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**Remarks for Chautauqua  
July 29, 2013**

I am delighted to be in Chautauqua on a day of two very special events. First, the Pacifica Quartet's recital at 4:00 this afternoon. My son, who makes classical CDs, has produced exquisite recordings of the Pacifica playing Medelssohn and Shostakovich String Quartets. The members of the Quartet are extraordinarily gifted, energizing, altogether engaging young artists, as those who attend the recital will agree. Second, *Falstaff*, the last opera Verdi composed, will be performed this evening. Verdi was age 79 when he wrote this great work. Verdi loved Shakespeare and, in *Falstaff*, he used Shakespeare's characters to marvelously humorous effect.

My aim this morning is to convey to you why opera is my favorite art form. For over four centuries opera has transported audiences who come, as I do, for the music, the stories, the singers, the drama or, as *Falstaff* illustrates, the comedy.

I will speak of law and lawyers in opera. My competence to address the topic may not be altogether apparent to you. Truth be told, I am ill equipped to break out in song. My grade school music teacher ranked me

a sparrow, not a robin. The instruction given me, do not sing, only mouth the words. Still, in my dreams, I can be a great Diva, often Renata Tebaldi, sometimes Beverly Sills or Marilyn Horne.

My performing career begins and ends at the Washington National Opera, where I have thrice appeared as a super. I debuted in 1994, along with Justice Scalia, in a production of Richard Strauss's *Ariadne auf Naxos*. We were supers again in the same opera in 2009. In between, in 2003, I was on stage in Johann Strauss's *Die Fledermaus*. At Prince Orlofsky's ball in the lush second act of *Fledermaus*, three black-robed Justices entered on stage as specially announced guests, billed as "The Supremes." Flanked by Justice Kennedy on one side, Justice Breyer on the other, I had the extraordinary opportunity to hear Placido Domingo's glorious voice at very close range.

Lawyers and judges, as rule, fare rather badly in operatic works. For positive images there is, perhaps most notably, Moses, Ten Commandments deliverer, treated diversely by Rossini and Schoenberg. It runs downhill from there. Think of Dr. Blind, the lawyer in *Die Fledermaus*. His ineffective assistance gets for his client, Eisenstein, a few extra days in jail. Or the lawyer in Gershwin's *Porgy and Bess*, who offers Bess a divorce for a dollar, then ups the price to \$1.50 when Bess tells him she was never *really* married before.

In a delightful 21<sup>st</sup> century comic opera, *Volpone*, music by John

Musto, lyrics by Mark Campbell, there is a major role for a lawyer. His name is revealing. He is Voltore (the vulture). The libretto describes Voltore as a baritone, 60-ish in age, thin and boney, oily hair, scraggly gray beard, posture permanently stooped like a hovering scavenger. Near the end, Voltore is carted off to jail, condemned as a dissembler and thief. He protests, loudly: “Innocent. A man of the law. Innocent. It is an audacity to question my veracity.”

Numerous notaries show up in 18<sup>th</sup> and 19<sup>th</sup> century operas. They most often oversee the signing of marriage contracts, and have few notes to sing.

Chautauqua’s invitation challenged me to consider the question anew. I did, and found it fair to say law’s part in opera plots is palpable.

Trials and inquests abound. A select few: a Revolutionary Tribunal condemns the poet *Andrea Chenier*; in *Aida*, the priests of Phtah condemn Radames for treason; in *Norma*, the pagan throng lets the high priestess burn for breaking her vow of chastity; in *Billy Budd*, a shipboard courtmartial convicts beautiful Billy; in *Peter Grimes*, a lawyer-conducted inquest takes place in the opening scene. Robert Ward recalled the Salem witch trials in retelling with music Arthur Miller’s *The Crucible*. Josef K is tried and executed for an unspecified crime in *Der Prozess*. A trial for murder in apartheid South Africa is staged in *Lost in the Stars*, performed movingly by the Glimmerglass Opera in Cooperstown last summer. In the

first act of *Oscar*, an opera by Theodore Morrison that opened in Santa Fe this summer, Oscar Wilde is sentenced to two years of hard labor for “gross indecency.” Death administered by the State for a capital crime is portrayed with chilling effect in Jake Heggie’s *Dead Man Walking*. [Aria.]

Turning to church-state conflict, what scene more powerful than the Grand Inquisitor’s confrontation of King Philip in *Don Carlo*.

Jails and prisons are settings of choice in grand opera. Prison scenes are staged in *Fidelio*, *Trovatore*, *Faust*, *Tosca*, *Dialogue of the Carmelites*, *House of the Dead*, *Dead Man Walking*, and scores more. Most recently, in the second act of *Oscar*, Wilde suffers humiliation and cruelty in prison, and writes his last great work, *The Ballad of Reading Gaol*. Carmen is dispatched to jail, but she escapes after negotiating opera’s best known plea bargain. [Aria.]

Wills are plot turners in, among others, *Gianni Schicchi*, the opera in which Woody Allen made his operatic directing debut in 2008, in a Los Angeles Opera production.

Once customary law (*le droit de seigneur*) (the right of the master to the first night with a servant or peasant bride on his estate) is reluctantly renounced by the Count in *The Marriage of Figaro*.

The eloquence of Daniel Webster is displayed in an opera by Douglas Stuart Moore, based on the Stephen Vincent Benet story, *The Devil and Daniel Webster*.

Simon Boccanegra pleads for law and order in his resounding Act I aria "*Plebe, patrizi!*"

The entire First Act of Janacek's *The Makropoulos Case* takes place in a lawyer's office. (Dullest Act in the opera, some have said.) A *sympathique* lawyer narrates the unfolding tragedy in William Bolcomb's operatic rendition of Arthur Miller's *A View from the Bridge*.

And in an opera premiered at Santa Fe in the summer of 2009, *The Letter* by Paul Moravec, a lawyer faces a moral dilemma. His client has murdered her lover in a fit of jealousy. To gain an acquittal, the lawyer must buy an incriminating letter and suppress its damning contents. (The opera is obviously set in pre-copying machine days, and well before email.)

This highly impressionistic account of law and lawyers in opera should certainly include Wagner's *Ring Cycle*. The *sturm und drang* stem from Wotan's repudiation of the agreement he made to compensate the giants for building Valhalla. What better illustration of the well-known legal maximum, *pacta sunt servanda*, in plain English, agreements must be kept. On the lighter side, there is a hilarious scene in the *Marriage of Figaro* in which the ever resourceful valet escapes the promise of marriage he made to secure a debt he owes to an aging dame, Marcellina.

In light opera, Gilbert and Sullivan's satirical take on the legal system, and the judges and lawyers who populate it, have amused legions of audiences since G & S's first collaboration, in 1875, in *Trial by Jury*.

[Judge's Song.] Chief Justice Rehnquist was a great Gilbert and Sullivan fan. He quoted from both *Trial by Jury* and *Iolanthe* in opinions. And he used as the model for his robe the costume worn by the Lord Chancellor in a low budget production of *Iolanthe* presented summers ago by a local company in D.C. Another Gilbert and Sullivan favorite, *Pirates of Penzance*, contains the best illustration I know of the distinction between textualist and purposive construction of the law. [Trio.]

Two final comments about opera tied to the Supreme Court. In 1988, Justice Harry Blackmun arranged the first ever afternoon of Music at the Court. Initially, the recitals were held every other year. Under Justice O'Connor's baton after Justice Blackmun retired, the program became an annual event. Since 2002, when I picked up the reins, the event has taken place twice a year. Opera stars who have performed at our recitals include Stephanie Blythe, Renee Fleming, Susan Graham, Denyce Graves, Bryn Terfel, Thomas Hampson, Marcello Giordani, Samuel Ramey. Instrumentalists include Leon Fleisher and the Pacifica Quartet. The recitals provide a most pleasant pause from the Court's heavy occupations. We time the May Musicale just before the pressured late May through June weeks when the Justices are consumed with production of all outstanding opinions before the Court recesses for the summer.

My finishing note concerns an operatic work in progress. A multi-talented composer, and June graduate of the University of Maryland Law

School, Derrick Wang, is composing a comic opera titled *Scalia/Ginsburg*. Many of the lyrics come from our opinions and speeches. A sample from Justice Scalia's rage aria:

The Justices are blind  
How can they spout this  
The Constitution says  
Absolutely nothing about this!

And one from my opening aria:

Dear Mr. Justice Scalia  
You are searching in vain for  
a bright line solution  
To a problem that isn't so easy to solve  
But the beautiful thing about our Constitution  
Is that, like our society, it can evolve.

The theme: two people with notably different views on constitutional interpretation can nonetheless respect and genuinely like each other.

Collegiality of that sort is what makes it possible for the Court to do the ever challenging work the Constitution and Congress assign to us, without the fierce partisanship that sometimes mars the operations of the political branches of government.

With appreciation for your patient audience, I welcome your questions.