

Who Was Herbert J. (Jack) Miller, Jr.?

By Howard P. Willens

Based on Herbert J. Miller, Jr.'s Oral History for the D.C. Circuit Historical Society

Jack Miller was born and raised in Minnesota, served in the Army during World War Two, and received his law degree from George Washington University in 1949. He became an associate with the small Washington office of a large Chicago firm, now known as Kirkland & Ellis. His practice was primarily litigation on behalf of a variety of clients, including one of Washington's major newspapers.

In 1959, now a partner, he was asked to represent a three-person Board of Monitors appointed by the U.S. District Court in Washington. The Board's mission was to supervise the administration of a consent decree agreed to by the Teamsters labor union and some dissident members who had tried unsuccessfully to replace James Hoffa as its leader.

His work on this assignment changed his life and legal career in an amazing manner. Consider this:

- In January 1961, Jack Miller (an active Republican) was asked by Attorney General Robert Kennedy to be the Assistant Attorney General in charge of the Criminal Division at the Department of Justice.
- For the next four years Jack Miller actively supervised the Criminal Division's largely successful effort to prosecute the illegal activities of the Teamsters Union and the criminal organization known as *Cosa Nostra*.
- In early 1965, Jack Miller left Justice and founded his own litigation firm – Miller, Cassidy, Larroca & Lewin. Over the next four decades the firm became known as one of the best “go-to” firms in Washington for high stakes litigation or negotiations involving Congress or the Executive Branch.
- During the summer of 1965, Jack Miller served as the chairman of the President's Commission on Crime in the District of Columbia. After sixteen months, the Commission produced for the District of Columbia the first comprehensive analysis of its criminal justice system – the police, prosecutors, courts, probation, incarceration, juvenile delinquency, and welfare. The Commission's recommendations were generally approved and stimulated many substantial improvements over the next few years.
- During the 1970s and later, Jack Miller's practice became one of the most diverse in Washington, DC. He advised Senator Edward Kennedy and other members of the Kennedy family. In 1974 former President Nixon hired Jack Miller to represent him on several matters. Two of these questions – involving the constitutionality of a law authorizing the federal government's seizure of President Nixon's papers and his immunity from any civil actions involving actions he took as president – were determined by the Supreme Court in cases argued by Jack. Not all of his clients were

so well-known, and a good number of them did not want anyone to know that they had a need to seek Jack Miller's advice.

What was it about Jack Miller that led to such a career?

From my years of experience with Jack Miller and as a result of taking his oral history, I would emphasize the following. First, he always was confident that he could do the job, whatever it might be. Second, he relished the opportunity to examine the legal issues in a new assignment and find some unique way to advance his client's position. Third, he was intensely loyal to his clients and committed to preserve the confidentiality of their relationship. Fourth, his open and friendly personality invited both clients and opposing lawyers to be confident in their relationships with him. And lastly, he was terrific in dealing with younger lawyers and giving them the opportunity to grow and prosper. I know, because I was one of those younger lawyers.

So, read the interview, and make your own judgments about this outstanding Washington lawyer.