

In Praise of Addison Bowman: The Ideal of Equality in the American Tradition in the Pacific

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With the retirement of Addison Bowman (in a *de jure*, not a *de facto* sense), Professor Jon Van Dyke and I are now the most senior colleagues on the faculty of the William S. Richardson School of Law. Thus, it is my pleasure to comment on the life and work of Professor Bowman, particularly with respect to his life and work in the Pacific.

There are two distinct traditions of American involvement in the Pacific. We are now well aware that America's expansion through Hawai'i to the Philippines and beyond was an orchestrated effort of "expansionists"—namely Theodore Roosevelt, Henry Cabot Lodge, and William Randolph Hearst. These expansionists brought to fruition America's present posture in the Pacific. Their influence at the turn of the century led directly to the annexation of Hawai'i and the possession of Guam and the Philippines. However the expansionists are to be judged, Professor Bowman came to the Pacific with different motives.

Professor Bowman epitomized the "other tradition" as to American involvement in the Pacific—the Jeffersonian tradition by which Americans sought not to interfere with the lives, culture, and sovereignty of others. Jefferson is, of course, only symbolic of this tradition—it was he who balked at the Louisiana Purchase, considering it contrary to the Constitution.

Addison Bowman was born and raised in Pennsylvania Dutch country. He was educated at Dartmouth and received his law degree from Dickinson University. His first exposure to the Pacific was as an officer

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on a Navy cruiser. He was the ship's navigator. Yet, in stories he tells of that experience he belies a distrust of the "fancy," the "modern."

It was always by the stars that Bowman would set his course and guide his behavior. He was wary of the legal realists who, like Oliver Wendell Holmes, sarcastically spoke of law as a "brooding omnipresence." To Addison Bowman, uncertainty about a proper course of action could always be resolved if one navigated one's life by returning to fundamental principles—by looking to the stars. He would thus guide his cruiser and his own life by adherence to a fundamental understanding that righteousness was not a matter of relativity. The heavens were unchanging. So were fundamental values from the eyes of a Pennsylvanian from Lancaster County.

One of those values was humility. This was not to be confused with the deliberate underestimation of one's own duties and importance in a civil society. Rather, humility was that attribute which might be seen as directly the opposite of what drove the expansionists, namely hubris and the superiority of everything American.

An outstanding feature of Professor Bowman's tenure at Hawai'i was that he made no reference, no name dropping or story telling, that suggested the prominence of his prior life in Washington. Bowman invited his colleague and friend Philip Elman to the law school to teach as a visiting professor. It would only be through Elman that many in Hawai'i would learn of the esteem Bowman achieved as a young man. In Washington, I was later to learn, Addison Bowman was a name known in every law firm and in every judge's chambers. He was a criminal defense lawyer, and reputedly the best in the nation's capital.

His zeal in representing his clients was the source of legends. He worked tirelessly and endlessly to secure justice. He tested his skills in the most difficult of arenas—death penalty cases. Indeed, as the story is told, after one eloquent and polished closing argument he returned to the defense table where his client, facing the death penalty, said in dead-pan fashion, "Mr. Bowman, that was the finest argument I have ever heard. Whether we win or lose, I really hope that at least you are happy." In short, Professor Bowman's passion was evident in every undertaking. There was a right way for doing everything.

This zeal for excellence was never to be confused with arrogance. He expected the most from his students. In one course on legal method, I asked students to keep a journal of daily life at the law school. I found one student's estimation of Bowman to be particularly revealing: "Oh no. Didn't do the reading for Bowman's class. . . must go anyway. I live in fear of him calling on me. Addie has such a fine

mind—his way of seeing things is so unique and perceptive. No matter the personal risk, I must take the chance. I hope he doesn't call on me."

Addison Bowman understood and appreciated excellence. His zeal for excellence would be a force guiding the law school in its development. He quickly became the conscience of the law school. His tenure as chairman of the personnel committee brought some of the finest young minds to Hawai'i. He was a tenured professor at Georgetown prior to coming to Hawai'i. He was much more than a professor; he was an institution. He and others were the first to develop the "clinic" model of legal education, now pervasive in all law schools.

In Washington, Addison Bowman is a renowned figure. He and Samuel Dash, both on the Georgetown faculty at the time, had been considered for the position of special prosecutor to Watergate. His social circle was the elite of the Washington Bar. He was famous as a shrewd poker player, not a small feat when the table was surrounded by Supreme Court law clerks. His friends were among the leading liberals of the Democratic Party. When I served as counsel to a committee for the U.S. Senate, I was constantly asked, "Whatever happened to Addison Bowman?"

Addison Bowman's personal and professional life epitomize the Jeffersonian view as to how America ought to relate to the world: as friend, not as colonial master. He approached others with a view that all people, no matter their appearance, no matter what they owned, possessed a universal dignity and worth equal to his own. This was never more clear than in his work in Micronesia. Professor Bowman on his own created a program through which the faculty of the law school would lend assistance to the development of Micronesian jurisprudence.

Bowman's focus on Micronesia speaks volumes. During this period, all eyes at the university were focused on the potential of institutional relationships with China and Japan. Such ties would certainly have provided more prominent and profitable benefits to the university. Yet Bowman saw that it was the former Trust Territories, now attempting to erect their own judicial systems, that needed assistance most.

Micronesian duty was only for adventurers. Bowman's judicial seminars in Micronesia were for those of like sentiment: born of a desire to assist others rather than to bask in the academic spotlight. Duty in Pohnpei or Truk was not for those academics who sought to present papers in the halls of German or Continental universities. The judges we taught in Micronesia possessed no more than an elementary school

education. Thus, there was no airing of post-modernism or use of terms such as "hermeneutics." Instead, we taught the basics of legal education—basics taught to all first year law students.

The most admirable of Bowman's qualities is reflected in how he approached Micronesia. Despite the vast differences between the complexities of American law and the simple judicial process that was emerging there, Bowman viewed both America and Micronesia as equally complex, as equally deserving of detailed attention. His article on the jurisdiction of the Supreme Court of Micronesia was and still is the seminal piece. One might assume that such a simple judicial system could be described in swift fashion, but Bowman's meticulous attention to detail had all the analytical craftsmanship of a Henry Hart or Brainard or David Currie.

Addison Bowman lived his personal life in the same fashion. Bowman's sense of the equal dignity of all people was a pervasive element of how he perceived the world. He presumed that all people were fully good and worthy. He was not naive, however, and did recognize that others could forfeit the presumption of goodness and competence. One lost such respect only by overt conduct. He found goodness in those who opposed him. He could not trifle with hidden self-serving agendas. He always understood the position of those who were born into conditions of powerlessness. He never sided with the bully. He lived as if society was best ruled by a republican virtue that one had a right to be left alone.

Thus, Bowman exemplifies the new American in the Pacific. He left behind the inclination to "manifest destiny" and came to feast in the wonderful adventures and diversity provided by Hawai'i and the Pacific. In Hawai'i he established a record second to none in contributing to the development of the law. He authored the penal code. He will be the father of reforms to the code of professional responsibility. Only one other legal scholar has had so much influence on the current development of law in Hawai'i—Stefan Riesenfeld. Riesenfeld drafted the social legislation that was the essence of the post-statehood platforms of the Democratic Party. Like Bowman, he never sought public recognition for his essential work.

Thus, in this time of rising Hawaiian claims of sovereignty, it is clear that such a movement should not be defined by ethnicity or race. The claims of Hawaiians are against the American government, not the American people. Surely, many Americans, including other lawyers who rose to power have chosen to use Hawai'i for their own personal profit. Yet, their behavior cannot be generalized. Addison Bowman is

an American. But there is also part of the American soul which is Hawaiian at heart. Addison Bowman claims no further ambition than to live out his life with Jo Kim and his three sons deep in "Hawaiian Country." His new home is on the Big Island of Hawai'i, the gathering place of the sovereignty movement.

Addison Bowman's life has been guided by the stars. His life has affirmed a morality that stems from universal citizenship. He has never been troubled by moral relativism or the confusion arising from different schools of legal interpretation. As true of the best in the American tradition, he has stayed the course navigated by his internal compass. He has contributed greatly, and will continue to contribute, through the students who benefited from his teaching, through the developments of the Micronesian legal system, through his wisdom in the codification and development of law, and not in the least in the heritage that will be that of his sons. As a junior colleague, I too, have benefited as "hanaied" or adopted, by Professor Bowman and his legacy.