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Remembering Professor George Anastaplo

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Since I have become a law professor, I often find myself remembering my own law school experiences, as comparisons are unavoidable. Because I teach Constitutional Law, I have been reminded recently of my own time as a Constitutional Law student in a class taught by Professor George Anastaplo at Loyola University Chicago School of Law. I have been planning for some time to write to him to tell him that I am now teaching Constitutional Law in Canada, and to thank him for inspiring me.

Sadly, I just learned that I will not be able to do so. Professor Anastaplo [passed away](#) last week.

He was a truly remarkable man, who is well known in my hometown of Chicago and beyond. Much is likely to be written about him in the weeks to come, and I would not try to eulogize him here.

It occurs to me, though, that Professor Anastaplo provided an unusual example of dedication to constitutional values, which certainly resonates today, and which applies equally in Canada and in the United States. Although he was a prolific scholar and a truly unique teacher, he is most widely known for what he did before becoming a professor.

Professor Anastaplo sought admission to the Illinois Bar during the McCarthy Era. He was denied admission, based on some of his stated views on constitutional principles, and on his refusal to answer questions about his political affiliations and religious beliefs, including whether he was a member of the Communist Party. His refusal was based on his belief that requiring potential lawyers to answer such questions violated their constitutional rights to free speech and free association. After he was refused admission, he sued, and the case ultimately came before the Supreme Court of the United States, in the case of [In re Anastaplo](#), 366 U.S. 82 (1961). Professor Anastaplo litigated the case himself and ultimately lost in a 5-4 decision. He never was admitted to the Bar, in later years by his own choice, but he became famous for his courageous defense of constitutional rights at great personal cost, and in the face of the oppressive McCarthy Era.

Although Professor Anastaplo lost the Supreme Court case, Justice Hugo Black wrote a [powerful dissent](#), in which he said about him, among other things:

[T]he entire course of his life, as disclosed by the record, has been one of devotion and service to his country -- first, in his willingness to defend its security at the risk of his own life in time of war and, later in his willingness to defend its freedoms at the risk of his professional career in time of peace. The one and only time in which he has come into conflict with the Government is when he refused to answer the questions put to him by the Committee about his beliefs and associations. And I think the record clearly shows that conflict resulted, not from any fear on Anastaplo's part to divulge his own political activities, but from a sincere, and in my judgment correct, conviction that the preservation of this country's freedom depends upon adherence to our Bill of Rights. The very most that can fairly be said against Anastaplo's position in this entire matter is that he took too much of the responsibility of preserving that freedom upon himself.

...

[The record] shows not only that Anastaplo has followed a high moral, ethical and patriotic course in all of the activities of his life, but also that he combines these more common virtues with the uncommon virtue of courage to stand by his principles at any cost. It is such men as these who have most greatly honored the profession of the law ...

Justice Black felt so strongly about this dissent that he requested that parts of it be [read at his funeral](#).

Professor Anastaplo died at the age of 88, and he continued teaching through the Fall 2013 term. I remember a friendly, smiling, soft-spoken man who had no qualms about stating his view, or about challenging his students on the most provocative issues. He continued, throughout his career, to hold steady to his beliefs in the primacy of fundamental rights, recently, for example, [criticizing the U.S. Government](#) for its use of drones to kill terrorism suspects. He has had a significant influence on me, and on so many others, through his teachings, his writings, and his courageous personal example.

I wish I could have told him that. He will be missed.

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