

## JAMES E. JONES, JR.: PARADIGM BREAKER, PARADIGM MAKER

LINDA GREENE\*

### THE PARADIGM BREAKER

Professor James E. Jones, Jr., affectionately “Jim” only to his wife and closest colleagues of long standing, broke paradigms just by living long enough to graduate from high school. He was born in Little Rock, Arkansas in 1924, just five years after an Elaine, Arkansas white mob massacred African American sharecroppers who organized to obtain fair prices for their cotton crops.<sup>1</sup> Three years before his birth, a white mob lynched Henry Lowry, and, when he was three, another white mob lynched John Carter in Little Rock.<sup>2</sup> In an Arkansas that was *deep south* in every way that posed threats to the ambition of a bright young African American child,<sup>3</sup> Professor Jones built his life on the foundation of confidence he gained from a formidable grandmother,<sup>4</sup> an African American community that resisted violence and actively organized for racial justice,<sup>5</sup> and segregated schools that nurtured rather than crushed this child’s ambitions.<sup>6</sup>

The quality of that groundwork paid off in academic success. He graduated *magna cum laude* in 1950 at Lincoln University (MO), received a Masters from the University of Illinois the following year, and earned a Juris Doctor from the University of Wisconsin Law School, all by age thirty-two.<sup>7</sup> By the time he arrived to teach at Wisconsin,<sup>8</sup> he had

---

\* Vice Chancellor, Equity, Diversity, and Inclusion, University of California, San Diego.

1. GRIF STOKLEY, *BLOOD IN THEIR EYES: THE ELAINE RACE MASSACRES OF 1919* xxiii-xxv (2001).

2. Jay Barth, *Remember the 1927 Lynching in Little Rock*, ARK. TIMES, Aug. 1, 2012, <http://www.arktimes.com/arkansas/remember-the-1927-lynching-in-little-rock/Content?oid=2367957>; *The Land of (Un)equal Opportunity: Documenting the Civil Rights Struggle in Arkansas*, U. ARK., [http://scipio.uark.edu/cdm4/index\\_Civilrights.php?CISOROOT=/Civilrights#timeline](http://scipio.uark.edu/cdm4/index_Civilrights.php?CISOROOT=/Civilrights#timeline) (last visited Mar. 19, 2013).

3. *See generally* GRIF STOCKLEY, *RULED BY RACE: BLACK/WHITE RELATIONS IN ARKANSAS FROM SLAVERY TO THE PRESENT* (2009) (outlining the history of race relations in Arkansas).

4. JAMES E. JONES, JR., *HATTIE’S BOY: THE LIFE AND TIMES OF A TRANSITIONAL NEGRO* 15, 21 (2006).

5. *See id.* at 75–76.

6. *See id.* at 5–9.

7. *James E. Jones, Professor of Law Emeritus*, U. WIS. L. SCH., <http://law.wisc.edu/profiles/jejones@wisc.edu> (last visited Mar. 19, 2013).

distinguished himself as a labor lawyer, had been sought after by several law schools,<sup>9</sup> and was an emerging expert in two fields. One, employment discrimination law, was in such an early stage of development as a result of the youth of its main statute, Title VII of the Civil Rights Act of 1964,<sup>10</sup> that there were no textbooks. Professor Jones created his own in his first teaching year,<sup>11</sup> drawing in part on his own experience at the Department of Labor. His second field was labor law, in which he also had experience and had already published two articles.<sup>12</sup> It would be a satisfying success story in the *Only in America*<sup>13</sup> category if Professor Jones had confined himself to “the destruction of a fair number of trees”<sup>14</sup> in the course of his production of at least thirty-seven articles, six books in a decade while Editor-in-Chief of the Labor Law Group,<sup>15</sup> and a seventh book co-edited with the late University of Wisconsin-Madison Professor Herbert Hill, *Race In America*.<sup>16</sup> But there is so much more.

#### THE PARADIGM MAKER: SERVICE ABOVE SELF

The breadth of Professor Jones’s service takes my breath away. He was director of the University of Wisconsin-Madison Industrial Relations Institute, a senator in the University of Wisconsin-Madison Academic Senate for well over a decade, and on the very demanding University of Wisconsin Athletic Board for seventeen years. During a time period that overlaps with those endeavors, he persuaded his colleagues to support a minority law professor development program, the Hastie Fellowship Program, which is still the “gold” standard of all law professor

---

8. Some details relevant to this event are included in a loving tribute to his mentor-teacher, George William “Bill” Foster, Jr. James E. Jones, Jr., *A Tribute to George William “Bill” Foster, Jr.*, 1987 WIS. L. REV. 218.

9. James E. Jones, Jr., *LL.M. Programs as a Route to Teaching: The Hastie Program at Wisconsin*, 10 ST. LOUIS U. PUB. L. REV. 257, 262 (1991).

10. Civil Rights Act of 1964, Pub. L. No. 88-352, § 701, 78 Stat. 241, 253–66 (codified as amended at 42 U.S.C. § 2000e (2006)).

11. Jones, *supra* note 9, at 262.

12. James E. Jones, Jr., *Racial Discrimination in Employment and in Labor Unions: The Role of Law in Improving Minority Group Employment Opportunities*, 16 INST. ON LAB. LAW 198 (1969); James E. Jones, Jr., *The National Emergency Disputes Provisions of the Taft-Hartley Act: A View from a Legislative Draftsman’s Desk*, 17 W. RES. L. REV. 133 (1965).

13. DON KING: ONLY IN AMERICA (Home Box Office 1997).

14. James E. Jones, Jr., *Why Teaching: The Rewards of Academic Life*, 10 ST. LOUIS U. PUB. L. REV. 231, 235 (1991).

15. *Group History: The Labor Law Group*, WASH. U. L., <http://law.wustl.edu/laborlawgroup/pages.aspx?id=8164> (last visited Mar. 19, 2013).

16. DERRICK BELL ET AL., *RACE IN AMERICA: THE STRUGGLE FOR EQUALITY* (Herbert Hill & James E. Jones, Jr. eds., 1993).

development efforts due to rigorous entry requirements, its required master thesis, and its successful alums.<sup>17</sup> Almost simultaneously, he served the President of the United States on the Federal Service Impasses Panel that resolves impasses between the federal government and its unions, the Wisconsin Governor on his Manpower Planning Council, and the Mayor of Madison on his Police and Fire Commission. And how did he find time to serve for thirty years on the United Auto Workers Board of Public Review, an independent board which reviews union action for adherence to contract terms and ethical obligations, and remain throughout a sought-after arbitrator with an active nationwide practice.<sup>18</sup>

I met Professor Jones in 1977 at a NAACP Legal Defense Fund gathering of the best and the brightest civil rights lawyers, called “Airlie House,” in Warrenton, Virginia. I am certain that I had not yet begun to teach, but may have had a speaking role at the meeting attended by the staff of the Legal Defense and the great civil rights lawyers such as those who actually litigated *Brown v. Board of Education of Topeka*<sup>19</sup> and *Griggs v. Duke Power Co.*<sup>20</sup> I recall that lawyers, most of them males, had joked about my ten-miles-a-day, long-distance runs and Professor Jones used this topic as an excuse to strike up a conversation about my future. I had not thought much of it at the time, though I did wonder about what he was doing in Wisconsin, about which I knew little except that it bordered a very big lake.

Fast-forward to 1986 and the United States Senate Judiciary Committee, where I was working very long hours at an exciting time. It was the end of a senate term, and the days extended long beyond the routine fourteen-hour days I had quickly embraced. There were scandals to investigate, such as Iran-Contra, and nominated judges and Justices to

---

17. Professor Kimberle Crenshaw, a full professor at both the University of California Los Angeles School of Law and Columbia Law School, is one prominent graduate. *Kimberlé W. Crenshaw*, UCLA SCH. L., <http://law.ucla.edu/faculty/all-faculty-profiles/professors/Pages/kimberle-w-crenshaw.aspx> (last visited Apr. 29, 2013). Another is Daniel Bernstine, former dean of both Howard University School of Law and University of Wisconsin Law School, former President of Portland State University, and current President of the Law School Admissions Council. *Dean Daniel Bernstine to Head LSAC*, U. WIS. L. SCH. (Apr. 11, 2007), [http://www.law.wisc.edu/newsletter/In\\_the\\_Media/Dean\\_Daniel\\_Bernstine\\_to\\_Head\\_LS\\_2007-04-11](http://www.law.wisc.edu/newsletter/In_the_Media/Dean_Daniel_Bernstine_to_Head_LS_2007-04-11). Another former Hastie Fellow, Stacy Leeds, is Professor and Dean of the University of Arkansas School of Law (Fayetteville). *Stacy Leeds*, U. ARK. SCH. L., <http://law.uark.edu/directory/?user=sleeds> (last visited Apr. 29, 2013). For a list of Hastie Fellows and their placements, see *William H. Hastie Fellowship Program*, U. WIS. L. SCH., [http://law.wisc.edu/grad/fellow\\_hastie.html](http://law.wisc.edu/grad/fellow_hastie.html) (last visited Apr. 29, 2013).

18. *The Public Review Board*, UNITED AUTO WORKERS, <http://www.uaw.org/page/public-review-board> (last visited Mar. 19, 2013).

19. 347 U.S. 483 (1954).

20. 401 U.S. 424 (1971).

review and confirm. After my visiting stints at Harvard in 1984 and Georgetown in 1985, I had resigned my tenured professorship at Oregon to pursue a then inchoate opportunity to be a counsel to the United States Senate Committee, my dream job. No one resigns a tenured professorship, so the word spread quickly that I had broken the mold. In September, 1986, Professor Jones called me and did not pass the time with frivolity. He wanted to know whether I would reclaim my sanity, “get over the Potomac fever,” and return to teaching. I told him that I had made a three-year commitment to my Senator, and could not possibly become a candidate at that time.

Jones: When may I call you back?

Me: In about a year and a half.

He must have put it on the calendar. My phone rang a year and a half later, and the rest is history, both mine and that of Wisconsin as an oasis of diversity in the improbable middle west.

Shortly after I arrived in Wisconsin in 1989, I began to hear stories from students about Professor Jones. They told me he found them between classes and talked to them for what seemed like hours. I have no doubt the temporal aspect represented a wild exaggeration. But I knew that Professor Jones was passionate about teaching as he lectured to me frequently about all aspects of the law teaching profession. He was not a popular classroom teacher—he was too prickly and demanding for many—but he was passionate about teaching. When he found a student who seemed to be open to a chat, Professor Jones would talk about what it took to be successful, about the importance of in-depth preparation, and about the existence of a world which would always take the measure of a woman or a man, and the necessity for vigilant preparation. Professor Jones did not view the classroom as his boundary, or a student’s failure to enroll as a discharge of his responsibility. He cared about student success too much to limit his role based on class enrollment or formal affiliation. Long after graduation, many students cite those chats as a most memorable and valuable feature of their time at Wisconsin.

Thus, although Professor Jones embraced scholarship, service, and teaching, it is the teaching that he valued most of all. His paradigm of duty to the student endured despite the emergence of a world in which the importance of teaching and informal student contact waned, and reduced teaching loads and research leaves became a marker of professorial stature. Just two years before his official retirement in 1993, Professor Jones wrote of his passion for teaching and his love of students:

At this point in our nation's history when the pursuit of material things has made Donald Trump a folk hero . . . and when one

bright young man amasses over \$400 million in one year in the junk bond business, it may seem quaint to suggest that the pot of gold at the end of the rainbow is not the highest reward. . . . The most lasting satisfaction is that we glean by basking in the reflected glory of the rainbow, the wonder and beauty of which is supplied by our students—past, present, and future. The pot of gold is ephemeral, rainbows are forever.<sup>21</sup>

---

21. Jones, *supra* note 14, at 240.