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John B. Anderson: The Exemplary Dark Horse

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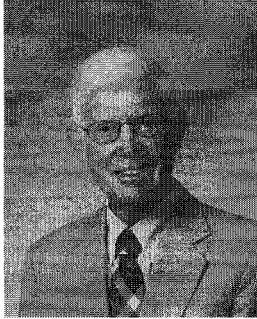
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JOHN B. ANDERSON: THE EXEMPLARY DARK HORSE⁺

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+ The information about John B. Anderson is the result of the Shepard Broad Law Center supporting a project on oral history and law. A team comprised of Law Professors, Olympia Duhart and Charlene L. Smith; Deborah McGovern, who was head of Emerging Technologies, Reference and Instructional Services Librarian; Chad Moulder and Ray Andrade, who are technical experts; and three wonderful students: Jamie Rodriguez, Greg Popowitz, and London Ott; filmed Professor Anderson for about fifteen hours. They also filmed Senator George McGovern. A documentary resulted and was partially shown at the December 2008, Law & Society meeting in Denver, Colorado. The DVD is now available on the Law Center’s Library web site: http://www.nsulaw.nova.edu/library_tech/library/resources/local/index.cfm. Professor Anderson and Senator McGovern also gave a fireside chat at the Shepard Broad Law Center on March 26, 2009. The authors wish to thank Mark Bisnow for providing the inspiration for the article’s title. See generally MARK BISNOW, DIARY OF A DARK HORSE: THE 1980 ANDERSON PRESIDENTIAL CAMPAIGN (1983).

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One research assistant, Andrew Almand, assisted with insight and expertise in footnotes and Brian Skornicki, who came to the project late, finished the footnotes in an area that he had to learn from the ground up. This article demonstrates what valuable help research assistants can be. It must be noted that Mr. Almand continued helping even though he transferred to William and Mary Law School after a stellar first year. Thank you both.

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I. INTRODUCTION

John B. Anderson, an Independent candidate for the 1980 presidential election, represents the model of the civic minded professional. Anderson typifies what a powerful person’s focus should be, social justice. He grounds himself in participatory democracy and acts in a very collaborative manner. His professional behavior exemplifies what many in the social sciences would like to be the standard in the political and social scene. Instead, the world, for the most part, is populated by professionals who have evolved into technocrats and are basically driven by the markets and individualism closely associated with the market place. This article will explore Anderson’s “story” to see what influenced him, as an “insider,” to be a supporter of outsider rights. The authors fully realize his story turns outsider jurisprudence on its

head.¹ Regardless, and perhaps for this reason, the John B. Anderson story is worthy of emulation.

The article will begin with an exploration of Anderson's fascinating life story. Following that will be a look at Anderson from the point of view of another great person, George McGovern, a long time friend of Anderson. After that, begins an examination of the concept of civic professionalism, which represents a new method to view behaviors that promote social justice. That will be followed by a review of how Anderson's up-bringing and attitudes might explain why Anderson became a civic professional. Lastly, outsider jurisprudence gives insight to Anderson's political and legal philosophy.

1. Traditionally, an "outsider," in this context, is "someone who does not have access to the channels of power and communication in this society" whereas, "an 'insider' is someone who does have that access." Carolyn Grose, *'Once upon a Time, in a Land Far, Far Away . . .'* *Lawyers and Clients Telling Stories About Ethics (and Everything Else)*, 20 HASTINGS WOMEN'S L.J. 163, 173 n.29 (2009). All too often, those outside the discourse are not represented nor are their voices heard. *See id.* at 173. At its most basic form, Outsider Jurisprudence describes the movement of nonwhite legal theory which essentially:

[I]ncludes Critical Legal Studies, Feminist Critical Legal Theory, Critical Race Theory, Critical Race Feminism, Asian American legal scholarship and, more recently, QueerCrit and Lat-Crit theory. These genres of outsider jurisprudence have in common an outsider, and often times critical, perspective vis-à-vis law and society. These loosely related strains of outsider scholarship have striven to: represent marginalized viewpoints; espouse critical, egalitarian, progressive and diverse anti-subordination agendas; accept analytical inter-subjectivity; raise political consciousness and social responsibility; recognize and work with postmodernism; favor praxis; and seek community.

Francisco Valdes, *Identity Maneuvers in Law and Society: Vignettes of a Euro-American Heteropatriarchy*, 71 UMKC L. REV. 377, 377–78 n.4 (2002) (citing Francisco Valdes, *Afterword, Theorizing "OutCrit" Theories: Coalitional Method and Comparative Jurisprudential Experience—RaceCrits, QueerCrits and LatCrits*, 53 U. MIAMI L. REV. 1265 (1999)). "[O]utsider scholarship is characterized by a commitment to the interests of people of color and/or women, by rejection of abstraction and dispassionate 'objectivity,' and by a preference for narrative and other engaged forms of discourse." Mary I. Coombs, *Outsider Scholarship: The Law Review Stories*, 63 U. COLO. L. REV. 683, 685 (1992). An outsider holds views not held by the mainstream and, according to this theory, would not be part of the mainstream. *See, e.g.*, Rachel J. Anderson, *From Imperial Scholar to Imperial Student: Minimizing Bias in Article Evaluation by Law Reviews*, 20 HASTINGS WOMEN'S L.J. 197, 207 (2009); *see also* Brian J. Foley, *Applied Legal Storytelling, Politics, and Factual Realism*, 14 J. LEGAL WRITING INST. 17, 26 (2008) (discussing how, in Outsider Jurisprudence, the consensus is that "lawmaking reflects dominant ideologies"). As this article will explore, John B. Anderson—though he does not fit the mold—breaks through these traditional notions and causes us to reexamine that even a consummate "insider" can champion the outsiders' cause.

II. JOHN B. ANDERSON'S BIOGRAPHY

A. *Before He Was a Congressman*

Anderson, the son of an immigrant father, was born in Rockford, Illinois in 1922.² With a younger sister in tow, Anderson's father, as a fifteen year old, left their home country, Sweden.³ Eventually, the entire family was united in Rockford.⁴ As Anderson's family tells the story, they took the train from Chicago and ended in the farthest point west, which at that time was Rockford, Illinois.⁵

The town would not have been considered small in 1922.⁶ With a population of 65,651 people, Rockford was comparable to the slightly larger city

2. Transcript of John B. Anderson: An Oral History and Biography, at 29:4–5, 33:21–23 (Rec'd Apr. 2009) [hereinafter Anderson Transcript I]; Biographical Directory of the United States Congress, John Bayard Anderson, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=A000195> (last visited Feb. 26, 2010). Anderson's father became a naturalized citizen who faithfully embraced his duties as a citizen and enjoyed his son's interest in politics. Anderson Transcript I, *supra* at 33:21–23.

3. *Id.* at 2:12–14; Transcript of John B. Anderson: An Oral History and Biography, at 5 (Rec'd June 2009) [hereinafter Anderson Transcript II].

4. Anderson Transcript I, *supra* note 2, at 2:14–16. According to Rockford Historian Jon Lundin, “[T]he Swedes were a force to be reckoned with as early as the 1870s, when their population was estimated to be . . . 25 percent of the city total.” JON W. LUNDIN, ROCKFORD: AN ILLUSTRATED HISTORY 67 (1989). According to the 1930 U.S. Census, Swedish immigration to Rockford would continue to peak for another fifty years, culminating at forty percent of the total population of Rockford. *See id.* By that time, Rockford had acquired the identification as a “Swede Town,” as “Rockford Swedes occupied the office of both mayor and chief of police . . . [and] controlled three national banks.” *Id.*

5. Anderson Transcript I, *supra* note 2, at 2:17–23. Anderson says that his family's settlement in Rockford was around the turn of the 20th century. *Id.* at 2:18. Since the town was the farthest west the trains went from Chicago, “it was a logical place to stop and get off.” *Id.* at 2:20–23. Indeed, there is documented support for the Anderson family lore. Historian Jon Lundin further explains, “[T]he truth is that the first immigrants landed in Rockford more or less by accident, having decided to ride the train westward as far as it would go. When they boarded the Galena & Chicago Union . . . in 1852, the end of the line was [downtown Rockford].” LUNDIN, *supra* note 4, at 68. However, as early as the mid 1850s, the Chicago and Northwestern Railroad—constructed by the Galena and Chicago Union Railroad Company—ran straight through Rockford as far west as Dubuque, Iowa. *See id.* at 67–68; Ruth Ann Montgomery, *Evansville's Railroads*, <http://www.evansvillehistory.net/RAILROAD.html> (last visited Feb. 26, 2010).

6. Rockford's population was 5332 people shy of making the U.S. Census' list of 100 largest Urban Places in America in 1920, falling to the city of South Bend, Indiana. *See* U.S. CENSUS BUREAU, POPULATION OF THE 100 LARGEST URBAN PLACES: 1920, tbl. 15, available at <http://www.census.gov/population/www/documentation/twps0027/tab15.txt>; U.S. CENSUS BUREAU, POPULATION: 1920, tbl. 51, available at <http://www2.census.gov/prod/decennial/documents/41084484v1ch2.pdf>.

of San Diego, California during that time.⁷ Anderson certainly thought it seemed quite large, but he admits he was pretty innocent in terms of what the world had to offer.⁸ However, his trip to the 1933 Chicago World's Fair at age eleven elicited a description of a "mad adventure."⁹

His life revolved around his family, which he describes as close-knit.¹⁰ Anderson was one of six children, only three of whom survived childhood diseases.¹¹ He characterizes his parents as "protective."¹² He said his early

7. U.S. CENSUS BUREAU, POPULATION: 1920, *supra* note 6, at tbl. 51. Anderson recalls the population to be about 90,000 people. Anderson Transcript I, *supra* note 2, at 1:8–10. However, the 1920 U.S. Census indicates that Rockford was inhabited by 65,651 people. U.S. CENSUS BUREAU, POPULATION: 1920, *supra* note 6, at tbl. 51. Perhaps Anderson was referring to the population of Winnebago County, Illinois, the county seat of Rockford, which had an indicated population in 1920 of 90,929 people. *See id.* at tbl. 50. Additionally, the City of San Diego, California at that time had an indicated population of 74,683 people, making the two cities comparable. *Id.* at tbl. 51.

8. *See* Anderson Transcript I, *supra* note 2, at 1:13–14. Anderson recalls only ever making an occasional trip by train out of Rockford as a child. *Id.* at 1:14–16.

9. *Id.* at 1:14–18. As the story goes, in 1933 and 1934 the Chicago's World's Fair, known as "A Century of Progress," was conceived as a 100 year anniversary commemorating the city of Chicago and as a testament to the industrial and scientific achievements up to that time. Chicago Historical Society, History Files: Century of Progress 1933–34, <http://www.chicagohs.org/history/century.html> (last visited Feb. 26, 2010).

The fair was opened on May 27, 1933, when the lights were turned on with energy from the rays of the star Arcturus. The rays were focused on photo-electric cells in a series of astronomical observatories and then transformed into electrical energy which was transmitted to Chicago. Unlike any [other] fair before it, A Century of Progress . . . focused on scientific and technological progress and the manufacturing processes behind them, [rather than on architecture]. The "A Century of Progress Exposition" was a[n] unheralded success and hosted over 48 million visitors in [the] two years it ran. It provided an uplifting glimpse into a future embodied by technology while honoring the achievements of past. 1933–1934 World's Fair, <http://www.futurliner.org/fair.htm> (last visited Feb. 25, 2010). Thus, it is no wonder that Anderson perceived the experience to be a "mad adventure." Anderson Transcript I, *supra* note 2, at 1:17–18.

10. Anderson Transcript I, *supra* note 2, at 1:24.

11. *Id.* at 1:25–2:3. Before Anderson was born in 1922, three of his siblings had succumbed to diseases, one of whom was a victim of the 1918 influenza pandemic that swept the globe killing, by some accounts, 2.5% to 5% of the world's total population. *See* Anderson Transcript II, *supra* note 3, at 5; virus.stanford.edu, The Influenza Pandemic of 1918, <http://virus.stanford.edu/uda> (last visited Feb. 25, 2010). Additionally in the 1920s, many of the common childhood diseases, such as measles, mumps, and rubella, which today can be readily inoculated, lacked a vaccine and thus were quite harmful or fatal during the pre-immunization period. *See* MINISTRY OF HEALTH OF WELLINGTON, N.Z., IMMUNISATION HANDBOOK 2006, at 207, 225, 230. It was not until the early 1970s that a triple vaccine for the mumps, measles, and rubella (MMR) was introduced to U.S. pediatricians. *Id.* at 230. However, the more serious viral threat to children, both in the past and presently, continues to be diphtheria. *See id.* at 142–43. Diphtheria is acquired almost exclusively in children under the age of fifteen and has had a ten percent mortality rate in the United States since 1920. *Id.* at 143.

life focused on three institutions: the family, the church, and the school.¹³ His family life was impacted by what his father did to make a living.¹⁴

Anderson's father owned a grocery store, and Anderson remembers the extent of his own responsibilities as sacking potatoes, stocking shelves, and carrying out bags of groceries for ladies.¹⁵ Financially wiped out during the Great Depression,¹⁶ his father moved the family to Wisconsin and switched to owning a dry goods store.¹⁷ After about a year of effort, that venture too was unsuccessful and Anderson's father moved the family back to Rockford and went back to owning a grocery store.¹⁸

B. *Early Role Models*

Notably, Anderson's early role models were teachers and professors.¹⁹ Miss Vincent, one of Anderson's grade school teachers, enabled him to skip fifth grade because she considered him so intelligent.²⁰ This allowed him to graduate one year earlier than most other students.²¹ In high school, Anderson looked up to his debate coach, John V. Berland, "as a kind of a father

12. Anderson Transcript I, *supra* note 2, at 2:4–6; Anderson Transcript II, *supra* note 3, at 5. Anderson proffers that the overly protective nature of his parents was likely a result of the childhood deaths of three of his siblings. Anderson Transcript I, *supra* note 2, at 2:4–6; Anderson Transcript II, *supra* note 3, at 5. He recalls that his father was particularly distraught from the loss of three of his children and, being as devout as he was, would make regular visits to their gravesites. Anderson Transcript II, *supra* note 3, at 5.

13. Anderson Transcript I, *supra* note 2, at 2:24–3:3. Anderson perceived these three institutions to have been the most formative in his upbringing. *Id.* at 3:4–7.

14. *Id.* at 3:19–21. As a child, Anderson recalls that he "pretty much grew up behind the counter in [his] father's store," as it "was the place to which [he] retreated after school and on weekends." *Id.*

15. *Id.* at 3:21–24.

16. Anderson Transcript I, *supra* note 2, at 3:9–12. By 1930, approximately 11.4% of the eligible male workforce in Rockford, Illinois was laid off or unemployed. BUREAU OF THE CENSUS, FIFTEEN CENSUS OF THE UNITED STATES: 1930 UNEMPLOYMENT, VOL. I, SEC. 3, ILLINOIS, at 306 [hereinafter 1930 CENSUS].

17. Anderson Transcript II, *supra* note 3, at 7. While Anderson's father was pursuing every opportunity simply to make ends meet, Anderson himself admits that he was happy as a clam moving to the little town of Genoa City, Wisconsin with virtually no concept of the poverty that permeated through to the rest of his family. *Id.* During the year away from Rockford, Anderson quickly made friends and remembers learning how to ride a horse. *Id.* He even recollects stealing a cabbage or two from storage bins that lined the railroad tracks where farmers would leave their intended shipments. *Id.* Anderson recalls the accompanying naughty, but nice feeling of bringing home a few cabbages for the family. *Id.*

18. See Anderson Transcript I, *supra* note 2, at 3:9–14.

19. *Id.* at 14:12–13.

20. *Id.* at 14:13–20.

21. *Id.* at 14:20–23.

figure.”²² Anderson even remembers several of the specific debate subjects, such as nationalizing the railroads and just as the war clouds were collecting over Europe, whether to form an Anglo-American alliance.²³ Mr. Berland also taught government, Anderson’s favorite subject.²⁴ At the University of Illinois, his debate coach and political science teacher there, Professor Al Houston, served as his mentor.²⁵ These two men inspired Anderson to become a public servant, and he feels that the two deserve “a great deal of credit for steering [him] in that direction.”²⁶ He says he learned from them to see both sides of issues, and that you had “to put yourself into the shoes or into the mind of the person who was taking the other side.”²⁷

C. *Years After High School*

Much of Anderson’s early life was spent in Illinois.²⁸ When Anderson graduated from high school,²⁹ he went to the University of Illinois and then began law school upon completion of his A.B. degree.³⁰ Before he could finish law school, World War II commenced.³¹ He postponed his legal education and joined the Army, fighting in four overseas campaigns in Europe.³²

22. *Id.* at 14:24–15:2. These educators obviously had a profound effect on Anderson’s development as he remembers all their names with exceptional ease. See Anderson Transcript I, *supra* note 2, at 14:14–15:2.

23. *Id.* at 15:5–12. Anderson recalls debating these issues in 1939. *Id.* at 15:5.

24. *Id.* at 15:13–15. Anderson would go on to major in political science while attending the University of Illinois. *Id.* at 15:21–24.

25. Anderson Transcript I, *supra* note 2, at 15:19–21. Regrettably, Professor Al Houston “lost his life as an artillery officer in World War II.” *Id.* at 15:20–21.

26. *Id.* at 15:25–16:5.

27. *Id.* at 16:10–16:17.

28. *Id.* at 4:25–5:2.

29. Anderson graduated from Rockford High School in 1939. Biographical Directory of the United States Congress, John Bayard Anderson, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=A000195> (last visited Feb. 24, 2010) [hereinafter Biographical Directory, John Bayard Anderson]. Anderson remembers that his high school had 789 students in his graduating class, and that there was only one black student enrolled in the entire high school. Anderson Transcript I, *supra* note 2, at 32:22–25. As Anderson explained it, while the occurrence was not a result of de jure segregation, Rockford High School “was certainly de facto segregat[ed].” *Id.* at 33:1–2.

30. *Id.* at 5:1–3. Anderson attended the University of Illinois located in Urbana, Illinois and received his A.B. degree in 1942. Biographical Directory, John Bayard Anderson, *supra* note 29.

31. Anderson Transcript I, *supra* note 2, at 5:3–4.

32. *Id.* at 5:3–5. One of the campaigns Anderson remembers most vividly was the Siege of Bastogne in Belgium as part of the larger Battle of the Bulge. Anderson Transcript II, *supra* note 3, at 8. As the story goes, German forces had been marching west into the Allied territory toward Antwerp, Belgium so that the Germans could halt supply shipments between

After the war's end, he finished his law degree³³ and practiced in a small firm in Rockford.³⁴

Eventually Anderson, dissatisfied with practicing and perhaps a bit "restless" at that time of his life,³⁵ decided to study more law so that he could perhaps become a law professor.³⁶ With that goal in mind, he applied to Harvard's LLM program and was admitted.³⁷ When he completed his LLM,

American and British forces; the small Belgian city of Bastogne was an area where many of the supply roads to Antwerp came to a junction. COLONEL S.L.A. MARSHALL, *BASTOGNE: THE FIRST EIGHT DAYS 15-18* (1946). Thus, Allied protection of the city was necessary to prevent the supply line from being compromised and, from the German perspective, securing the city was essential to reaching and destroying the Allied supply lines. *Id.* As Anderson explains his experience,

[I] was driving a command car, a huge cumbersome vehicle that was a gas-guzzler if you ever saw one . . . with a major who was the chief liaison officer between the Third Corp Artillery Headquarters Battery . . . [however,] the only occasion in the ten months that I spent overseas where I actually saw the ultimate horror of war [was at Bastogne], displayed in the form of dead soldiers, German soldiers lying on the frozen ground as we would go in and out of the city where they had been killed by enemy fire—the allied fire.

Anderson Transcript II, *supra* note 3, at 8.

33. Anderson Transcript I, *supra* note 2, at 5:6-7. Anderson returned from the European Theater and finished his legal education at the University of Illinois College of Law in 1946. *Id.* at 5:4-7.

34. *Id.* at 5:8-9. In fact, when he finished law school, Anderson claims he was sought out by the firm Large, Reno & Champ, now Reno & Zahn. Anderson Transcript II, *supra* note 3, at 8. According to Anderson, he had been noticed by the firm while speaking at a Lion's Club luncheon during the time he was still a student at the University of Illinois. *Id.* The senior partner at the time, Guy Reno, had been so impressed that, upon learning Anderson had returned to Rockford, called him in for an interview. *Id.*

35. Anderson Transcript I, *supra* note 2, at 17:16-19. Anderson soon "found the practice rather dull and mundane." Anderson Transcript II, *supra* note 3, at 9. The principal job he was given was to read abstracts of title and research transfers of title. *Id.* at 8. Incessant visits to the County's Recorder of Deeds office were not the activities Anderson found to be congruent with the skills he perceived he possessed as a lawyer. *Id.* at 8-9. As it would turn out, Anderson's flair for public speaking would enable him to convince many juries later on as the State's Attorney for Winnebago County. Anderson Transcript I, *supra* note 2, at 7:17-19, 18:20-19:2.

36. *Id.* at 17:16-19. Anderson recalled pondering whether "[he] would find law more satisfying to teach than to practice." *Id.*

37. *Id.* at 5:13-19. While Anderson was attending Harvard, he had Archibald Cox, a very famous figure in American history, as a law professor. *Id.* at 5:13-17. Cox is most well known as the special prosecutor during the Watergate proceedings, who was eventually fired by Robert Bork at President Richard Nixon's request during an event known as the "Saturday Night Massacre." U.S. Dep't of Justice: Archibald Cox, Solicitor General, http://www.justice.gov/osg/aboutosg/a_cox_bio.htm (last visited Feb. 24, 2010). Further, Cox had earned distinction "as one of the leading law educators of the 20th century" during his teaching career at both Harvard Law School and Boston University School of Law. *Id.* It was also during Cox's tenure as a Harvard law professor that he became an advisor and speech writer for then-Senator John F. Kennedy. *Id.*

his only teaching offer came from Missoula, Montana.³⁸ After some research, and after looking at a map, Anderson decided Missoula would be a lonely place.³⁹ Anderson declined the offer.⁴⁰ Instead, Anderson reluctantly chose to stay and open up a law practice in Rockford: Anderson and Halleck.⁴¹ However, Anderson was still not satisfied with merely practicing law.⁴²

Because of his dissatisfaction, another phase of Anderson's careers began.⁴³ He took the Foreign Service exam, was accepted and went to Washington D.C. to study at the Foreign Service Institute for three months.⁴⁴ He was promptly commissioned as a Foreign Service Officer Class VI and sent to West Berlin.⁴⁵

At this juncture, it is best to take a bit of a side trip because it impacts his future decisions: how Anderson met his wife, Keke.

In Anderson's words, "that's a very interesting tale. And it was by her design, I'm sure."⁴⁶ Keke Machakos, at age eighteen, was working for the

38. Anderson Transcript I, *supra* note 2, at 5:20–22. The University of Montana Law School is located in Missoula. University of Montana School of Law, <http://www.umt.edu/law> (last visited Feb. 24, 2010).

39. Anderson Transcript I, *supra* note 2, at 5:22–23.

40. *See id.* at 5:24–6:2. Anderson quipped, "even though [it was] the home of Mike Mansfield." *Id.* at 5:24–25. Mike Mansfield, a Democratic Representative and Senator from Montana, was the longest serving Senate Majority leader in U.S. History from 1961–1977. Biographical Directory of the United States Congress, Michael Joseph Mansfield, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=M000113> (last visited Feb. 24, 2010). Known for his dedication to and promotion of U.S. and Asia relations, President Jimmy Carter appointed Senator Mansfield to be the United States Ambassador Extraordinary and Plenipotentiary to Japan, where he also became the longest serving in that position from 1977–1988. *Id.*

41. Anderson Transcript I, *supra* note 2, at 6:3–5.

42. *See id.* at 6:6–7.

43. *See id.* at 6:8–12.

44. *Id.* The subject-matter of the three-month course Anderson attended at the Foreign Service Institute was "[H]ow to be a Foreign Service Officer." *Id.* at 50:12–15.

45. *Id.* at 6:11–12. Berlin was arguably the prime international center of the Cold War, which lasted from 1949 to 1990. *See* ALEXANDRA RICHIE, *FAUST'S METROPOLIS: A HISTORY OF BERLIN*, 604, 674 (1998). The city was divided into East and West sections with American, French and British Sectors occupying the westernmost part of the city, and with the Soviets occupying the easternmost half of the city. *See id.* at 628. It is suggested that Berlin's political status and geographic position have provided the continuous opportunity for conflict located within the city to be capable of starting a world war. *See id.* at 659–60, 674. Thus, Anderson's role as an American, and likely also true of any British, French, or even Soviet soldier, was likely to ensure stability in what was perceived at the time as the world's most violent and volatile city. *See id.* at 631–32, 635–36.

46. Anderson Transcript I, *supra* note 2, at 50:11–12.

State Department in Washington D.C. as a photographer.⁴⁷ One day she saw Anderson at the bus stop and somehow found out that he would be visiting the department in which she worked in order to get his Foreign Service Officer photo.⁴⁸ As suspected, Anderson went to have his photo taken, but he did not really pay much attention to Keke.⁴⁹ So, according to Anderson, she later called to inform him that his photo had not turned out well and he would have to come back for another sitting.⁵⁰ This time he noticed who was behind the camera, asked her where she lived, and discovered that they lived in the same neighborhood.⁵¹ He asked her out to dinner and “she accepted [his] invitation with great alacrity and the romance blossomed and flowered from that moment forward.”⁵²

Unfortunately, Anderson was assigned to go to West Berlin soon thereafter.⁵³ Thus, the romance “was reduced to a frantic exchange of overseas mail and letters.”⁵⁴ He even admitted in one of his letters that he “was so desperately lonely that [he] could not survive unless she would come over.”⁵⁵ However, Keke told him she was “not about to invest her own paycheck in buying a ticket.”⁵⁶ Anderson quickly wired her the money.⁵⁷

The moment she stepped off the plane, he proposed and she accepted.⁵⁸ According to Anderson, he married Keke three times.⁵⁹ The first marriage was by the German Standesamt, the governmental agency where he obtained the license and had to make a declaration of marriage, then by a “fallen” Presbyterian minister, who worked in the same office as Anderson, and finally, with Keke’s mother in attendance, in a Greek Orthodox Church in Munich which was 400 miles away.⁶⁰

47. *Id.* at 50:16–18; 51:3–7.

48. *Id.* at 51:3–7.

49. *Id.* at 51:15–17.

50. *Id.* at 51:17–19.

51. Anderson Transcript I, *supra* note 2, at 51:20–23.

52. *Id.* at 51:23–52:1.

53. *Id.* at 52:2–4.

54. *Id.* at 52:9–10.

55. *Id.* at 52:11–12.

56. Anderson Transcript I, *supra* note 2, at 52:13–14. Keke had replied to Anderson’s plea with, “well, in that case, send the money.” *Id.* at 52:13.

57. *Id.* at 52:15.

58. *Id.* at 52:16–18.

59. *Id.* at 52:25–53:2.

60. Anderson Transcript I, *supra* note 2, at 52:24–53:15. As Anderson described his fellow Foreign Service Officer who married him to Keke, he “was an ordained Presbyterian minister who had kind of fallen away from the church . . . but he still had his license, so he could marry us.” *Id.* at 52:20–23.

The first of their five children, Eleanora, was born in Berlin.⁶¹ Anderson completed one tour of duty in the Foreign Service, but then financial concerns made them decide to return to the United States.⁶² He was receiving \$5093 per year, which was not enough to raise a family.⁶³

The growing Anderson family moved back to Rockford where he once again began the private practice of law.⁶⁴ As luck would have it, shortly after arrival, the incumbent State's Attorney for Winnebago County, Robert R. Canfield, decided to run for the state senate leaving an open seat.⁶⁵ Even though Anderson had not tried that many criminal cases,⁶⁶ he, with his wife's approval, decided to run for the position.⁶⁷ To his surprise, he beat out five other candidates, including a former star football player.⁶⁸

61. *Id.* at 6:20–21. Eleanora now lives abroad in Holland with her husband, who is also from Holland. *Id.* at 6:21–24. Anderson believes that the reason his daughter is now married to a European might be because she was born abroad. *Id.*

62. Anderson Transcript I, *supra* note 2, at 6:25–7:6.

63. *Id.* at 7:1–4. Anderson's assessment that his annual income was too low to sustain a growing family is quite accurate, as his 1952 income of \$5093 would become the poverty line for parents of five children by 1963. U.S. CENSUS BUREAU, HISTORICAL POVERTY TABLES: WEIGHTED AVERAGE POVERTY THRESHOLDS FOR FAMILIES OF SPECIFIED SIZE 1959 TO 2006 tbl. 1, available at <http://www.census.gov/hhes/www/poverty/histpov/hstpov1.html>.

64. Anderson Transcript I, *supra* note 2, at 7:5–6.

65. See Ill. Mun. League, *Municipal Problems' Commission Meets in Rockford*, 37 ILL. MUN. REV. 149, 149 (July 1958).

66. Anderson Transcript I, *supra* note 2, at 7:9–11.

67. *Id.* at 54:6–8. Anderson describes his wife, because of her support in his past endeavors, as “a wonderful partner in whatever [he] did.” *Id.* at 54:2–3. Not only did she have no objections to Anderson's involvement in public life, but further, Anderson thinks she thoroughly approved of and enjoyed politics as much as he did. *Id.* at 54:12–15. Anderson further observes that, though she had “an independent mind of her own,” both he and his wife were “pretty much of a mind on everything from . . . gay rights to women's rights . . . and all the other . . . classic issues that sometimes couples may divide on.” *Id.* at 54:19–24.

68. Anderson Transcript I, *supra* note 2, at 7:12–16. Anderson defeated John T. “Jack” Beynon in the 1956 race for State's Attorney of Winnebago County getting 42,944 votes to Beynon's 31,017 votes. Illinois State Board of Elections, Winnebago County Election Results: 1956. Beynon had been the former star quarterback for the University of Illinois football team during the mid-1930s. Illinois Names Greatest Signal Callers in School History, May 30, 2008, <http://www.fightingillini.com/sports/m-footbl/spec-rel/053008aaa.html> (last visited Feb. 25, 2010). Earning All-American selections in 1933 and 1934, Beynon is still considered among the ten best quarterbacks in history to play for the University of Illinois football team. ALL AMERICA SELECTIONS 84 (2008), available at http://graphics.fansonly.com/photos/schools/ill/sports/m-footbl/auto_pdf/FBHist-All_AmericaSelections.pdf. At the time of the 1956 race, Beynon had been serving as the first assistant prosecutor under State's Attorney Robert R. Canfield, and because of his post and “his prowess on the football field,” was considered the favorite. Anderson Transcript II, *supra* note 3, at 9. After the upset, Anderson would go on to serve a four-year term as the new Winnebago County State's Attorney from 1956–1960. Biographical Directory, John Bayard Anderson, *supra* note 29.

Anderson “enjoyed the give and take of the courtroom,”⁶⁹ and suspects that was so because of his debate experience in high school and college.⁷⁰ However, he only served one term as the Winnebago County State’s Attorney because, unexpectedly, the longtime United States Congressman from his district announced his retirement.⁷¹

Anderson decided to enter that race.⁷² Keke encouraged him to do so, and friends in the community urged him on by forming a committee to promote his cause.⁷³ His experience of being a county official and having already been elected to office helped convince voters he was a serious candidate.⁷⁴ Again, in another field of five, he won.⁷⁵ Thus in 1961, Anderson began his twenty year career as a Congressman.⁷⁶

D. *Political Legacy in the House of Representatives*

“[Y]ou are such a tiny cog in this giant machinery that seems to move very, very slowly” is how Anderson describes his introduction to the U.S.

69. Anderson Transcript I, *supra* note 2, at 18:11–12. While serving, Anderson was able to obtain the conviction of a notorious hotel burglar, Jefferson Snow, and recalls being satisfied that Snow was “put away long enough to protect the public.” *Id.* at 18:20–19:2. Around this time, Anderson experienced great anguish over losing a murder case where the female defendant had stabbed her lover, ending his life rather abruptly. *Id.* at 19:3–7. However, in retrospect, he believes the case was decided correctly, and that her conduct, given the victim’s atrocious behavior, was probably self defense, justifying the homicide. *Id.* at 19:8–18.

70. *Id.* at 18:13–16. Anderson believes serving as the County’s State Attorney returned him back to his high school debating days, because it placed him in challenging, adversarial conflict regarding important issues. Anderson Transcript I, *supra* note 2, at 18:13–17.

71. *Id.* at 7:19–22. Representative Leo E. Allen was Anderson’s predecessor in Congress and served Illinois 13th and 16th Congressional Districts from 1933–1961. Biographical Directory of the United States Congress, Leo Elwood Allen, <http://bioguide.congress.gov/scripts/biodisplay.pl?index=A000138> (last visited Feb. 25, 2010).

72. Anderson Transcript I, *supra* note 2, at 24:7–10.

73. *Id.* at 24:7–20. Anderson recalls apprehension about whether to begin a bid for Congress, as he “had merely been a candidate on a local county basis” and had not spent much time in other areas of the Congressional District. *Id.* at 24:12–17.

74. *Id.* at 24:21–23.

75. *Id.* at 8:7–9.

76. Anderson Transcript I, *supra* note 2, at 8:7–13. Anderson admits that his life was not well planned and, in fact, most of the time he “seized” the moments that fortuitously presented themselves to him. *Id.* at 20:8–10. Anderson had a good grasp on when to “seize,” as he handily defeated his Democratic opponent, Edwin M. Nelson, for the open seat with just over sixty percent of the vote. See CLERK OF THE U.S. HOUSE OF REPRESENTATIVES, 87TH CONG., STATISTICS OF THE PRESIDENTIAL AND CONGRESSIONAL ELECTIONS OF NOVEMBER 8TH, 1960 11 (1961), available at http://clerk.house.gov/member_info/electionInfo/1960election.pdf. Additionally, Anderson was sworn in as a Congressman at the same time John F. Kennedy was inaugurated as President. Anderson Transcript I, *supra* note 2, at 8:9–11.

Congress.⁷⁷ “[T]he seniority system was much more sacrosanct when [he] entered Congress in that first congressional election than . . . it is today.”⁷⁸ The only way to move up the ranks was for the other Congressmen to die, retire, or run for a higher office.⁷⁹ If a Representative was unlucky enough to be there only for a term or so, they probably could never get anything done that they specifically wanted.⁸⁰ Fortunately, that was not what happened to Anderson. Voters continuously re-elected him and finally he made it on to the prestigious House Committee on Rules where he could have “a more significant role.”⁸¹

1. Fair Housing Act

Certain legislation stands out in Anderson’s mind as highlights of his career. He gives as an example the Fair Housing Act of 1968.⁸² Despite it being before the mid-point in his career, Anderson was able to be the decid-

77. *Id.* at 25:5–7.

78. *Id.* at 25:7–9.

79. *Id.* at 25:10–14. Anderson noted, in regards to the seniority system, the general malaise of being a freshman congressman as, “you just were expected to wait your turn.” *Id.*

80. See Anderson Transcript I, *supra* note 2, at 25:14–17. This statement must be couched in terms of how Anderson observed the seniority system as “a disabling and discouraging factor [to those who served briefly in Congress] in trying to get anything done.” *Id.*

81. *Id.* at 25:18–21. At the time Anderson joined the House Committee on Rules near the end of the 1960s, the Committee had become much more cooperative with the majority leadership than it had been under Chairman Howard W. Smith (D-VA), mainly because of the elevation of Rep. William “Bill” M. Colmer (D-MS) to the chairmanship following Chairman Smith’s electoral defeat in 1966. U.S. House of Representatives, Committee on Rules, 2010, http://www.rules.house.gov/110/comm_history.html (last visited Feb. 25, 2010). Chairman Smith had used the Committee on Rules to further the conservative Democratic agenda irrespective of the majority position, rather than as an arm of the majority leadership in scheduling legislation for the floor. *Id.*

82. Anderson Transcript I, *supra* note 2, at 25:21–23. The genesis of Fair Housing was in the Senate when then Senator, Walter “Fritz” Mondale, a Democrat from Minnesota, proposed Senate Resolution 1358 in August, 1967. Jane Eberhart Dubofsky, *Fair Housing: A Legislative History and a Perspective*, 8 WASHBURN L.J. 149, 149 (1969). According to Ms. Dubofsky, the legislative assistant to Senator Mondale at the time, Martin Luther King’s assassination propelled the adoption of Mondale’s legislation by the House Committee on Rules which incorporated it as H.R. 1100, an amendment to H.R. 2516, better known as the Civil Rights Act of 1968. *Id.* at 160. Prior to King’s assassination and following the passage of Mondale’s legislation, the Senate had been quite concerned that the amendment would never be reported out of the House Committee on Rules. *Id.* As is momentarily discussed in the article, the Senate would soon find they had a friend in Representative John B. Anderson. See Anderson Transcript I, *supra* note 2, at 26:11–13.

ing factor in the passage of the Act.⁸³ While the Fair Housing bill was under review in the Committee on Rules, there were other members on the Committee who were opposed, both of them conservative Democrats: Chairman Bill Colmer, an “archconservative” from Mississippi, and Bernie Sisk, “a wobbly Democrat from California, who was afraid of offending his conservative . . . constituents.”⁸⁴

Their defection, caused because the bill made it illegal to discriminate against persons on account of race when a member of a minority class wanted to buy or rent a house, enabled him to cast a deciding vote for the Fair Housing Act in the Committee on Rules.⁸⁵ Minutes before the final vote was to be taken in the Committee, a motion was made to send the legislation back to a House-Senate Conference.⁸⁶ Fearing that the legislation would get too watered down if sent back to a conference committee, Anderson crossed party lines to join the Democrats in an eight to seven vote, thereby preventing this fate from occurring.⁸⁷ Thanks to Anderson’s heroics, a motion to report the bill was soon made, where it passed moments later by a vote of nine to six, commanding the legislation to reach the full membership of the House.⁸⁸

83. *Id.* at 25:23–24. Anderson, though only a Congressman for seven years in 1968, perceives his key role in the ultimate passage of the Fair Housing Act to be the highlight of his congressional career. *Id.* at 25:21–23.

84. *Id.* at 25:25–26:4 (emphasis added). Chairman Bill Colmer was actually praised in House floor speeches by other members for his efforts to “hold up” the Fair Housing legislation in the House Committee on Rules. 114 CONG. REC. 9528 (1968). Though Representative Bernie Sisk ultimately voted to report the bill out of the Committee on Rules, he had initially voted unfavorably to delay consideration of the legislation when it first appeared on the Committee docket a month earlier. 24 CONG. Q. ALMANAC 152, 165 (1968).

85. Anderson Transcript I, *supra* note 2, at 25:25–26:10.

86. Marjorie Hunter, *Rules Panel Clears Rights Bill for Vote in the House Today*, N.Y. TIMES, Apr. 10, 1968 at 1.

87. See 24 CONG. Q. ALMANAC 152, 165 (1968).

88. Hunter, *supra* note 86. The legislation containing the fair housing provisions, H.R. 1100, was reported out of the Committee on Rules with the recommendation that the full House of Representatives do so pass. H.R. REP. NO. 90-1289 (1968). “Voting to report the resolution were eight Democrats: Madden (Ind.), Bolling (Mo.), O’Neill (Mass.), Sisk (Cal.), Young (Tex.), Pepper (Fla.), Matsunaga (Haw.), Anderson (Tenn.),” and lone Republican: Anderson (Ill.). 24 CONG. Q. ALMANAC 152, 165 (1968). Those voting against reporting the resolution were Democrat and Committee Chairman William M. Colmer (Miss.), Democrat Delaney (N.Y.), “and four Republicans: Smith (Cal.), Martin (Neb.); Quillen (Tenn.), and Latta (Ohio).” *Id.* The Fair Housing provisions of the Civil Rights Act of 1968 were called up to the floor the very next day and passed by the House of Representatives by a vote of 250 to 172. 114 CONG. REC. 9620–21 (1968) (statement of Rep. Ford).

As Anderson observed, it is “not often that a single vote makes a difference.”⁸⁹ But on the Fair Housing bill, his vote did count and it got him national press coverage.⁹⁰ Naturally, this did not sit well with some in his party. Because of his vote in the Committee on Rules, the Republican conservative leadership would not recognize Anderson on the floor of the House so that he could participate in the debate.⁹¹ His Democratic friends saw what was happening and allowed him “five minutes to make the . . . best speech that [he has] ever made.”⁹²

In that speech he told a “true” story.⁹³ A young African-American man had come to Anderson while he was practicing in Rockford.⁹⁴ The man told him that he had been offered a job, but when he looked at housing and the school system he wanted to be in, there was “always a roadblock.”⁹⁵ The man told Anderson that he wanted to live in the same community that Anderson lived in, but was prevented from doing so.⁹⁶

In order for the Fair Housing legislation to be voted on by the entire Congress, it had to be voted out of the Committee on Rules.⁹⁷ After Anderson cast his ballot, the very next day it was voted on and passed.⁹⁸ Anderson got a personal phone call from President Lyndon B. Johnson who wanted to

89. Anderson, Transcript I, *supra* note 2, at 27:1–2.

90. *Id.* at 27:1–4. Indeed, Anderson’s tie-breaking vote made the front page of the *New York Times* the following morning, labeling him the “hero” of a “landmark civil rights bill.” Hunter, *supra* note 86.

91. *Id.* at 27:6–10.

92. *Id.* at 27:10–14. Anderson remembers “sitting until midnight the night before at [his] desk . . . thinking about what [he] would say.” *Id.* at 27:20–22. In his usual self-deprecating manner he opined, “I’m not suggesting that it swung that many votes, but it made me feel good.” *Id.* at 27:22–23.

93. Anderson Transcript I, *supra* note 2, at 28:24.

94. *Id.* at 29:3–4.

95. *Id.* at 29:3–9. The transcript of Anderson’s floor speech was, in pertinent part, as follows:

I am seeking to afford an advantage to and to benefit the young engineer who finally found a position commensurate with his educational abilities and then sadly confessed to me, “I am going to have to leave the community because I cannot find a place suitable for my family in which to live.”

114 CONG. REC. 9551 (1968) (Statement of Rep. John B. Anderson); *see also* 114 CONG. REC. 9557–58 (Statement of Rep. John B. Anderson) (elaborating on statement from previous cite).

96. Anderson Transcript I, *supra* note 2, at 29:9–12. Anderson admits that he might have “embellished somewhat . . . for dramatic effect,” but he believed it had a ring of truth and sincerity. *Id.* at 29:13–21. Anderson further recalls that his constituents were somewhat critical of the proposition of “fair housing,” yet he successfully convinced them to be fair minded. *Id.* at 29:24–30:4.

97. *Id.* at 26:14–16.

98. *Id.* at 26:16–23.

come down and shake Anderson's hand.⁹⁹ He did so and the President personally thanked Anderson for his work and for breaking the "logjam."¹⁰⁰

Anderson says it was one of the most useful pieces of legislation he helped pass while in Congress.¹⁰¹ He also remembers that Representative John Conyers, Jr. "came striding over from the Democratic side of the aisle and shook hands and embraced [him] and thanked [Anderson] for the help that [he] had given."¹⁰² Anderson considers Conyers as "emblematic" of the "restlessness of minorities in this country, at how slow we have been to gradually progress toward the goal of equal rights, of true equality, regardless of race and color and background and national origin."¹⁰³ According to Anderson, Conyers has fought the "good fight" for so long that he has reached a position of power within Congress; he is now the Chairman of the House Committee on the Judiciary.¹⁰⁴ Anderson observes that Conyers symbolizes somebody who just does not give up "despite the odds."¹⁰⁵ Conyers, according to Anderson, represents the "hope of the future."¹⁰⁶ It is also very possible that certain Congressmen knew that Anderson felt obligated to vote how he did because he felt that the "country was way behind on the issue of

99. Anderson Transcript I, *supra* note 2, at 26:17–19. President Lyndon B. Johnson was a fervent supporter of civil rights for African Americans both as President and as a United States Senator. See The White House, Biography of Lyndon B. Johnson, <http://www.whitehouse.gov/about/presidents/LyndonBJohnson> (last visited Feb. 26, 2010). Like Anderson, Johnson himself, while in Congress, had been instrumental in the creation and passage of the 1957 Civil Rights Act. See RANDALL B. WOODS, LBJ: ARCHITECT OF AMERICAN AMBITION 330 (2006). Later as President, Johnson would continue to tackle prejudice where it lay through the heavily supported passage of the 1964 Civil Rights Act, the Voting Rights Act of 1965, and of course, the Fair Housing Act of 1968. See *id.* at 478, 586, 840. While President Johnson did great things for the Democratic Party by engineering these anti-discriminatory bills, he became instantly unpopular in the South and in his home state of Texas. See *id.* at 330. Much like President Johnson, Anderson's role in the forward-thinking Fair Housing provisions of the 1968 Act made him initially unpopular among his constituents. Anderson Transcript I, *supra* note 2, at 29:24–30:4. Regardless, both of these great statesmen have come to be praised for their vision amidst the political retrenchment.

100. *Id.* at 26:19–20.

101. *Id.* at 30:16–18.

102. *Id.* at 27:24–28:3. Evidently, Rep. Conyers Jr. continues to remember Anderson fondly because if Anderson arrives at an event that Conyers Jr. attends, Anderson is asked to speak. See *id.* at 28:4–10.

103. Anderson Transcript I, *supra* note 2, at 171:15–20.

104. *Id.* at 171:20–23. Rep. Conyers, serving the 14th District of Michigan, has been serving in Congress since 1965, having just been reelected to his 22nd term in Congress. U.S. Congressman John Conyers, Jr., About: Biography, <http://conyers.house.gov/index.cfm?FuseAction=About.Biography> (last visited Feb. 26, 2010). He has served as Chairman on the House Committee for the Judiciary for the 110th and 111th Congresses. See *id.*

105. Anderson Transcript I, *supra* note 2, at 171:24–172:1.

106. *Id.* at 172:6–7.

civil rights and human rights.”¹⁰⁷ In his eyes, the country was “not living up to [its] Democratic heritage . . . with respect to housing and discrimination [in] employment” with regard to minorities.¹⁰⁸

Anderson had also established himself on a “solid foundation” of principles on which he intended to stand with regard to his constituents.¹⁰⁹ They were already aware of his stance on civil rights.¹¹⁰ However, Anderson knew that landlords, property owners, and the real estate business in his constituency who refused to rent, sell, or buy from minorities were not persuaded by his principles.¹¹¹ Thus, he was not surprised when a few voters made it clear they did not like which side he supported.¹¹²

2. The Gulf of Tonkin Resolution

Anderson confesses that the worst mistake he made while in Congress was to vote in favor of the Gulf of Tonkin resolution.¹¹³ This 1964 resolution was introduced when President Johnson requested that troops be sent into Southeast Asia (Vietnam) over an incident in which U.S. naval forces were attacked by the Vietnamese Navy without provocation.¹¹⁴ Actually, Johnson had already dispatched troops and was merely asking Congress to approve of his actions.¹¹⁵ They did so, and in effect, wrote Johnson a blank check allowing him to have a war without actually declaring one.¹¹⁶ Anderson, along

107. *Id.* at 104:23–105:1.

108. *Id.* at 105:1–4.

109. *See id.* at 105:5–7. Anderson posits this approach as advice to the aspiring politician. *See* Anderson Transcript I, *supra* note 2, at 103:21–22, 105:5–8. As Anderson puts it, the “solid foundation” approach means that a public servant ought to make it “crystal clear . . . that there are certain irreducible principles on which” he stands, such that there are certain programs that one can support and others that one cannot. *Id.* at 104:6–10.

110. *See id.* at 104:23–105:4.

111. *Id.* at 105:6–13. Anderson further states, however, that having a “solid foundation” allows an elected official to “more easily deal with the problems that arise when [one must] cast a controversial vote.” *Id.* at 105:6–9.

112. *See* Anderson Transcript I, *supra* note 2, at 103:8–15.

113. *Id.* at 45:8–11, 15–16. On August 7, 1964, the 88th Congress passed H.R.J. Res. 1145, known as the Southeast Asia Resolution but better known as the Gulf of Tonkin Resolution. 110 CONG. REC. 18555 (1964); Gulf of Tonkin Resolution, Pub. L. No. 88-408, 78 Stat. 384 (1964). Later in his Presidential campaign of 1980, Anderson made a public apology for voting for the Resolution. Anderson Transcript I, *supra* note 2, at 44:16–17.

114. VIETNAM AND AMERICA: A DOCUMENTED HISTORY 248 (Marvin E. Gettleman et al. eds., 2d ed. 1995).

115. *Gulf of Tonkin Measure Voted in Haste and Confusion in 1964*, N.Y. TIMES, June 25, 1970, at 3.

116. *Id.*; VIETNAM AND AMERICA: A DOCUMENTED HISTORY, *supra* note 114, at 248. The Gulf of Tonkin resolution specifically authorized the “President, as Commander in Chief, to

with all his other colleagues in the House, unanimously voted in favor of the resolution.¹¹⁷ Later, Anderson, in his own eyes, redeemed himself by voting to cut off funds for the war.¹¹⁸ At this time in his career, he was among the Republican leadership with Gerald R. “Jerry” Ford who was the House minority leader.¹¹⁹ Ford went to Anderson and said, “John, you’re a member of the leadership and I’ve just gotten through rawhiding these freshman Republicans to vote down this resolution to cut off money for Vietnam and then you, [a] member of the leadership, vote for it.”¹²⁰ Anderson responded that he was sorry, but he had been mistaken for a long time about being at war in Vietnam, and he was not going to change his mind.¹²¹

take all measures necessary to repel any armed attack against the forces of the United States and to prevent further aggression.” 78 Stat. at 384. Thus, it is believed by some that the Gulf of Tonkin Resolution is “the closest approximation to a [Congressional] Declaration of War . . . during all the years of U.S. combat in Vietnam.” VIETNAM AND AMERICA: A DOCUMENTED HISTORY, *supra* note 114, at 248.

117. See 110 CONG. REC. 18555 (1964). The resolution passed the House by a vote of 416-to-0 and then the Senate 88-to-2 with the only negative votes cast by Senators Ernest Gruening of Alaska and Wayne Morse of Oregon. *Id.*; VIETNAM AND AMERICA: A DOCUMENTED HISTORY, *supra* note 114, at 248.

118. See Anderson Transcript I, *supra* note 2, at 45:16–17. On July 9, 1970, the House of Representatives voted on the Cooper-Church Amendment, defeating the legislation by a vote of 153-to-237, which would have effectively ended U.S. military operations in Vietnam by requiring Congressional authorization for any such action. See 116 CONG. REC. 23525 (1970). As Anderson reflected, he deeply regretted his lack of foresight in recognizing that such a resolution might accelerate the war, which it did. Anderson Transcript I, *supra* note 2, at 45:10–16. Thus, when the Cooper-Church Amendment to cut funding for the Vietnam War was introduced, though it was not adopted, Anderson voted in the affirmative. *Id.* at 45:16–17; 116 CONG. REC. 23525.

119. See Biographical Directory of the United States Congress, Gerald R. Ford, Jr., <http://bioguide.congress.gov/scripts/biodisplay.pl?index=F000260> (last visited Feb. 26, 2010).

120. Anderson Transcript I, *supra* note 2, at 45:22–46:1. This is as Anderson remembers the conversation, yet his characterization of Ford appears consistent with popular opinion at the time. See *id.* at 45:17–21. As *Time* magazine published the week following the House’s rejection of Cooper-Church,

Two weeks ago, the Senate administered a mild rebuke to President Nixon when it passed the Cooper-Church Amendment cutting off funds for U.S. operations in Cambodia. The lengthy Senate debate embarrassed the Administration, and when the matter came before the House last week Republican Minority Leader Gerald Ford was determined that the embarrassment would not be repeated.

Neil MacNeil, *How Ford Put the Lid on Cooper-Church*, *TIME*, July 20, 1970, available at <http://www.time.com/time/magazine/article/0,9171,877067,00.html>.

121. Anderson Transcript I, *supra* note 2, at 46:2–4. Anderson recalls that the House minority leadership was very strong at that time, that they had a club over the heads of those in the minority and if each member went their own way the leadership would shred them completely. *Id.* at 46:10–17. Thus, there is “a lot of in-house pressure to go along” if you want to survive, and this is so particularly if a Representative is in the minority. *Id.* at 46:18–

3. Other Influences

Anderson says one of the best experiences he had while in the House was befriending Morris K. Udall, Representative from Arizona.¹²² They were best friends both on and off the floor.¹²³ Anderson credits Udall for bringing him “quite a ways down the road toward a more progressive view of the role of government than [he] had cherished up until [his] linking up with [Udall] on campaign finance [reform] and on the natural resources bills and [the] Alaska National Interest Lands bill.”¹²⁴ In Anderson’s words, this later

22. Of course, Anderson was never in the House when the Republicans had control of Congress. *Id.* at 46:22–24.

122. *See id.* at 49:11–12. Anderson honored his friend Rep. Morris K. Udall by having a fundraiser for his son, now Sen. Mark Udall (D-CO), when Mark first ran for a congressional seat in Colorado during his 1998 campaign. *See* Anderson Transcript I, *supra* note 2, at 49:14–17. Anderson felt he was paying back a debt to Morris K. Udall, who inspired him. *Id.* at 49:17–18.

123. *Id.* at 49:20–22.

124. *Id.* at 22:15–20, 49:22–50:2. Though Anderson and Udall had partnered on many natural resources bills, arguably the most influential partnership was in 1979 on House Resolution 39, better known as the Alaska National Interest Lands Conservation Act, in what would be Anderson’s final congressional term. *See Alaska National Interest Lands Conservation Act of 1979: Hearing on H.R. 39 Before the H. Comm. on Interior and Insular Affairs, 96th Cong. (1979); 125 CONG. REC. 8107 (1979) (Mr. Udall and Mr. Anderson introduced H.R. 3636 “to provide for the designation and conservation of . . . public lands in the State of Alaska.”)*. According to its legislative text, it was a bill “[t]o provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.” Alaska National Interest Lands Conservation Act, Pub. L. No. 96–487, 94 Stat. 2371, 2371 (1980). Though Alaska preservation legislation had been repeatedly introduced since 1973 with other bill sponsors, it was heavily opposed by the Alaskan congressional delegation, particularly Alaska Senator Mike Gravel. *See 126 CONG. REC. 21873–76 (1980); see H.R. 1887, 93rd Cong. (1973); see H.R. 1888, 93rd Cong. (1973); see H.R. 1893, 93rd Cong. (1973)*. Despite the odds, the Anderson-Udall partnership on conservation was impervious to the opposition’s attacks and the two successfully pushed the legislation through the House on May 16, 1979 with an overwhelming majority vote of 360–65. 125 CONG. REC. 11459 (1979). The legislation would then sail through the Senate by a vote of 78–14 on August 19, 1980 and then was signed into law by President Carter on December 2, 1980. 126 CONG. REC. 21891; *see* Alaska National Interest Lands Conservation Act, 94 Stat. 2371.

Anderson is such a strong supporter of public campaign financing reforms because of his beliefs regarding proportional representation. *See* Anderson Transcript I, *supra* note 2, at 100:4–6. Anderson supports providing better direct representation by having a public finance program that would financially support three or more political parties. *See id.* at 100:11–12. Anderson offers the rationale that, “in the spirit of trying to broaden the electoral base and encourage people to believe that it’s not simply big money and big money donors that are going to . . . control . . . [a] [c]ampaign, you’ve got to have that public financing.” *Id.* at 100:7–12. His experience of running for president as a third-party candidate in 1980 was that

piece of legislation “took a lot of land away from Sarah Palin’s developers . . . and put them in national parks and forest preserves in protected status where they couldn’t be developed.”¹²⁵

E. *Thoughts on Religion*

No doubt, some of Anderson’s ideas came from his up-bringing. His father was very “prominent” in the Swedish Free Church, as it was known at the time Anderson was growing up.¹²⁶ His father was the chairman and a deacon of the church.¹²⁷ As John noted, “the salvation was free, but you had to pay a little when they passed the collection plate to pay for the piping of the water of salvation.”¹²⁸ Along with other members, the children ritualistically went to Sunday school and then to morning services, which were conducted in Swedish.¹²⁹ Somewhere along the line, the services became Anglicized, and the church became the First Evangelical Free Church of Rockford.¹³⁰

As Anderson remembers the religious messages, the basic belief was in salvation, which could only be achieved through a person’s faith in Christ.¹³¹ “[T]o achieve that required a public confession [of faith], and . . . [to live] by a very strict code,” which included not attending movies.¹³² However, the

people would not contribute to his campaign because they thought it was a lost cause, hence the need for public campaign financing. *See id.* at 100:1–12. Unfortunately for Anderson, he predicts, that “in view of the success that Barack Obama had in raising money in” the most recent presidential election, that the country is going in the opposite direction of public campaign financing. *Id.* at 100:12–18.

125. Anderson Transcript I, *supra* note 2, at 22:21–24. Anderson rather comically notes that he never campaigned in Alaska in 1980 because he knew he “would be hung in effigy if [he] appeared on the scene,” given his co-sponsorship of the Alaska National Interest Lands legislation which had been vehemently opposed by Alaskan residents. *Id.* at 22:25–23:4.

126. *Id.* at 11:11–12, 17–18.

127. *Id.* at 11:12–13.

128. *Id.* at 11:19–21.

129. Anderson Transcript I, *supra* note 2, at 11:13–16. Anderson attributes this to the fact that his “church was a Swedish denomination.” *Id.* at 11:17.

130. *See id.* at 11:22–24. Anderson’s childhood church became Anglicized through a gradual process beginning in the mid-1920s. A Brief History of First Evangelical Free Church, <http://www.firstfreerockford.org/history.htm> (last visited Feb. 26, 2010). Prior to the Anglicization, not only were all services conducted in Swedish, but also all official meetings and meeting minutes were recorded in Swedish. *Id.*

131. Anderson Transcript I, *supra* note 2, at 11:25–12:1.

132. *Id.* at 12:1–7. As Anderson recalls, movies were considered “worldly pleasures,” which were pleasures his admittedly “fundamentalist” church expected its followers to eschew through strict rules of conduct. *Id.* at 12:5–7, 13–18. Thus, he remembers being “encouraged

code was not so strict as to prohibit them from listening to the radio.¹³³ Anderson remembers the radio series of “Little Orphan Annie.”¹³⁴

At the church services, however, the minister focused on words in the Bible, selecting several verses each week and expounding on them.¹³⁵ He did not incorporate any ideas from the Social Gospel movement and thus never preached a so-called social gospel.¹³⁶ It was thought doing so would lead the congregation to focus on worldly matters and, consequently, not focus on what the Bible said.¹³⁷ But, as Anderson matured, he came to believe that the teaching “lodged in [his] soul somehow differently.”¹³⁸ He believes now that he has always interpreted what was said from the pulpit differently from what the minister intended.¹³⁹ Anderson does not believe that his religious upbringing gave him the ideas that human beings should be treated equally.¹⁴⁰ It is Anderson’s belief that he came to those ideas “a little bit apart and aside from [his] religious convictions.”¹⁴¹

to find [alternative] ways of amusing [himself] other than attending the theater.” *Id.* at 12:18–20.

133. *See id.* at 13:1–5.

134. Anderson Transcript I, *supra* note 2, at 13:1–5. The radio program, “Little Orphan Annie,” was based on a comic strip by Harold Gray portraying “Annie, her dog Sandy and her pal Joe Corntassel [who were] often . . . battling gangsters, pirates and smugglers, receiving occasional assistance from business magnate Oliver ‘Daddy’ Warbucks and his sidekick Punjab.” Radio Hall of Fame, *Little Orphan Annie*, <http://www.radiohof.org/adventuredrama/littleannie.html> (last visited Feb. 26, 2010). According to the Radio Hall of Fame, *Little Orphan Annie* debuted on Chicago’s WGN in 1930 and was quickly nationally syndicated, airing until 1942. *Id.*

135. Anderson Transcript I, *supra* note 2, at 32:1–4.

136. *See id.* at 32:4–8. Thriving toward the end of the 19th and early 20th centuries, the Social Gospel movement was a new theological outlook that encouraged Christians to fuse existing Christian principles with the social problems of industrialization such that they may be avoided. *See* WALTER RAUSCHENBUSCH, A THEOLOGY FOR THE SOCIAL GOSPEL 1–2 (The Macmillan Co. 1922) (1917). This liberal theological movement challenged existing individualistic theology by showing that social problems like poverty, hunger, and war were the result of man’s collective sins, which could be avoided if Christians began to view their salvation in terms of the collective rather than individualistic. *See id.* at 5. In the words of Rauschenbusch, one of the early founders of the movement, “The social gospel is the old message of salvation, but enlarged and intensified. . . . to bring men under repentance for their collective sins and to create a more sensitive and more modern conscience.” *Id.* at 5. Thus, the so-called social gospel encourages church goers to become impassioned by worldly issues and apply their faith to halt the progress of modern social problems. *See id.* at 4–5.

137. Anderson Transcript I, *supra* note 2, at 32:6–12.

138. *Id.* at 32:19–20.

139. *Id.* at 33:3–6.

140. *Id.* at 33:6–10.

141. *Id.* at 33:15–17.

In addition to his own personal experiences, Anderson edited a book about the impact of religion in the political arena.¹⁴² In this book, Anderson personally states that religious values do make a difference on how a politician “mold[s] and shape[s] the institutions of [our] democracy.”¹⁴³ His examination of American history reveals that the founding fathers believed in separation of the church from the state and individualism.¹⁴⁴ Moreover, he explores the impact of the Social Gospel movement which led to an unfortunate division into two camps both religiously and politically.¹⁴⁵ According to Anderson, Americans tend to be either conservative or liberal, although he doubts that we have an accurate picture of what those words truly mean politically or religiously.¹⁴⁶

Anderson identifies himself as between the two religious camps, both liberal and conservative, and hence, as he analyzes it, a spiritual moderate.¹⁴⁷ Further, he says his outlook on religion impacts his outlook on politics.¹⁴⁸ While some of what he claims may seem very liberal, he exposes what he notes as a liberal trap.¹⁴⁹ For instance, he believes that people have a “basic human right to decent housing and access to food and jobs.”¹⁵⁰ Further, as he puts it, “we may not be able to legislate love between different colored children of God—but certainly civil rights ought not to be denied any man because of his race.”¹⁵¹ Naturally, those ideas are associated with a political liberal. However, as Anderson notes, what the liberals fail to understand is that “no matter how well-intentioned or how sweeping, [the laws and institutions we create] can never make human society any better collectively than it is individually.”¹⁵² Anderson’s statement exemplifies his belief that humans are fallible, and often times act sinfully.

Anderson illustrates this by considering the environment and what the Bible says about it.¹⁵³ It is true, he notes, that the Bible tells us that God

142. See generally John B. Anderson, *Forward to CONGRESS AND CONSCIENCE* (John B. Anderson, ed., J.B. Lippincott Co. 1970).

143. *Id.* at 5–6.

144. See John B. Anderson, *American Protestantism and Political Ideology*, in *CONGRESS AND CONSCIENCE* (John B. Anderson, ed., J.B. Lippincott Co. 1970) [hereinafter Anderson, *American Protestantism and Political Ideology*].

145. *Id.* at 166–67.

146. See *id.* at 176–78; see also RAUSCHENBUSCH, *supra* note 136, at 5.

147. Anderson, *American Protestantism and Political Ideology*, *supra* note 144, at 179.

148. See *id.* at 177.

149. See *id.* at 179.

150. *Id.*

151. *Id.*

152. Anderson, *American Protestantism and Political Ideology*, *supra* note 144, at 179.

153. *Id.* at 180.

created the earth for man, and to go out and “be fruitful and multiply.”¹⁵⁴ However, as Anderson points out, the Bible also says that the earth, as created, was “good.”¹⁵⁵ Thus, we have no right to despoil it, but rather an obligation to return it to its rightful state: a garden.¹⁵⁶ According to Anderson, what is desperately needed are “Christians who will begin to consider seriously each political issue on its merits in light of their religious convictions. We must stop using religion as an implicit justification for our political biases, and learn instead to give our faith new expression in our politics.”¹⁵⁷

When asked how his religion specifically influenced his legislative efforts, Anderson replied,

to put it somewhat simplistically, [religion] encourages the belief that we are all one, we are all God’s children. And I can’t conceive that the savior whom I worship would have turned someone away from his door or refused to minister to the needs of someone because of race or because of color.¹⁵⁸

F. 1980 Presidential Election: *The Brass Ring*

The most rewarding part of his career from his own perspective was the presidential campaign of 1980.¹⁵⁹ The high point of his life was being able to speak to people across America.¹⁶⁰ He made the decision to run because he found Congress to be too frustrating in that it took so long to get anything accomplished.¹⁶¹ He made this decision despite the fact that he would have likely been re-elected to the House of Representatives.¹⁶² He knew from the beginning that he had one strike against him; his only major experience was in the United States House of Representatives.¹⁶³ He started in a field of nine

154. *Id.* at 180 (quoting *Genesis* 1:28 (King James)).

155. *Id.*

156. Anderson, *American Protestantism and Political Ideology*, *supra* note 144, at 180–81.

157. *Id.* at 182.

158. Anderson Transcript I, *supra* note 2, at 31:7–21.

159. *Id.* at 38:16–19. Anderson adds however, “I’m not saying that [the presidential campaign of 1980] rewarded mankind or even my fellow countrymen,” but it was free of the conservative restrictions placed upon him as a congressman, and he thus enjoyed the experience. *Id.* at 38:17–21.

160. *Id.* at 39:7–9.

161. *Id.* at 22:11–14.

162. Anderson Transcript I, *supra* note 2, at 23:15–22.

163. *Id.* at 23:19–22.

Republicans, George H.W. Bush and Howard Baker among them.¹⁶⁴ Of course, the chief candidate was Ronald Reagan.¹⁶⁵ Anderson ran in nine primaries and left the Republican Party after the primary in Illinois.¹⁶⁶ He did well early on in the East Coast primaries, coming within 800 votes of beating Reagan in Vermont.¹⁶⁷ On the same day in Massachusetts, he beat

164. *Id.* at 8:13–25. The 1980 Presidential Republican Primary “field of nine” candidates included: Governor Ronald W. Reagan (R-CA), former CIA Director and former Representative George H.W. Bush (R-TX), Senator Howard Baker (R-TN), Representative John B. Anderson (R-IL), Former Secretary of the Treasury and former Governor John B. Connally (R-TX), Representative Philip Crane (R-IL), Senator Bob Dole (R-KS), former Minnesota Governor Harold Stassen (R-PA), and former Special Ambassador to Paraguay Benjamin Fernandez (R-CA). Our Campaigns, U.S. President–Republican Primaries Race, Feb. 17, 1980, <http://www.ourcampaigns.com/RaceDetail.html?RaceID=51805> (last visited Feb. 26, 2010) [hereinafter Our Campaigns, Republican Primaries]. Senator Howard Baker, Jr. was then the minority leader in the Senate. Biographical Directory of the United States Congress, Howard Baker Jr., <http://bioguide.congress.gov/scripts/biodisplay.pl?index=B000063> (last visited Feb. 26, 2010). According to Anderson, George H.W. Bush “was trying to resurrect his political career by running for president.” Anderson Transcript I, *supra* note 2, at 8:19–23.

165. *Id.* at 9:2–3. Anderson recalls that while the candidates were campaigning in his home state of Illinois, “Reagan claimed he was born above his father’s grocery store in White-side County, Illinois,” which was located within Anderson’s congressional district. *Id.* at 21:6–9. According to a PBS Documentary, “[a]fter the [Reagan] family settled in Dixon, Illinois, Reagan spent his summers working as a lifeguard on the Rock River and was credited with saving seventy-seven people from drowning.” The American Experience, Ronald Reagan: Program Description, <http://www.pbs.org/wgbh/amex/reagan/filmmore/description.html> (last visited Feb. 26, 2010). However, Anderson remembers thinking that Reagan “exaggerated as to how many people he’d actually pulled out” of the local Rock River and saved their lives. Anderson Transcript I, *supra* note 2, at 21:10–13. Needless to say, Anderson believed that Reagan certainly played “on his kinship with the state, even though he’d gone to Hollywood and become an actor.” *Id.* at 21:13–15.

166. *Id.* at 59:24–60:1. Although Anderson claims to have abandoned the quest for president after the March 18th primary in Illinois, he continued to perform modestly in the following three Republican primaries of Connecticut, Kansas, and Wisconsin until he left the Republican Party on April 24, 1980. *Id.* at 59:25–60:1, 21:24–22:2; Our Campaigns, Republican Primaries, *supra* note 164. Once Anderson parted ways with the GOP, he picked little-known Patrick Lucey, a former Democratic governor of Wisconsin, as his vice-presidential running mate. Anderson Transcript I, *supra* note 2, at 74:6–11. However, among Anderson’s short list had been the renowned and cherished national news anchor, Walter Cronkite. Aaron Barnhart, *News Legend Walter Cronkite, 92, Dies*, KANSAS CITY STAR, July 18, 2009, at A1. More striking are Cronkite’s quoted remarks during Anderson’s brief consideration of him as a running mate, implying his willingness to accept if Anderson had offered: “I wouldn’t turn [the offer] down.” *Id.* Given the inferably vast disparity in public notoriety between the two men, it seems more than probable that an Anderson-Cronkite campaign would have been better funded and would have received a substantially greater percentage of the national popular vote. *See id.*

167. Anderson Transcript I, *supra* note 2, at 20:14–16. Indeed, Reagan won the primary by just one percentage point or by about 690 votes over Anderson. Our Campaigns, U.S.

Reagan and came within 1100 votes of beating George H.W. Bush, who won that state.¹⁶⁸

Since it was obvious to Anderson that the GOP was going to nominate Reagan, he decided to jump ship and form a third party called the National Unity Party.¹⁶⁹ As far as Anderson was concerned, Reagan was far too conservative, and he was making the party that way too.¹⁷⁰ According to some, the National Unity Party platform was considered to have the “best written platform of any of the candidates.”¹⁷¹ However, the first major hurdle An-

President–1980 Vermont Republican Primary Race, Mar. 4, 1980, <http://www.ourcampaigns.com/RaceDetail.html?RaceID=36160> (last visited Feb. 26, 2010).

168. Anderson Transcript I, *supra* note 2, at 20:16–18. Anderson came within one-third of a percentage point of defeating George H.W. Bush and winning the Massachusetts primary. Our Campaigns, U.S. President–1980 Massachusetts Republican Primary Race, Mar. 4, 1980, <http://www.ourcampaigns.com/RaceDetail.html?RaceID=36158> (last visited Feb. 26, 2010). Although the elder Bush now claims Texas as his home state, according to Anderson, at the time Bush claimed Massachusetts his home state, likely lofting him to victory. Anderson Transcript I, *supra* note 2, at 20:18–21.

169. *Id.* at 42:5–14. Anderson reflected that one criticism of the new political party was that it sounded like some kind of religion. *Id.* at 42:14–16. As Anderson explained however, the philosophy behind the National Unity Party “was the idea that people ought to . . . forget about party lines for this particular election and get together and unite for the purpose of electing us.” *Id.* at 42:16–19. One of the first issues Anderson encountered on the campaign trail, prior to forming the National Unity Party, was his affirmative vote on The Gulf of Tonkin Resolution. *Id.* at 44:13–17. During the first Republican Party presidential debate in Des Moines, Iowa on January 6, 1980, Mary McGrory, a distinguished columnist from the *Washington Post*, asked Anderson what the worst mistake was that he made while in Congress. Anderson Transcript I, *supra* note 2, at 44:17–21, 45:6–9; *see also* Des Moines Register, Caucus History: The Register’s Presidential Debates, <http://www.desmoinesregister.com/article/99999999/NEWS09/71119049> (last visited Feb. 26, 2010). Anderson, true to his nature, owned up to the “yes” vote on the Resolution and, unlike many other politicians, immediately apologized. Anderson Transcript I, *supra* note 2, at 44:16–17, 45:10–16.

170. Anderson Transcript I, *supra* note 2, at 60:10–15. In Anderson’s eyes, the reason that the GOP was so conservative was that “their main support came from those bastions of conservatism in the business community, [like] the U.S. Chamber of Commerce.” *Id.* at 47:16–18. Those types of business organizations wanted government to be totally absent from the private business sector, as though the “government was simply out to get them.” *Id.* at 47:19–20. They believed that the government, by raising taxes, was stealing hard-earned money from their pockets. *Id.* at 47:20–23. However, to be fair, Anderson also noted that the Democrats suffered from a disturbing degree of corruption in the form of big city bosses, such as the Daley machine in Chicago. *Id.* at 48:14–17.

171. Anderson Transcript I, *supra* note 2, at 37:16–18. This observation was one held by David Broder, the Pulitzer Prize-winning journalist for the *Washington Post*. Biography of David S. Broder, WASH POST, <http://www.washingtonpost.com/wp-srv/opinions/biographies/david-s-broder.html> (last visited Feb. 26, 2010). Broder has worked for the *Washington Post* since 1966, and his twice-weekly column on American politics is globally syndicated. *Id.* In addition to Anderson’s platform being so highly thought of in the media, he credits his wife for being an excellent campaigner. Anderson Transcript I, *supra* note 2, at 54:9–10. “She

derson had to face was how to get on the election ballots in all fifty states.¹⁷² “[It] was a matter of really . . . grave concern,” Anderson recalled.¹⁷³ To get on the ballots meant getting people to sign petitions.¹⁷⁴ Anderson, true to form, took on part of that project himself as he remembers standing “in the hot, broiling sun out in barren spots in Oklahoma,” and asking people to sign the petitions.¹⁷⁵ In the course of campaigning, he ran into some difficulties in Ohio and finally had to sue the State to get on the ballot.¹⁷⁶ Ohio claimed that the deadline had passed, but the United States Supreme Court, with Justice John Paul Stevens writing for the five-to-four majority, held that Ohio had to let Anderson on the ballot.¹⁷⁷ The only state Anderson remembers not going to was Alaska.¹⁷⁸

could out Hillary [Clinton] as far as . . . going out and meeting folks and speaking.” *Id.* at 54:11–12; *see also id.* at 54:19–24 (Anderson elaborating on his wife’s role in his political activities).

172. Anderson Transcript I, *supra* note 2, at 60:22–61:1.

173. *Id.* at 61:1–2.

174. *Id.* at 61:3–8.

175. *Id.* As Anderson sums up the petitioning process, “going around with people with petitions, trying to get them to sign it. What a chore it was.” *Id.* at 61:7–8.

176. Anderson Transcript I, *supra* note 2, at 61:13–16. This litigation involved the Anderson campaign challenging the constitutionality of an Ohio statute which set an early filing deadline only for Independent Party candidates of seventy-five days in advance of the Ohio’s June primary election, which in 1980, was March 20. *Anderson v. Celebrezze*, 460 U.S. 780, 782 (1983). Anderson, having become an Independent candidate on April 24, after the deadline, was thus denied ballot access in November by the Ohio Secretary of State because he had not filed his statement of candidacy as an Independent prior to the March 20 deadline. *Id.* Anderson brought suit in the United States District Court for the Southern District of Ohio and was able to obtain an injunction against the Ohio Secretary of State, thereby permitting him to be listed as an Independent candidate on the November ballot. *Id.* at 783. After the November election, the United States Court of Appeals for the Sixth Circuit, upon review of the district court, found the state statute constitutional, reversing the injunction order in Ohio’s favor. *Id.* at 784. The Anderson campaign then appealed its decision to the United States Supreme Court which granted his petition for a writ of certiorari. *Id.* at 786.

177. Anderson Transcript I, *supra* note 2, at 62:2–5; *see Anderson*, 460 U.S. at 805–06. The legal issue facing the Court was whether Ohio’s statute unconstitutionally interfered with the fundamental voting and associational rights of Ohio registered voters favoring Anderson such that the Ohio early filing statute, by denying Ohio voters the right to vote for Anderson in November, was in violation of the First Amendment to the United States Constitution as applied to the states through the Fourteenth Amendment. *See Anderson*, 460 U.S. at 780–81. The Court sustained Anderson’s constitutional challenge to Ohio’s early filing statute, finding that it infringed on the rights of Ohio registered voters to vote for and associate with Anderson. *Id.* at 780, 792–94, 805–06. The Court opined that the statute effectively made it too burdensome for a voter to associate with or cast a vote for Anderson, for the voter would, with the statute in effect, have to go through the trouble of “writing in” Anderson’s name on the ballot to vote for him. *See id.* at 794. Thus, the interference caused by the statute was deemed

Anderson convinced David Garth, a “prominent Democratic politico” who was effectively blacklisted by the “powers that be in New York” at that time to be his professional campaign manager, likely for that reason.¹⁷⁹ Ordinarily, Garth’s up-front fees were very expensive, but by joining Anderson, he did not get paid until after the election was over.¹⁸⁰ Most of the other positions were filled by volunteers.¹⁸¹ The people who helped were there because they believed in Anderson’s platform.¹⁸² Anderson’s energy proposals and a fifty cent tax on gas, attracted lots of attention.¹⁸³ Anderson’s

unconstitutional, resulting in the reversal of the Sixth Circuit’s ruling and thereby reinstating and staying the injunction issued by the district court. *Id.* at 806.

178. Anderson Transcript I, *supra* note 2, at 22:25–23:2; *see also id.* at 22:25–23:4 (Anderson explaining why he avoided the State of Alaska).

179. *Id.* at 68:11–16. It is believed that David Garth’s presence in the campaign gave Anderson’s candidacy a substantial boost. EDWIN DIAMOND & STEPHEN BATES, *THE SPOT: THE RISE OF POLITICAL ADVERTISING ON TELEVISION* 269 (3d ed.1992). Though Garth had never run a presidential campaign, he had “a deserved reputation as the tough-talking, take-charge media man.” *Id.*

180. Anderson Transcript I, *supra* note 2, at 68:17–20. Though Anderson did not sign up Garth until May of 1980, it is perceived that Garth’s focus was largely, and wrongly, on the money. DIAMOND & BATES, *supra* note 179, at 269. Indeed, “[s]ome of Anderson’s staff, especially those displaced when Garth arrived, later publicly complained that Garth had cut himself in for a lucrative share of Anderson’s money . . .” *Id.* However, this view of Garth’s role in the campaign is not shared by Anderson, for he was proud to have recruited the professional talent in the person of Garth. *Id.* at 270; Anderson Transcript I, *supra* note 2, at 68:24–69:1. While Anderson posits that Garth received a half million dollars, “Federal Election Commission records indicate that Garth [only received] \$229,000 in the six months he worked for the campaign.” DIAMOND & BATES, *supra* note 179, at 269–70; Anderson Transcript I, *supra* note 2, at 68:20–23.

181. Anderson Transcript I, *supra* note 2, at 69:14–15. Anderson recalls that the campaign “was essentially very much a volunteer effort. [The campaign] wasn’t run, really, except at the top by someone with professional qualifications.” *Id.* at 69:14–16.

182. *Id.* at 69:17–22. Other volunteers, Anderson remembers, joined his campaign “just for the fun of it.” *Id.* at 69:20–21.

183. *Id.* at 69:23–24, 70:2–8. During the September 21, 1980, presidential debate in Baltimore, Anderson was quoted indicating that “the price of gasoline, which [had been] \$.80 [in June of 1979,] ha[d] gone up to about \$1.30 [per gallon at the time of the debate].” Commission on Presidential Debates, *The Anderson-Reagan Presidential Debate Transcript* (Sept. 21, 1980), available at <http://www.debates.org/index.php?page=september-21-1980-debate-transcript> (last visited Feb. 24, 2010). In his opinion, and as a product of the Persian Gulf crisis, Americans needed to be encouraging conservation. *Id.* His plan was to add this fifty cent tax on gasoline and, in his words, “[r]ecycle those proceeds . . . back into the pockets of the American workers by reducing . . . their Social Security tax payments by 50%.” *Id.* Moreover, he thought that more emphasis on public transportation would have been a step in the right direction; he had plans for an inter-city rails system. Anderson Transcript I, *supra* note 2, at 143:24–144:3. Unfortunately, the opposition said such a tax would impose too much of a burden on the American people. *Id.* at 144:4–7.

positions were quite distinct from Reagan's, who was only pitching an across-the-board thirty percent tax cut.¹⁸⁴

Money was the other nagging problem.¹⁸⁵ During the campaign, both Reagan and Carter received \$29.4 million from the Presidential Election Campaign Fund, notwithstanding the tens of millions raised through individual donor contributions.¹⁸⁶ Anderson's National Unity Party was only able to raise \$14 million, and thus they were outspent more than five to one.¹⁸⁷ Fortunately, after the election, Anderson's party was eligible for funds from the Presidential Election Campaign Fund.¹⁸⁸ Even if they could not raise enough money, Anderson said he was pretty fatalistic about it, and his campaign spent the money as it came in.¹⁸⁹ The lack of funds caught Anderson's new party somewhat off guard because, in the final weeks of the election, they could not execute the massive advertising they desired; Anderson thinks that this certainly made a difference on the outcome.¹⁹⁰

On the campaign trail, Anderson was in his element. He liked meeting the people and expounding on his ideas.¹⁹¹ He admits that the "appreciation

184. *Id.* at 70:9–11. According to Anderson, the thirty percent tax cut "was [Reagan's] prime plank in his 1980 platform." *Id.* at 70:11–12. On the other hand, Anderson "wanted to [simply] limit the tax cut to the poorest of the poor . . . and forget about the fat cats." *Id.* at 70:12–14.

185. Anderson Transcript I, *supra* note 2, at 62:20–21.

186. L. PATRICK DEVLIN, *Campaign Commercials*, in TELEVISION IN SOCIETY 17, 17 (Arthur Asa Berger ed., 1987); see Anderson Transcript I, *supra* note 2, at 62:22–24.

187. Anderson Transcript I, *supra* note 2, at 62:11–12, 62:24–63:1. Records indicated that Reagan spent eighteen million or sixty percent of his federal funds on advertising alone. DEVLIN, *supra* note 186, at 17. Given that Anderson would have to wait until after the election to determine whether he would be eligible for federal funds, his total campaign revenues of fourteen million—which of course had to go to every facet of the campaign—were thus vastly insufficient to rival the media presence which Reagan's campaign could afford. Anderson Transcript I, *supra* note 2, at 62:11–19.

188. *Id.* at 62:14–16. Anderson implies that several million dollars had to be borrowed, inferredly due to a lack of campaign contributions. *Id.* at 62:16–19. After the election, because Anderson received more than five percent of the national popular vote—he actually received 6.65%—he was entitled to just over four million dollars from the Presidential Election Campaign Fund. *Id.* at 62:16–19; Roper Center at the University of Connecticut, U.S. Presidential Elections 1980, http://www.ropercenter.uconn.edu/elections/presidential/presidential_election_1980.html (last visited Feb. 24, 2010). According to Anderson, it was this eligibility which enabled him to repay his loans and other related debts that had been acquired during the campaign. Anderson Transcript I, *supra* note 2, at 62:16–19.

189. *Id.* at 63:4–7.

190. *Id.* at 63:10–12.

191. *Id.* at 39:22–24. Reflecting on the experience, Anderson recalls that he "could go out in that campaign and crisscross the country and talk to very good-sized audiences in public squares." *Id.* at 39:1–3. On one very sentimental occasion, Anderson told of his joy about a

and the adulation” would flatter anyone.¹⁹² It was not “just the smell of the grease paint and the roar of the crowd, but there’s a little bit of that in all of us,” but rather the ability to reach so many Americans directly that kept him vitalized.¹⁹³ He got most of his support in the more “liberal” part of the country, such as the northeast, and somewhat in California.¹⁹⁴ He wished that he had gained more support from the conservatives, but, as he put it, “you take your support where you can find it.”¹⁹⁵

1. Sample “Outsider” Speech: African Americans

Anderson’s campaign speeches embody his concern for “outsiders.” For instance, in a September 1980 speech given at the Memorial United Church, a largely African American congregation in Oakland, California, he started out with a quote from the prophet Micah who said, “[a]nd what does the Lord require of you, but to act justly, to love mercy, and to walk humbly with your God.”¹⁹⁶ He calls on everyone to act justly and respect every person because no man “or woman stands higher than any other.”¹⁹⁷

Anderson acknowledged that “lasting and well-paying jobs” are of great concern for Black Americans.¹⁹⁸ He said that they “make the difference between security and fear, between opportunity and closed doors, between

journey from San Jose to San Francisco on the back end of a railroad car which was destined for a huge rally. Anderson Transcript I, *supra* note 2, at 39:3–6.

192. *Id.* at 39:21–25.

193. *Id.* at 39:25–40:3.

194. *Id.* at 40:21–25. Anderson fondly remembers meeting with Barbra Streisand during the campaign at her home in Beverly Hills. *Id.* at 41:1–2. “You know, you don’t forget about that right away,” Anderson remarked. Anderson Transcript I, *supra* note 2, at 41:2–3. According to Anderson, there was “a very ambitious plan” to have Streisand perform in a series of concerts and have the proceeds funneled into his campaign. *Id.* at 41:4–7. Though “she never quite signed on the dotted line,” Anderson received very generous support from one Norman Lear. *Id.* at 41:8–12. At the time, Lear was a movie producer and Anderson recollects that Lear contributed a couple hundred thousand dollars toward advertising for the campaign. *Id.* at 41:15–18.

195. *Id.* at 42:22–43:3.

196. Remarks by John B. Anderson to the Memorial United Methodist Church of Oakland, California 1 (Sept. 14, 1980) (transcript available at Nova Law Review) [hereinafter Remarks]; *Micah* 6:8. In much the same way that Anderson spoke this phrase to his followers, the Jewish prophet Micah would have first orated these immortal words to the people of his day over 2700 years ago. *See id.*

197. Remarks, *supra* note 196, at 1. This approach is consistent with Anderson’s feelings on race, as he believed that no race stood any higher than another. *See* Anderson Transcript I, *supra* note 2, at 31:15–21.

198. Remarks, *supra* note 196, at 1.

hope and despair.”¹⁹⁹ Anderson recognized that people want respect, bread and justice.²⁰⁰ “Above all, it means that we should strive unceasingly for a society in which all enjoy genuinely equal opportunity to develop their gifts and to go as far as their talents and energies will allow.”²⁰¹

2. Sample “Outsider Speech”: Women’s Rights

In a speech before 1000 potential voters,²⁰² Anderson explicitly praised the women’s movement for publically addressing rape, incest and wife abuse among other issues.²⁰³ He noted that research frequently focuses on men and ignores the particular needs of women.²⁰⁴ His bravery was demonstrated when he talked about teen pregnancy and access to birth control.²⁰⁵ Anderson acknowledged that rape was under reported and the legal system failed to correct the problem.²⁰⁶ His words must have shocked many. For instance, the following quote regarding the Equal Rights Amendment is not something the general public usually heard, especially from male politicians:

The resistance to freeing women from the legal shackles, which is just a beginning, is very strong and to a large extent emotionally based. I am afraid that too many state legislators share John Adam’s sentiments expressed in his response to Abigail’s plea to “remember the ladies” in the Constitution. John [Adams] replied, “depend upon it, we know better than to repeal our masculine systems.”²⁰⁷

199. *Id.* Anderson ultimately attributes the concern over livelihood to the failure of public education in a modern economy. *Id.* Noting that to hold a job, or even be trained for one, requires basic reading and writing skills, Anderson propounds the education system’s failure to impart such training is an “absolute disgrace.” *Id.*

200. *Id.* at 3. Hoping to strike a chord with the minority crowd, Anderson explicated that justice means “the even-handed application of our laws,” such that housing opportunities on the basis of race are equal, such that application of taxes are equal, and such that the affliction of unemployment is equal. Remarks, *supra* note 196, at 3.

201. *Id.* Anderson explains this measure as “the kind of justice the Preamble of our Constitution commands us to establish.” *Id.*

202. John B. Anderson, Women in Crisis 1–2 (June 6, 1980) (transcript available in the Nova Law School Library and Technology Center) [hereinafter Anderson, Women in Crisis].

203. *Id.* at 2.

204. *Id.* at 3.

205. *See id.* at 3–4. Anderson exposes the human tragedy “that two million sexually active teenagers have no access to birth control.” *Id.* at 3.

206. Anderson, Women in Crisis, *supra* note 202, at 4.

207. *Id.* at 6.

As can be expected, Anderson was an early front-and-center supporter of the Equal Rights Amendment.²⁰⁸ He gave a lot of credit to his wife, Keke, and his daughters.²⁰⁹ But, in his own words, he said that he “felt that women need to be more adequately represented both in elected office and in appointed positions, and that they had an important role to play in government.”²¹⁰ Similar to other stands he took as a congressman, being a supporter of the Equal Rights Amendment was controversial.²¹¹ There were those who opposed amending the Constitution to accomplish the goal.²¹² The conservatives believed the Constitution was a “sacred document and that you ought to think not once, but twice, and [Anderson did not] know how many more times than that, before you change the language and add to it.”²¹³ Anderson believed that perhaps those who were against the ERA thought “women were overreaching in asking for that kind of constitutional protection.”²¹⁴ Regardless, Anderson believed that an amendment was proper, and he voted to extend the amount of time it took each state to ratify the Amendment.²¹⁵

208. Anderson Transcript I, *supra* note 2, at 55:11–16. In 1972, the 92nd Congress passed House Joint Resolution 208, better known as the Equal Rights Amendment, which, pursuant to Article V of the Constitution, required ratification by three-fourths of the state legislatures—thirty-eight states—to become an amendment to the United States Constitution. Proposed Amendment to the Constitution of the United States, H.R.J. RES. 208, 92d Cong. 2d Sess., 86 Stat. 1523 (1972); 117 CONG. REC. 35815 (1971); 118 CONG. REC. 9598 (1972). As passed by Congress, the Equal Rights Amendment prescribed a seven-year state ratification period, which if not met, would cause the Amendment to fail. *See State v. Freeman*, 529 F. Supp. 1107, 1114 (D. Idaho 1981) (mem.), *vacated*, 459 U.S. 809. By 1978, one year before the ratification deadline, thirty-five of the required thirty-eight states had ratified the Amendment. Allison L. Held, Sheryl L. Herndon, & Danielle M. Stager, *The Equal Rights Amendment: Why the ERA Remains Legally Viable and Properly Before the States*, 3 WM. & MARY J. WOMEN & L. 113, 117 (1997). Worried that the Amendment may fail, Representative Elizabeth Holtzman of New York introduced House Joint Resolution 638 to grant states a three-year extension to ratify the Amendment, which received only a simple majority, not the two-thirds supermajority that was required to extend the ratification period. *See H.R.J. RES. 638*, 95th Cong., 2d Sess., 92 Stat. 3799 (1978); 124 CONG. REC. 26264–65 (1978); 124 CONG. REC. 34092 (1978). Anderson says that although he “fought very hard” for the Equal Rights Amendment, not enough other members would vote for House Joint Resolution 638 to achieve the two-thirds majority, ultimately causing the Amendment to fail. Anderson Transcript I, *supra* note 2, at 55:11–14.

209. *See id.* at 135:18–22.

210. *Id.* at 135:25–136:3.

211. *See id.* at 136:4–11.

212. *See id.* at 136:18–23.

213. Anderson Transcript I, *supra* note 2, at 136:18–23.

214. *Id.* at 136:24–137:4.

215. *See id.* at 136:12–16. On August 15, 1978, the measure to extend the ratifying period for the Equal Rights Amendment passed the House, with Anderson casting one of the 233 Yeas to 189 Nays. 124 CONG. REC. 26264–65 (1978).

His remarks before another crowd of women were also remarkably outsider-sensitive. He said he was proud of the fact that twenty-one of his state coordinators were women.²¹⁶ He said he supported the women's movement during the 1970s because it was "a vital force in our society" despite the great opposition.²¹⁷ He told the crowd about all the particular laws that treat women in a disparaging manner.²¹⁸ For instance, Anderson said that it was a national disgrace that approximately 3.5 million women were beaten by their husbands each year, and further, that women were only receiving fifty-nine percent of what men earned.²¹⁹

What would Anderson have done differently for women if he had become President? He listed ratification of the ERA as a top priority, followed by freedom of choice and making sure that poor women are able to get funding for abortions, among other things.²²⁰ Anderson wanted to have women

216. John B. Anderson, Address in Portland, Oregon: Justice for American Women I (Sept. 15, 1980) (transcript available at Nova Law Review) [hereinafter Anderson, Justice for American Women Address]. Anderson additionally cites the great gains of the women's movement to include, most notably, the passage of anti-discriminatory legislation in employment on the basis of gender, the freedom of the right to choose, improvements in laws affecting marital property and divorce, the building of shelters for victims of domestic violence, and the increased role of women in politics. *Id.* at 1–2.

217. *See id.* at 1. Importantly, Anderson stressed to the crowd that "[i]n spite of the impressive victories already won, women are far from achieving full partnership in any of our institutions, including the family." *Id.* at 2. Thus, Anderson urged the continued stride toward additional progress in the areas of women's rights. *See id.* at 6.

218. *See* Anderson, Justice for American Women Address, *supra* note 216, at 2–4. For instance, the State of Georgia had a law on its books—and still does—which commands that the "husband is the head of the family and the wife is subject to him," notwithstanding other statutory enactments. *Id.* at 2; GA. CODE ANN. § 19-3-8 & cmt. ed. note (2004), *invalidated in part by Jones v. Jones*, 376 S.E.2d 674, 676 (Ga. 1989). More staggering is Georgia's binding legal precedent that

the husband is head of the family, and . . . has the right to fix the matrimonial residence without the consent of the wife; [who] is bound to follow her husband, when he changes his residence, [if] the change is made by him in good faith, and not from whim or caprice, or as mere punishment of the wife, or to a place where he did not intend to reside, or to a place where her health or comfort will be endangered.

Carver v. Carver, 34 S.E.2d 509, 510–11 (Ga. 1945) (quoting *Pace v. Pace*, 115 S.E. 65, 65 (Ga. 1922)).

219. Anderson, Justice for American Women Address, *supra* note 216, at 3. Additionally, Anderson cites the disheartening truth in the field of domestic relations noting that "[t]hree quarters of the divorced women are supporting their children," and only 4.6% of these women received alimony. *Id.*

220. *Id.* at 4–5. Anderson observed that when the conservatives had said the Equal Rights Amendment would destroy marriage because it would cause women to leave the homemaking role, it was most certainly a "dreary view of marriage." *Id.* at 6. Thus, Anderson was exactly the political opposite of what Reagan proposed. *Id.* at 5. Reagan was against the Equal Rights Amendment, was against the right to choose an abortion, and certainly did not believe

treated as equals.²²¹ While he opposed the draft, he thought that if men were going to be drafted, women should also be subject to the draft.²²²

3. Sample “Outsider” Speech: Native Americans

In Anderson’s address before the Council of Energy Resource Tribes, a group of Native Americans, he assured them that he would see to it “that the federal government scrupulously [met] all its obligations under existing treaties, executive orders, and judicial decisions.”²²³ He wanted to make sure that the tribal voices at the Bureau of Indian Affairs were heard and promised to address the special concerns regarding education and health.²²⁴ His main focus was on the intelligent utilization of energy—largely coal, uranium, and natural gas—by the Native American community.²²⁵ Anderson said he would make sure that neither the government nor private industry would “exploit [the community] in a manner detrimental to [its] interests.”²²⁶ In addition, he promised that he would support and sign the “Tribal Governmental Tax Status Act, which [would] allow tribes to issue tax free bonds which [could] aid in funding their energy development.”²²⁷ Anderson promised that there would not be a “Camp David” energy conference without tribal presence.²²⁸

in using government funds to help poor women obtain abortion services. Anderson, Justice for American Women Address, *supra* note 216, at 5.

221. See Anderson Transcript I, *supra* note 2, at 55:11–16; Anderson, Women in Crisis, *supra* note 202, at 6–8.

222. Anderson, Justice for American Women Address, *supra* note 216, at 5.

223. Congressman John B. Anderson, Address to the Council of Energy Resource Tribes 1 (Sept. 5, 1980) (transcript available at Nova Law Review) [hereinafter Anderson, Address to the Council of Energy Resource Tribes].

224. See *id.* Specifically, Anderson promised that he would “press for the timely completion of the [Bureau of Indian Affairs] federal recognition project.” *Id.* Anderson further articulated, as a solution to the specialized concerns of the Native American community, that he would push for “adequate funding for Indian controlled community colleges and bilingual education, as mandated by law.” *Id.*

225. *Id.* at 2. Anderson offered that the Native American community’s “greatest hope for economic development lies in the intelligent use of the” natural resources it controls. Anderson, Address to the Council of Energy Resource Tribes, *supra* note 223, at 2.

226. *Id.*

227. *Id.*

228. *Id.* at 3. In early July 1979, President Jimmy Carter held a “domestic summit” for ten days at Camp David, to discuss, in the words of Rosalynn Carter, “how [the] nation could rally to resolve the oil crisis and renew [the People’s] confidence in the social, political, and economic future of the country.” ROSALYNN CARTER, FIRST LADY FROM PLAINS 325–26 (1984). The domestic summit generated intense interest—given the already long lines at the gas pump—as the President brought groups of “governors, labor and business leaders, mem-

4. The One Debate

The fact that Anderson was not invited to be part of the debates dealt a final blow to his campaign.²²⁹ Anderson was only able to participate in one national debate that was held in Baltimore.²³⁰ While the debate coaches all thought Anderson had won, evidently the people did not quite agree.²³¹ Carter, who was the Democratic nominee, would not even appear on the same debate with Anderson and Reagan.²³² Carter's excuse was that "he would be debating two Republicans."²³³ Being "shut out of the final debate" was the

bers of Congress, local officials, oil industry executives, economists, energy experts, even religious leaders and philosophers." *Id.* at 326. As inferred by Anderson's remarks, Native Americans were left without representation at this national round table discussion on energy. See Anderson Address to the Council of Energy Resource Tribes, *supra* note 223, at 3.

229. See Anderson Transcript I, *supra* note 2, at 63:13–14, 64:2–8.

230. *Id.* at 63:14–15. The first of two presidential debates that would be held in 1980 was on September 21 in Baltimore, Maryland. The Anderson-Reagan Debate Transcript, *supra* note 183. Though the debate was sponsored by the League of Women Voters Education Fund, only Ronald Reagan and Anderson would spar that evening. *Id.* Throughout the debate, Anderson spoke much about the progression of women's rights and distanced himself from Reagan and Carter by taking positions that were diametrically opposite to the main two parties' platforms. Anderson Transcript I, *supra* note 2, at 91:20–92:5; Interview with John Anderson (Sept. 13, 1999), available at <http://www.pbs.org/newshour/debatingourdestiny/interviews/anderson.html>.

231. Anderson Transcript I, *supra* note 2, at 63:15–17. After the debate, a poll was taken among high school and college debate coaches to determine whether Reagan or Anderson would have won the debate had the debate been judged on a point system; it was agreed that Anderson had the advantage. Interview with John Anderson, *supra* note 230.

232. See Anderson Transcript I, *supra* note 2, at 63:17–18.

233. *Id.* at 63:18–19. In a 1999 interview with Jim Lehrer, when asked about the impression left by President Carter's absence from the debate, Anderson responded that "Carter was being very defensive, felt beleaguered and was unwilling to expose himself to a three person debate." Interview with John Anderson, *supra* note 230. Anderson further proffered on Carter's motives saying,

I think [Carter] feared that [his appearance at the debate] would legitimize my campaign to an even greater extent. . . . I think it was purely defensive politics that he was playing that made him refuse to get on the stage with both Reagan and . . . his excuse was, of course, well, they are two Republicans.

Id. But to Anderson, this could not have been further from the truth. *Id.* In his own words, Anderson stated, "I had left the Republican party. I had taken diametrically opposed positions to Reagan on National Security issues, on the energy problem, [and] on his tax policy. . . . [Thus], there couldn't have been two people on the stage that differed more widely than did Ronald Reagan and I." *Id.* President Carter himself, in a 1989 interview with Jim Lehrer, even indicated that the reason Reagan wanted Anderson in the debate with himself and Carter was because "Reagan knew that every time [Anderson] got a vote, it was a vote taken away from me." Interview with President Jimmy Carter (Apr. 28, 1989), available at <http://www.pbs.org/newshour/debatingourdestiny/interviews/carter.html>. Anderson also be-

most damaging of all.²³⁴ It “took place just about ten days before the election.”²³⁵ Anderson believes that by not being allowed to participate in the debate, instead of getting about fifteen or twenty percent of the vote, he got 6.63%.²³⁶ Also, getting a higher percentage of votes likely would have paved the way for a viable future third party.²³⁷

believes that Carter saw him as a real threat especially for the black vote, which was normally Democratic. Anderson Transcript I, *supra* note 2, at 121:21–25.

234. Anderson Transcript I, *supra* note 2, at 64:2–8.

235. *Id.* at 64:3–4; Commission on Presidential Debates, The Carter-Reagan Debate Transcript (Oct. 28, 1980), available at <http://www.debates.org/index.php?page=october-28-1980-debate-transcript> [hereinafter The Carter-Reagan Debate Transcript].

236. Anderson Transcript I, *supra* note 2, at 64:4–8. On November 4, 1980, when all was said and done on election day, Anderson garnered 5,720,060 votes nationally, or 6.61% of the popular vote. Our Campaigns, U.S. President Nat’l Vote Nov. 4, 1980, <http://www.ourcampaigns.com/RaceDetail.html?RaceID=1937> (last visited Feb. 25, 2010). Anderson’s best regional performance was in the New England states, where Anderson consistently received upwards of ten percent of the popular vote. *See id.* Anderson ultimately had the greatest concentration of supporters in Massachusetts as he received 15.15% of the total vote cast within the state. Our Campaigns, U.S. President–1980 Massachusetts U.S. President Nat’l Vote, Nov. 4, 1980, <http://www.ourcampaigns.com/RaceDetail.html?RaceID=2288> (last visited Feb. 25, 2010). The State of Hawaii also turned out favorably for Anderson, where he received 10.56% of the total vote. Our Campaigns, U.S. President–1980 Hawaii U.S. President Nat’l Vote, Nov. 4, 1980, <http://www.ourcampaigns.com/RaceDetail.html?RaceID=2278> (last visited Feb. 25, 2010). Although Anderson has never claimed that he would have won the election, his inference of higher vote totals appears quite logical had he appeared eight days earlier on national television for the final presidential debate. *See* Anderson Transcript I, *supra* note 2, at 64:5–8.

237. *Id.* at 64:9–11. Indeed, Anderson is a great proponent of Proportional Representation. *See id.* at 100:4–12. Since his departure from public office, Anderson has focused his energy on trying to create an electoral system where multiple political parties can thrive. *See* John B. Anderson & Jeffrey L. Freeman, *Taking the First Steps Towards a Multiparty System in the United States*, FLETCHER F. WORLD AFF. Winter/Spring 1997, at 73, 73–74 (1997). Anderson supports a piece of state-based legislation called the National Popular Vote bill that would “guarantee the Presidency to the candidate who receives the most popular votes.” Letter from Barry Fadem, et al., National Popular Vote, Agreement Among the States to Elect the President by National Popular Vote to the Public I (Apr. 29, 2009), available at <http://nationalpopularvote.com/resources/8-Page-NPV-Memo-V65-B-2009-4-29.pdf>. By so enacting the National Popular Vote bill, third party candidates would become much more viable as the opportunity to be elected would increase dramatically. *See* Anderson & Freeman, *supra*, at 80. In addition, “difficulties encountered by third-party candidates, including such basic issues as ballot access, participation in the presidential debates and attracting media attention,” would all but disappear if, in fact, every vote counted. *See id.* at 73. Anderson posits “two methods by which a multiparty system can begin to take root in the United States.” *Id.* His first suggestion is coalition building; the notion that the energy of pluralistic viewpoints must be harnessed prior to a presidential campaign, not because of one. *See id.* at 73–74, 80–81. Secondly, he suggests the possibility of multiparty politics through a fusion ticket; a ticket “in which a candidate can appear on the ballot under the banner of more than one party,” and thereby garnish more votes through inherently broader voter appeal. *Id.* at 74,

G. *From His Own Perspective on Being a Supporter for Outsiders*

When asked directly why he is a supporter of “outsider’s rights,” Anderson observes that, despite his conservative upbringing, both religiously and politically, his life experience steers him to support those who do not have the advantages he had.²³⁸ He notes that he has had the advantage of broad and extensive contacts with people of all walks of life.²³⁹ Anderson “treasure[s] [the] open mindedness and the willingness to accept new ways, new ideas, as being the road that we ought to travel.”²⁴⁰ It makes him smile when he thinks about his roots and he now finds the liberal views far more congenial.²⁴¹ When asked where his inner strength comes from, Anderson’s focus derives from the fact that a great many challenges are still out there.²⁴²

81. Anderson further solidifies his position as a great proponent of Proportional Representation through his chairmanship of the nonprofit organization, FairVote, The Center for Voting and Democracy. Anderson Transcript I, *supra* note 2, at 65:25–66:1. Taken directly from the FairVote website, its claimed purpose is to “act[] to transform our elections to achieve universal access to participation, a full spectrum of meaningful ballot choices and majority rule with fair representation for all.” FairVote, <http://www.fairvote.org> (last visited Feb. 25, 2010). Through Anderson’s leadership at FairVote, the organization has endorsed the state-based National Popular Vote bill, which now has been enacted by Hawaii, Illinois, New Jersey, Maryland, and Washington. Letter from Barry Fadem, et al., *supra*, at 1. Additionally, FairVote has championed efforts to push run-off voting and other election reforms. Anderson Transcript I, *supra* note 2, at 66:1–2. Anderson truly believes that until the nation’s people reform the electoral process, all elections will remain exclusive contests between the two major political parties. *Id.* at 66:3–4.

238. *Id.* at 55:17–56:10, 56:16–19.

239. *Id.* at 56:16–21. Indeed the gamut has been run, from Anderson’s African-American congressional constituent who, prior to the Fair Housing legislation, was being held back by discriminatory housing laws to the Prince of Sweden. *Id.* at 34:4–11. While Anderson was in Congress, Prince Bertil of Sweden made a visit to Rockford, Illinois as part of a celebration of the tricentennial anniversary of Swedish settlement of North America. Anderson Transcript I, *supra* note 2, at 34:6–11. While the Prince was in town, Anderson arranged for the Prince to visit his “father’s humble little bungalow.” *Id.* at 34:13–17. According to Anderson, as the Prince entered the living room, “[his] father sat there beaming, [and] shook hands with—he could hardly believe it himself—the crown prince of Sweden.” *Id.* at 34:17–20.

240. *Id.* at 56:21–24.

241. *Id.* at 57:3–10. As Anderson notes the irony of his current political views, now he looks “for the most liberal candidate for whom [he] can vote rather than the most conservative.” Anderson Transcript I, *supra* note 2, at 56:11–13.

242. *Id.* at 151:20–152:1. Anderson admits to some feelings of “despondency and not quite deep despair, but . . . discouragement,” which he perceives is a product of having labored so long over similar challenges. *Id.* at 151:10–19. Generally, Anderson cites the continued need for reforms in “our own electoral system, our . . . domestic politics, and in the international realm.” *Id.* at 151:12–16. Yet specifically, he notes that the World Federalist Association, which is dedicated to supporting a global system of democratic governments that are accountable to its citizens, has been around for a number of years with very few of its

As long as Anderson sees some progress, it is enough to provide a spark to keep going.²⁴³

III. THE PERSPECTIVE OF OTHER INSIDERS: SENATOR GEORGE MCGOVERN

A. *Reflections*

While it is often stated that politics make for strange bedfellows, that would seem, on its face, to hold true for John Anderson, the Rockefeller Republican-turned-Independent and George McGovern, the liberal-leaning Democrat,²⁴⁴ however, the analogy, as with many labels, is deceiving. Though each has championed a career under the guise of competing labels, representing their respective parties, both Anderson and McGovern, more often than not, were on the same side of an issue, crafting careers as reformers and often challenging the status quo. They share the rare experience of running as candidates for President of the United States, while similarly hav-

ultimate goals realized. *Id.* at 151:16–19. The most evident example of its failure, logically, can be seen in the fact that many world governments, even those within Europe, still are not democracies and are thus not accountable to their citizens. *See* Global Solutions, The World Federalist Institute, <http://www.globalsolutions.org/wfi> (last visited Feb. 25, 2010).

243. Anderson Transcript I, *supra* note 2, at 152:12–15. To propound his thoughts, Anderson uses the example of women in government to illustrate how the progress in that area provides his inspiration to continue fighting. *See id.* 152:16–17. As Anderson points out, for a long period of time the only woman in the United States Senate was Margaret Chase Smith. *Id.* at 152:17–19. Now, he says, “I think we have at least 16 members of the Senate . . . who are women. . . .” *Id.* at 152:20–21. Moreover, Anderson cites to the fantastic governorships held by women, particularly Kathleen Sebelius, the United States Secretary of Health and Human Services, and former governor of Kansas, and Jennifer Granholm, the governor of Michigan. *Id.* at 152:22–153:7. Further, Anderson recognizes the epitomic mark of progress of having Diane Feinstein as a leader in the United States Senate, Nancy Pelosi as the Speaker of the House of Representatives, and Hillary Clinton as the most viable woman candidate to run for president. Anderson Transcript I, *supra* note 2, at 153:9–12, 16–17. While Anderson admits that he supported Clinton’s opponent for the Democratic nomination, now President Barack Obama, he offers that he “could not but admire the valiant struggle that [Hillary Clinton] made. And [he] think[s] she made a real contribution in her campaign to remind us that . . . we will see a woman President of the United States, and we’ll wonder why did it ever take as long as it did.” *Id.* at 153:17–24. Thus, it is heart-warming examples of progress, like the area of women in politics that instill hope and propel people like John B. Anderson to continue the good fight. *See id.* at 152:15–154:2.

244. Both of McGovern’s parents “were conservative Republicans till the day they die[d].” Transcript of George McGovern, at 12:10–11 (2009), (*on file* with Nova Law Review) [hereinafter McGovern Transcript].

ing shared the prominence of very public defeats.²⁴⁵ Yet seemingly, as if the most natural progression in the world, both Anderson and McGovern went on to champion some of their most heartfelt issues following their presidential bids, using their credibility capital to springboard reforms in voting and global humanitarian reform.

George McGovern and John Anderson first met while both were serving in the U.S. House of Representatives.²⁴⁶ Reflecting upon their early days in the House together, McGovern stated that he admired Anderson from, “the first time [he] met him.”²⁴⁷ McGovern viewed Anderson in a way that would become even more apparent when Anderson later became a practicing law professor: scholarly.²⁴⁸ McGovern also described Anderson as a person of “obvious personal character, integrity [and] self-confidence.”²⁴⁹ It was McGovern’s impression of John Anderson, early on, that Anderson engendered respect from his listeners when he spoke on the floor of the House of Representatives, having an innate confidence which bespoke of thoughts carefully devised and not improvised.²⁵⁰

When asked whether their similar backgrounds²⁵¹ helped them form a closer bond as both colleagues and friends, McGovern indicated affirmatively.²⁵² McGovern remarked that he thought Anderson shared or, at a minimum, had similar views on war, having had firsthand experience.²⁵³ McGovern reflected that, “we came home with a healthy appreciation for how bloody war [could] be, especially modern war.”²⁵⁴ McGovern suspects that

245. McGovern stated that he “talked to [Anderson] several times after the campaign. He didn’t seem to be demoralized. He was glad he tried and he made a lot of new friends across the country.” *Id.* at 25:1–4.

246. *Id.* at 1:19.

247. *Id.* at 1:20–21. McGovern stated, “One thing, it may seem a little superficial, I admired the way he carried himself, absolutely straight up, no nonsense.” *Id.* at 1:21–23.

248. McGovern Transcript, *supra* note 244, at 1:24.

249. *Id.* at 1:24–25.

250. *See id.* at 2:1–7.

251. Similar, in that both were from the Midwest and both served in World War II. *Id.* at 2:16–17.

252. *Id.* at 2:19–20. McGovern was a bomber pilot during the war and, “came home with a desire to make whatever contribution [he] could to the cause of peace.” McGovern Transcript, *supra* note 244, at 2:25–3:3.

253. *Id.* at 3:9–11. According to McGovern, “he had learned enough about war from firsthand experience so that he realized it was more than just a glamour trip. That we had to be careful about where we committed young Americans.” *Id.* at 3:10–14.

254. *Id.* at 4:2–3. He came to appreciate that fighting in a war did not make him or Anderson pacifists, but merely appreciative of the bloodshed and complexities of war. *See id.* at 4:1–3. According to McGovern, “I’m proud of my service in World War II. It’s the last war I believed in.” McGovern Transcript, *supra* note 244, at 3:4–5.

Anderson is also “cautious about [sending] young Americans to combat.”²⁵⁵ When asked about McGovern’s vote for the Gulf of Tonkin Resolution—which Anderson reflectively and soberly stated was one of his greatest mistakes²⁵⁶—he echoed a similar sentiment in that he also “regret[ted] that vote more than any other.”²⁵⁷ McGovern recalls speaking with Anderson about the Vietnam War and, on occasion, would ask Anderson what he thought about a particular issue.²⁵⁸ Once McGovern moved into the Senate, with Anderson remaining in the House of Representatives, their concentric circles shifted, and they had less contact with one another, politically.²⁵⁹

B. *Courageousness of the Third-Party Candidacy*

“I was always skeptical of an independent run,” remarked McGovern when discussing Anderson’s break with his party and choice to run for President as a third-party candidate.²⁶⁰ He summarized, “[t]he problem with running as an independent is that we’ve never elected one.”²⁶¹ McGovern approaches the idea of running outside the two-party system as a pragmatist—seeing what is, while Anderson, though firmly grounded, approaches the presidency in a theoretical fashion—seeing what could be. McGovern noted the obstacles to electing a viable third-party candidate, such as the possibility of shifting moderate and liberal independent votes away from the Democrats which, “might ensure the election of a Republican.”²⁶² McGovern felt that

255. *Id.* at 3:15–18.

256. Anderson Transcript I, *supra* note 2, at 45:8–11.

257. McGovern Transcript, *supra* note 244, at 6:17–18. McGovern spoke candidly, with the disappointment still evident in his voice, about being misled by President Lyndon Johnson. *Id.* at 4:9–11. He, like many congressmen and senators, believed that the President would not order a wider war. *Id.* “[A]t that stage in my life, I thought presidents told the truth. I may have been naïve, but that’s what I thought.” *Id.* at 4:20–22. McGovern thought that President Johnson would have gone ahead to expand United States involvement in Vietnam, even without the Gulf of Tonkin Resolution. *Id.* at 6:11–13. However, McGovern remembers that it gave the appearance of authority for President Johnson to do “whatever he wanted to do, despite his assurances that he had no intention of committing more troops or deepening our involvement there.” McGovern Transcript, *supra* note 244, at 6:14–16.

258. *Id.* at 8:9–11.

259. *Id.* at 1:17–18. McGovern quipped, “it may surprise you to know that . . . there isn’t a lot of communication between the House and the Senate until we get to Conference Committee.” *Id.* at 1:8–11.

260. *Id.* at 8:21–22.

261. McGovern Transcript, *supra* note 244, at 8:14–15.

262. *Id.* at 8:22–25. In McGovern’s mind, this was the “horror of horrors.” *Id.* at 9:1. He also seemed weary that either of the major party candidates would usurp the substance of the independent’s platform if the independent candidate had a “good platform” and got “a sizeable vote as [Senator Robert] LaFollette did in 1924.” *Id.* at 8:16–20.

Anderson made a run for the presidency on principle more than anything else.²⁶³ He does mention, however, that he does not think that Anderson's bid for the presidency as an Independent in any way affected Reagan getting elected, in terms of taking votes.²⁶⁴ Although, had Anderson been elected, that would have undoubtedly been a preferential course of history for a vastly liberal McGovern.²⁶⁵

Though McGovern recognized the difficulty an independent candidate would have to overcome to succeed in beating out two major party candidates, he admired Anderson's resolve for trying to win, as well as his clear presentation of the issues.²⁶⁶ "I think it took courage for John to do that and I'm glad that he did."²⁶⁷ In 1980 "we needed some voice other than Carter and Reagan. They didn't cover some of the issues that I thought were very important, and John did."²⁶⁸ In McGovern's estimation, Anderson, whose straightforward nature seamlessly coalesced with the role he played as an independent candidate, "served a useful purpose" in the 1980 election.²⁶⁹ When questioned as to how much Anderson's campaign has "opened the door for success of third-party candidates," McGovern thought that it had and that an upcoming candidate could build upon Anderson's ideas, stating "he's probably got some good pointers" as well.²⁷⁰

Finally, when asked whether there was anything that George McGovern thought people should know about Anderson, he said that he "never heard one whisper against his character, against his integrity. Never."²⁷¹

IV. WHY DID AN INSIDER EMBRACE THE OUTSIDERS?

The obvious question, after sifting through the story of John Anderson's life, is why an individual connected to the dominant group in society via race, religion, and gender, would direct his professional career towards im-

263. *Id.* at 9:2-3.

264. McGovern Transcript, *supra* note 244, at 9:3-5.

265. *See id.* at 21:16-21.

266. *See id.* at 21:8-21. McGovern further discusses Anderson's presidential platform saying, "I happened to have agreed with him on most of what he said." *Id.* at 21:19-21.

267. *Id.* at 23:5-6.

268. McGovern Transcript, *supra* note 244, at 23:7-10.

269. *Id.* at 23:10. McGovern was never "tempted" to take on the role of the third-party candidate and "thought it was better to battle it out in the [d]emocratic ranks and hope you could win a nomination." *Id.* at 23:11-14.

270. *Id.* at 24:16-22.

271. *Id.* at 34:12-16. McGovern extrapolated, "You know, they say that Republicans have financial scandals and Democrats have sex scandals. I never heard of either one around John." *Id.* at 34:16-19.

proving the lives of those with whom he shares minimal commonality?²⁷² What appears influential, related to Anderson's behavior, is a sense of social justice and an empathic response to humanity, all key elements to models of civic professionalism emerging within educational and philosophical literature. As Thomas Skrtic points out, "civic professionalism restores a sense of collective social purpose in the professions. It recognizes the professions' responsibility to the community—especially to those most negatively affected by social problems" and "that the point and value of professional service is its contribution to the good society and the good life for all."²⁷³ In a time flushed with rampant expertism, where politics and professionalism created narrow views of competence, devoid of any sense of social or moral obligation to the greater good, John Anderson emerged as a civic professional with equality and justice forming the foundation for his work.²⁷⁴

A. *Civic Professionalism*

Utilizing concepts of social justice and pragmatism as a foundation, contemporary philosophers such as William Sullivan describe a current crisis in professionalism related to rampant technocratic expert-driven practices.²⁷⁵

272. While it is impossible to prove the nature of Anderson's actions through some type of scientific pursuit, utilizing his statements as a backdrop against psychological, biological, social, and political theory might render interesting notions related to his life. *Id.* Though Anderson notes that he is not completely sure why he chose the path he did in life, as an obvious advocate of equal rights for all people, he posits that it may be because he is "well-circulated around the globe" and has "wide tastes when it comes to reading and literature." Anderson Transcript I, *supra* note 2, at 56:4–5.

273. Thomas M. Skrtic, *A Political Economy of Learning Disabilities*, 28 LEARNING DISABILITY Q. 149, 152 (2005).

274. See generally WILLIAM M. SULLIVAN, *WORK AND INTEGRITY: THE CRISIS AND PROMISE OF PROFESSIONALISM IN AMERICA* (1995) [hereinafter SULLIVAN, *WORK AND INTEGRITY*].

Work and Integrity . . . examines the crisis as well as the promise of professionalism in contemporary society. This . . . book argues for the importance of a new civic professionalism that reflects the ideals of democracy and public service in our ever more complex economic environment. . . . *Work and Integrity* explores the most current thinking on the various—and often conflicting—ways in which the concept of professional work is understood.

See *id.* at dust jacket, front flap.

275. See SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 5–7. It has been argued that "technocratic and expert-driven tendencies in government . . . further alienate citizens from the political process" as opposed to "build[ing] a habit of participative and informed political discussion between government and citizens." Marietjie Myburg, *More Public and Less Experts: A Normative Framework for Re-connecting the Work of Journalists with the Work of Citizens*, GLOBAL MEDIA J., AFRICAN ED., 2009, at 1, 1 available at [http://sun025.sun.ac.za/portal/page/portal/Arts/Departemente1/Joernalistiek/Global+Media+Journal/Global+Media+Journal+-+Past+Editions+3\(1\)](http://sun025.sun.ac.za/portal/page/portal/Arts/Departemente1/Joernalistiek/Global+Media+Journal/Global+Media+Journal+-+Past+Editions+3(1)).

A perceived lack of interest in social justice and political responsibility, coupled with an unbridled desire for economic and social status, define a type of professionalism grounded in both individualism and expertise.²⁷⁶ This set of expert professionals stays insulated from political or social obligations and does not recognize a connection between professional practice and the proliferation of a civil society.²⁷⁷ Furthermore, technocratic professionalism would not be viewed as a vehicle for promoting change or social progress, given its relative disconnect to political responsibility within a democracy defined by market liberalism.²⁷⁸

Consequently, discussions of civic professionalism, rooted in pragmatic philosophy and concepts of social justice, constitute a rethinking of professional training and indoctrination.²⁷⁹ Civic professionals display a commit-

276. STEVEN BRINT, *IN AN AGE OF EXPERTS: THE CHANGING ROLE OF PROFESSIONALS IN POLITICS AND PUBLIC LIFE* 40–41 (1994).

The primary definition [of professionalism] is that of individual professionalism: the idea that membership of a profession carries with it a set of internaliz[ed] values that will be reflected in the way in which work is carried out and the ethical standards that are adhered to. . . . Although the term “professionalism” is associated with a fairly specific range of high-status occupations, much the same claim about other occupations is embodied in terms like . . . “public service ethos.”

Posting of John Quiggin to, *Word for Wednesday Professionalism: Definition*, <http://www.johnquiggin.com/archives/001491.html> (Sept. 10, 2003). While Anderson appeared to be headed for this type of professionalism, an ironic position in life changed that course. See Anderson Transcript I, *supra* note 2, at 16:18–25. Public service was the farthest thing from Anderson’s mind when he decided to pursue a legal career; rather he sought individual prosperity. See *id.* He believed the best direction was a traditional practice of law where you started with a firm and then formed your own firm. *Id.* The most rewarding part of his career however was campaigning for the presidency in 1980. *Id.* at 38:16–19. Though this course seems grounded in individualism, Anderson was finally free of the restrictions that were placed on him by conservative Republican leadership, enabling him to just crisscross the country and openly speak with people. *Id.* at 39:2–3.

277. See BRINT, *supra* note 276, at 15. Anderson has done exactly the opposite. See Anderson Transcript I, *supra* note 2, at 55:5–20. Rather than insulate himself from political obligations, he has stood front and center championing causes such as ERA and fair housing. *Id.* What is more poignant is that Anderson could have easily remained insulated within his privileged status, but it was his close connection to the people whom he fought for—a product of his life experiences—that drew him outside his comfort zone. See *id.* at 55–56.

278. See BRINT, *supra* note 276, at 82.

279. See Skrtic, *supra* note 273, at 152; see also William M. Sullivan, *Engaging the Civic Option: A New Academic Professionalism?*, *CAMPUS COMPACT READER*, special ed. 10, 12–13 (2003).

The concept of civic professionalism points to the public functions and social responsibilities of the professions. . . . To practice one’s profession in a public-regarding way in a full and direct sense, professionals must view themselves as active participants in civic life. They must cast their identities, roles, and expertise around a democratic, public mission, suffusing their technical competence with civic awareness and purpose.

ment to social justice and acknowledge the need for political engagement to resolve complex social problems, whether or not the issue personally affects them.²⁸⁰ Professional ethics dictate involvement in policy and politics as a means through which to resolve the disenfranchisement and inequity experienced by the citizenry.²⁸¹

While demonstrations of civic professionalism are certainly evidenced by historical figures such as John Dewey and Jane Addams, the dominance of expertism has overshadowed its relevance and viability over time.²⁸²

Scott J. Peters, *Educating the Civic Professional: Reconfigurations and Resistances*, 11 MICH. J. COMMUNITY SERV. LEARNING 47–48 (2004).

280. See SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 228. In Anderson's case, this meant fighting for women's rights and fair housing. Anderson Transcript I, *supra* note 2, at 55:6–17. In opposition of the technocratic professional who is disconnected to social and political responsibility, see BRINT, *supra* note 276, at 82, Anderson was able to connect to the people whom he fought for because his life experiences left him open to accepting new ways and new ideas. See Anderson Transcript I, *supra* note 2, at 56:16–24.

281. See SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 232; Peters, *supra* note 279, at 47–48. Anderson embodies this type of ethical professionalism. See Anderson Transcript I, *supra* note 2, at 25:3–27:23. This is clearly evidenced by his involvement in securing the vote that assured the passing of the Fair Housing bill and particularly how he secured the vote. See *id.* at 26:10–27:5. Anderson was moved by a young well-educated African American who was living the inequity experienced by the citizenry and unable to secure housing for his family. 114 CONG. REC. 9551 (1968) (Statement of Rep. John B. Anderson); see also *id.* at 9557–58 (Statement of Rep. John B. Anderson) (elaborating on statement from previous cite). In an unconventional act—an act of heroics perhaps forged out of his own understanding of humble beginnings—Anderson jumped party lines knowing that his vote would break the tie and pass the Fair Housing bill. See 24 CONG. Q. ALMANAC 152, 165 (1968).

282. See SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 74–76. John Dewey and Jane Addams understood the

interdependence of modern society which the industrial metropolis dramatized, [and] sought to render its complex functional interrelationships intelligible Providing this intelligibility was for them the professional calling par excellence. By bringing the interdependence to vivid public awareness, they hoped to provoke political action. Aroused publics would then struggle for conscious regulation and planning of what would otherwise have remained but dimly perceived, . . . benefiting the powerful few but harming the many.

Id. at 72. “During the 1890s, John Dewey articulated [his] philosophy of . . . ‘creative democracy’ at the . . . University of Chicago.” *Id.* at 73. Dewey “concluded that developing a democratic public would require creating institutions within which learning could become a continual practice in all areas of life. . . . [and] sought to develop a cultural understanding that would orient professional life there toward public concerns.” *Id.* at 74. Jane Addams collaborated with Dewey, for “Addams was seeking to involve the entire community in an educational effort whose aim was to form active and responsible citizens.” *Id.* at 77. To accomplish this, she pioneered the Hull House which reached out to “young men and women”—immigrants “only a short remove from their peasant origins”—and aimed to give them an “understanding of the industrial metropolis.” SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 76. Like Dewey and Addams, Anderson embodies the civic professional who is unfortunately a minority in the political scheme, following his heart as opposed to the technocrat, who has lost his identity and is forced into action by social obligations.

However, renewed interest in the merits of pragmatism and civic professionalism are emerging, in response to burgeoning organizational, societal, and educational problems in current society.²⁸³ Given this, it is necessary to explore the type of democracy, understanding of social justice, and method of problem solving through which the professional engages in order to understand this continuum between expert and civic professionalism.

1. Democracy

While its conceptualization varies widely, democracy can be subsumed under two generic models that inherently affect professionalism: A weak, elitist model and a strong, participatory one.²⁸⁴ The political theory of market liberalism provides philosophical grounds for weak democracy.²⁸⁵ In a

283. See Peters, *supra* note 279, at 47; Kerry J. Kennedy, *Rethinking Teachers' Professional Responsibilities: Towards a Civic Professionalism*, 1 INT'L J. CITIZENSHIP & TCHR. EDUC. 3, 3 (July 2005). An example of this renewed interest is the No Child Left Behind Act of 2001. 20 U.S.C. § 6301 (2006). The Act was designed with the theory that setting high standards and establishing measurable goals can improve individual outcomes in education. *Id.* To achieve this, the Act requires states to develop assessments in basic skills to be given to all students in certain grades. *Id.* The act was proposed by President Bush and shepherded through the Senate by Ted Kennedy. Sanford Levinson, *What Should Citizens (as Participants in a Republican Form of Government) Know About the Constitution?*, 50 WM. & MARY L. REV. 1239, 1243 (2009). It received overwhelming bipartisan support and, despite criticism of its overall effectiveness, Congress increased federal funding for education by forty percent in 2007. See Press Release, U.S. Dept. of Educ., Fiscal Year 2007 Budget Request Advances NCLB Implementation and Pinpoints Competitiveness (Feb. 6, 2006), available at <http://www2.ed.gov/news/pressreleases/2006/02/02062006.html>. Thus, this legislation represents Congress' coming together as civic professionals for a common cause rather than as socially and politically obligated technocrats. See Peters, *supra* note 279, at 47.

284. See BENJAMIN R. BARBER, A PLACE FOR US: HOW TO MAKE SOCIETY CIVIL AND DEMOCRACY STRONG 20–21 (1998); JOHN S. DRYZEK, DELIBERATIVE DEMOCRACY AND BEYOND: LIBERALS, CRITICS, CONTESTATIONS 9 (Will Kymlicka et al. eds., 2000) [hereinafter DRYZEK, DELIBERATIVE DEMOCRACY AND BEYOND].

285. BARBER, *supra* note 284, at 20–22; see DRYZEK, DELIBERATIVE DEMOCRACY AND BEYOND, *supra* note 284, at 9. Market liberalism is a descendent of classical liberalism, classical denoting before the 20th century. See J.L. Hill, *The Five Faces of Freedom in American Political and Constitutional Thought*, 45 B.C. L. REV. 499, 561–62 (2004). Classical liberals believe the individual should be free from the state and thus stand in direct contrast from social liberals who believe in a welfare state. See *id.* at 543, 561. In a welfare state, public funds are used to support the needy. See Richard M. Ebeling, *National Conflicts, Market Liberalism and Social Peace*, FREEDOM DAILY, May 1994, available at <http://www.fff.org/freedom/0594b.asp>. Classical liberals oppose this, presumably, because as an elitist group it is the funds of the private wealthy sector which are redistributed in the form of taxes to support the needy. See *id.* This redistribution of private wealth infers government interference with the individual's right to choose. See *id.* Therefore, the market or classical liberalism theory suggests a weak democracy because of its focus on the individual. See *id.*

tradition of political thought ranging from the works of James Mill and Jeremy Bentham in the early nineteenth century to Joseph Schumpeter and Anthony Downs in the twentieth, utilitarian philosophy helps frame the most important idea in market liberal theory: the self's primary and innate motivation is to maximize the satisfaction of its own desires and preferences.²⁸⁶ Freedom for market liberals means the right to pursue individual interests without interference from either the state or other individuals.²⁸⁷ Given this, technocratic professionals would enjoy similar benefits by engaging in professional behavior targeted to individual advancement despite the presence of social inequity.²⁸⁸

Unlike the weaker forms of democracy, strong democratic forms exhibit a "double democratization," where not only the organization of government but also social and economic institutions require the substantive participation and judgment of ordinary citizens.²⁸⁹ One model of democracy, known as

286. See DRYZEK, *DELIBERATIVE DEMOCRACY AND BEYOND*, *supra* note 284, at 9 (At its core, liberalism is "based on the assumption that individuals are mostly motivated by self-interest rather than any conception of the common good."). See generally Terence Ball, *An Ambivalent Alliance: Political Science and American Democracy*, in *POLITICAL SCIENCE IN HISTORY: RESEARCH PROGRAMS AND POLITICAL TRADITIONS* 41–65 (James Farr, et al. eds., 1995). Utilitarianism can be described as "the greatest good for the greatest number" of people. New World Encyclopedia, Utilitarianism, <http://www.newworldencyclopedia.org/entry/Utilitarianism> (last visited Feb. 24, 2010). To achieve this, the market liberalist believes that the state should be separated "from all economic activity." Ebeling, *supra* note 285.

287. DRYZEK, *DELIBERATIVE DEMOCRACY AND BEYOND*, *supra* note 284, at 9.

288. See BRINT, *supra* note 276, at 41; see also SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 23. To insure the passing of the Fair Housing Act, Anderson, who could not focus on advancing himself while he knew others had no access to basic opportunities, crossed party lines. See 24 CONG. Q. ALMANAC 152, 165 (1968). While this did not sit well with his fellow republicans, Anderson felt this was one of the most useful pieces of legislation he helped pass while in Congress. Anderson Transcript I, *supra* note 2, at 25:21–24. All this effort because of a young man whom Anderson knew was qualified for yet deprived of similar opportunities. *Id.* at 29:3–12.

289. DAVID HELD, *MODELS OF DEMOCRACY* 283 (1987). The weaker forms of democracy are evidenced by the market liberalism—laissez-faire—theory which thrives on individualistic pursuits. See Ebeling, *supra* note 285. This is in direct contrast with the civic professional who thrives in a participatory democracy where the government, through the voice of the people, provides social services and helps regulate industry. See SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 228. Anderson embodies that civic minded professionalism. He believes in the power of participation and awaits "a new era, when [the] American administration will concede that international law" plays "an important role in determining our conduct as well as the conduct of other countries." Anderson Transcript I, *supra* note 2, at 149:8–13.

developmental liberalism,²⁹⁰ contains the language of compassion, equality, social and civic mindedness, dispositions, and attitudes it insists must permeate all institutions, not just political ones.²⁹¹ Strong democratic citizens would actively and jointly balance private and public interests always in consideration of the common good.²⁹² Such citizens recognize their dependency and need for one another not only in personal projects of self-development, but also in collective efforts to improve society.²⁹³ These citizens would constitute the cadre of civic professionals, motivated to utilize knowledge and expertise for advancement of the total citizenry.²⁹⁴

2. Social Justice

Encapsulated in notions of equal rights, protections, opportunities, and obligations for all, philosophies of social justice appear not only in the historical and contemporary rhetoric of American laws and constitutions, but also in the professional indoctrination of doctors, social workers, educators, and the like.²⁹⁵ How professional and political arenas support notions of social justice within policy and practice is entirely variable and has led to an overall weakening or attenuation of the foundational ethics and morals of the concept.²⁹⁶ This phenomenon, some might argue, correlates directly with the individualism and political disengagement afforded within a capitalistic society and weakened democracy described above.²⁹⁷

From a technocratic perspective, issues related to social justice would be regulated through the markets, not through governmental or universal social programs, and would hinge upon a fundamental acceptance that some

290. JOHN DEWEY, *LIBERALISM AND SOCIAL ACTION* 228 (Prometheus Books 2000) (1935) [hereinafter DEWEY, *LIBERALISM*]; see also C.B. MACPHERSON, *THE LIFE AND TIMES OF LIBERAL DEMOCRACY* 47 (1977).

291. DEWEY, *LIBERALISM*, *supra* note 290; see JOHN DEWEY, *DEMOCRACY AND EDUCATION: AN INTRODUCTION TO THE PHILOSOPHY OF EDUCATION* 25, 137 (Paul Monroe ed., 1916) [hereinafter DEWEY, *DEMOCRACY AND EDUCATION*].

292. See SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 228.

293. *Id.*; see also J. Robert Kent, *A Global Challenge: Reframing Democracy and Education*, 41 *AM. STUD.* 375, 377 (2000). Anderson recognized this need for a collective effort to benefit society when in an unorthodox move he jumped party lines to secure the crucial Fair Housing vote. See 24 *CONG. Q. ALMANAC* 152, 165 (1968).

294. See SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 237.

295. See Colleen Galambos, *A Dialogue on Social Justice*, 44 *J. SOC. WORK EDUC.* Spring/Summer 2008, at 1, 4 (concluding that these professions are inherently bound to a code of ethics which include the moral obligation to support society and its needs respective to their profession).

296. See BRINT, *supra* note 276, at 8.

297. See HELD, *supra* note 289, at 283.

citizens may never have their basic needs met.²⁹⁸ Given this, an expert professional would not have to incorporate philosophies or policies within the scope of his or her work that would address such concerns.²⁹⁹ This is not to say that expert professionals could not maintain personal values related to the promotion of social justice and equality for all; they very well might.³⁰⁰ The important point is that technocrats would avoid consuming professional time in order to address societal maladies, seeing those issues as separate and distinct from their responsibilities.³⁰¹

On the other hand, civic professionalism requires the participation of professionals in the process of targeting and solving societal problems in order to promote the ideal that all citizens deserve a basic and equitable set of social rights.³⁰² This conceptualization of social justice depends upon the professional training of a cadre of civic professionals, willing to share expertise in order to promote the greater social good.³⁰³ While these professionals undoubtedly benefit both personally and professionally from their expertise, this deep sense of social obligation consistently guides and influences their actions.³⁰⁴ Most importantly, civic professionals do not have to be racially, socially, or financially representative of those for whom they advocate because their sense of social equity and interdependence precedes all other incongruities.³⁰⁵

298. HILDA BLANCO, *HOW TO THINK ABOUT SOCIAL PROBLEMS: AMERICAN PRAGMATISM AND THE IDEA OF PLANNING* 201 (1994); *see also* JOHN S. DRYZEK, *DEMOCRACY IN CAPITALIST TIMES: IDEALS, LIMITS, AND STRUGGLES* 21 (1996) [hereinafter DRYZEK, *DEMOCRACY IN CAPITALIST TIMES*]. Case in point is the current health care crisis in America. *See* DRYZEK, *DEMOCRACY IN CAPITALIST TIMES*, *supra*, at 201. It is argued that some government regulation is needed to assure that citizens receive basic health care. Christopher Beam, *McCan't and McShouldn't: At a Kansas City Forum, John McCain and Mitch McConnell Show Why Bipartisanship on Health Care Is Impossible*, SLATE, Aug. 31, 2009, <http://www.slate.com/id/2226793/?from=rss>. Currently, while the market controls the system, there are many citizens whose basic needs are not being met. *Id.*

299. *See* BRINT, *supra* note 276, at 9.

300. *See id.* at 36.

301. *See id.* at 10.

302. SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 151; *see also* Kennedy, *supra* note 284, at 3.

303. SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 187. The preference inferred from Sullivan's work is that not just training is needed, but that the type of training should be civic professionals training *other* civic professionals. *See id.* Anderson fulfills this call to duty as a law professor, ensuring that his ideals carry on through his students. *See* Anderson Transcript I, *supra* note 2, at 107:25–108:1.

304. *See* SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 151.

305. *See id.* at 129. Most of Anderson's fights have been for people with whom he shares no similar class identity, as well as for issues from which Anderson is completely removed, such as a women's right to choose. Anderson Transcript I, *supra* note 2, at 91:20–92:1.

3. Practice

Shaped by models of democracy and perceptions of social justice, professionals enter the arena of problem solving and practice in very different ways given the presence of this expert-civic continuum of professional behavior.³⁰⁶ Guided by a market liberal democracy, technocratic professionals need not participate in policy-making to any significant extent, with the majority of their professional time spent in individual pursuits.³⁰⁷ As highly specialized professionals, technocrats find little use for collaboration, relying instead upon expertism and status to diffuse the need for problem solving.³⁰⁸ By staying focused on individual work, expert professionals allow market liberalism to diffuse organizational, political, or societal obligations to the maximum extent possible.³⁰⁹ In the event that a technocrat chose to enter a policy or political arena, he or she would do so armed with ideological arguments and theories all deeply embedded within their particular expertise and philosophical framework.³¹⁰

In contrast, civic professionals understand the delicate balance between individual gain and the greater social good, acknowledging that practice and policy-making must occur at multiple levels beyond individual work.³¹¹ Collaboration would be viewed as an important vehicle through which to promote change, and the civic professional would be comfortable maneuvering amongst diverse practitioners in order to achieve goals.³¹² While civic professionals would utilize their expertise to work directly with the populace, they would also engage in policy-making and political activities at an organi-

306. See Kimberly Ann Harrison, *Understanding Professionalism in Education* 15 (Dec. 2003) (unpublished Ph.D. dissertation, University of Kansas) (on file with Nova Law Review).

307. See BRINT, *supra* note 276, at 38–39.

308. See *id.* at 39.

309. See *id.*

310. See SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 185. Technocrats embody today's modern day political conservative who does not dispense with their values despite people's needs. Harrison, *supra* note 306, at 46–47. For example, while many of today's citizens need basic health care, technocrats, such as Mitch McConnell, still believe there is no problem. See Beam, *supra* note 298. During Anderson's campaign for presidency, Anderson introduced television ads in which Gerald Ford articulated, "Anderson never votes with his party, he always votes with his conscience." Ford's remarks represent a truism of Anderson that is evidenced by his decision to jump party lines for Fair Housing. See 24 CONG. Q. ALMANAC 152, 165 (1968).

311. See SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at 214–15.

312. *Id.* at 231; see also HENRY MINTZBERG, *STRUCTURE IN FIVES: DESIGNING EFFECTIVE ORGANIZATIONS* 154–55 (1993).

zational and societal level in order to promote macro-level responses to social problems.³¹³

Fundamental to the collaborative acts of the civic professional, acknowledgment of the tenuous delicate nature of problem solving requires a pragmatic approach to the work.³¹⁴ While various definitions of pragmatism exist, philosophies of political pragmatism focus upon creating and maintaining a civil society without engaging in ideological attacks or rhetoric.³¹⁵ Though diversity within the pragmatic school of thought exists, efforts to utilize inquiry form the basis for determining any necessary action.³¹⁶ Originating with the work of Charles Sanders Peirce and William James, and expanded upon by political progressives such as John Dewey, emphasis was placed upon practicality in problem solving, outside the realm of conjecture and speculation.³¹⁷ Furthermore, Dewey stressed that the only way to resolve emergent and complex social problems was to afford individuals opportunity for civil rights and, most importantly, civic education.³¹⁸ Critical to the pragmatic philosophy is the concept of the “*via media*,”³¹⁹ the practice of finding the middle ground from which to begin resolving issues, as opposed to ideological entrenchment based upon identity, political affiliation, or the like.³²⁰ Thus, civic professionals engage in pragmatic problem solving by incorporating the various expertise, knowledge, and beliefs of the stakehold-

313. See SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 231; see also Harrison, *supra* note 306, at 65 fig. 2.

314. See BLANCO, *supra* note 298, at 181; see also SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 172.

315. RICHARD A. POSNER, LAW, PRAGMATISM, AND DEMOCRACY 53 (2003). It has been suggested by some that the political pragmatist “is concerned with using both the right means for the right ends, and is willing to let experience inform his assumptions, while the ideologue is indifferent to the means used and willfully ignorant of experience that challenges his assumptions.” Tobin Harshaw, *Pragmatism, Viewed Pragmatically*, THE OPINIONATOR, Dec. 12, 2008, <http://opinionator.blogs.nytimes.com/2008/12/12/pragmatism-viewed-pragmatically> (last visited Feb. 26, 2010).

316. See SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 172.

317. BLANCO, *supra* note 298, at 25–27. The reasons for this are twofold: first, practicality in problem solving aids in the resolution for those without resources in an expedient manner, and second, practicality in problem solving utilizes fewer resources. See *id.* at 23–29. When one takes the most practical approach to utilizing resources, unnecessary expenses are avoided. See *id.*

318. See DEWEY, DEMOCRACY AND EDUCATION, *supra* note 291, at 77.

319. Wilfrid Sellars, *Language, Rules, and Behavior* in JOHN DEWEY: PHILOSOPHER OF SCIENCE AND FREEDOM 289 (Sidney Hook, ed., 1950). “Civic education . . . prepares people of a country, especially the young, to carry out their roles as citizens.” Stanford Encyclopedia of Philosophy, Civic Education, Dec. 27, 2007, <http://plato.stanford.edu/entries/civic-education>.

320. See POSNER, *supra* note 315, at 53.

ers in an efficient manner, carefully avoiding ideological exploitation in order to arrive at an equitable and timely resolution to any given problem.³²¹

B. *John Anderson as a Civic Professional*

John Anderson's commitment to social justice, combined with the pragmatic manner in which he entered and shaped political debate and action throughout his career, appears to cast him as a contemporary civic professional.³²² Anderson's abilities to cross party lines, to advocate for those with whom he had little in common, and to stay firmly rooted in a commitment to equality demonstrate the synthesis of a collective political, civic, and social sense of responsibility necessary to promote the greater good.³²³

While John Anderson's professional training as a lawyer might have kept him grounded in technocratic practices, entering the political arena foreshadowed his increasing awareness of social problems and his future relevancy in American politics.³²⁴ Furthermore, when Anderson could have adopted a market liberal approach to his work given his background and identity, he engaged in the type of participatory political behavior sympathetic to constructions of deliberative democracy and civic professionalism throughout his career by working collaboratively alongside conservatives and liberals alike to create social change.³²⁵

321. SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 231–32; *see also* Harrison, *supra* note 306, at 64.

322. Anderson Transcript II, *supra* note 3, at 4 (“I do think that this deeper ethic, humanistic ethic, that you have described of civic professionalism was an important element in fashioning my political career. Because that was the event, not to go endlessly about this one matter, that brought me really nationwide attention.”).

323. *See* 24 CONG. Q. ALMANAC 152, 165 (1968). Anderson crossed these party lines and voted with democrats to ensure the passing of the Fair Housing Act. *Id.* Further, most of Anderson's fights have been for people with whom he shares no similar class identity as well as for issues from which Anderson is completely removed such as a woman's right to choose. *See* Anderson Transcript I, *supra* note 2, at 91:20–92:1.

324. *See* Anderson Transcript I, *supra* note 2, at 29:3–18. Yet, public service was the farthest thing from Anderson's mind when he decided to pursue a legal career; rather, he sought individual prosperity. *Id.* at 16:18–22. He believed the best direction was a traditional practice of law where one started with a firm and then formed his or her own firm. *Id.* at 16:18–25. The most rewarding part of his career, however, was campaigning for the presidency in 1980. *Id.* at 38:16–19. Though this course seems grounded in individualism, Anderson was finally free of the restrictions that were placed on him by conservative Republican leadership, enabling him to just crisscross the country and openly speak with people. *Id.* at 38:20–39:3.

325. This is, in one instance, evidenced by his unorthodox move across party lines to pass the Fair Housing Act. *See* 24 CONG. Q. ALMANAC 152, 165 (1968).

Also symbolic of civic professionalism, John Anderson remained firmly rooted in the ideal of social justice, even at the expense of his own political opportunity at times.³²⁶ The fact that Anderson openly opposed political allegiances in order to prohibit discriminatory housing practices, as evidenced by his support of the Open Housing Act of 1968, demonstrates just one example of his commitment to social justice, despite historical and environmental factors in his life that might have pointed towards contradictory actions.³²⁷

Similarly, evidence of pragmatism can be found in John Anderson's professional practice, particularly because his actions were not reflective of the kind of radicalism or "identity politics" often rooted in expertism.³²⁸ Resisting entrenchment in political labels, Anderson pursued political and policy-making activities at multiple levels, remaining carefully focused upon equity as the ultimate goal while working alongside diverse groups of people to achieve such outcomes.³²⁹ By consistently maintaining a core set of social justice beliefs, coupled with an ability to focus on the issue and not the emotion or idealism behind the issue, Anderson contributed to the advancement of civil rights by targeting and ameliorating problems in an efficient and logical fashion.³³⁰

As would be the case for any civic professional in an environment dominated by a weak democracy and rampant expertism, John Anderson's political methods were not always appreciated.³³¹ Yet, this deep sense of civic-mindedness kept him firmly entrenched in the ethics and values of equity.³³² Furthermore, in keeping with notions of civic professionalism, Anderson was willing to put his political career at stake because of this commitment to the greater social good.³³³ As Anderson notes:

326. See Anderson Transcript I, *supra* note 2, at 29:22–30:12. While Anderson's move across party lines did not sit well with his own political party, it was nevertheless one of his most rewarding moments in Congress. *Id.* at 25:21–26:23.

327. See *id.* Another example of his unorthodox motivations was his fight for women's rights; he championed many causes in which he had no social, class, or gender ties. See *id.* at 91:20–92:1.

328. See *id.* at 25:21–24.

329. See Anderson Transcript I, *supra* note 2, at 25:21–26:23.

330. See *id.* at 27:1–5. This core of beliefs likely stems from Anderson's life experiences. See *id.* at 55:17–57:10. He was "able to meet people from all walks of life" who represented various viewpoints, and he admired and embodied the "open mindedness and the willingness to accept new ways [and] new ideas." *Id.* at 56:19–23. This was the road that he chose to travel. *Id.* at 56:16–24.

331. See Anderson Transcript I, *supra* note 2, at 27:6–10, 103:8–17.

332. See Anderson Transcript II, *supra* note 3, at 1.

333. See *id.*

I do think that this deeper ethic, humanistic ethic, that you have described of civic professionalism was an important element in fashioning my political career. . . . I was always pretty well satisfied that the course I have chosen was the best one for me. . . . [I]t gave me the inner satisfaction of knowing that even though I'd failed in the one attempt I've described—[running for president]—that nevertheless I had, for my own sake, done the things and followed the path that I thought was best.³³⁴

C. *Anderson's Evolution as a Civic Professional*

Given the relative impossibility in knowing whether biology played a role in Anderson's empathic response to human rights and other social justice issues, exploring relevant environmental factors offers an interesting opportunity for speculation and analysis.³³⁵ And, while Anderson appears to be an "insider" for many reasons, including the fact that he is an educated, white male in American society, many elements of his life cast doubt upon the assumption that Anderson remained insulated in that status.³³⁶ Moreover, the empathic, altruistic behaviors developed over Anderson's history seem to form the foundation for the civic, pragmatic, and political approach he utilized to influence politics and public policy.³³⁷

In considering Anderson as a civic professional, discussions related to social justice and empathy inherent to the model ignite the nature-nurture debate and call into question how an individual develops those tendencies.³³⁸ Research suggests that individuals who display caring, empathetic types of

334. *Id.* at 4.

335. See generally Christopher Boehm, *Purposive Social Selection and the Evolution of Human Altruism*, 42 *CROSS-CULTURAL RES.* 319 (2008).

336. See Anderson Transcript I, *supra* note 2, at 33:3–17. What are the many elements that have prevented him from being insulated—any element exposed to outsiders: world's fair, military, etc.—and exposed him to outsider issues?

337. See *id.* at 169:13–24; Anderson Transcript II, *supra* note 3, at 1.

338. See generally Boehm, *supra* note 335. The nature versus nurture debate is one of the oldest debates in psychology. See Kimberly Powell, *Nature vs. Nurture: Are We Really Born That Way?*, ABOUT.COM, Sept. 17, 2009, http://genealogy.about.com/cs/geneticgenealogy/a/nature_nurture.htm. Even Shakespeare's Iago confides in Roderigo, "I am not what I am." WILLIAM SHAKESPEARE, *THE TRAGEDY OF OTHELLO* act 1, sc.1. The debate essentially poses the question: Why are we the way we are? I got my eyes from my mother, but where did I get my personality and talents, or weaknesses for that matter? Did I learn this from my parents and environment, or was I born with it? See Powell, *supra*. Anderson's traits stem from a mix of his family, school, and the church. Anderson Transcript I, *supra* note 2, at 3:1–3. In particular, his desire for social justice, to give back to the people, arguably stemmed from working at his father's grocery store where he stocked shelves, sacked potatoes, and carried groceries for the elderly women. *Id.* at 3:19–24.

behavior towards others do so because they are environmentally shaped that way.³³⁹ An example of this can be drawn from the disability community and their struggle endured over decades to achieve equal rights and opportunities.³⁴⁰ Many parents who championed the rights of children with disabilities in the 1970s did so because their children were directly affected by the disability and by the lack of educational opportunities afforded them.³⁴¹ Other environmental factors hinge on rewards or status gained by displaying the empathetic, altruistic behavior towards others.³⁴² It would make sense that the deep commitment to social justice exhibited by civic professionals might originate from responses to environmental inequity and the marginalization of certain citizenry.³⁴³

However, increasing research is actually being targeted to the biological derivations of empathy with suggestions mounting that empathetic behavior may be predicated upon genetic predictors.³⁴⁴ Regardless, speculations of

339. See Frans B.M. de Waal, *Putting the Altruism Back into Altruism: The Evolution of Empathy*, 59 ANN. REV. PSYCHOL. 279, 282 (2008).

340. See generally DANIEL P. HALLAHAN & JAMES M. KAUFFMAN, TEACHING EXCEPTIONAL CHILDREN: CASES FOR REFLECTION AND ANALYSIS FOR EXCEPTIONAL LEARNERS (7th ed. 1997). It was not until 1987 that the New York City Council approved Local Law 58 which required the city's buildings to be handicapped accessible. Anthony DePalma, *Mandating Access for the Handicapped*, N.Y. TIMES, Nov. 6, 1988, at A1. Further, it was not until 1991 that Congress mandated a nationwide law that required multifamily housing to be handicapped accessible. *Id.*

341. See National Research Center on Learning Disabilities, Twenty-Five Years of Progress in Educating Children with Disabilities Through IDEA, <http://www.nrcld.org/resources/osep/historyidea.html> (last visited Feb. 26, 2010). In the early 1970s educational opportunities were limited for children with disabilities in U.S. schools. See *id.* Only one in five children with disabilities were educated and "many states had laws excluding certain students, including children who were deaf, blind, emotionally disturbed, or mentally retarded." *Id.* It was with the help of landmark cases such as *Pennsylvania Ass'n for Retarded Citizens v. Pennsylvania & Mills v. Board of Education of the District of Columbia* that helped establish Public Law 94-142, Education for All Handicapped Children Act. *Id.* This Act was significant in developing major national goals for implementing educational programs for children with disabilities. *Id.*

342. See Brent Simpson & Robb Willer, *Altruism and Indirect Reciprocity: The Interaction of Person and Situation in Prosocial Behavior*, 71 SOC. PSYCHOL. Q. 37, 37-38 (Mar. 2008). One environmental factor which may affect an individual's empathetic behavior towards others is the "interaction of the person and situation." *Id.* at 50. "[R]esearch shows that egoists respond [more strongly to] the presence or absence of reputational incentives," while altruists "act altruistically at high levels not only when reputational incentives exist, but also when they do not." *Id.*

343. See SULLIVAN, WORK AND INTEGRITY, *supra* note 274, at 11.

344. See Aurora M. Nedelcu & Richard E. Michod, *The Evolutionary Origin of an Altruistic Gene*, 23 MOLECULAR BIOLOGY & EVOLUTION 1460 (2006). The altruistic gene theory presents the issue of whether selfish behavior is genetic and, if so, can one learn to be altruistic. *Id.* Richard Dawkins, in his book, *The Selfish Gene*, proposed that people were selfish

biological influences along with environmental ones related to civic professionalism are certainly worth considering.³⁴⁵ Contemplating the influences upon Anderson's personal and professional demonstrations of civic professionalism offers an opportunity to consider the relevance of context and motivation within his personal journey.

1. Family Influences

As Anderson notes, his father was born and raised in Sweden for many years prior to moving to the United States.³⁴⁶ Whereas Anderson himself did not experience the realities of living abroad and relocating to the United States as an immigrant, research supports the notion that individuals who experience living as the "minority" in a majority society tend to develop cultural awareness and reconfigure ethnocentric tendencies towards a broader world perspective.³⁴⁷ It is possible that Anderson's father might have in-

because the human gene pool is chemically selfish. John Hansen, *Richard Dawkins—The Selfish Gene*, SUITE101.COM, Aug. 9, 2009, http://americanfiction.suite101.com/article.cfm/richard_dawkins_the_selfish_gene (last visited Feb. 26, 2010); see also Jane Allyn Piliavin & Hong-Wen Charng, *Altruism: A Review of Recent Theory and Research*, 16 ANN. REV. SOC. 27 (1990). Nevertheless, while our genetic traits may be irreversible, they can be unlearned. Hansen, *supra*. Humans, unlike animals who experience this genetic makeup, are not compelled by their selfish genetic makeup. *Id.* Humans can learn through environmental influences to be altruistic. *Id.* Piliavin and Charng suggest that:

[T]here appears to be a "paradigm shift" away from the earlier position that behavior that appears to be altruistic must, under closer scrutiny, be revealed as reflecting egoistic motives. Rather, theory and data now being advanced are more compatible with the view that true altruism—acting with the goal of benefitting another—does exist and is a part of human nature.

Piliavin & Charng, *supra*, at 27.

345. See Boehm, *supra* note 335, at 342; see also J. Philippe Rushton et al., *Altruism and Aggression: The Heritability of Individual Differences*, 50 J. PERSONALITY & SOC. PSYCHOL. 1192, 1192, 1196–97 (1986), available at <http://psychology.uwo.ca/faculty/rushtonpdfs/Altruism%20and%20Aggression%201986.pdf>. The authors gave questionnaires to 573 adult twins of the same sex which "measured altruism, empathy, nurturance, aggressiveness, and assertiveness." Ruston et al., *supra* at 1192. The results suggested that "50% of the twins' variance in altruism, empathy, nurturance, aggressiveness, and assertiveness" were attributed to genetic influence. *Id.* at 1196. "[V]ery little, if any, of the twins' altruistic or aggressive tendencies [were a result] of their common, shared environment." *Id.*

346. See Anderson Transcript I, *supra* note 2, at 2:12–14.

347. See Anthony C. Ogden, *Ethnographic Inquiry: Reframing the Learning Core of Education Abroad*, FRONTIERS: INTERDISC. J. OF STUDY ABROAD 87, 109 (2006). It can be argued that Anderson was not a minority given that he lived amongst a majority of Swedish immigrants in a close-knit community. See LUNDIN, *supra* note 4, at 67. According to the 1930 U.S. Census, Swedish immigration in Rockford, Anderson's home town, comprised forty percent of the total population. *Id.* Rockford acquired the identification as a "Swede Town," as "Rockford Swedes occupied the office of both mayor and chief of police [and] controlled three national banks." *Id.*

stilled such values upon his family, having participated in a socially democratic society for many years.³⁴⁸

Another potential family influence relates back to Anderson's childhood. For example, it was not rare in that time period that half of Anderson's biological siblings died of disease during childhood.³⁴⁹ Although not atypical of the times, this certainly could portend later, empathic leanings as research suggests that kinship ties often increase the likelihood of altruistic behavior.³⁵⁰ As Anderson describes his family as "protective" and "close-knit," the impact of sibling death upon the psychological and social functioning of the family cannot go unnoticed.³⁵¹ Moreover, it warrants the hypothesis that Anderson learned to accept trauma and misfortune as human realities with no racial, economic, or gender barriers.³⁵²

Likewise, Anderson mentions that his father established a family-owned grocery business, through which his children participated in the daily operations in various capacities.³⁵³ Anderson notes the tremendous impact of the Great Depression upon his family's business, and the economic and social realities of the hardships he and others suffered.³⁵⁴ Again, this experience cultivated an opportunity for Anderson to experience life as a temporary "outsider," by witnessing and being influenced by the devastating consequences of poverty.³⁵⁵ Thus, empathic responses to issues related to social

348. Anderson Transcript II, *supra* note 3, at 2–3. Anderson recalled how his father's tolerance helped shape his life. *See id.* His father was "very tolerant of people regardless of their religious beliefs and religious faith and racial background and . . . accept[ed] people on the basis of [their] common humanity." *Id.* at 3. This tolerance seemed to stem from a "mixture of a striving for acceptance and a desire for greater equality that many immigrants felt." *Id.*

349. Anderson Transcript I, *supra* note 2, at 1:25–2:3. Before Anderson was born in 1922, three of his siblings had succumbed to diseases, one of whom was likely a victim of the 1918 influenza pandemic that swept the globe killing, by some accounts, 2.5% to 5% of the world's total population. Anderson Transcript II, *supra* note 3, at 5.

350. Jon K. Maner & Matthew T. Gailliot, *Altruism and Egoism: Prosocial Motivations for Helping Depend on Relationship Context*, 37 EUR. J. SOC. PSYCHOL. 347, 349 (2007).

351. Anderson Transcript I, *supra* note 2, at 2:4–11; Anderson Transcript II, *supra* note 3, at 5. Anderson proffers that the overly protective nature of his parents was likely a result of the childhood deaths of three of his siblings. Anderson Transcript II, *supra* note 3, at 5. He recalls that his father was particularly distraught from the loss of three of his children and, being as devout as he was, would make regular visits to their gravesites. *Id.*

352. VIMALA PILLARI & MOSES NEWSOME, HUMAN BEHAVIOR IN THE SOCIAL ENVIRONMENT: FAMILIES, GROUPS, ORGANIZATIONS, AND COMMUNITIES 52 (1998).

353. Anderson Transcript I, *supra* note 2, at 3:19–25.

354. *Id.* at 3:9–12.

355. *See* Anderson Transcript II, *supra* note 3, at 7.

justice and social welfare tend to increase when individuals become intimately affected by social problems.³⁵⁶

2. Religious Influences

Anderson notes a conservative religious upbringing, which may have perpetuated a traditionalist approach to life for some individuals.³⁵⁷ Often, transmitting strict moralistic values within the family unit, if delivered consistently and repeatedly, are indelibly ingrained in the future actions and behaviors of the family members and can lead to intolerance and bigotry.³⁵⁸ On the other hand, exposure to basic moral values within the family can also increase the expression of ethics such as empathy and kindness, as well.³⁵⁹ Anderson discusses the role of religion without disdain, yet cannot fully commit to the notion that his sense of social justice originated with those experiences.³⁶⁰ However, Anderson may have knowingly or unknowingly reshaped certain ideals from this familial religious training into a worldview of acceptance.³⁶¹

356. See Nancy Eisenberg et al., *The Role of Sympathy and Altruistic Personality Traits in Helping: A Reexamination*, 57 J. PERSONALITY 41, 42–43 (1989).

357. Anderson Transcript I, *supra* note 2, at 11:11–12:3. Anderson says the church's approach to religion is to believe that "salvation was achieved through faith in Christ and that to achieve that required a public confession, and [living] by a very strict code." *Id.* at 11:25–12:3. Anderson stated that back then,

[The church] was very fundamentalist in its doctrine, and it believed in a public confession of faith and of living by very strict rules of conduct that included a willingness to eschew what were, at least by the standards of those early days, regarded as worldly pleasures. And you were encouraged to find other ways of amusing yourself other than attending the theater and so forth.

Id. at 12:13–20.

358. GEORGE A. APPLEBY, EDGAR COLON, & JULIA HAMILTON, *DIVERSITY, OPPRESSION, & SOCIAL FUNCTIONING: PERSON-IN-ENVIRONMENT ASSESSMENT AND INTERVENTION* 230–31, 238 (2d ed. 2007).

359. *Id.* at 230–31; see also BRENDA DUBOIS & KARLA KROGSRUD MILEY, *SOCIAL WORK: AN EMPOWERING PROFESSION* (3d ed. 1999).

360. Anderson Transcript I, *supra* note 2, at 33:3–9.

I still cherish the same Evangelical faith, but I interpret it in, I think, far broader terms than anything that I ever specifically recall hearing expounded to me from the pulpit. I can't -- I can't credit that for the beliefs that I hold very strongly about the rights of human beings to be treated with equality.

Id.

361. See *id.* at 33:3–17.

3. Educational Influences

Anderson fondly describes memories of his public school education, a fact worth noting for many reasons as it relates to his sense of empathy and social justice.³⁶² Educational theorists suggest that a public school education affords children the chance to experience social, economic, and psychological realities in society.³⁶³ Although, this could easily be argued in terms of geographic and financial inequities evidenced across the entirety of the American public school system, civil rights and disability law inherently demand that children from all walks of life be afforded the chance to be educated amongst their peers.³⁶⁴ Thus, the influence of such diversity upon Anderson's public school education could explain his sensitivity and awareness.³⁶⁵

There is other research to suggest that children benefit from the guidance of strong adult role models in educational settings,³⁶⁶ and it appears that Anderson is of no exception. As Anderson dove into debate and government classes, two particular teachers demonstrated a keen interest in his intellec-

362. *Id.* at 14:12–18.

I think, in my life, teachers in the public schools became my role model. I particularly remember a Miss Vincent, who was one of my grade school teachers. And probably [why] I remember her so fondly is because she let me skip one whole grade and I went into the sixth grade without pausing from the fourth grade and going through the fifth grade.

Id.

363. See JACK L. NELSON ET AL., *CRITICAL ISSUES IN EDUCATION: DIALOGUES AND DIALECTICS* 171 (Jane E. Vaicunas 4th ed., 2000).

364. NAT'L RESEARCH COUNCIL, *EDUCATING ONE & ALL: STUDENTS WITH DISABILITIES AND STANDARDS-BASED REFORM 3* (Lorraine M. McDonnell et. al. eds., 1997).

365. See NELSON ET AL., *supra* note 363, at 170.

366. Daniel Rose, *The Potential of Role-Model Education*, *ENCYCLOPEDIA INFORMAL EDUC.* (2004), www.infed.org/biblio/role_model_education.htm. Rose believes that:

Role model education can be seen as effective because it bridges the gap between the ideal and reality. Education becomes experiential, as students learn a little about their teachers' lives, and how they embody the values they are trying to pass on and explore. The gap between theory and practice is bridged, as ideological concepts become realities before the eyes of the students. Once they have truly understood an idea because they have seen it at first hand through teacher's expression of it in the way they conduct themselves, they are only then in a true position to judge its validity to their life, and then make the relevant lifestyle decision.

Id. Anderson's most notable role models were his debate teachers in high school and college who taught him:

[T]o be able to learn to argue both sides of the question, even though you were on the affirmative team, that if you were going to be an effective debater, you had to try to put yourself into the shoes or into the mind of the person who was taking the other side of the question in order to make the more effective counterarguments that—that should be made.

Anderson Transcript 1, *supra* note 2, at 16:10–17. Further, these educators, in part, inspired Anderson to pursue a career in public service. *Id.* at 16:1–2.

tual development and became clear influencers in his future.³⁶⁷ These mentors, as Anderson credits, gave him the opportunity to understand the complexities of vast social problems and political issues while simultaneously affording him the ability to observe empathy and servitude in action.³⁶⁸ Such experience no doubt propelled Anderson towards a career in law, which again forced him to analyze intricate social and political issues with a multifaceted lens.³⁶⁹

4. Personal Influences

It should also be noted that Anderson maintained well-established personal connections to individuals of diverse backgrounds, both in personal and professional circles.³⁷⁰ Research related to human diversity delineates the importance of exposure and suggests that individuals, who reach for opportunities to meet and associate with others of varying ethnic, racial, religious, and sexual orientations, automatically expand their ability to empathize and understand differences.³⁷¹ Anderson's desire to maintain an inclusive social network reinforces his apparent appreciation for diversity and willingness to expand his worldview beyond that which he experienced in childhood.³⁷² And, as Anderson acknowledges, the influence of his wife throughout the marital relationship increased his awareness and appreciation for the effects of gender inequity and his subsequent professional actions related to the issue.³⁷³

367. *Id.* at 14:12–13, 15:1–4.

368. *Id.* at 15:13–18, 16:1–6.

369. *Id.* at 15:25–16:4, 16:10–16.

370. See Anderson Transcript I, *supra* note 2, at 171:15–20. In particular, Anderson was very fond of Representative John Conyers Jr. See *id.* at 172:6–9. Anderson remembers Conyers coming over to him after Anderson's swinging vote on the Housing Act. *Id.* at 26:11–13, 27:24–28:3. Conyers "came striding over from the Democratic side of the aisle and shook hands and embraced [him] and thanked [Anderson] for the help that [he] had given." *Id.* Anderson considers Conyers as emblematic "of the restlessness of minorities in this country, at how slow we have been to gradually progress toward the goal of equal rights, of true equality, regardless of race and color and background and national origin." *Id.* at 171:15–20. In addition, Conyers, according to Anderson, represents "the hope of the future." Anderson Transcript I, *supra* note 2, at 172:6–7; see *supra* note 104 and accompanying text (for further reading regarding Congressman Conyers).

371. KARLA KROGSRUD MILEY, MICHAEL O'MELIA & BRENDA DUBOIS, *GENERALIST SOCIAL WORK PRACTICE: AN EMPOWERING APPROACH* 67 (3d ed. 2001).

372. Anderson Transcript I, *supra* note 2, at 56:16–21, 171:15–20.

373. *Id.* at 135:13–136:11. Anderson describes his wife as "a wonderful partner in whatever I did." *Id.* at 54:2–3. According to Anderson, not only was she without objections to Anderson's involvement in public life, "she thoroughly approved" of and enjoyed politics as much as he did. *Id.* at 54:12–15. Though she had "an independent mind of her own," both

Clearly, Anderson appears deeply aligned with moral values foundational to a sense of social justice and empathy.³⁷⁴ In retracing his life, it is possible to weave social, psychological, and biological theories into an argument for why Anderson would so passionately and consistently advocate for those with whom he has little in common.³⁷⁵ Yet, simply maintaining a sense of social justice would not have been enough to produce the impact Anderson had in political and professional domains given his status as an insider.³⁷⁶ Arguably, Anderson's success as a civil rights advocate, attorney, and politician, required the coupling of social justice ideals with pragmatic practices in order for him to maneuver through such highly-charged political landmines while staying grounded in a model of civic professionalism.³⁷⁷

V. CONCLUSION

The clarity and consistency of Anderson's commitment to social justice and his pragmatic approach to politics affords an opportunity to consider the relevance of civic professionalism not only as an explanation for his behavior but for its potential to perpetuate social change given the saliency of human rights and equality issues related to sexual orientation, immigration, and health care, dotting the contemporary political landscape. Through whichever lens one views the life of John B. Anderson—reformist, civic professional, intellectual, prophet—one cannot escape a recurrent theme in Anderson's life, his incessant striving for something *more*. Anderson continues to seek

Anderson and his wife were “pretty much of a mind on everything from . . . gay rights to women's rights,” and all the other classic issues that many couples may be divided on. *Id.* at 54:19–24.

374. See Anderson, *American Protestantism and Political Ideology*, *supra* note 144, at 155–82.

375. See JOSÉ B. ASHFORD, CRAIG WINSTON LECROY & KATHY L. LORTIE, *HUMAN BEHAVIOR IN THE SOCIAL ENVIRONMENT: A MULTIDIMENSIONAL PERSPECTIVE* 3 (Jan McDearmon & Barbara Kimmel eds., Brooks/Cole Pub. Co. 1997).

376. Anderson Transcript II, *supra* note 3, at 4. Anderson recalls:

I often have told and retold the story of the young man who had come to me during that time when that legislation was brewing and before its final passage and said, he was a professional person, a person of color, but he could not locate a home that anyone was willing to rent to him or sell to him in the section of the city where he really wanted to live and to bring up his family because of his color. And that resonated with me from the moment he told me that story through the events that led to the Open Housing Act in 1968. So yes, I do think that this deeper ethic, [this] humanistic ethic, that [has been] described [as] civic professionalism was an important element in fashioning my political career. . . . [A]nd so I think it gave me the inner satisfaction of knowing that even though I'd failed in the one attempt I've described, that nevertheless I had, for my own sake, done the things and followed the path that I thought was best.

Id.

377. SULLIVAN, *WORK AND INTEGRITY*, *supra* note 274, at xix; see also Harrison, *supra* note 306, at 77–78.

social justice and voting reform, never wavering in his lifelong commitment to a higher ideal. It is rare that such a compassionate scholar, having been born an insider, would consciously live for the voiceless and create an existence centered around improving those who have neither the means nor the ability to help themselves. Anderson has etched a place in history as an avant-guard politician and independent thinker whose ideas continue to shape our ever-changing future. Time will only serve to establish, and further validate, the visionary that is John B. Anderson.