

Abner J. Mikva – 1926-2016

Abner J. Mikva, awarded the Presidential Medal of Freedom by President Obama in 2014, died on July 4 in Chicago at age ninety.

Long known in Chicago and Washington political and legal circles as a liberal reform leader and a man of unassailable integrity, Abner J. Mikva successfully bucked Chicago's Democratic political machine when he was elected to the Illinois state legislature in 1956 as an independent reform-minded Democrat, and later served as a Democratic congressman in the late 1960s and 70s. In 1979, he was nominated by President Jimmy Carter to the U.S. Court of Appeals for the District of Columbia Circuit and was the Court's Chief Judge when he left to become White House Counsel for President Bill Clinton in 1994. Since World War II, perhaps no other American has served at high levels in all three branches of the federal government.

When Mikva was in law school, he had his first encounter with Chicago politics. Growing up in Milwaukee in the 1930s and 40s, he had a sense of the city's clean, open, good government practices under the Socialist mayors of the era—the polar opposite of nearby Chicago's patronage-fueled Democratic machine politics. The moment yielded a classic Chicago political story:

...On the way home from law school one night in 1948, I stopped by the ward headquarters in the ward where I lived. There was a street-front, and the name Timothy O'Sullivan, Ward Committeeman, was painted on the front window. I walked in and I said "I'd like to volunteer to work for Stevenson and Douglas." This quintessential Chicago ward committeeman took the cigar out of his mouth and glared at me and said, "Who sent you?" I said, "Nobody sent me." He put the cigar back in his mouth and he said, "We don't want nobody that nobody sent." This was the beginning of my political career in Chicago.

In 1956, when Mikva was living in Hyde Park and practicing law in the Chicago office of Goldberg and Devoe (later Goldberg, Devoe, Shadur and Mikva), he was persuaded by friends Victor deGrazia and Lou Silverman, leaders in the grassroots Independent Voters of Illinois, an anti-machine good government group, to run for a seat in the Illinois House of Representatives in the newly drawn 23rd district. There were three candidates in the Democratic primary. Under the old cumulative voting system, each voter could cast three votes. The IVI voters were instructed to cast all three of their votes—a "bullet" vote—for Mikva while his two machine-backed opponents split the other votes. Mikva won the primary becoming the first independent Democrat from Chicago in modern times to have been elected to the state legislature.

He was barely 30-years-old, on a train heading to his first legislative session in Springfield when, he recalled decades later, another rookie legislator, his friend Tony Scariano, asked several Springfield veterans traveling with them what it took to be a really good legislator. "And the answer they gave in unison was, 'Guts.' I've never forgotten it. And I still think the first criterion for public officials is guts." In Springfield, Mikva became a prominent supporter of handgun control, fair housing and election and civil service reforms which were typically opposed by Chicago's Democratic machine.

In 1966, Mikva lost a close Democratic congressional primary election running against the machine-backed incumbent, 84-year-old Barratt O'Hara, in the Second Congressional District on Chicago's South Side. He won a rematch two years later. In the U.S. House of Representatives, where he served on the Judiciary Committee among other assignments, he was known for his pro-civil rights and civil liberties views, and as an opponent of the Vietnam War. In 1971, he served as a floor manager when the House passed the 26th Amendment which lowered the voting age to 18-years-old.

After reapportionment in 1970 sliced up his South Side congressional district, Mikva moved to Evanston and ran in the open, newly created 10th Congressional District in Chicago's northern suburbs. A Republican-leaning district in 1972, Mikva lost that race but then won three consecutive elections, each by a margin of less than one-percent of the vote. His hard-earned victories were widely attributed to the legions of enthusiastic doorbell-ringing volunteers he inspired, including many high school and college students. When he returned to Washington after the 1974 election, Mikva exercised an influential voice in the post-Watergate House of Representatives, serving as chairman of the liberal House Democratic Study Group and as a tax reform leader on the powerful Ways and Means Committee.

In 1979, despite a national campaign by the National Rifle Association to defeat Mikva's appointment to the U.S. Court of Appeals for the DC Circuit, he was confirmed by a vote of 58-to-31 in the Senate. Mikva served on the Court until 1994, the last four years as Chief Judge. One of his law clerks was Elena Kagan, now a justice on the U.S. Supreme Court. She also served on Mikva's staff when he was Bill Clinton's White House Counsel. Of his many judicial opinions, the one he was most proud of, he said years later, was the one he wrote in a 1993 case for a unanimous three-judge panel rejecting the Navy's dismissal of a homosexual Naval Academy midshipman, Joseph Steffan. Steffan was dismissed not because of his conduct but because he admitted, when asked by Navy officials, that he was a homosexual. The Steffan case was one of the early rulings by a federal court defending LGBT rights. The last line in Mikva's decision was: "America's hallmark has been to judge people by what they do and not by who they are." (The next year, after Mikva had left the Court to become White House Counsel, the decision was overturned by the full appeals court.)

When they returned to Chicago in 1997, Ab and his wife Zoe started the Mikva Challenge. Working with lifelong friends, they forged a nonpartisan organization that promotes civic and political engagement among high-school students. "That is absolutely the best thing that Zoey and I ever did in our lives," Mikva said recently. By now thousands of Chicago students, with support from Mikva Challenge staff and their teachers, have volunteered in local and national election campaigns, have been election judges and have worked on neighborhood and citywide issues that the students identify as important to them. The Mikva Challenge model is now being implemented by teachers and school districts in other cities, most recently in Washington, DC.

Mikva's abiding commitment to combat poverty is rooted in his childhood. Born in Milwaukee, the second of two children, his parents were Jewish immigrants from Ukraine. His mother, Ida, who spoke Yiddish, was a homemaker. His father, Henry, an insurance agent, lost his job at the beginning of the Depression when his son was five or six. For much of the Depression the Mikva family was on relief, a humiliating experience for Ab, as he was later known to his friends

and colleagues. His clothes and school books and the family's food came courtesy of the Milwaukee County Outdoor Relief agency. "I don't know why they called it Outdoor Relief but that's what it was," he said in a recent conversation. "We would pick up our food in a coaster wagon. My dad and I pulled the wagon back from the relief station. My mother used an oil cloth to cover the wagon so people wouldn't know." In the winter, he avoided wearing the tell-tale, Outdoor Relief blue wool cap. "It had to be well below zero before I put on that cap."

His passion for public service was nurtured within the culture of "the greatest generation." In 1944, when he turned 18 and had graduated from Washington High School, Mikva enrolled in the Army Air Corps. "I couldn't wait to get overseas," he recalled. "We had already crewed up in Lincoln, Nebraska, and we were on the way to an air base in Tonopah, Nevada. We were going to do our bombing training there and learn to fly together." On the train from Lincoln, however, they got the news of VJ Day, the surrender of Japan and the end of the war.

The G.I. bill, which provided veterans with money to attend college, changed the trajectory of Mikva's life. It enabled him to enroll at the University of Wisconsin in Madison where, on a blind date, he met Zorita Wise. A St. Louis native and a student at the University of Chicago, she was visiting a friend. As their relationship deepened, Mikva told her he was thinking about a career as an accountant. Zoe bluntly replied, "I wouldn't want to marry an accountant. All they do is make money." What about law school, Mikva asked later. Yes, Zoe said, that sounds like it would be fun. And that was how Abner Mikva's law career began.

Entering law school at the University of Chicago, Mikva recalled, "I was very concerned that I was in over my head. I told Zoey that if I didn't do well, I'd drop out." But he did well, very well, becoming editor-in-chief of the law review and finishing near the top of his class. After graduating in 1951, he served as a law clerk for U.S. Supreme Court Justice Sherman Minton. "I happened to find my calling," he said.

Also, around the time he met Zoe, Mikva had read *Clarence Darrow for the Defense*, Irving Stone's dramatic biography of perhaps the most celebrated American defense attorney in the first half of the 20th century. Mikva identified with Darrow, a brilliant, tenacious defender of underdogs and civil liberties. But if Darrow's story planted a small seed of interest in the law, it had not blossomed until Zoe entered Ab's life. They were married on September 19, 1948 and remained vital partners throughout their lives together.

In addition to his wife, Zoe, Mikva is survived by his daughters Mary, Laurie and Rachel; their husbands Steven Cohen, James Pfander and Mark Rosenberg; and seven grandchildren: Rebecca and Jordan Cohen; Sarah, Samantha and Benjamin Pfander; Jacob and Keren Mikva Rosenberg. Burial will be a private family funeral, and there will be a public memorial in early August. Information will be available on the Mikva Challenge website: www.mikvachallenge.org. The family invites friends to make a donation to the Ab and Zoe Legacy Fund at Mikva Challenge in lieu of flowers.