

Symposium on The Civil Rights of Public School Students

For Jack, Champion of Justice and Advocate for Lawyers' Freedom

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FOR JACK, CHAMPION OF JUSTICE AND ADVOCATE FOR LAWYERS' FREEDOM

Sy Moskowitz*

It is well-nigh impossible to convey in a brief essay the essence of an imposing and complex teacher-scholar, colleague, and friend like Jack Hiller. Since, however, many readers have no personal knowledge of Jack, or experience with him, the responsibility of creating a word picture of him rests upon those of us who can draw upon still vivid memories.

I first met Jack in 1969. I was a young attorney working at the Legal Aid of Gary when I was invited to make a presentation to the Valpo law faculty urging the creation of a heretofore unheard of venture—a law school clinical program that granted students academic credit. At the time there were only a few similar programs in the United States. By chance, I was acquainted with a staff officer at the Ford Foundation, which was seeking to jump start that innovation in a stodgy and self-satisfied American legal academy. I thought the foundation would fund a program if Valpo would create it. I had done some appellate advocacy in law school and argued a few cases in court, so I felt confident and hopeful about my presentation. That self assurance was quickly tested because the Valpo law faculty of that time was a “hot bench” like none I had previously encountered. In retrospect, I marvel at how I survived that encounter. The panel was a virtual “murderers row,” a legal equivalent to the 1927 New York Yankees: Al Meyer, Dick Stevenson, Lou Bartelt, Jim Savage, Charlie Gromley, Burt Wechsler, Jack Hiller, and others.

Jack was immediately skeptical. He was not impressed with the intellectual challenge of much of the law practiced in the local community and had deep doubts about why clinical education should be given academic credit. In that meeting, and in subsequent conversations with Jack, I laid out my vision of what faculty-supervised students in civil cases could attempt: constitutional challenges to discriminatory governmental regulations and practices, class actions of groups of consumers and tenants, representation of indigent juveniles, and other significant legal work. The law could be used as an instrument of change on behalf of those traditionally unheard and unrepresented. That idea, not a new one in American law but rarely practiced in Northwest Indiana, slowly grew on Jack and he became an outspoken supporter of the soon-to-be-established Valparaiso University School of Law Clinic.

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With the benefit of hindsight, that result was preordained. Jack's time in East Africa and other parts of the emerging post-colonial world had given him insight and practical experience into the vast injustices imposed on large portions of the Earth's population. Jack understood the critical importance of the rule of law to the world's dispossessed and the fair administration of those rules. This was a cause to which much of his life was devoted.

In particular, Jack was passionate about supporting lawyers and judges who found themselves in trouble with repressive regimes solely because they acted in accordance with the stated norms of a fair legal system. Jack was indefatigable in his efforts on behalf of these professionals who pursued justice and who paid a heavy price for those actions. Over the years, Jack constantly approached me and others at the law school to sign petitions and letters of protest to the American Government, and foreign ambassadors and governments, on behalf of a lawyer or judge in jail in China, Malaysia, Kenya, or dozens of places in between. He would draft these documents on a typewriter that he used for decades despite some rather dramatic technological changes in "word processing." In spite of the frequency of such cases, Jack never tired of these campaigns and never despaired when they failed to produce immediate results.

But in fact these efforts were often successful. I remember traveling to Kenya in 1984 with my father-in-law, a consultant for the U.N. on alternative energy. On that trip I met with John Britain, a Kenyan lawyer released after a lengthy imprisonment. John had been arrested in the middle of the night for the crime of filing a suit against a government minister who had breached a contract with John's client. John had been subsequently moved from prison to prison so that no one, including his family, knew of his fate or whereabouts. At his home, after his eventual release, he told me that Jack's efforts, and those of others, had ultimately freed him because the Kenyan Government was aware that lawyers, particularly in the West, knew about his case and were actively demanding his release. Jack's efforts on behalf of numerous courageous members of our profession were instrumental in making sure these men and women were not forgotten.

Jack had a lifelong commitment to justice both here in Northwest Indiana and in the United States and around the world. I am not sure what inspired him because I know little of his formative years or education, but he viewed the law as an essential moral and institutional force for achieving a just society. As our Valpo Clinic began to file lawsuits against local and state governments, school districts, large employers and others, a backlash quickly formed against the law school

for sponsoring these efforts. Lou Bartelt and Al Meyer, the Deans during that period, and Jack along with the rest of the faculty stood firm against pressures brought against the Clinic. To this day I am grateful to him for that support during those difficult times.

Others in these essays will undoubtedly discuss Jack's passion for art and music of all types and his work on behalf of the VU Museum. I add here a few personal reminiscences. When I returned to the law school in 1984 after a lengthy absence, Jack and I commenced a project to bring the arts to the law school. I confess my contribution was minor—helping to hang pictures for shows that were regularly mounted, doing the mundane tasks that made jazz and other concerts available in the evenings, in essence the grunt work. Jack had the contacts in the art world, the good taste, and the vision. He regarded aesthetic appreciation as a part of a good legal education and understood that it leads to greater awareness and deeper interpretation of the society around us.

On my trip to Kenya, I became fascinated with some carved wooden statues I saw a craft shop. Despite the price, exorbitant for a Valpo academic, I purchased an intricately carved "Tree of Life" with dozens of faces and figures depicting all aspects of African village life. I carried that large piece with me on the four planes needed to return from Nairobi to Chicago. Naturally I brought it to Jack for his opinion. He immediately identified it as a Makonde sculpture, carved from a dark African hardwood called mpingo. Jack had previously written an article on Makonde sculpture, giving recognition to artists of a tribal group displaced from their ancestral home in Tanzania. Later, I encountered many examples of Makonde art in prominent places. To this day, that "Tree of Life" is the most valuable piece of art in my home.

Jack's scholarly interests were broad. He wrote about tax issues in East Africa and published in a wide variety of journals. He had lived and taught in Africa and Asia and was one of the few in those days on the faculty who had traveled extensively. He never ceased goading me and others to embark in new directions, including poetry, music, creative arts and so many other aspects of our shared human experience. And he did all this with humor, kindness and respect.

In sum, Jack was a force for good, prodding us to be more than we thought we could be. For that, we all owe him great thanks.