically and positively. But it takes a huge amount of adjustment for both of us. We were warned about this. A good friend of ours whose husband has a guide dog warned Edie right at the beginning, you're no longer going to be top dog.

She talks about it in the book. Edie wrote her own memo about our experiences, and she talked about the experience of the dog. Obviously at the beginning, there was a lot of concern on her part. I mean, she's been walking with me for over 30 years and guiding me and making sure I'm safe. And suddenly a dog is taking that over. It took her quite a while to get comfortable with that.

During the training sessions, you know, she kept an eye on me, and it took quite a while for Edie to become comfortable that I was safe with Vixen. Vixen has given both of us a huge amount of independence that we haven't had for years. We still walk together, but now if I want to go for a walk and Edie would rather garden, I just go for the walk, which we were never able to do before.

The point is, is that Vixen has given us both a level of independence that neither of us has experienced in a very, very long time. She's been nothing but positive for us.

**Ricky Enger:** It's wonderful to hear both about how it was ultimately positive, and the things that you can do now that you couldn't easily do before. But it was an adjustment. Exactly what you said. You're not going to be top dog anymore, Edie. That can take some getting used to from family members, but ultimately, it's worth it.

**David Tatel:** Yeah.

**Ricky Enger:** Totally switching gears here, I'm a tech enthusiast. I think anyone who listens to the show knows that. I know a lot of people aren't, but it's still always fascinating to hear what people are using in their daily lives to make it easier when it comes to living with blindness or low vision. I'm curious, what are those tools that you can't live without. Whether it's getting up and reading the paper or even in the creation of this book, what kinds of things did you use to do that?

**David Tatel:** Well, here's my favorite fact about the importance of technology for me. Thirty years ago when I was in the court, in addition to my law clerks, I had a full-time reader and a part time backup reader. Basically, I had one and a third people available to read to me. I was very fortunate because I had all these resources. They read 95% of everything to me; briefs, correspondence, articles, whatever came across my desk, they read.

In the past five years, I had just one reader. I didn't need the backup, and that reader probably read 5% of materials to me because the world has gone digital, and I can read everything myself. I use three basic devices. Right now I use a braille computer made by HIMS, their sense player, and I use that for mostly writing, but also some reading.

I have a Victor Reader, which I use for newspapers, books, magazines, and a lot of other stuff. And then my smartphone, I use an iPhone. Frankly, the iPhone has been enormously helpful to me. I can do so many things with it. Reading documents, e-mail, I can do everything on my iPhone, it's a total treasure for me.

Those are the three basic technologies I use. I listen to huge numbers of audible books. I use bookshare.org when I can't get a recorded audible book. My favorite apps these days are Voice Stream Reader, I use it all the time. I love Be My Eyes. It's just extremely helpful to me. I use Voice Vista when I need directions, you know, on the street.

I could go on and on and I'm sure there are hundreds of great apps I’m not using. But that's basically what I use. That's my world of technology.

**Ricky Enger:** Yes, indeed. And you have named some of my favorites as well. If you're listening and thinking, I don't know what half this stuff is, no worries. We will have links to those things in the show notes, and we're always here to talk. If you just want to call and say, “I heard about this app and it sounds like it would be great for me, but I have no idea what it is or how to use it.” We're happy to help with that.

**David Tatel:** You know, one source for me in the past six months, with great technology, I've been listening to this podcast called Double Tap.

**Ricky Enger:** Yeah. And they do it daily. So hats off to those guys.

**David Tatel:** I have learned so much about technology from them. Their discussion of technology is really helpful. I love their attitude towards blindness, I think those two guys have it just right, and I'm very comfortable with their view of this. It's really good.

**Ricky Enger:** Yeah, I totally agree. Wow. So this has been a great deal of fun. I've really enjoyed myself. I hope you have two. I am curious about one last thing, though. I know that writing a book is not a casual thing. You have to really want to do that, to undertake all of that. So I'm curious what motivated you to do this?

**David Tatel:** Well, I started the book almost three years ago. That's when I was finally convinced I should do it. It took three years, and I explain my thinking about this and how I got into it in the epilog. So, Ricky, could I just read these two paragraphs?

**Ricky Enger:** Oh yeah, for sure.

**David Tatel:** The one fact that listeners need to know about this excerpt, the last chapter of the book right before the dog, is about the Supreme Court's decisions on voting and my concerns about the court and where it's going. In the end of my book, I encourage people to vote so you'll hear a reference to that here. So here's my answer to your question. This is in the epilog, which is called Future.

“As I approached retirement, I had lots of ideas about how I might spend my newfound freedom. Writing a memoir was not among them, even though I've had a long and exciting career. Would anyone really want to read a book about a federal judge who never made it to the Supreme Court?

With Vixen’s help, I've become more comfortable with my blindness, but I definitely didn't want to write a book about being blind. Also, I felt no need to write a book for my children and grandchildren. They already know me in ways that no number of pages can capture. Nevertheless, a few people, both families and friends, encouraged me to think seriously about sharing my story.

You're not just a blind person, they said. And you're not just a federal judge. You're a federal judge who happens to be blind, and you have a beautiful guide dog to boot. They believe that my story might inspire others and not just people living with disabilities. That made me stop and think. I've spent my entire professional life, from my early days at the Lawyers Committee for Civil Rights, to my three decades on the DC Circuit, trying to use the law to improve people's lives. If my life story might help other people. Why not share it with the world?

Maybe my story would challenge preconceived notions about what people with disabilities can accomplish. Maybe it would even inspire people to attend law school and to work for civil rights, either from inside the government or from without. And maybe, just maybe, I could convince a few more people to vote. I decided to give it a shot.

I've written thousands of legal briefs and judicial opinions. How hard could it be? Hard, it turns out. Writing this memoir has demanded far more than just putting my story on paper. Grappling with the meaning of that story has been something else entirely. When I began this book, I couldn't have imagined how much I'd learn about myself. The process has truly been a revelation.

It's forced me to think deeply about my career, what I've accomplished, and what I haven't. It's helped me refine my views about the Supreme Court, and most difficult of all, it's made me think deeply about my blindness. My decades of denial, how I adapted to life without sight, and the ways my blindness affects Edie and our lives together.

My younger self, the one who counted rows in the theater, who asked a press release not to mention his blindness, who deleted references to blindness from his Wikipedia page, and who waited years to get a cane and decades to get a guide dog, couldn't have imagined sharing all of this with the world.

**Ricky Enger:** Wow! Thank you so much! What a wonderful preview of what people are going to find in this book. And as I said in the beginning, it's well worth the read. It's a fantastic book. As of this recording, it is available for preorder. It will be officially released on June 11th. You can grab it wherever you get your books.

It's available in audio narrated by John Lesko. It's in e-book and in hardcover as well. And if you're listening and you're not quite sure where you get your books at this point so that they're readable, we are here to help with that as well. Give us a call (800) 323-4238. Thank you so much for sharing a few stories with us and sharing a bit of your time.

I think this is a fantastic book. I'm looking forward to it being out in the world. I'm sure you are too.

**David Tatel:** I am too, and thank you, Ricky. This is a delightful interview. Thank you.

**Ricky Enger:** Got something to say? Share your thoughts about this episode of Hadley Presents or make suggestions for future episodes. We'd love to hear from you. Send us an email at podcast@hadleyhelps.org. That's podcast@hadleyhelps.org. Or leave us a message at (847) 784-2870. Thanks for listening.