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Cuban-American to Head Prestigious Bar Association

By RUI FERREIRA/El Nuevo Herald

Next year, for the first time in its 130 year existence, the American Bar Association (ABA) will have a Cuban-American president: Attorney Stephen Zack, who personifies an amalgam of cultures, since although he is Jewish and born in the United States, he considers himself Cuban-American based on the 14 years he lived on the island.

"I was born here, they took me over there at two months of age, and my family returned to the US in 1961. We left behind a fur business that my parents sacrificed a lot to build," says Zack in Cuban Spanish, with the barest hint of a foreign accent.

A man with a characteristic manner of speaking all his own, Zack, one of the most well-known attorneys in Florida, enjoys good conversation, which he sprinkles with details and anecdotes pulled from his mind, the way a magician pulls a rabbit from a hat.

In his spacious offices on the 29th floor of a building in downtown Miami, he recounts how he first got into politics, as a result of circumstances and a rather unusual request. It was the night of November 7, 2000.

"The phone rang and it was the Vice President. Al Gore was calling on me to help him resolve the question of who had won in Florida. He told me he needed me in Florida, and when a politician says that to an attorney it can only mean one thing: help me but I can't pay," he says, smiling.

That night he began an epic journey that for months not only put the US political process on the front pages of newspapers around the world, but also gave Zack, at the courthouse in Tallahassee, his so-called "Perry Mason moment," in reference to the famous fictional detective of literary and TV fiction.

They were discussing the voting system and the punching of the voter cards in Palm Beach County. The arguments and counterarguments had stalled until one of his assistants came in with a piece of paper in her hand. The room stood still.

"Nobody said a thing, it was incredible," the attorney remembers.

The contents of the paper ended up forcing the voting machine manufacturers to admit that the punches might be incorrect, and that it would not be a bad idea to do a recount. Zack succeeded in proving that after several dozen votes had been cast, the accumulated punched-out paper chads in the machine prevented the

machine from punching correctly.

It is obvious that Zack is proud of that moment. He makes no attempt to hide it. As he also makes no attempt to hide his family's history and the impact it ultimately had on his personality.

His parents, Anita and José Rabinovich, are double refugees. The emigrated from Russia to Cuba in the 1940s, and ended up in the United States two years after Fidel Castro came to power.

"They took a lot from us. My parents lost all their businesses. But they haven't been able to take Cuba out of us," Zack says as he shows off a hand-carved humidor in his office, and later points to a map of Havana from around the time he was born.

Young Zack had a normal childhood in the Cuban Republic, growing up in a typically Cuban-American family: they spoke Spanish in public but at home everything was in English, a custom that began to change after Castro's revolution.

"One day my mother told me that now with Fidel we couldn't speak English in public," he recalls. It was the first sign that things weren't going well. The second was to shape his destiny: "It was the first attack on democracy that I witnessed in my life, the attack on the legal system in Cuba."

A few months ago he reminded his ABA colleagues of this, when he agreed to become the next president of the national organization, starting in 2010.

"Why did I become an attorney and why do I want to be President of the ABA? I think you have a right to know. The answer comes from a summer night in 1961 [...] one of the most difficult, if not the most difficult night of my entire life," he said.

Early that day "they told us that our businesses had been occupied by soldiers and we had to leave immediately for the airport. My sister, my brother, my parents and I went to the airport and entered an area called the 'fish bowl,'" he recalls.

"Before we went in, we had to leave anything of value outside, such as wedding rings and watches, while the guards shouted insults at us."

What happened next was a wave of humiliation and abuse, when the family was separated for hours without any recourse. "This was long before I had ever heard the words *habeas corpus*, but I knew that what was going on was wrong," the attorney told the panel.

Recalling the episode, as he gazed through his office's impressive glass windows, he couldn't help adding, "The thing is that to understand freedom you have to

understand what it means to lose your freedom.”

Zack graduated with a law degree from the University of Florida, and in February of 1972 he was accepted to the State Bar Association, of which he eventually became President. He helped found and also headed the Cuban-American Bar Association.

He was the attorney for former Governor Bob Graham and Chairman of the House of Delegates, considered the second most important ABA office. He is married with two children and two grandchildren.

In legal circles he is considered one of the most lucid defenders of the purity of the United States legal system. “Here, at the end of the day when everything falls apart, we still have rights under the law,” he emphasizes.

That is why he doesn’t like what he is seeing, in legal terms, at the United States Naval Base at Guantánamo.

“I do not sympathize in any way with those people, but they have rights; not so much for them, but for us. One thing is clear, the Bill of Rights is not just a suggestion,” he points out.

“We can’t be afraid to speak up when we disagree; that would be treason,” he explains.

Unlike some of his colleagues, Zack does not aspire to become a judge.

He admits it would be very difficult for him to remain silent if an attorney was not doing his job as he should.

“It is one of the greatest honors an attorney can receive, but you have to have the right temperament. All judges must be priests, but not all attorneys have what it takes to be judges,” he adds.

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