An Interview with C. Brett Bode
Illinois Supreme Court Historic Preservation Commission

C. Brett Bode was in private practice and was an assistant city attorney for East Peoria, from 1968-70, and then was a public defender in Tazewell County from 1970-72 while also maintaining a private practice. In 1972 he was elected State's Attorney of Tazewell County and served in that position until 1976, when he returned to private practice. Bode also served as a public defender in Tazewell County after he was State's Attorney from 1976-82. He became an Associate Judge in the Tenth Judicial Circuit in 1982 and served in that position until his retirement in 1999.

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Abstract
C. Brett Bode

Biographical:
Carlton Brett Bode was born in Evanston, Illinois on July 9th, 1939, and spent his early life in Irving Park, Illinois and teenage years in Fox River Grove, Illinois. Graduating from Crystal Lake High School in 1957 he joined the Marine Corps and became a helicopter pilot. Bode served five years of active duty, and then was in the Marine Corp. Reserves for another five years. He attended and graduated from the University of Illinois in Urbana/Champaign in 1968, receiving a law degree, and was admitted to the bar that same year. Bode was engaged in the private practice of law from 1968-72, serving as an assistant city attorney for East Peoria from 1968-70, and as a public defender for Tazewell County from 1970-72. In 1972, he was elected the State's Attorney of Tazewell County, and served in that position until 1976. From 1976-82 Bode was in private practice and worked as a public defender in Tazewell County. In 1982 he became an Associate Circuit Judge for the 10th Judicial Circuit, and served in that position until his retirement in 1999. Judge Bode and his wife Carolyn have six children.

Topics Covered:
Parents and family background; growing up in the Irving Park, Illinois; early education; delivering newspapers; childhood activities; family life and memories; childhood memories; moving to and living in Fox River Grove in the 50s; adolescence; Crystal Lake High School; visits to family farm; early jobs; meeting Carolyn; joining the Marines; Cold War and communism; service in the Marines; learning to fly; Marine corps. memories; flying helicopters; ABC school; Operation Swordfish and Starfish Prime; political and social views as a young man; applying to the University of Illinois; jobs in college; conception of his generation; memories of Champaign/Urbana; jobs in college; growing family; applying to law school; U of I law school; influential professors; civil rights movement and Vietnam war; law review article; starting out in private practice and as assistant city attorney for East Peoria; open housing and race relations; local bar; early cases; memories of judges; Strawberry Alarm Clock case; private practice; public defender work; running for State's Attorney; implementing new policies as State's Attorney; State's Attorney's office and work; memorable cases; President Nixon's visit to Pekin; President Ford's visit to Pekin; Ronald Reagan's visit to Pekin; decision to leave the State's Attorney's office; private practice, appellate work, and public defender work; memories of judges; decision to seek a judgeship; becoming a judge; early years as a judge; religious experiences; juvenile court memories; teenage pregnancy panel; becoming a foster parent; early cases as a judge; juvenile delinquency; juvenile court memories; other dockets worked and changes in legal profession; domestic relations; child custody cases; traffic court; criminal justice system; end of career and retirement; contempt; patience; cases he struggles with; cameras in the courtroom; relating to the media; public awareness of the judiciary; bar associations; role of judiciary in society; pro bono and philanthropic work; civic engagement; future of the profession; and legacy.

Note:
Readers of this oral history should note that this is a transcript of the spoken word, and that it has been edited for clarity and elaboration. The interviewer, interviewee, and editors attempted to preserve the informal, conversational style that is inherent in such historical sources while also editing for clarity and elaboration. The Illinois Supreme Court Historic Preservation Commission is not responsible for the factual accuracy of the oral history, nor for the views expressed therein.

Judge C. Brett Bode: An Oral History

LAW: This is an oral history interview with Judge C. Brett Bode. We are in his home in Pekin, Illinois. Today's date is April 2nd, 2015. This is interview number one and we are going to focus on Judge Bode's background. So Judge Bode I thought we would start with when and where were you born?

BODE: I was born on July 9th, 1939 in Evanston, Illinois. And my father was Carlton Edward Bode and my mother was Eleanor Kile. My father was one of two children of Harry and Lillian Bode who, during the Depression, came from up into the Chicagoland area from Missouri, Hannibal, Missouri. My grandfather Harry was a railroader and worked all the time I knew him on the Chicago & North Western Railroad. I always understood he was a plumber or steamfitter. My grandmother Lillian was an entrepreneur, she was way ahead of her time. My earliest memories of her was a tea room that she had in Glen Ellyn, Illinois, where she owned and operated it and was the major cook and I remember when I was about four or maybe I was even younger, seeing her with a bandana around her head and flames shooting up into the hood over the stove as she was cooking. She got out of the restaurant business and became an owner of a gift shop and she specialized in gifts, mostly stuff for home decorating, lamps and pictures and doodads for the home. And she had, over the years she had shops at, only one shop at a time, but she had them on Irving Park Road, a couple on Irving Park Road at different locations in Chicago and one on Kedzie [Avenue] and her last one was in Des Plaines, Illinois, where she retired from. My father went to – was born in Hannibal, [Missouri], and immigrated up here to Chicagoland area with his parents and he had a sister, a few years younger, Delores and I

understood they lived at various locations in Chicago, almost always rental, occupying rental units. I always heard from family lore that grandma kind of supported the family during some tough times during the Depression when Pop, we called him Pop Harry, was out of work. Delores and my dad both attended Maine Township High School in the Des Plaines area and they graduated from there. My dad, I think, went to Northwestern [University] right out of high school on a part-time basis. He went to work for DuPont paint manufacturer which was located on Clybourn Street in Chicago, where he worked I think at some laboratory jobs there for a while. Eventually he worked his whole work-life at that same location, worked over forty years, I think it was like forty-four years total before he retired and he ended up being like the third senior person in the plant. He was laid off when the plant closed, he was sixty-four, and that's a story in itself. His heart was always in journalism, he liked to write. He took a couple of years of journalism training at Northwestern. I think he always felt bad that he didn't complete college. I was the first member of the family ever to go on to college. My grandparents Harry and Lillian I don't think either one of them graduated from high school, maybe Lillian did but I know Harry didn't. Years later I had occasion when I was involved with antiques to look at an eighth grade examination from around 1900, what was expected that eighth graders would have learned and I would say that very few college students could have handled the exam very well today. If you got an eighth grade education in those years back before the turn of the century you got a pretty good education. At least my grandparents always seemed to be well read, very knowledgeable about life and the times. As I understand it when I was first born they lived in Des Plaines but shortly thereafter moved to the Irving Park region of Chicago, on the northwest side of Chicago.

This was a pretty vibrant area in the city. We lived in a three story walk-up apartment building, brownstone, it probably had about thirty-six units in it; we were on the third floor. I thought it was really large but it really, really wasn't, it was really a two bedroom apartment, they called them a flat at that time. It was nice and it was a good neighborhood. It had wooden back porches and wooden staircases in the back to go down to the alley area and behind the alley there were other apartments on streets nearby that their back of them would face and that was kind of where the neighborhood kids would gather and play. That area of Chicago, like I say, was a very kind of a neat area, it still is today, it's had a revival; I think it's still a pretty neat place to live. But I remember that right down the street to Irving Park, we lived about a half a block off Irving Park, there was a business area and there was Heck's Meat Market where they had some display cases of meat and there were big Polish butchers that worked in them and they had these big knives and I can remember being a youngster being fascinated. They had saw dust floors and they always had bloody aprons on and they would chop the meat or chickens' heads off or whatever they were doing back there and I was always excited to go there with my mother. I remember her using ration coupons because that was – my early memories were the [World] War [II] was still on and food, meat especially, was rationed. Our family didn't have a car in those days. In addition to Heck's there was, right on the corner, a drug store that was always good for, had a little soda fountain there and that was fun. Down the street on Irving Park underneath the viaduct where the Chicago & North Western Railroad crossed, down the street towards Pulaski [Avenue] which would have been towards the city more towards the downtown area there was another vibrant shopping area where they had the Irving Park Theater which as a

youngster I attended. I went to movies there and they had a Buffalo which you would call an ice cream parlor. And these were my earliest memories of air conditioning because the two stores in that area were the Buffalo, that I remember that impressed me, was the Buffalo and Fanny Mae and they were both air conditioned. And it was always fun as a big treat to go there and get a banana split and to see all the candy displayed. I know my mother was always fond of what they called orange peels that used to be sold at the Fanny Mae store. And it was just not too far down from there that one of my grandmother's gift shops was, so it was an area that as a youngster from a very early age I would go on my own. Times were very different then, children from pretty early ages you know it wasn't unusual for six, seven, eight year olds to wonder around the neighborhoods and go down to the shopping areas and kind of be on their own. We rode our bikes, by the time you were eight or nine or ten years old you'd ride your bike almost all over the city, at least the northwest side of the city where we were. I had memories of bike rides from where we lived to Dunning Hospital which was a mental institution and we used to ride down there and it had a big wrought iron gate fence around it, kids used to go down there and it was always fun to talk to the – we called them inmates, they were really patients that were wandering the grounds and some of them would talk to us and we'd always compare notes. They were really very normal, they seemed very normal to me but some of the kids had stories about that.

LAW: Talk to me a little bit about school at that time.

BODE: Ok, my early memories of school, I went through kindergarten through sixth grade at the Irving Park School and the Irving Park School was a big brick edifice school, three stories, on one end it had the boys' entrance and at the other end it had the girls' entrance

and it said, it was inscribed, "Boys Entrance, Girls Entrance," and when you went to school in the morning the boys would be on one playground and playing and when the bell rang we would line up in lines according to class and then another bell would ring and the girls would do the same thing on the other end of the building and when the bell rang the second time we'd start marching in from both ends of the school in on a staircase and then the girls and the boys would come together and you'd walk up the stairs into your individual classes. They had half grades, which is not common today but you would be in 1A or 1B or 2A or 2B and it wasn't unusual for youngsters, usually boys, to be held back a half a year if you got behind or had some problems. Irving Park School was a great school. I can remember a very vibrant and active PTA [Parent-Teacher Association]. Once a month they would have a PTA meeting and each class would take a turn hosting or doing the entertainment for the PTA meeting. And the thing that I remember best was the parents and the teachers, it was really good turnouts, the auditorium would be filled with parents. They'd be dressed formally; people in those days were much more formal. If the parents would talk they'd address others as Mr. Jones or Mr. Bode and Mrs. Bode and they dressed more formally, the women all, the mothers would all have dresses on and the female teachers would all have dresses and the male teachers would have suits. I remember air raid drills in the halls where we went out into the halls and would have to lineup with our backs against the wall and put our heads down and our hands over our heads as if this was going to help us if we were bombed by an atomic bomb but that's what they did. Some of the things I remember occurring at the school was, of course as a kid, there were seasons for things, we had a marble season, we had a yoyo season and there would be representatives from the yoyo companies, there

would be young men that would come and they were really skilled at yoyos and they'd come to the schoolyard and they'd demonstrate their yoyos and we'd go to the corner store where they sold that kind of thing and candy and whatnot and we'd buy a Duncan Yoyo if that was the one they were demonstrating. Or Tops, you don't see tops today but back then they had tops where you'd wind a string around the top and then you had to learn to throw it and you had to spin that top and that was another season. And you played a game with knives, little pocket knives all the boys pretty much had pocket knives in those days, that wasn't a big deal, and you played a little game with knives and sticking them in the ground and make flipping them. Girls played jacks of course and the game where they write the numbers on the sidewalk I can't remember what they call that, hopscotch, yeah hopscotch.

[00:15]

Another game later on in my fifth or sixth grade that was popular was they would draw on the wall of the school on the brick wall a strike zone and we'd have one person with a bat and another would be the pitcher and you use a tennis ball and you pitch to them and that was real popular. The more organized games were 16-inch softball and that's what a softball was to me when I lived in those years when I lived in Chicago was a 16-inch Clincher. And the first few innings of course it would be real hard and your hands would sting with a hard throw or catch but gradually they would soften up and since we were kids and didn't have much money we usually played with really softballs and they got to be called kitten balls and they were really kind of squishy. We played "Peggy Move Up," which was a popular game, it gave an opportunity for everybody to play every position and bat and so you know we had players on all the different positions on the

field, usually a couple extra positions because there'd be more kids than positions and then four would be at bat at any given time and after you made it out then you went to first base and then the next person who made it out they'd go to first and you'd move on to right field and then you'd work your way around all the different positions until you were back up to bat again. We had very little supervision as I recall in grade school on the playgrounds, you're pretty much – the teachers weren't out there, at least that I recall any of them being out there, we pretty much took care of ourselves. I don't recall discipline being much of a problem, you know teachers were very highly respected by the students. I never saw any really acting out in the classroom and I think most of us understood that because of the close relationship between our teachers and our parents, they met monthly at the PTA meetings, you know if you got in trouble with a teacher you were in more trouble when you got home and I think that's a pretty common thing with my generation; that's the way it was. I remember one of the incidents that occurred, I can't remember exactly how old I was but I must have been around fourth grade, third or fourth grade, one of the games we played was hang on the monkey bars, and we would face one another, another guy would hang facing you from another bar and we wrestled with our legs until one guy gave up and I was stubborn and wouldn't give up and he had me beaten and I ended up losing my grip and falling and he came down on top of my leg and I broke my femur. And the bell rang just about the time that happened and everybody ran back and got in line and went in to the school and I was laying under the monkey bars with a broken leg and crying and eventually one of the teachers came out and discovered me and my father was called, I remember going to the hospital. Another thing is my mother died when I was about ten and I can remember the day she died I

remember not being able to say goodbye to her that morning and of course later I figured out that she probably passed during the night and my father had me just go on to school and my sister didn't have to go to school, she got to go to my grandparents, I remember being a little upset about that. Then later my father came to the school with our pastor from our church and informed me about my mother's death. My best friend in school was Al Laverde, he was an Italian kid, came from a big Italian family. His father was a medical doctor, his mother was a dark haired woman, she seemed really old to me but she probably wasn't very old because you know my vision of her when I think back of her was she was a pretty trim woman and she was probably at that time in her forties or something like that. I know Al had a number of older siblings, I think he had seven siblings in all and he had a couple of older sisters. It was always a good place to hang out, there was always food and everybody was pretty – there was a lot of excitement going on with all of the kids there. My first girlfriend was a girl by the name of Dianne Dominez and it was I think probably around sixth grade something like that, boy/girl birthday party, "Spin the Bottle" where I had my first kiss and I think I might have taken her to a movie one time too, the romance lasted a couple of weeks. Another friend I had was Walter Bray and Walter lived in the other building across the alley from me and he was a character he was, I don't think he had any siblings, I can remember being in the apartment where he lived but Wally and I kind of were competitors and I can remember one Christmas Wally and I both wanted new bicycles or bicycles and the Schwinn Stingray was a really popular bike and that's what we both wanted and that's what we both asked Santa Claus for, I don't think we both really at that point probably believed in Santa Claus anymore, but we did. And I remember he got a new Schwinn Stingray and I

got an off brand bike, I can't even remember now for sure what the name of it was but I was really heartbroken. And I remember when school started after New Year's we went back to school, the first day we were back in school we took our bikes, he took his Schwinn Stingray and I took mine and we went out after school and his Schwinn Stingray was gone, it had been stolen and mine was still there. So it worked out alright (chuckling) for me. At least I had a bicycle. He was a character, he would pull tricks on you, like I remember one time he had some candy and he said, "Close your eyes and open your mouth," and I did and he spit in my mouth; kind of a goofy thing that kids would do. He was the guy that broke the facts of life to me too. I remember we were on our bikes on Keeler Avenue out in front of the apartments just along the side of the street and – how you stand on your bikes, we weren't moving we were just standing on our bikes and he was telling me the facts of life and I said, "There's no way my parents would ever do that," you know I thought he was nuts and he told me he said, "I watch my parents, they do it all the time," and that's the way it was broken to me, about the facts of life. You did things at school, like they had trips. This would have been in the [19] '40s, we, I remember I had a paper route and I made money, I had a good paper route, I had a lot of papers, at one time I'd took a little over two-hundred customers.

LAW: What was the paper?

BODE: The *Chicago Tribune*, before that my introductory paper route was the *Herald American* in Chicago and then it was the *Tribune*. The *Herald American* you had to collect from your own customers, you had to go see them and collect money from them and that was a pain. It's amazing the people that you'd have to come back three or four times to get fifty cents for a paper. When I was able to get hired on the *Tribune* life was a

lot easier except for Sundays when you had to deliver that enormous *Tribune Sunday Edition*. We did it by bicycle, they would drop the bundles of the papers off at different intervals for us and then we would then load them on our bikes and then go on. A lot of our customers lived in apartments so we could stand in the alley and throw them up on to the porches, so you could do a lot of papers in a fairly short period of time. They had string machines, when we went to pick up, we had to prepare our papers and we would go and all of the paper boys would meet and we would roll our papers and there was a machine you would roll paper through and it would tie a string around it and that was really – the *Herald American* didn't have that you had to fold them a certain way and that took a lot of time, the string machine was a good deal. I'm not sure now whether you could even get away with kids doing what we did with those string machines but we did at that time and we'd get all our papers done and then somebody else would deliver them on our routes for us as we would go out and do it. Anyway I made money and the point being is that I had a little money and when the school had a trip to Washington D. C. I was able to participate. But I had the paper route so my parents, at that time it was my father and stepmother, so it must have been my sixth grade year, it must have been about 1950 that this was then. I took a trip to D.C. on a train with a number of other kids in the class and we stayed in a hotel and one of the memorable things about that trip was on the way there on the train it had an observation car and it was kind of like an overnight trip and you slept in your seats really and I remember going up to the observation car with a buddy and we sat behind one of our teachers who was busy making out with a sailor (chuckles) at the time, we got a big kick out of that, spying on – I can't remember that teacher's name, I often wondered. She was probably right out of college, a young

woman, and I don't know, for all I know the sailor was somebody she knew, I don't know but it was kind of amusing. And we did all the things one does in Washington at that time, a group of kids we all went to the monuments and the White House and all of that. And then we had our picture taken and I can remember one of the boys was selected to be at both ends of the picture. They had a camera that moved and so you could have your picture taken, run behind the group to the other end and have your twin on the other end so to speak and that was fun; that was something I remember anyway. Irving Park School, let's see if there is anything else I can think of about that.

LAW: What about sports at the time?

BODE: I played all the different sports – but it was mostly unorganized and in those days they didn't have as much organization except, the Park District had a football league and I played on a Junior Bears team and the highlight of that was playing the Junior Cardinals at the halftime at Wrigley Field during the Bear/Cardinal game. We went out at halftime and played a little scrimmage, demo scrimmage; that was the big thing. One of the favorite sports, I liked to play baseball too in those years and I didn't play any organized baseball but we did a lot of pick-up games and we played in the [Carl] Schurz High School big field that they had and it was close to six corners, Milwaukee [Avenue] and Irving Park met and gosh I can't think of the other street right now.[1] But there was six corners and it was a real popular area and this was right down from there and there was a deli and we used to play in the summer and it'd be hot and dusty and we'd take a break and go over to the deli and everybody would through their pennies in the pot and we'd buy a pickle. They had these giant pickles in this deli and we'd pass those pickles around

[1] Cicero Ave.

and everybody would take a mushy bite out of the pickle. It was a really a good time to be a kid in America I think at that time, like I say you had a lot of freedom. You take off in the morning in the summer and as long as you were home by the time the street lights went on. There weren't any cell phones. I don't know how, it's hard to believe that we had as much freedom as we had. Of course the War influenced the kids a lot, we played a lot of war games. We were always picking sides and being Nips or Krauts and GIs. Significant events of course were VE [Victory in Europe] Day. VE Day I got a rifle, my mother gave me to celebrate VE Day a toy rifle that had, it was kind of like a miniature M1 [carbine], looked like an M1 and it had what looked like a bullet inside that you could open it up.

[00:30]

And VJ [Victory over Japan] Day she bought me a helmet, I still have it, got it in my office. It was a WWI style helmet, it was a real helmet and it's in really nice condition today it's like brand new, probably was never used. Those were bad times, partly for us in our particular family, not bad times for the community, because my mother was ill with cancer. We never used the C-word. The first time I heard the C-word used was after she died and it was some time after she died. She had breast cancer, she was a breast cancer victim and had a breast removed. There was a window in our apartment that you could look out and see people coming up the sidewalk and I remember sitting in that window looking out watching for my father to come home from work and she told me that she could see two of him coming up the sidewalk and that's when she started to lose her vision in one eye and she started to wear a patch over one eye. She was always kind of upbeat and pleasant but you know she obviously was suffering from a terrible disease.

Towards the end I was one of the caretakers because I would have to come immediately home from school and help her with bedpans and that sort of thing, look after my little sister who was by that time in school, she was just young, she was like kindergarten age but I had to look after her. It was hard on my father he was – because I can remember that he got a draft notice and I remember my mother crying when she opened the draft notice but he got excused because of the children and I think her illness. No, the draft notice was before she got ill. He was in a defense industry, DuPont Paint, they manufactured paint for the war effort so I'm sure that's probably why he got a pass. Strangely enough my father then never served in the armed forces but my stepmother did. After my mother passed some time elapsed and we still lived there in the same place, same apartment.

LAW: What was her name?

BODE: My stepmother was Geneva, Geneva Wessels, and she was a WWII veteran. She was an Army nurse, served in North Africa and Sicily, was an officer in the Army Nurses Corp as did her brother who was a sergeant, Uncle Harold. They were from central Illinois, Watseka area, they grew up on a farm there. Their parents were William and Emma Wessels and they had spent a couple generations on an eighty acre farm, the Wessels farm had already passed through a couple generations of people. Their father was – well I'll talk more about him later when I talk about that but it's kind of an interesting piece of Americana History that family and the way they lived in central Illinois on the farm. But anyway, my stepmother was a wonderful women and it couldn't have been easy for her coming into, marrying, a man with two children, a widower with two children, especially one, ME, who was at that smart ass age about twelve years of

age where you know everything. But she was just wonderfully kind and… I couldn't have asked for a better stepmother. I don't really have a lot of memories about my mother, it's strange but maybe it has to do with the way she died but I don't have a lot of detailed memories about her, I don't really know why that is maybe there's some psychological thing about that. Now I should have because she didn't die until I was about ten so I should have more memories but I just don't. I do have memories about family things that we did. I remember going, we'd go to church on Sunday and my grandparents, my paternal grandparents, would be at church with us and then we'd go to their apartment after church for Sunday dinner. We always had our family meals in our apartment with mom and dad and Cathy and I.

LAW: What was the church?

BODE: It was Mount Olive Lutheran Church and it was a typical brownstone Lutheran-style church. It had a nice big gym. I remember playing basketball in the gym. My dad I think was active as a school teacher, well I know he was, he taught Sunday School. I'm pretty sure my sister was baptized there.

LAW: Kathy?

BODE: Kathy was baptized there. But on Sundays after church we'd go to my grandmothers and she had been in the restaurant business so she was a wonderful cook. The only problem is she didn't cook food that kids liked very much. Her food was more adult food, everything was cream this or cream that so I always kind of dreaded Sunday dinners because I knew we were gonna have to eat some kind of bizarre food. But dinner would be, you know, we were all be around the table and my Aunt D, Delores, would be there

and she married a veteran, Harold Voigt, and Harold and D would be there and after dinner the women would all go in the kitchen and do the dishes, do the cleanup, and the men would all go in the living room and lay down and take naps. We kids would listen to the radio or listen to the Victrola [Talking Machine]. We loved The Ink Spots, my grandfather had some LP records, those big thick LPs, and we'd play Dem Bones over and over again, you know, "This bone, the leg bone's connected to the thigh bone," you know and all that and there were some others, Whispering Trees and some others that were fun. And we'd listen to the radio programs like *Lux Radio Theater*, *Hopalong Cassidy* and Roy Rogers and Jack Benny, *Inner Sanctum* was one of our favorites it was kind of a scary thing it always began the program with a creaky door opening (imitates a creaky door) "Welcome to the Inner Sanctum," *The Shadow*, "The shadow knows," and that was our entertainment, there was no TV and we'd gather around the radio. Pop was a snorer and so when the men would take their naps on the floor Pop would lay on his back and pretty soon he'd start snoring and it would kind of interfere with everything. I never, you never really got close to Pop, I loved the guy and he was good to me and all that, we didn't had problems but I never had a close relationship with him, he was always kind of distant. I had a maternal grandfather Charles Kile and Mable and my grandmother and they lived in Des Plaines and he was much more of an influence on me and I was much closer to him. I was the oldest of the grandchildren in the family so I got a lot of attention. But my grandfather Charles was a pressman for Manz Printing Company in Chicago and his whole life he worked for the same company and he did the same thing every day, day in and day out. He took met to his place of work one time and he operated a big press machine and he made Lucky Strike labels. Every time he would

bring that press down and go up there would be a sheet about three and a half by five feet of labels of Lucky Strike Cigarettes, the red label and that's what he did every day, I cannot imagine. But he did that all his working life and so his life therefore wasn't his work it was in his home and his work was just what made all of that possible. He was very interesting man, he'd be excited about stuff, he was excited about photography and he'd be excited about gardening and his garden in the back of his little bungalow he owned on Algonquin Road in Des Plaines, he had a little two bedroom bungalow, with a little basement and behind that bungalow he had a single car garage and a big yard and he had a vineyard, he had a big garden with all kinds of different kinds of vegetables, he had a pond with fish, he had a worm bed where you could dig up worms to go fishing, he loved to fish, well both of them did my Grandma Mable loved to fish. She always wore a dress, big woman, he was white haired almost white, white hair. Of course in those days they were a little more blunt than we are today, they weren't so politically correct, but never had a mean bone in his body, he was always very, very kind. Loved cars, worked on his cars, he had a strawberry barrel that was neat, he had a big old oak barrel that had holes drilled in it and about two and half/three inches in diameter and out of those holes strawberries would grow. He gave me a BB gun, single shot pump, nice pump, you could pump it up pretty powerful BB gun, he taught me how to shoot the BB gun and of course when he was gone I took it out in the yard and decided to try it out on a bird and I rationalized that the bird shouldn't be in the strawberries and I shot a robin and the result was I wasn't able to kill another living thing after that, it just traumatized me so much to hold that dead robin. Since, I've talked to other people who have had the same experience as a child or a youngster. I often wondered as a Marine later on in my life if I

would have been able to kill another person but that was never tested. But, I still have that BB gun today, it's something precious to me. The good memories I have with Grandpa Kile was I remember one Christmas and it must have been after my mother died, so I was probably, it might have been that Christmas right after she died because that period after my mother died we were kind of farmed out. My paternal grandparents kind of took Cathy under their wing and Grandpa Kile took me, kind of helping my father out I think. So maybe at Christmas vacation I spent at their house and that's the only Christmas I ever spent at Grandpa Kile's and I remember him hanging the stockings and him getting a big stocking full of coal. He had a coal furnace in his home and they produced clinkers and he had this modern conveyance that would automatically convey the coal like on a belt into the furnace and it would do it as it was needed but you had to periodically clean out the firepot of the clinkers. Anyway, he had a bunch of clinkers in this stocking at Christmas and that was hilarious, he did it himself and that was the point of it.

[00:45]

He was a very self-effacing man and very humble. I remember going, this would have been much earlier when I was much younger, but probably just visiting at their home, when I was younger, going with my grandmother down to the grocery store which was about a block down from where they lived. And it was one of those mom and pop groceries where you didn't go in and pick stuff off the shelf yourself, you went in and would stand in front of a counter and you'd say, "Well give me a box of Wheaties and I'll take a pint of milk," whatever and when we would go to the grocery store we would periodically bring a bucket of lard. In those days women cooked with lard a lot, at least

Grandma Mable did and she also died of a heart problem fairly young. We would take the lard to the grocery store because it was part of the war effort and the lard would be used as I understood it for making munitions in some way, at least that's my memory of the reason for that and you did get a few pennies for bringing it in by the pound. Grandpa Kile, we went downtown for the parades and I remember him buying me war bonds and I would get a ride on the fire truck, anybody who bought a war bond you got to ride on the fire truck. I remember going to the theater with them in Des Plaines and that was also, those were the days when the theater, when there would actually be somebody on the stage before the movie and they would talk to the audience and it was kind of part live and part movie and there would be the *Movietone News* of what was going on with the war and I remember the familiar *Movietone News* reframe that they would play at the introduction of all of the newsreels and it was always a cartoon. Also, when you went to the theater I remember getting an item of dishes, like you would go and get a cup, next week you would go and get a saucer, next week you go and you get another piece of dishware. I guess it was an incentive to get people to go and attend the movies. While I'm on that thing when I was after Sunday dinner at Grandma Bode's in Chicago on Sunday afternoon I liked to escape as soon as possible when I got a little older and go to the Round Up Theater in Chicago. It took two transfers on the streetcars to get there. They would show one cowboy movie after another all afternoon. The air was always filled with missiles in this place. It was almost all boys and they had uniformed ushers who tried to keep the lid on it a little bit but they gave away bikes and other prizes to the kids that were there. You had a ticket and you try to win a bike and they showed the serials, Tom Mix and Lash LaRue [King of the Bullwhip], they showed the serials on the

screen, they lasted about thirty minutes, thirty-five minutes and then they'd have a break and they'd go off and raffle something off and give some prizes and then they'd start again, that was always fun. My grandfather Bode, Pop, he used to always say, "Are you going to 53rd and Halsted to the movie today?" You know he would always make a joke out of me going through all of this rigmarole to go to the movies.

LAW: Now there was a polio epidemic at some point?

BODE: Oh yes, while living in that apartment, this was before my mother passed, there was a polio epidemic that swept the country but in Chicago it was particularly bad. And nobody knew what caused polio so everybody was scared to death. And I used to get leg aches and I know I frightened my mother half to death because I'd wake up in the middle of the night and I'd have these terrible leg aches and she was thinking I was getting polio and she'd come in with hot compresses and put them on my legs. They closed the swimming pools in the park districts and you couldn't swim; yeah it was a pretty serious thing. Speaking of swimming pools, I learned to swim at the YMCA which was just a few blocks down from our Keeler Avenue apartment. It was the Irving Park YMCA and, it sounds strange today but it was the Young Men's Christian Association – it was a big swimming pool and during the lessons you swam nude, everybody swam nude. You didn't wear a suit until you got to be a flying fish, you started as a minnow and then you became a fish. No, minnow, tadpole, fish, flying fish and shark were the different categories. I think it was around flying fish you got – usually it was a little older group and you started to wear suits. Funny things happened that I can remember they had a boys' swim and a girls' swim, they were separate and the girls didn't swim in the nude. But I remember, I remember the boys', our swim was all over and we were in the shower

and I can remember a young woman, girl, coming in and kind of going hysterical and she couldn't find her way out and it was kind of a funny thing that happened. The Y was a hangout for the kids at that time, it was close and it was a good place a healthy place to be. They had what they called the Pal's Club at the Y and I loved that, it was on a night during the week, I think it was a Wednesday night if I'm not mistaken. Pal's Club was set up so you would go and there'd be games, the kind of games that are more like kickball and the game where you throw the ball at the person and hit 'em and their out. And team games where you had to maybe carry eggs, throwing eggs to one another, that sort of thing, just made up stuff, it was always fun, we had a good time. And then after the games there'd be maybe a snack break and then you'd have a Bible lesson, you have a kind of commercial, so to speak. And then after that there would be another fun time where they would ask you questions and give you prizes like, they would ask the group, "Who was buried in Grant's Tomb?" And you know somebody would put up their hand, those kind of goofy questions and whoever would get it they would throw them a candy bar. So it was always kind of great fun, these were all of course young boys. We walked, I would walk there and walk home; it was in the evening. They would have entertainment, magicians would come in, I can remember that was kind of my introduction to magic and that was fun, they would have entertainment at Pal's Club.

LAW: At some point the family moved out to Fox River Grove?

BODE: After my mother passed and my dad married Geneva they honeymooned in New Orleans, [Louisiana], came back to Keeler Avenue and the apartment and we lived there for a while, that's when my brother Kim was born while we stilled lived on Keeler Avenue. They brought him home from the hospital and Geneva had had a rough delivery

and they had to use forceps in that birth and as a result his head was very misshapen when he was first brought home from the hospital because of those forceps and I can remember crying when I saw him because I was so upset that he was hurt and damaged. And I can remember Geneva being very calm and telling me, "No he's fine, he'll be fine." And I can remember coming home from school and I had a daybed in the dining room, that's where I slept, I didn't have a bedroom but I slept on this daybed, and I can remember coming home from school and there was a big pile of clothes on the daybed and I ran across the dining room and jumped on that pile of clothes and Kim was there, he was an infant, he was sleeping there and I thought I had killed him, I mean, and he was fine. That apartment, the interesting things about living those days we had milk delivery. They had a refrigerator that had a top on it, like kind of a round top or oblong top where they operated it. And the freezer compartment was about this big around and about that long, you couldn't put that much in the freezer maybe a tray of ice cubes. And I can remember when we have ice cream you'd go out get ice cream at the drugstore down the street. On special occasions you'd go to The Buffalo [Ice Cream Parlor] and get hand-packed. But we'd bring it home and you ate it all, you didn't save any. And I remember, slightly, you get a pint normally that's the way, we didn't get hand-packed very often, and you get a little pint brick of ice cream and mom would slice it for the four of us or five when Kim got a little older though I don't think Kim ever ate ice cream. I remember it being sliced and being on your plate and you just had a little bitty portion, it really didn't amount to much. Now when we eat ice cream we eat a quart at a time. But everything was small. Cokes, you had a bottle of coke it was a little six ounce bottle, of course people were skinny in those days too, it's amazing to think about it now. If you

look at old newsreels of soldiers and sailors and people on the streets everybody was thin, you didn't see the sights we see now. Oh, we had milk delivered and eggs, they brought eggs too, the egg man would come. Another incident that was funny, kids you know you play outside in the summer in the evening until the street lights were on you didn't have to come in but, yeah, we'd even stretch that a little bit. Next door to this apartment building was an old house and it was a house that was deteriorating and the back yard wasn't taken care of it was kind of growing into weeds. We knew an old woman lived there, didn't know much about her really, but we knew this old woman and she was a crotchety old gal, the little contact the kids had with her. But one night a bunch of the neighborhood kids – she had a cellar that had those like open doors that were kind of on an angle and they would open up, cellar doors, and we opened those cellar doors and we went down and a couple of us guys we pushed against the door and we broke in her cellar. And we rummaged around and someone ran home and found a flashlight and we found babies in bottles. Truth. I don't know how many bottles of different sizes, jars, glass jars of various sizes and in those were fluid with babies floating in them and you can imagine the impression that made on us kids when we found that. We went screaming home, told our parents this witch had babies in bottles. Well it turns out this woman was a medical doctor who was a teacher and she taught at a, you know during her career, she, of course now she was retired, she was an old lady, but she still had that in her basement, talk about bizarre. I can still see those babies floating in those bottles by flashlight.

LAW: Probably terrifying?

BODE: Yeah, we thought we'd really discovered the arch criminal of the time. Anyways, one time on Fourth of July for ten bucks you could get so many fireworks you couldn't shoot them all off. And I had Uncle Harold, Geneva's brother, my stepmother Geneva's brother, he would go in with me on fireworks.

[01:00]

And he'd give me five bucks and I'd use five from my paper money and I'd send away for fireworks and me I'd get this box and it was just loaded with fireworks. And I could never wait for the Fourth of July when we would go down to the farm and fire them off with him, I'd always start out a little early and so I was on the back porch of our apartment and I threw some firecrackers out into the lady next door's yard which was all overgrown with weeds and it was hot in the summer time and I'll be darned I started a fire in her yard and you know that dry grass just went up real quick and I remember racing down the stairs, three flights of stairs, and flopping over the fence and beating out that fire with my body and hands. I had some minor burns, no big deal, but I got in trouble for that a little bit. We would go to the farm for Fourth of July's, that was down in Watseka, the whole family, and Uncle Harold would be there and he had a couple kids and William Wessels was a farmer. Geneva's father and mother Emma would be there and of course Bill Wessels the farmer was scared to death we were gonna burn down his buildings, we'd shoot off these rockets and one of them could go in the hayloft and burn down his farm. We always had a wonderful Fourth of July down there, it was only for a couple of years. Later on, about the time we moved from Chicago it was part of the migration that was going on at the time. It was kind of a post-war migration from the cities to the suburbs. I had begun to wear black engineer boots, was growing my hair

long in the ducktail, was kind of hoodin' it up you know, rollin' cigarettes up on my sleeves you know that sort of thing. Everybody smoked back then and we would sneak cigarettes. It started with eucalyptus trees, those cigars that would grow on the eucalyptus trees and well we were just really young but later on anyway I was kind of hoodin' it up and I think my dad was worried that I would fall in with the wrong crowd. And so he was anxious to get out of the city and his family was growin', Kim had come along. So they made the migration to the suburbs and he didn't just go a little bit he went a lot because Fox River Grove was probably forty miles from downtown Chicago, it was a good commute and it was a big sacrifice for my father because he continued to work at DuPont, which instead of having just a ten minute train ride from Irving Park Station to the Clybourn Station which was just a couple stops, it might have been just the next stop, I'm not sure, close, he had like an hour to ride the train in from Fox River Grove. So, it was a big sacrifice for him it made a big change in his life but he felt strongly it was in his family's interest. And they found a house in Fox River Grove, three bedrooms one bathroom and later another bathroom put in the basement. They bought for thirteen thousand dollars and it overlooked the Fox River, they of course kept it up and improved it but I remember when he sold it in [19] '99 it sold for two-hundred thousand so, you know, it kind of gives you an idea. Nice home, it was a good location, a dead-end street. Right on the other side of the road the houses were right on the river, there was an area you could get river access down there and the Fox was a nice river. Good community, a Bohemian community, a lot of people were Bohemian ancestry. The Fox River Grove picnic grove was reputed to be one of Al Capone's favorite spots that he would go back in the day in the mob days. Supposedly he had occupied some of the property down there

periodically during the summers. It was a big recreation area they had like a little carnival and they had some buildings and people would go there to picnic on the river.

LAW: Well when you say it was a Bohemian community was there a large population of Bohemian families?

BODE: Yeah families that came from that part of Europe. There was a castle, a stone castle a guy had built by himself, as you come in on Route 14 into Fox River Grove, it paralleled the Chicago & North Western Railroad and just as you're come into Fox River Grove if you're going west overlooking, just as you come into town overlooking, there's a hill and there's a castle, a stone castle a guy had built up there. It was right by a railroad crossing which many years later had one of the most horrific train/bus accidents that had ever been. A train ran into a school bus and killed a bunch of people. But that was a very distinctive part. Another distinctive part about Fox River Grove was the Norge Ski Club which was a Norwegian ski club. They had a ski jump and that was a very big thing and every year they had a big meet and people would come from all over the world to participate in that ski jump meet. And that was right next to my dad's property so the fence, they had a fence around that ski club, and that fence one side was my dad's property and the other side the ski club. And one of the things I used to do when I lived there was to crawl up that ski jump on top in the summer with some comic books or book and read up there just to be all by myself. Where was I, I lost my train of thought, there was something I was gonna talk about. We moved to Fox River Grove, they bought the home. I, later on I had two more brothers after Kim came Kirk. Kirk and I are very close at this time, he eventually followed me into law. A fellow called me today and asked me whether, you know, about my son Kirk (chuckles) people mistake him for my son.

There's fifteen years difference in our age but he's a really young looking sixty year old. Kirk and I were law partners for a while together. Anyway, Kirk came along and then after that Craig. Craig was different than the other two brothers in the sense that Kim and Kirk were both little guys, Craig ended up being big, he kind of took after his maternal grandfather Bill Wessels, the tall, husky, strong guy, not fat, just big kind of lean. Both he and Kim became Lutheran ministers. One, Kim had churches in Gary, Indiana, and then moved out to Pennsylvania and had a couple congregations out there and he's living out there and had five children. Craig had a church in the Cleveland area, Euclid, Ohio, and he now has a congregation in Florida and he had three children. When we moved to Fox River Grove I was what, it was beginning of my seventh grade year, I did seventh and eighth grade at Fox River Grove grade school and played sports there, you know, that was more organized, more junior high sports type things, football and basketball and baseball and that sort of thing.

LAW: So probably about 1954 or so?

BODE: No, it would have been like [19] '51, because let's see when you're in junior high that's like thirteen or fourteen, right?

LAW: Yeah.

BODE: I'd say about [19] '51 let's see I was born in [19] '39 so in [19] '49 I'd have been ten, so [19] '52 maybe. I started high school in [19] '53.

LAW: So how did Fox River Grove compare to living in the city?

BODE: It was a whole different thing it was like night and day. The people were different in the sense that it didn't seem like you had as much – the people were more isolated in the

suburbs. You might have had friends but you lived in your house and you did your own thing. In the city it seemed it was more social, there was more interaction with people, you didn't spend as much time in your apartment, especially kids, inside as you did outside, where that kind of tended to be a little different in the suburbs. Let's see what else would be different? Schools, obviously much smaller, Fox River Grove grade school was just a – you know Fox River Grove had nine hundred people so the grade school is just a very small school, no bells ringing and all of that, it was much less formal. That was when I first began to notice something, I noticed in Chicago parents didn't engage much in kids' stuff. In other words today everybody's into their kids, I mean the parents are as involved in their kids in soccer or whatever the kid's involved in the parents are heavily invested in it, that's not the way it was in that day. Especially in Chicago, fathers wouldn't think any more of going to their kids' ball games, you know, "You kids go out and play," fathers were more distant from their kids. It started to change a little bit in Fox River Grove because they did have Little League, that was my first kind of Little League experience. And there were parents who would actually come to watch a little league game; that was kind of amazing to me. They would have bleachers set up and there would be parents there. And at the junior high basketball games and the junior high football games there would be a few parents there, not mine, mine never were there, but there were – some of the kids had parents show up which I thought was a pretty major difference that I saw. Never went to high school or junior high really, yeah well, they had up to eighth grade at Chicago but I don't recall parents going to sports activities though. Yeah, that was, like I went through high school at Crystal Lake and I played sports, you know, freshmen basketball. Sophomore year I had

hepatitis so I lost a whole year of sports. I played freshman basketball and football and then my junior I got back into sports again and didn't make the basketball team my junior year after losing a whole year so I just played football after that for a high school sport. And after all my sports my father never went to one game, it just wasn't his thing. Now in fairness to him his work, he worked two weeks days, two weeks nights and two weeks midnights; looking at it, that's a tough thing to do. And he did that year after year so he wasn't always available to do that stuff. He was very academically oriented, he was very concerned about my grades. You know those years, you know there's kind of a butting of heads with your father. I think every boy goes through that you know you have to butt heads a little bit and we butted heads a lot. My father, during, I think my mother's illness and I think even after Geneva he had somewhat of a drinking problem and he could be a handful. It got so us kids at home we were kind of happiest when he was at work. I know that's probably somewhat unfair to him but it's true, I mean it was more peaceful when he wasn't around. He had idiosyncrasies; years later when I was on the bench I used some of them as examples.

[01:15]

Like for example, as long as I lived at home at Fox River Grove which was roughly five or six years I had to bury the garbage. Fox River Grove had a garbage collection but after we'd been there a while he decided that rather than paying to have the garbage picked up I should bury it in an area in our back yard, separate the burnable stuff and we had a burn barrel and then bury the other part. And you know I did what I was told I buried the garbage and it started in the summer time and in the fall it was really no problem but then winter came and the ground froze and I said, "Dad it's hard to bury the

garbage, why don't, I'll pay for the garbage pickup," and he said, "No son I don't want you to pay for the garbage pickup, I want you to bury the garbage," and so you know periodically I would try to get out of that but I never was successful. It was kind of like I learned different ways to bury the garbage, you know I learned how to pile up leaves to keep the ground from freezing. I discovered that there was an old outhouse that was on the back of our property and there was the hole part and I could use that to get rid of some of the garbage. And it was kind of an important life lesson. I dreaded every time I had to, every Saturday I had to bury that garbage I dreaded the time I had to do that and I would not look forward to it but then I'd go do it and it would take me a little time but I'd get the job done one way or another and then it was over and I felt fine. And that's the way life is, sometimes you have some things that come up that you just gotta do, you don't want to do, but everybody's gotta bury their garbage, it was kind of a good lesson. I don't know if he meant it that way, I doubt it because years later when I was relating it like I just did he didn't believe he did that, he couldn't even remember it. So, it was one of those things, funny, anyway I used that in juvenile court, sometimes we gotta do things we don't want to do.

LAW: Alright now you went to Crystal Lake High School which was a whole other community. Were there no, there wasn't a high school there in Fox River Grove?

BODE: No, at that time in that area, that's McHenry County, there were no high schools in Fox River Grove or Cary, Illinois, and there was just one central high school in Crystal Lake. Now Fox River Grove doesn't have one but Cary has one where Fox River Grove kids go and there's a number of high schools in the Crystal Lake area, so the population in that area has grown pretty dramatically. I don't think the population of Fox River

Grove has changed much but it was a much smaller geographic area. We had to ride a bus, you had to get to the railroad station downtown Fox River Grove and that's where the buses would get the kids from that part, load up and take them to Crystal Lake High School. I purchased a car just before I turned sixteen, a canary yellow [19] '49 Studebaker convertible and so I only took the bus really up until that time, after that I drove to Crystal Lake to school.

LAW: What jobs were you doing, were you still delivering papers out in Fox River Grove?

BODE: No, I never had a paper route in Fox River Grove. You know you couldn't work even way back then in Illinois until you were sixteen; get an official job. I think it might have been between my seventh and eighth grade year or maybe it was after eighth grade before the ninth grade, I'm not sure, one of those two summers I went to, they farmed me out to Watseka to the farm for the summer to work and earn some money. I think it was between my sixth and seventh grade year actually, I think it was just before we moved to Fox River Grove. And that was an experience because here was a city kid who moved down to central Illinois and lived on a family farm where the three other occupants of the house were the farmer and his wife who were well into their sixties by that time and an Uncle who was slow and they had a bedroom downstairs and two bedrooms up. But, the thirteen year old or however age I was, twelve/thirteen year old, I was assigned to sleep with my Uncle in a double bed in his bedroom. Now he never touched me or nothing ever happened but I found that very bizarre even at that time. These folks were, they were ritualistic. My grandfather had fought in WWI, he'd been a doughboy. I don't know if he actually fought but he was called. When he came back home to the farm he never left again, he would not spend the night away from the farm. They had animals so

there was kind of an excuse for him to be around. But, you know, he had a leather purse where he kept his money and I have this image of him opening that leather purse and taking a dime out and giving it to me on Wednesday night we would go into this little town and they would show, stretch a sheet across the main street and show movies and he would give me a dime to go get popcorn. Now this was a kid that had run all over the city of Chicago, had money in my pocket and now here I'm back on this medieval farm with these strange people that had these rituals and I didn't know what was going on, I felt abandoned and I had some run-ins, I really had some difficult times with them and of course when your that age you know it all too. So I started right away telling my grandfather how he could improve the productivity of his farm and he didn't take that very well. I mean he separated – they milked the cows in the early morning hours and they'd separate the milk and the cream and whatnot and slop the pigs and you know all the things of old farm life and everybody worked. My experiences on that during that summer, I mean it was like I spent a year on that farm one summer, I thought it would never end. I had very little contact with kids my age. And this bizarre man who was head of the household and his son, who was very kind to me, Randy, Uncle Randy, he was very kind to me, I think he intuitively understood that – you know he had grown up with this man, he lived there so he kind of identified with me, I'm sure he had been mistreated badly over the years. Now Grandma was wonderful, my image of her is – her worst sin was listening to her neighbors on the phone, they had a party line and you'd hear so many rings and so she would listen/eavesdrop on her neighbors. One night a week, Friday, I think it was Friday night we had root beer night, root beer floats. So they had homemade ice cream, so everybody would get a scoop of ice cream in your thing and

one bottle of root beer would be opened and it would be parceled out amongst us, could not open another bottle of root beer, I mean when your root beer was gone that's it. Wrestling was popular on TV and they did have a TV, (we) didn't have one at home, they did have a TV so that was an upside for me to be able to watch TV. But Grandma liked wrestling, I didn't want to watch wrestling, but Grandma loved wrestling and once a night we would watch wrestling and Gorgeous George [George Raymond Wagner] and this guy and that guy and one time in a fit of anger over something I punished her by telling her that wrestling was fake. I think she probably knew that but you know until somebody puts words to it you can kind of make-believe. But I still feel bad about doing that, I kind of ruined her Wednesday nights. They were church-going people, we went to church again the purse would be open, there'd be a dime would be put in collection. Later I learned farmers pretty much do that, they give once a year when the harvest comes in, so that wasn't – although at the time I thought I was being very critical of that. Upsides, I learned to drive, they had a 1950 or [19] '49 Chevy step side truck, farm truck, and I learned to drive in it, it was fun. I drove the tractor. There were some positives. But when he passed away I remember writing – I was already out of law school and living up here and I remember writing a piece for the paper about how this man was being carried to his final resting place by his grandsons who were so, they were like a whole different, not just a generation or two away but they were like a whole lifetime away, I don't know how to express that. But he lived such a different life than his grandsons were destined to live that it was really hard to believe they were sharing life during the same period; I don't know if I'm expressing that well. His own children fled him. My Uncle who came back from WWII left and went out to California, Uncle

Harold, Harold Wessels who I later became close to when I was stationed out west, but he didn't want anything to do with the farm. My mother of course she never went back and lived in that area and I remember her relationship with her father at least was, I always thought, felt strained. He was a man from a different era, he was a WWI era person. He had very, very strong beliefs and ideas about things, he was not very kind, ok. Ok, now were back up and I'm doing work at Fox River Grove, I'm a kid, I'm lookin' for work. I worked at a gas station, I had a lovely couple who had a gas station in Fox River Grove, it was a Sinclair Station and I somehow got to know them and they hired me to be a pump jockey. I pumped gas for their customers, those were the days when people didn't pump their own gas and I washed cars and I changed oil and filters and just did kind of around the shop type things and they were just a wonderful couple and were real good to me. I think I made thirty-five cents an hour to start, as I recall, and eventually I think I was up at seventy-five cents an hour. I didn't work there a real long time but maybe the beginning of high school. And I got a job one summer with the street department in Fox River Grove and that was hard work, it was hot and we were working on the roads and one of the jobs I had was to shovel the dried crap in the sewage plant. They had an aerator that would aerate the waste water and then they'd pump it in the drying beds and the beds would dry and there'd be a coat of crap and I remember having to shovel that in and that was one of the jobs I had. And we did some road repair and some putting gravel down. Another job I had was I worked for a pro a golf-pro at the local Cary Country Club. That was a fun job I was an assistant to the golf-pro. I did everything from shag balls when he practiced to taking/working the cash register in the pro shop selling golf balls and doodads and renting golf carts and that sort of thing and

just a general sort of helper to him. On Mondays he took off, he didn't work Mondays so I was in charge of the shop and he told me that if I ever got a call from Joe to do what Joe told me to,

[01:30]

alright, I had no idea what he was talking about; words to that effect. One day on Monday I'm working there and I get a call and this guy says, "This is Joe, is this Brett," and I say, "Yep," and he says, "Get the slot machine out of the bar and put it back in the bathroom, lock the clubhouse and the pro-shop and leave." So I went in and there was the bartender was in there and I told them that Joe had called and we had to get the slot machine into the bathroom so we wrestled the slot machine, the two of us, into the bathroom, put a cover over the top of it, we locked up the clubhouse and the pro-shop and got in the car and on the way out it was a long road back to the country club from the main road and on the way out there was a caravan of cars loaded with men coming back. So obviously what had happened was the local mob or boss or gambling vice guy had put a slot machine in the country club and they got a tip that they were gonna be raided so we hid the slot machine and the raiding party came in and everything was locked up and they couldn't get in.

LAW: Why don't we stop there and let us put in a fresh tape.

[01: 31: 27]

LAW: Crystal Lake High School memories?

BODE: Crystal Lake High School was just a great experience, I mean, you know, we're talkin' about the [19] '50s. What's different is from today, of course, a lot of kids

smoked. You weren't allowed to wear jeans, we wore wash pants with a little buckle in the back, if your buckle was buckled that meant you were going with somebody, if your buckle was unbuckled that you were available. I didn't really start dating much until my junior year or close to it. The junior prom was my first date with the girl that would become my wife who's sitting here.

LAW: Carolyn

BODE: Carolyn, yeah, we went to the junior prom and we had met in history class and went to the junior prom and went to the Conrad Hilton in Chicago, my memories of that they had an ice show, I remember having to pay a buck for a little dish of peas, the first time in my life I had to tip somebody for a towel in the bathroom. We, after post-prom, we all went with a bunch of friends to Lake Geneva the next day. Kind of an all-night/all next day kind of event and it was a good memory. We courted at Lake Geneva, Carolyn and I did, and she worked at a camp, a church camp in Lake Geneva and I was working at the golf course at the time doing – it was after the pro-shop, the next job I had at the golf course was on the golf course itself cutting grass and cutting greens and that sort of thing. So I would drive up and see her on weekends and we would date up there and I think that's kind of where I've always can first remember thinking that I was in love was up in Lake Geneva, they had a pavilion that overlooked the lake and we would dance up there. In high school I wasn't really a top student, I never worked real hard at it and things came pretty easily for me. Carolyn's always told me that I should have worked harder, my father certainly thought I should have worked harder but I didn't do too bad. When we got towards the end of senior year I was elected Vice President. We had some good times, we had a good group of guys we used to run with. When I was going with Carolyn

Friday night was the night when you went out with the guys and the girls went out with the girls, Saturday night was date night and one Friday night my buddies we were all plannin' to go out and she called me and wanted to see me and I blew the guys off and went with her and that was the night they were in a terrible accident, some good friends, and a couple of them were hurt pretty bad and we had all kind of talked about going into the service together, well, the one's that weren't hurt got in trouble and the military wouldn't take them. I'd planned on going into service because I originally wanted to go to college but my parents had borrowed the money I had saved from my work to go to college because they had some financial problems. So I didn't really have any money to go to school plus I was hoping to get an NROTC [Naval Reserve Officers Training Corps] Scholarship and I didn't get that so I just decided I would take a couple years and go into service. The deans at that time, when you would go to see the deans and interview them about what you wanted to do, they were all pushing science and engineering because of course that was Sputnik time and the United States perceived that our kids weren't – that we needed to beef up our science and engineering. And I wasn't really interested math or science and engineering, I was more of a literature type guy, more inclined to those sorts of subjects. And so I just decided that I would go into the service and some other guys felt the same way and that kind of got messed up and I ended up being the only one to enlist. I enlisted on my eighteenth birthday, left home, got on a train, went into Chicago on my eighteenth birthday, July 9th, 1957. I got sworn in in Chicago, they gave me some lunch money and a ticket, a flight to California and I got on a plane went to California, San Diego, got off the plane and they had a greeter that bused us to a hotel and in the hotel there must have been another couple hundred guys

like me in this hotel. They had a big room, banquet room type thing set up and we all had breakfast or lunch or something, I think it was lunch, and we're having a good time and we're all laughing and carrying on and pretty soon somebody said something about the buses are here and we looked out and they had all of these olive drab buses were pulling up, about eight of them, pulling up and these guys with these funny hats got out and started screaming obscenities at us and we started boot camp. They screamed at us for twelve weeks and so boot camp was just Marine boot camp. If you ever saw the movie *The D.I.* or one of those movies about boot camps they're usually all the same, it's the ritual of tearing you down as an individual and then building you back up as a member of a team to get the job done. And it was an interesting time, while I was in boot camp I took some tests and they said that I had a flight aptitude, I did very well on a flight aptitude test so they encouraged me to apply for the NavCad [Naval Aviation Cadet] program. As soon as the D.I.'s [Drill Instructors] found out that I was in the running to be a pilot they made my life miserable. I became private fly boy and I was the focus of their attention and was hazed pretty dramatically from time to time. In order to go to flight training you had to pass what they called a college equivalency test and you had to score well enough to be the equivalent of two years of college and that was a stumbling block for most people. For some reason I passed that and passed the physical and the next step was to go before a board and I think it was about eight weeks in the boot camp or ten weeks maybe when I went before the board and I didn't learn for a while until almost graduation that I had been selected to go to flight training. But that wouldn't be for a while and so after boot camp I went home on boot leave and told my folks about it, my dad said, "You promised to have two years in the Marine Corps and you'd go to

college," he didn't want me to go to flight training. That's when I discovered my Aunt had contracted polio, my Aunt Delores my father's sister, she was the last really serious polio victim in the Chicago area. Carolyn was in nurses training at Evanston, [Illinois], and we went in to see her in the hospital and she was in an iron lung [tank respirator], they said she probably wouldn't live to be thirty-five or something like that, I can't remember what the age was now. She had three children and her husband was an insurance man and she ended up going home with her husband to her home and she was on a rocking bed the rest of her life but she lived well into her sixties. She had a tracheotomy, my Uncle took care of her and they raised their children together. We called my Uncle Harold "Saint Harold" because, you know, you talk about for better or for worse, he took good care of my Aunt and they raised their family and they had a beautiful family and it's a great story, it's an inspiring story. Anyway I went back out west and after boot leave went through infantry training at [Marine Corps Base] Camp Pendleton and after completing that I was a troop handler waiting orders to go to flight training and in February of [19] '58 I got my orders to go to flight training.

LAW: So, this is during some of the early years of the Cold War. What were your thoughts at this time in regards to communism and the Soviet Union and the Cold War in general?

BODE: Well I was pretty much – and probably part of it was I wasn't too political up until high school and beginning in high school my parents had a family that they would invite to our home, it was a family from Estonia and they came to our home for dinner a couple of times and dad was trying to get them involved in our church and they had fled communism. And also what had happened was the Hungarian Revolution [1956] and I was very much into that, aware of what was going on when I was a teenager. So I was a

pretty virulent anti-communist I would say. I really thought they were a very serious danger to the world and democracy and being part of – anything that would prevent the spread of that was okay by me, I mean that was kind of my attitude at that time. So I would say that when I entered the Marine Corps I was motivated. I had a, my DI was a veteran of the Chosin Reservoir Marine Action [1950], he was just a wonderful guy, he made my life miserable but once you go through that and you're done you almost have a reversal, a very strong bond of affection for these guys that put you through that, well they put you through it but you become a member of the club so to speak.

LAW: Why the Marine Corps?

BODE: You know that's a good question, I don't know, I don't really know why. I thought they were an elite group and still do, I think they are, it's a good organization. It's so much smaller, especially for those people who make a career out of it, it's really a small organization. I have a niece by the way who is a full-bird colonel in the Marine Corps and spent nine months in Fallujah, [Iraq], so, you know, she's about five foot tall, about ninety pounds

[01:45]

and her father was in the Marine Corps. I don't know, I've always had a strong feeling of loyalty, fidelity to the Marines and what they did. Part of it I'm sure is the propaganda you get when you're going through boot camp but they're not lies I mean the Chosin Reservoir did occur, I mean there were some fantastic actions that they were involved in. Anyway, I was at that time pretty much of an anti-communist persuasion, was aware of what went on in Europe and of course I was aware of things like the Berlin, [Germany],

Airlift [1948 – 1949] and all of those things that had occurred post WWII. I had an Uncle Harold out west, Harold Wessels was a sergeant and he propagandized me about we should have never come home, we should have stayed there and took care of the Soviet Union before we ever brought our troops home, we should never have stopped. Anyway, I went to Pensacola, Florida, in February to begin flight training. I can remember getting off the plane, it was snowing. I was in a special class in pre-flight made up of all former enlisted men. Normally the NavCad's are college guys who become NavCad's out of college and they, after completing pre-flight then they make them officers and they go on. But we went through as – we came in as enlisted men, none of us had been to college or if there had been some they weren't graduates. There were mostly Navy guys and a few Marines, there were eighteen of us. We did very well on the military stuff. Pre-flight is kind of like a boot camp in a way, they did a lot of close-order drill and a little bit of harassment and keeping us squared away, that sort of thing. But it was a piece of cake for most of us, especially for me since I had just got through the Marine boot and infantry training so I was in the best shape of my life and I could march the socks off anybody. So that was easy. The hard part was the academics, the academics was very tough because none of us had had college and limited math and the work required a lot of skills that a lot of us didn't have so we had to work extra hard. We were kind of the darlings of the drill instructors at the pre-flight because they kind of sympathized with us so we got away with some stuff that some of the other classes didn't, like we'd study at night in our quarters and they wouldn't get on us too much about having our lights on late and that sort of thing. Pre-flight was fun, I was part of the ACRAC Committee which helped organize dances, the ACRAC was the Aviation Cadets

Recreation and Athletic Club. It was a lot of fun, they had a parachute behind the bar, everybody had their own mug with their name and NavCad insignia and of course I was going on picking the Marine option so I had the globe and anchor on my beer stein. There was a lot of camaraderie and good times there, the beaches in Pensacola were fun. We were aware of things, some of the things, that were going on in the world and we'd talk about it and we were aware of it, like the Cuban Revolution [1953 – 1959] was going on. Eventually we got through pre-flight and went to primary training and that went well and we zipped through that and we flew [Beechcraft] T-34s [Mentors] in primary and then in basic we flew [North American Aviation] T-28s [Trojan]. Saufley Field is where we did our primary flight training, it's where the instructors weres a front and back situation, the cockpit where the instructor would be in the back and we'd be in the front. And eventually you solo, that's a big thing when you solo, the instructor feels that you're ready and you're in an outlying field and he, you land, and he gets out and you take it around and do a couple of laps around the field and then land and pick him up and you get your solo bar.

LAW: Had you ever flown before training?

BODE: No, I had never done any flying.

LAW: Had you ever left the state of Illinois before?

BODE: Oh yes, oh yeah I hadn't gone far, I had been up in Wisconsin, Indiana; the surrounding states. Oh no, we'd been out west, I'd been out west with my folks. After my mother died we went on a trip west, this was before Carlton, my dad Carlton married my stepmother we went west with my grandparents to – saw Mount Rushmore. I had the

mumps, we were in Rapid City, South Dakota, and I had the mumps, it was on a Fourth of July. So we had to spend a couple days and those were in the era of, you didn't have hotels and motels to amount to anything, you stayed in boarding houses, that was the way you traveled across country was from boarding house to boarding house and we stayed at a boarding house at Rapid City and I remember being out shooting Roman candles [fireworks] on the streets of Rapid City all swollen up with the mumps. That was kind of an eventful trip because my father took us horseback riding, my sister and I, in Colorado I think it was and he got a blister on his ankle and it got infected and it almost killed him and he had a heck of an infection and it almost killed him by the time we were home and he had to go on penicillin and I think penicillin was a new drug or something at the time, my memories on that are kind of shaky but I remember it was real serious.

LAW: What did you think when you got up in this plane and you were getting ready to fly it?

BODE: It was really a kick in the head, I loved it. I loved flight training it was, you know, I couldn't wait to get down to go up and learn something more. The instructors were eager, they were young guys you know, they were eager and they got a thrill out of you having a thrill out of it. They taught us aerobatics and you know everything was – it was a great time of life, it was a great time to be young. There was a place in Pensacola called the Trader Jon's [Bar] and that kind of epitomized that. You can look it up on the internet it's a historic landmark. It was where the hangout of the guys that went through flight training started, I think they opened it around 1952 or [195] '3 or something like that and it went right up until around 2000 when it was closed. But it was a hangout for generations of Navy pilots and they had memorabilia. They called it Trader Jon's because the guy that owned it, I think [Martin] Weissman was his name, Jon Weissman,

I'm not sure of that but if you went in and didn't have any money you could trade him something for drinks. So, the whole place was filled with Navy Aviation memorabilia and it was a lot fun. I remember they had a wet t-shirt contest one night where the girls had wet white t-shirts on, that was a big event, the place was packed.

LAW: Were these instructors WWII and Korean War veterans?

BODE: Yes, they were, a lot of them had had combat experience, not all of them, but a number of them were towards the end of their careers and were enjoying teaching new pilots, young pilots.

LAW: Any memorable instructors?

BODE: You know I can't remember names, I remember guys, different guys.

LAW: Or memorable experiences?

BODE: Yes, I was having trouble with aerobatics in the [North American] T-28 [Trojan] and so I went out to practice by myself. I took an extra flight and went out and I was gonna do a loop and so I was diving and I was pulling up and I pulled up into the sun and I was "pullin' G's," so when you pull G's you're supposed to tense your stomach muscles and keep the blood from going down into your lower body, and I was "pullin' G's" and when the sun hit my eyes, I'm pullin' up, I must have relaxed. And the next thing I know I'm having this dream about my brothers and they're laughing at me, they were laughing and I woke up and then the roar and then after the laughing with my brothers there was a roar in my ears and I woke up and I was in a spin and the ground was coming up fast and I followed the spin recovery procedures and pulled out but yeah that was probably the first of the near death experiences I had in an airplane. I never told my instructor or the

powers that be about that, you know, that's not something you want to tell, "I screwed up," you know, kind of thing but it didn't dent my eagerness to fly. One time another experience we had night cross country and that was solo and I can't remember now exactly where we were flying to but it really wasn't all that far away. And the one thing they warned you about was be careful, you gotta do your own navigating and just do it on your own, don't rely on everybody else because they may be screwing up and it will screw you up too. Anyways, I'm up, I took off, night is different, night flying is always different and you know things look different at night. So I get up there and I think I know where I'm going but I'm not sure and I see a light up there, you know, so I kind of started following that light and it wasn't long I realized that light was a car (chuckles) and I'm following a stupid car. So, I learned a lesson there and I should have listened to what they told me and I was trying to take a shortcut. You know in the flight career over the years there were a lot of things, strange, goofy things that happened. I got all kind of flight stories, I crashed a helicopter in the desert when I was flying helicopters out in California; that was after flight training of course.

LAW: Florida, this was in the American south in the 1950s. How different was it from Illinois, Chicago, Fox River Grove?

BODE: I was so naïve, I was, I think it was in probably getting on towards Christmas in [19] '58 and I had a Cuban cadet I was rooming with, he was a Batista cadet fighting [Fidel] Castro's revolutionary army in Cuba. And [Fulgenzio] Batista [y Zaldivar] had sent him to the United States for flight training and he was rooming with me. And one afternoon, I think it was a Sunday afternoon, I wanted to go to a movie and I was looking for somebody to go and I was trying to get him to go and I kept buggin' him and finally he

got mad and said, "You know I can't go because we couldn't sit together anyway," and I couldn't believe, "What are you talking about?" He said, and I had not realized, I had been in Pensacola quite a while and I had not realized that the Pensacola theater had a separate entrance for black people and they didn't sit in the main theater, they sat up in the balcony and I hadn't even noticed that and I had been in that theater a couple of times. And I had seen other things like white and black bathrooms and that sort of thing around but they weren't in the military, I mean on the bases, there was none of that kind of stuff going on. But that kind of really brought home to me how really sheltered sometimes we are from some of the bad things that happen in our country.

LAW: Did he return to Cuba?

BODE: Yes, Christmas leave came very shortly after

[02:00]

this incident if I remember, he went home to Cuba and of course that was the, January 1st, I think it was, that was the, the [Cuban] revolution was successful, they took over Cuba [ousted Batista] and I never saw him again. I was young, I didn't tell you this but when I got chosen to go to flight training my father wouldn't sign, yet if you weren't twenty-one your parents had to sign permission. So here I am in California and I've been selected to go to flight training and I can't get my parents to sign giving me permission. I was spending, you only made seventy-eight bucks a month, and I'm spending a lot of money, in those days long-distance calls were expensive, and I was spending a lot of money trying to call home and get – my father wouldn't talk about it. Finally the papers came through and somehow my mother, my stepmother Geneva, convinced my dad to sign and

the papers came through and I went to Pensacola and went through flight training. Now when I got through with flight training I was nineteen years old and the Marine Corps didn't want to give me a commission at nineteen. So they made me wait, they extended me, they made me wait until September, I think it was September of [19] '59 until after my birthday for me to complete my advanced flight training at [Naval Air Station] Ellyson Field in helicopters and commission me. So I go out to California and I've just turned twenty and I go out to California and I'm in a new squadron and it's like October so first thing I'm living in a bachelor officers quarters and I'm learning to fly [Sikorsky] H-34s and life is good and the Birthday Ball is coming up November 10th, so a bunch of us went to Seal Beach area and the fleet was out so we were going to all the parties that when the sailors go out to sea the Marine's move in and party with their girlfriends. And so I remember going out with a bunch of guys and we were all looking for dates for the Marine Corps Ball and I remember asking about three or four different girls to go out to the ball and I had a pocket full of names and phone numbers and I couldn't remember which girl was which and I remember finally calling one number and making a date. So I took her to the ball and she was a school teacher and I guess she was about twenty-two or twenty-three years old and there's a tradition at the Birthday Ball that the youngest and oldest officer cut the cake and I didn't know about that, so when it came birthday cake cutting time they called up Colonel so and so to come up and Second Lieutenant Bode and they told everybody that I was nineteen years of age so it was a little embarrassing. Not too long after that I had a buddy come in from Okinawa, [Japan], and it was Easter weekend, and well, it must have been the following spring then, Easter weekend after that and he came in from Okinawa and we went to the Sandpiper [Lounge] in Laguna Beach,

[California], and had a great time there, it was one of our hangouts and we left there and I had a [19] '59 Impala hard top convertible and we were going to Balboa Island and the police were, it was Easter weekend so all of the college kids were out in force and the cops had the bridge blocked and were checking cars and they stopped my car, my buddy and I were in the front seat, they stopped my car and said, "Where you goin'?" And we told them, "Goin' to Balboa Inn to have a drink," and they said, "Can you have some identification?" And I gave them my Marine Corps ID and I had a blue sticker, officers sticker, on my car. And I had, when I checked in, I had fudged my age so that I was twenty-one on my Marine ID. So he looked at it and looked at me and said, "You're twenty-one," and he looked at my buddy and my buddy he was young looking too, but he was twenty-one I'm sure and then he said, "You know, you guys may be just what you say you are but would you pull over here and I'm gonna call shore patrol." So colonel, in plain clothes, lieutenant colonel in the shore patrol came over and he quizzed us on the starting procedures on our aircraft and we went through them and he looked at our IDs and he said, "You know as far as I'm concerned they are just who they say they are," so he said, "If you think you've still got a question you can have," he was kind of like an off duty advisor, "you can have the official shore patrol officer come." Well they had a couple young enlisted men came and they were shore patrol where they had the uniform and the badges. Meantime we're sittin' off to the side and waiting and the cops standing next to my car and my buddy says, "You got any matches?" And I say, "Yeah I think there are some in the glove compartment," and he hit the button on the glove compartment and my .38 [firearm] rolled out that I had had in the glove compartment from pistol training and he managed to get it in without the police officer seeing it, so

now I'm starting to worry. So the shore patrol shows up and we get out and the policeman tells the shore patrol what's going on, it's a young PFC [private first class] spit and polished and he says, "Sir," he says, looked at my ID and says, "Sir, would you show me your driver's license," and I right away I knew uh-oh, my driver's license had my correct age and he spotted it immediately and he said, "Sir you're under arrest," well first he said, "Which of these is correct?" And I told him which one and he said, "Sir you're under arrest, you have a false ID card here." So I had to go back to the base with the two PFCs, my buddy took my car, and I got restricted to the base for the weekend and then Monday I had to report to the CO who told me that he just – he was all formal until that sergeant closed the door and then he just bust out laughing, he couldn't believe he had an officer under twenty-one in his squadron so my punishment was I had to buy his drinks at the O Club until I turned twenty-one. You know, those were good times, I had about – that was [19] '59, on my twenty-first birthday I spent in Las Vegas, I was sworn in on my birthday, my eighteenth birthday. I spent my twenty-first birthday in Las Vegas, we had taken a flight of choppers to Yuma, [Arizona], and then flew up the Colorado River over Boulder Dam on Lake Mead and landed at Ellis Air Force Base and went in and partied all night in Las Vegas and of course I was drinkin' and rollin' the dice and I made eleven straight passes on the craps table and made a little money and of course I had girls feedin' me free drinks and I was in uniform and it was kind of a fun time. A hell of a way for a young guy to spend a twenty-first birthday. So then, shortly after that Carolyn and I got married, I drove back to Illinois and we got married, I took her out to California and we lived out there and shortly we had a baby. We got married in September and had a baby the following September. During that time I crashed a helicopter at Giant Rock,

California, I did an auto-rotation that was a vertical auto-rotation, I got into a condition called power settling, at least that what the flight board or crash investigator came up with. I came down in a flat configuration, hit the ground, splayed the wheels, broke the tail, came back up, rolled over and the blades all corkscrewed. Everybody walked away, nobody was hurt, they were of course very angry with me having destroyed a Marine helicopter. They impressed upon me that was a quarter of a million dollar piece of equipment, doesn't sound like much today, a quarter of a million dollars, I thought, "Man the government will never get even with me, I'll never pay that much in taxes in my whole life," well I was wrong, they got the money back. I got back to the base and Carolyn says when I got home I was still white, I was kind of in an aftershock condition. They quickly told me that I would have to go before a board and they were gonna try and take my wings. So, you know you're entitled to be represented, I had a friend who was the operational officer of the squadron and I asked him to represent me. Before the board convened he came and told me that they dismissed it, that they weren't going to do it. And the reason was, we were out at Giant Rock because our squadron and another squadron were in a flight-time race to see which squadron could pile up the most flight hours in a month; it was kind of an informal thing between the two CO's [commanding officers]. And so we had been given choppers and been told to get at least six hours on our aircraft. And this operations officer told the commanding officer of the air wing there that if they went ahead with the board he was gonna bring out the fact that this was a flight-time race that the CO's had entered into and of course that was very contrary to Marine reg's [regulations] that when you go out when you fly a chopper you're supposed to have a definite mission, you're not just supposed to go bore holes in the sky. So rather

than jeopardize the careers of the two commanding officers they decided that this lieutenant could get a pass so they told me to take a "Hac"[2] check and if I pass that I was home free, and I did, and my career went on. It was interesting. I got a letter of reprimand out of it which, I think, kept me humble and they docked a month's pay for the incident.

LAW: Now these helicopters you were flying, what would have been your missions for them, what were they for?

BODE: The [Sikorsky] H-34 was kind of a utility helicopter, it was used to both carry internal cargo or slung cargo underneath it, like you'd hover over and pick something up with a hook and a basket. So that was one thing, for resupply, but we were mostly into vertical envelopment; part of the vertical envelopment concept where we could haul twelve combat ready marines in each helicopter and the idea was that we would be stationed on a ship, we'd have a couple of squadrons of helicopters on ships and a battalion of Marines and they could send us anywhere in the world and we would offload those Marines to a location onshore to go into combat and we would practice that at Camp Pendleton where we would have a whole squadron in the air at the same time and we would come into a landing zone, like a flight of twenty-four choppers each having twelve Marines and we would put 250 marines on the ground all at one time in a matter of minutes. It was a good concept, instead of going in on a landing craft, you vertically envelope; so that was our main mission. We did other things, we fought fires, I fought fires out there using– we dropped water on hotspots; that was fun. The next near death experience I had was fighting a fire outside Los Angeles, [California]. They called and wanted some volunteers to take a helicopter out and carry water for firefighters and so I did that.

[2] Helicopter Aircraft Commander.

Another guy and I we volunteered and we took off and went up and we were taking Jerry [gas] cans of water, we'd load our chopper up and we'd take them to the top of the mountain and we had a spot where we'd drop them off, our crew chief would kick them out

[02:15]

and then they had water to use for drinking purposes, the firefighters. The smoke got bad and the fire was getting close to our landing spot at the top of the mountain and so we had to find a new spot. It wasn't my turn to do the landing so my partner who was with me was taking the chopper in and when he tried to set down the spot that we chose wasn't quite as good as we thought it was and we started sliding so he tried to abort and we kind of went off the top of the mountain and we're falling and he lost his RPM's [revolutions per minute] and he was trying to get them back and it was very difficult and I was just, I can remember the feeling, I was absolutely calm, I was at peace and I was dead, I knew I was dead, there was no way we were gonna survive this. And he was busy, all I was doin' was ridin' at that point, there wasn't anything for me to do. And he was workin' frantically and I'm watchin' the RPM's and we're picking up parts of trees in the chopper and I know. He'd about get the RPM back where we would be flying again and then a big tree would move up and pop over it and when he did so he'd lose the RPM. Anyway, we survived, he got it under control and we got down and we landed and we got out and neither one of us could walk, it was the most eerie experience and it was shock, we didn't know it at the time but we were in shock. We talked with some civilian pilots who were civilian professionals who were involved in the fire suppression business and they were old-timers, probably look like I do now, and these were old-time pilots, they had really

been around and they – we explained what happened and they told us, they asked us what we were doing and the RPM's and all this and they just shook their heads and said, "You needed way more RPM's than that to try that landing," and we said, "Well we're restricted we can't go over this 2,000 RPM's you know," and they said, "What do you mean you can't go over?" And we said, "Well the Marine Corps told us, you know, if we go over this amount than we could get in trouble, you know, they'd have to tear the engine down and inspect it and all that," and they said, "Ah, that's bullshit, it's your ass on the seat, you wanna live or worry about what some pencil pusher?" And so we learned a valuable – we were a couple of young guys, what do we know, you know I mean we followed orders and these old-timers were basically saying that we were in trouble right from the start in doing what we were doing. But you know God has his purposes and I survived and life went on.

LAW: ABC School?

BODE: Oh yeah, well when I was right after flight training I first got to that squadron, remember now I'm the youngest guy in the squadron and I'm the most junior guy in the squadron and every squadron has to provide somebody for certain schools. They'll say it's time for a survival school and each squadron has to send somebody from the school and nobody wants to go – or ABC School, Atomic Biological and Chemical Warfare School. So the CO looks and finds out, says, who's the most junior person and he assigns that person. So, as a result I had to go to all these schools that would come up and one of them was ABC or Atomic Biological and Chemical Warfare School and they teach you all about nuclear energy and all that stuff and the safety procedures, it was about two or three day school; look it wasn't a big thing. The survival school was like two weeks of

hell, you're basically up in the Sierra Nevada Mountains, pretty far outside Reno, [Nevada], and the first week is really classroom and they taught us all about the Korean experience, the Marines experience in Korea, the prisoners of war in Korea and how they were treated and what worked and what didn't work in trying to survive. Then the second week we were in escape and survival mode, we were dropped off and told to evade capture – oh we were taken up in trucks and captured and then put in a prison camp environment and then we were told to try and escape from that and that was kind of a rigorous experience because they did it like they did in Korea, they put us in little boxes and would beat on the boxes. They kept us awake for long periods of time so that the stress – I don't care who you are, after a certain period of time things start to go wrong, your thinking goes wrong. And then they would try to propagandize you, they have very skilled people who would try to tell you that America was no good because look at how you treat the blacks and they argued anti-American stuff to you and try to get you – because we know were not in, we're in an American school but even so it was really interesting how different people reacted. We had one captain for example who wanted so badly to escape that we worked this escape plan where actually used bodies of guys and ran across the compound, stepped on them, got over the top of a fence and fell down about twenty feet in the rocks, just boulders, and I don't know how he survived the fall from that, he just dove over that fence, he managed to get away but I imagine he was hurtin'. Anyway, so I went through these schools and then I'd come back and we'd have maneuvers, one incident was we were unloading a battalion of marines from, I believe it was, the Okinawa helicopter carrier to Pendleton and the CO needed somebody to offload the [M422] Mighty Mite which was an experimental miniature jeep. So I was selected to

do that and I hovered over it and they had a sling arrangement and I picked it up and nobody had ever taken one of these things this way by helicopter and I'm on my way to Pendleton with it and it starts to oscillate underneath my chopper. And I tried different things to stop the oscillation, with each oscillation got more violent, we were being jerked back and forth by this thing and finally the guy in the chopper next to me who was with me, we had a two aircraft flight, said it was getting worse and he recommended that I pickle it but it was up to me and so I flew on for a while and finally I thought you know this is ridiculous so I pickled it and dropped it in the ocean. Later on that evening the CO of the battalion of Marines, it was his Mighty Mite, was very incensed about this that we dropped his jeep in the ocean and my CO had to go to bat for me and calm him down and tell him it was my call; a second lieutenant had decided, anyway it was interesting.

LAW: Why don't you tell us a little bit about Operation Swordfish? First, just give me a general.

BODE: Because I had ABC training – well a couple things were going on, Vietnam was starting to – even before this I had been, I and everybody else in my squadron had been asked if we wanted to turn in our commissions and fly for Air America in Vietnam and in Laos. They were looking for helicopter pilots to support the Laotian forces against the communist guerillas and I had some friends that did that and I was gonna do it, this was before Carolyn and I were married, I was gonna do it and thinking about it and I talked to her and she says, "Well, I've waited long enough, if you wanna do that fine, but I'm out." So I had to make up my mind, either marry her or go to war, so to speak and so I married her. But some guys went and they were paid a lot of money, they got about twenty-five hundred bucks a month plus so much an hour flight time and that was big money back in

those days; but I didn't. I had been to this ABC school and now Vietnam was heatin' up and our squadron was being notified that we were going to be going to Vietnam. So anybody in the squadron who didn't have at least thirteen months to do on their tour had to re-up or be transferred. I didn't have that much time left, I was planning to go to the University of Illinois so they transferred me out of the squadron. Because I had the ABC training they sent me to a squadron in the Pacific [Ocean] that was on the [*USS*] *Iwo Jima*, that was part of Operation Dominic.[3] Actually even a little bit before that, before I went out to the Pacific, while I was still in my original squadron I was sent to San Diego for part of Operation Dominic which was Swordfish which was the first firing of the ASROC nuclear missile, it's the only live firing that's ever occurred as a matter of fact. It was a test about three hundred miles off the coast of San Diego. I flew down on a ship that had a deck, a platform, an LSD [Landing Ship, Dock] that had a platform for a helicopter and my job was to pick up instruments that had been out in the water to measure the effect of the blast and so I saw the blast, it was part of that operation, it was pretty neat. They have now de-classified the films, the videos, of that and you can go online and watch the blast, you know, you can watch the video of it; so that was kind of neat. Then I got sent to the Pacific to the *Iwo Jima* and they needed somebody with ABC school because they needed somebody who would monitor the badges for the personnel badges, and I couldn't remember much but I had the credential that was kind of what it amounted to. On my twenty-third birthday, July 9th, there's this birthday thing, I was at

[3] USS Iwo Jima was the first aircraft carrier built from hull up to carry helicopters.

Johnston Island [Atoll] on *Iwo Jima* and saw the detonation of a high altitude nuclear bomb, two hundred and fifty miles straight up over Johnston Island.[4]

LAW: So for those of us who have never seen something like that how would you describe it?

BODE: Actually you can see a video of that too, they now have a video of that. It's kind of like a light show, you know, it's kind of like the first initial thing – we had goggles, dark goggles that we watched and it was at night when we did it and just a tremendous blinding light and then it was kind of varied lights after that; tremendous light show.

LAW: What about the earlier one?

BODE: That was under water, so the way that looked was just a big monstrous upheaval of water. Just like if you threw out a cherry bomb in the water you see a little puff, well this was a tremendous one.

LAW: Did you feel the blast?

BODE: No, I don't remember either time feeling much.

LAW: Or smell anything?

BODE: No, there's like a shockwave. I think there was a sound on the one up high, I don't remember much of a sound on the underwater one. I don't have any specific recollection of that. There must have been some kind of shockwave on the carrier one where it was right above us. Still it's two-hundred and fifty miles, it's a long ways away.

LAW: So that was kind of at the tail-end of your active duty?

[4] Operation Starfish Prime.

BODE: That was, yeah, it wasn't long after that that we headed for home. Another interesting thing, I'll just throw this is, this Uncle Harold Wessels who had been in WWII and who thought we should have stayed in WWII and cleaned up the Russians while we were there

[02:30]

he lived in Anaheim, California, not too far from the Rose Bowl in Pasadena, just down the road, he lived on Foothill Boulevard. And he was a pretty much a rabid anti-communist too, I mean he was kind of an eccentric guy in a lot of ways and he built an enormous bomb shelter in his back yard where he had this big giant tank buried in his back yard with beds in it and air filtration system to ride out a nuclear attack – I mean he was convinced.

LAW: Seeing these tests, did it seem possible that that type of warfare would happen?

BODE: Yes, yes, I mean stop and think about what was going on, this was the heart of the Cold War, we'd been through all of this, we're going toe-to-toe with the Soviet Union all over the world. We had the Bay of Pigs [April 17, 1961] stuff, I don't think most people today have any idea how close we were to a war, I mean I really don't. I think we were much much closer than anybody realizes to going to war. It was very real, those tests were in response to the Soviets series of tests. That's the way everything was going, we were going back and forth with the Soviets then. I mean, you know, you're in history now, your Gulf of Tonkin nonsense; it was pretexts'. [U. S. President John Fitzgerald] Kennedy was very much involved in getting us into Vietnam [War]. Kennedy comes off for the most part, to most people I don't think of Kennedy being some kind of – he came

as close to incinerating this country as anybody with that Bay of Pigs and the October [1962] showdown [Cuban Missile Crisis].

LAW: Well we haven't talked much about politics. You would have been old enough to vote in 1960, did you vote?

BODE: Yeah, I didn't vote for Kennedy.

LAW: You voted for [U. S. President Richard Milhous] Nixon. What was your motivation for that?

BODE: I was a Republican, I was pretty much an anti-communist. At that time I had been involved, at least briefly, a group of Marines that were taking a course that was put on by the [John] Birch Society.

LAW: Really.

BODE: You've heard of them.

LAW: Yes.

BODE: We parted ways with them when that they suggested that we shouldn't follow orders. There was some stuff goin' on in Africa too and they were suggesting that we shouldn't get involved on this side. So the Marines pulled out, we pulled out on that. Wedemeyer, there was a Wedemeyer Report back then about the infiltration into our government of communists. Oh yeah, it was much more real thing back then. We might look back now and think some of that was kind of silly but at the time it wasn't silly.

LAW: Was your family a Republican family?

BODE: No my father was a Democrat, he was a strong Democrat, he was a [Franklin Delano] Roosevelt Democrat. I was probably the most conservative and have been one of the most conservative in my family. It's kind of like people who dabbled with communism, I dabbled with the Birch Society, it quickly became apparent that they were goofy. But my brother on the left was dabbling with communism at that time.

LAW: Interesting, so you get back to Illinois around 1962?

BODE: Yes, right after, I came right after – I had applied to the U of I [University of Illinois] from a ship and they granted me provisional admittance to the University provided that after I got there I would take my entrance exams to do well enough to get in. So, I came home and Carolyn and Jill, our daughter, were at home and she was pregnant with our Katie our number two child, we bought a house trailer in Champaign, [Illinois]. We had saved up about five thousand dollars which was a lot of money back then and so that's what we were gonna use to go to school and we spent half of it on a house trailer that was located on Neal and Kirby, on the corner of Neal and Kirby, there's a McDonalds there now.

LAW: Now why the U of I?

BODE: Well I had looked at Northern [Illinois University] I think. Oh yeah, U of I, we were gonna stay in California and it would have been a lot cheaper in a lot of ways but our family was home and we had to decide where we wanted to live ultimately, we thought we didn't want to be that far from family. The world was bigger at that time than it is now, I mean it wasn't so easy to get around, it was expensive to communicate. So, we decided we wanted to come home to Illinois and we've never been sorry we did.

LAW: Now you were still in the Reserves but were you working?

BODE: Yes, I took a job at Eisner's grocery store, that was my first job as a cashier and stock boy kind of job and Carolyn went to work as a nurse, during first semester exams she had baby number two and after the first semester or maybe it was after midterms I was notified by postcard that I had to take my entrance exams, I had forgotten all about it, and so I reported one Saturday, and took the test, didn't think anything about it and sometime later I got a call that I should report to the Dean's office and I went and the secretary let me in, the Dean's secretary was there, and she got up and welcomed me and asked to get me coffee and she was just chatty as could be and so sweet and I thought, "What the heck is this about?" And the Dean let me in and told me I hadn't done so well on my entrance exams and, "You know there's a lot of things you can do in life that don't require a college degree," and you know that he was sorry and all this and I said, "Dean, maybe I did bad on the exam but doesn't it matter how you do when you get here," and he said, "Well how are you doing?" I said, "Well I got straight A's," he looked at me kind of funny and said, "You're kidding me," went through his papers and, "Nevermind." They were gonna kick me out because I flunked the entrance exam after I'd been there a semester and gotten good grades (chuckling) weird, it shows you there can be a lot of people that can be successful in school and maybe not do well on an entrance exam. So, I did undergraduate work, I was an accounting major, Phi Kappa Phi [Honor Society] after my sophomore year, I was doing real well. I enjoyed college a lot, didn't like accounting so much. Finally came to the realization that I didn't want to spend my life as an accountant. A friend in the trailer park where we lived suggested that I, told me about law school. I had a friend at Glenview where I did my Reserve work that was in law

school at Wisconsin, he shared with me what law school was about and I decided I wanted to be a lawyer. So I went into the law school, tried to get in and they told me you had to have a degree. I was a year shy of a degree and there was Mary Martin was the secretary of the law school, fine lady, she was a lawyer herself but in her day women got the jobs, even though you were a lawyer, you got a job as the secretary. She was secretary to the Dean and a wonderful woman and she said, "Why don't you write the Dean a letter and explain to him why you think you oughta be allowed to go to law school," she said, "The Dean, he'd been in WWII, he knew," so I did I went home and wrote a petition, a letter of petition and he waved the requirement and allowed me to go to law school which a couple of years later when I graduated became a problem for Dean Cribbett because they had done away with the bachelor of law degree because they had done away with letting people go to law school without degrees so the only thing they had was the doctoral, the doctorate of law degree. And I ran into him in the hall one day and he said, "Bode you're causing me all sorts of problems," and I said, "Well what is that Dean?" And he told me. Well, it turns out it was a problem beyond law school because the rest of the state, the lawyers all who had bachelor degrees were all kickin' up a fuss, "Were gonna look like were second-class lawyers," so they decided to retroactively make everybody Doctor of Law and that solved the problem.

LAW: Interesting, alright well I think next time we'll pick up on law school and your legal career but I wanted to ask one more question. At the time did you see yourself as being part of a particular generation, did you have a conception of being part of a generation and if so what would you have called it?

BODE: I guess at the time I didn't. I really wasn't a "Baby-Boomer," that was later, I was a "pre-Baby-Boomer." I don't know I guess I was just a [19] 50's kid, I kind of came of age in the [19] 50s. But we didn't really label ourselves at that time, we didn't think of ourselves.

LAW: How is it similar or different than your parents' generation and subsequent generations, how would you place yourself?

BODE: Yeah, a lot of folks today look back at the [19] 50s and think of bad things. I, the people who raised me were part of the "Greatest Generation" and I think they did a hell of a job; the Depression, the wars. I think I had the best people that were raising me. Now don't get me wrong, there were problems, women didn't have all the rights they should have and there were abusive fathers and drinkers and there were things wrong but by and large if you were a kid it was a great time to be a kid because even in the minority community at that time eighty-five percent of black kids were raised by their mothers and fathers, they were in two-parent homes. I mean, you know, most of us, I don't care who you are, you don't make much of yourself yourself you really are a product of somebody else's sacrifices and dedication. And I grew up in a home where my father, you know, we worked on Saturdays together and he showed me how to do things, now he wasn't into my ball games and this and that but I mean we had, you know, he demonstrated by his life and by his contact with me how to be a human being.

LAW: So you'd say there would be a similarity in values and principals between your generation and the prior generation?

BODE: I think so, I'm much more conservative than my kids on terms of almost every issue. Religiosity is a big thing in my life, I'm a Catholic, I turned Catholic, she and I became Catholic five years ago but we've gone to church our whole lives. I'm very much into my faith, I spent a lot of time putting in writing my beliefs and where I stand. I have pretty firm convictions, I would say I'm much more – They say that when you're young, if you're not a liberal when you're young…

LAW: You have no heart.

BODE: …you have no heart and if you're not a conservative when you're older you have no brain. Well I think there's something to be said that cycle can go on. I think I'm becoming more, for example, I'm really into serving the poor, I mean that's what I do on a regular basis. I have two letters in the paper today which are as an advocate for poor people. So in some ways, but I've never thought of being a

[02:45]

conservative as being anti-poor, it's just that as a Juvenile Court Judge, and we'll get into this next time, is that I see the consequences of what you might call liberal programs have done. I lay the black family's current situation in this country right at the feet of the Great Society. I mean that Great Society program of [U. S. President Lyndon Baines] Johnson destroyed a lot of people in this country and it continues to reverberate.

LAW: Well we have much to get into in our next visit then.

BODE: Yeah, it will be fun.

LAW: Unless, is there anything else you want to add from this period, maybe end on first impressions of Champaign/Urbana, [Illinois]?

BODE: Well, of course, Champaign, was fun of course I was a young Marine coming out with a wife and a couple of kids, I was in a whole different position as an average student going to school. We were making a life for ourselves and it was fun. We didn't think that we were bad off. Everybody we knew was just like us, kids, young people with kids trying to get ahead. We used to, you know, our friends in the trailer park there, after class everybody throw a little change in the pot and we get a couple half gallon [40oz] bottles of beer, those big old bottles they used to have, [*Carling's*] *Blacks* [*Label*] or something, you know, and they were cheap and we'd play a little touch ball in the park across the way and have a beer after, those were good days. We were the only people with a TV for a while, we had a TV set and they used to congregate in our trailer and watch the stuff and of course right when we got there, almost immediately we had [U. S. President John Fitzgerald] Kennedy's assassination, it was November of [19] '62, I mean I hadn't been in school that long. That happened, no it was [19] '63, no the first thing we had was the Cuban Missile Crisis and we hung on that TV during that and I thought I would be called back in. I really thought wow that was bad news. And then Kennedy was assassinated. Think of all the events that occurred, the Civil Rights Movement was starting to get into swing, we had Freedom Riders and all that stuff was going on and on campus stuff was going on. It was an exciting times to be a young person. Of course I was somewhat labeled because as time went on and the anti-war movement and I was a former Marine and of course I wasn't turning my back on the Marine Corps. I really was out of school by the time the anti-war group really got heated. Because it's really funny when you

really look back at it but it wasn't until they really started calling up large numbers, drafting a lot of people that the students really got into it. I mean up until that time they really didn't pay much attention to what was going on, it was when they were personally asked to sacrifice that they got involved in it. Of course [U. S. President Lyndon Baines] Johnson made a mess of everything.

LAW: Well Judge Bode thank you and we'll pick up from here when we meet again.

BODE: Okay, enjoyed it.

LAW: Thank you.

[Total Running Time: 02:49:07]

END OF INTERVIEW ONE

BEGINNING OF INTERVIEW TWO

LAW: This is an oral history interview with C. Brett Bode. Today's date is October the 29th, 2015. This is our second interview, we're in his home here in Pekin, Illinois, and today we're going to talk about his legal career. However, we're gonna begin a little bit before that with law school. But before we get into law school, Judge Bode, I just wanted to ask what kind of work were you doing at this time, how were you supporting your family?

BODE: We moved to Champaign, [Illinois] and Carolyn was an RN and she took a job in the hospital as a registered nurse and was paid, I believe, three hundred dollars a month. I had various and sundry jobs over the years I was in school, anywhere from jobs in Eisner's Grocery Store as a checker and produce manager and stocking shelves. I worked in Kraft Food Company, there was a new plant that Kraft built in Champaign, and I ground garlic for mustard and I did testing of mayonnaise. I worked one shift, I switched shifts, and worked a third shift cleaning the plant; they would dismantle that whole Kraft plant and we would clean all the pipes. I was kind of a ghostwriter for a PhD candidate in psychology; I helped him write his dissertation. He lived in the trailer park where I lived. It was interesting, as part of that I got involved with the ILLIAC [Illinois Automatic Computer], that Illinois computer that took up the whole building; that was my first contact with computers. Of course in psychology they used a lot of statistics and he was using punch cards, and I got involved in some of that; it was quite interesting. One of the things I did most, was I ran a photography business for Linux Studios out of Chicago. A guy hired me to recruit photographers and we shot sorority and fraternity parties, did candid photography, we'd shoot up fifteen, twenty rolls of film at a party and then we'd post the pictures in the fraternity or sorority house and they would order those

pictures. I believe they were like seventy-five cents a picture or something like that. At some points I'd have ten, twelve photographers out on an evening shooting for me, I'd put 'em on a bus at midnight and then they'd come back in a couple of days. I had some funny incidents revolving around that, if you want to get into that but I can tell you some fun stuff. Basically, that was some pretty good income in that for us. Another thing I did the whole time I was in college and law school was I flew in the Reserves. I was part of the helicopter squadron that flew out of Glenview, [Illinois]. Much of the time I was in Illinois I had a buddy, at Northern Illinois [University], who would drive into Glenview on Friday and pick up a helicopter and fly down to Champaign and he would pick me up at the Champaign airport, at the University Airport, and then I'd fly back to Chicago and that way we each got at least an hour flight time, and I got a drill and then I'd fly the weekend and then come back. So, those were pretty profitable weekends, I think we got fifty dollars a drill and I would get two drills each Friday, Saturday and Sunday, and get transportation both ways, so that would be six drills, so like three hundred dollars a weekend, once a month, that was as much as Carolyn earned workin' all month as an RN; so that helped out all the while I was in school. Another profitable gig I had was in law school, I ran the coffee concession in the law school lounge and that was a pretty good gig. I can't remember now, it was like thirty-five bucks a week or something like that that I made doing that, but it was good. And one summer I sold Electrolux vacuum cleaners door-to-door. Interestingly I couldn't sell them in Champaign-Urbana area, I kept trying and finally they hooked me up with a guy who was a professor out east who every summer would come to the Midwest and sell vacuum cleaners, and he asked me what I was doing and I told him I was going door-to-door in Champaign-Urbana and he

told me, he said, "Well no wonder you can't make a sale," he said, "You gotta get out of the cities," he said, "Go out in the country, find a large spot, a place where two roads come together and there's a couple two to three houses," and he said, "Knock on those doors," he said, "And you'll pick up sales because to the city people you're a bother to 'em, in the country you're welcome, they don't see people and so any visitor is welcome." And he was right; I did that and I started selling some vacuum cleaners. But, it wasn't my favorite thing to do, I always felt a little guilty because most of 'em it seemed like I was selling them to people that didn't really need them, at least that expensive a vacuum.

LAW: Now you also had a growing family at the time?

BODE: Yeah, yeah, Carolyn, we had our little girl Jill, our oldest, when we started school, and Katie, she was already pregnant with our number two who was born during, I think, my exams my first semester, and then later on we had Kristen just before I started law school. I remember Carolyn and I would go to basketball games, and that was in the old Huff Gym down there, that was before the Assembly Hall was completed. I remember her waddling up the bleachers pretty far along that first year. The place – when we first moved to Champaign one of my neighbors, I don't know if I told you this, was Al Wheatland. Al Wheatland was the fullback for Illinois and he lived in the trailer next to me and I asked him how, I introduced myself and we got to talking and I asked him how Illinois was gonna do and he said well Coach Elliott told him they were going to the Rose Bowl and I picked up on that, I said, "Oh yeah, so what position you play?" And he said, "Well, I play fullback right now," he said, "But there's a sophomore who's gonna take my job away from me," and I said, "Who is that?" And he said, "A kid by the name of

[Jim] Grabowski." And he certainly did take Al Wheatland's job away. So we had the fun years of watching Grabowski and [Dick] Butkus, they did go to the Rose Bowl that following January, so it was kind of a fun time.[5] We would socialize with other students, we didn't know we were poor, and if fact compared to a lot of them we were rich, in fact we actually had a TV set, most of them didn't. We'd play touch football with them in the park, I remember a kid by the name of England, Bob England, I think played tackle or guard for Illinois. He used to play touch football with us in the park across from the trailer park from where we lived. After we'd play touch football we'd buy a bottle of beer, those forty ounce bottles, and enjoy that. Eventually, after I, I majored in accounting and I decided I didn't want to be an accountant, I did well in accounting but that wasn't where my heart was and I had a couple people tell me about law school, what it was like, so I decided to go to law school and took the LSAT and did pretty well on it.

LAW: Why law though, why law school, why did you decide that?

BODE: Well, I was unhappy with accounting. My interest laid in writing and literature, history, and kind of those kinds of things. But I didn't think I could make a very good living that way, and I had this growing family. And one of the guys I was in the Reserves flying with was going to law school at the University of Wisconsin and he told me about law school and we would, at night, we'd be laying in our racks conversing and he'd be telling me all about law school and how exciting it was and the more I heard about it the more I liked it, so I petitioned to get into law school. I don't know if we covered that, I think we might have.

LAW: Let's go through it because you found your way into law school in a rather unusual way.

[5] January, 1964. Illinois beat the University of Washington Huskies, 17-7.

BODE: Yeah, I had almost completed three years of undergraduate work but I didn't want to waste another year as an undergraduate so I petitioned into law school. Now law school, previously, you could combine a couple of years of undergraduate work with three years of law school and get a bachelors of law degree and Illinois had done away with that program and went to the doctorate of law program and so you had to have an undergraduates degree to get into law school. So I was initially rebuffed by that but I was told by, I think it might have been that Bob England I mentioned who was in law school, who told me to talk to Miss Mary Martin who was the secretary for the dean.

LAW: Dean [John] Cribbet?

BODE: No, it was the dean before him.

LAW: [Russell] Sullivan?[6]

BODE: Sullivan, Dean Sullivan, that's correct, and she told me that Dean Sullivan had been a World War II vet and that I should write him a letter of petition and explain to him why I thought I should be allowed to enter law school. I followed her advice and the dean had mercy on me and admitted me to law school. So I got in based on my three years as an undergraduate and my LSAT, and I had a really good grade point after those three years so I don't think they felt like they were taking much of a chance.

LAW: Did you pick the U of I [University of Illinois College of Law] though just because you were there in Champaign?

BODE: Yes.

[6] John Cribbet was a Professor at the University of Illinois from 1947-79, and Dean from 1967-79. Russell N. Sullivan was Dean of the Law School from 1957-1967.

LAW: So let's talk about the U of I law school when you were there; go ahead.

BODE: You know, law school, I took to it like a duck to water, I loved it right off the bat. It was everything that my friend had told me about at the University of Wisconsin. This whole idea of the common law just grabbed a hold of me, it made law scientific in the sense that it was a discovery process, it was almost like being a scientist looking for principles and using those principles, applying them in particular circumstances. So I'd read these cases or we would all read these cases and of course it was the Socratic method in law school where we'd discuss these cases and you'd be called upon to stand up and recite to the professor and you had to be prepared and you had to understand that you were looking to gather principles of law from these cases and try to distinguish how this case, a particular case, may not apply in any given fact situation, you were taught the importance of facts in relationship to the law; and it was magic, I mean it was just really exciting. At that time the common law was, and I'm not sure this is even the case in law school anymore, but at that time that was the way you learned law was the common law. Common law is based on the idea, the fundamental natural law principle that you ought to do everything that you promised to do and you shouldn't encroach in another person's person or their property, and those two basic natural law principals

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is how you build that whole common law system out of contracts and torts and criminal law; so, I loved law school.

LAW: Would you say that was the philosophy of the law school, what you were just describing?

BODE: When I was there, yeah, I would say that was the underlying philosophy. At that time I think it was just my criminal law professor and procedure professor, [Wayne R.] LaFave, was just at that time, codifying for the first time Illinois criminal statutes, or had just done it. And, up until that time everything was kind of driven in our courts by common law principles and ideas. I remember one of the courses we had that I didn't like, was administrative law and that was taught by a Professor Bell when I was there and there was another, maybe, before him there was another guy who taught Administrative Law 1, I can't remember his name, he was an older gentleman.[7] I remember thinking at the time that I didn't like it as much and now I kind of see that the reason I didn't like it is that it was political law rather than common law.

LAW: Now do you recall any of the more influential professors upon you?

BODE: Cribbet was my property law professor, Dean Cribbet, and of course he was the new dean when I got going, Sullivan, that was the time of the transition from Sullivan's administration to Cribbet's. Cribbet was a wonderful professor, made it exciting, LaFave was very good, I mean almost all of them, I had a Professor [Sheldon J.] Plager that was good, I enjoyed him. Cribbet, I remember, he talked about, I can remember him talking about New York City and the fires in New York City and how, I don't know if you're acquainted with it but there was a time in the sixties when New York City almost burned down because of all the tenement fires that were going on, and that was in the news and Cribbet was pointing out how the city authorities had passed these laws that gave people a couple thousand dollar moving allowance, if the apartment or tenement they lived in got burned down the city would give them a couple thousand dollars to move and that

[7] Professor Rubin G. Cohn taught Administrative Law during this time period.

alone, that thing almost burned the city down because people were more interested in the two thousand dollars moving allowance then they were in; so all sorts of fires were occurring. Bad laws – the unintended consequences of bad laws, was the thing he was teaching us; how good intentions aren't enough when it comes to the law. You may have the best intentions but unless you understand all the possible consequences from your laws you better be careful.

LAW: Now what about, do you remember Vic Stone?

BODE: Oh yeah, Professor Stone, yeah.

LAW: Any memories of him or Nelson Young?

BODE: Nelson Young I remember them, on both I don't have anything particular about them that I remember.

LAW: So big influences on you were really just Cribbet and LaFave?

BODE: Them, and I thought Plager. I did some work with Plager, I believe, on riparian rights. I hope I've got that right, that it was Plager. He was writing a book about water rights and I did a lot of research and some initial writing, some drafts on riparian water rights.

LAW: But you found this idea of natural rights and natural law attractive?

BODE: Oh yes, very much, I mean it was kind of like a basis on which you build and so it's kind of like you have the law of gravity and you would kind of build from that. So what we were looking for was trying to discover the basic legal principles arising out of natural

law and then trying to answer any particular fact question in a way that is logical, reasonable and consistent with those.

LAW: Now did the wider world ever impact your law school education, and here I'm thinking of the Civil Rights Movement, the War in Vietnam?

BODE: Yeah, the War in Vietnam when I was in school still at Illinois, had not yet attained the notoriety among young people that it would just a year or so after I left. Mainly, I think, because the big push hadn't yet occurred. I think it was around late sixty-eight, or sixty-nine where [President] Johnson really, really increased the numbers of our troops in Vietnam. So, people weren't really being drafted in the same numbers at that point, at least in my first couple of years of law school. So, the Vietnam thing was kind of out there in the background but not much talked about, but civil rights was talked about a lot.

LAW: In what way?

BODE: Well, I think it was just kind of discussed among the students, what was going on. In the South, I can't remember exactly the chronology of events but in my college years and law school years those were the years the Freedom Riders were active, we had the [Reverend Martin Luther] King assassination, we had riots, there were some riots in the city after King's assassination. I was always an advocate, at least a pretty early advocate, maybe from mainly my Marine Corps experience, my military experience, of civil rights. I had a, and I might have mentioned this, that I had a roommate who was a Cuban cadet that I tried to go to a movie with and he wasn't allowed in the theater. I was real naïve as a young man when I first went into the Marine Corps, I hadn't been around black folks

and so the military kind of broadened my ideas and I recognized as a law student that the laws need to be changed.

LAW: This brings up an interesting part. What was the composition of your law school class in terms of race, ethnicity, gender, age?

BODE: It was almost all male, I think we may have had half a dozen females in my class, there was one black girl that I got to know a little bit, I can't remember her name right now, but I remember when she asked me – I graduated in mid-year, February of 68', and she asked me where I was going and I told her Pekin and she was really upset and I didn't understand. That was my first inkling that Pekin had kind of a bad reputation among the black population at that time, and she almost cried as I recall, because we were pretty good friends and talked about these things. But the composition was mostly male, I can't remember there being, I remember she was black, but I can't remember knowing, having been in personal relationships with any other black person there.

LAW: Were you older than most of the other students?

BODE: Yes, I was about four to five years older than the typical student.

LAW: Do you think that had any impact on your experience?

BODE: I think it did, I think, the fact that I had been an officer in the Marine Corps and a pilot I think I was kind of a natural person for some of the other men to look towards. I had quite a group of friends who – I did very well in law school and my secret to success was I was an inveterate note taker and a note organizer. For every course I took I almost wrote a book about that course and I would re-draft and re-draft and compile and these notes that I would take were very much in demand by other students and I used to make

copies and give them out because I knew that they really didn't do people that much good, it was putting the notes, the book, together that gave me the edge, not just having it, it may have helped them some, I don't know.

LAW: Now did you ever have any constitutional law classes?

BODE: I'm sure I did, yes.

LAW: Do you remember what any of the big constitutional law issues were at that time; anything controversial at the time?

BODE: There probably were. I just don't have it off the top of my head. I don't recall.

LAW: Now you also did some legal writing?

BODE: Yes, my last year or so the *Law Review*, I was invited to write I think what became a note, I'm not sure; for the *Law Review*.[8]

LAW: Any memories of that?

BODE: You know, you mentioned, you've got a hold of the copy of it and I haven't, you were very successful in getting a copy, I've tried to get a copy in the past and wasn't able to do so. My memories of it, I knew it was about taxes and using the tax code to achieve government purposes other than raising money for the operation of government.

LAW: You had some issues with that?

BODE: Yeah, I was generally not in favor of that, I thought it was, the legislative branch was kind of an encroachment on their power.

[8] See, "Public Policy and the Business Deduction," *University of Illinois Law Forum*, Vol. 1966, pgs. 1080-1093.

LAW: Now were you still politically engaged at this time?

BODE: I really was not very politically engaged at that time, no. I mean, law school was kind of all-consuming. I didn't involve myself in politics. I was kind of vaguely aware; I was kind of following the war and Johnson's Administration. Later on as a judge I became much more attuned to some of the things that occurred during the Johnson Administration and I started to see where the outcomes, again, the unintended consequences that Cribbet had taught me about how they came had home to roost, and we're still suffering from some of them.

LAW: Well, is there anything else from this period that we want to cover? Now were you guys the whole time at the trailer court or did you ever end up moving?

BODE: Just before law school we moved from the trailer court to a house on Oak Street. I had a Norwegian lawyer and another student that we rented rooms out to and at one time we had a couple girls that we rented rooms to, I remodeled, we added a bathroom, and I think our payments were ninety dollars a month and we rented the rooms for thirty-five bucks a month, so that just about covered our housing cost. When I went in to get the loan to buy the house Carolyn was pregnant with number three and I of course was a student and I thought the loan officer was

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gonna fall out of his chair, he couldn't believe that I was even in there asking for a loan, and I made the presentation and I showed him where, I just told you about our income, and he said he would take it to their loan board and he did and they approved it, so that's

how we got the house. We put down the down payment we got from what we got selling our house trailer.

LAW: Now I think also at this time, this could have been a little bit earlier, I think Mary Martin, she kind of had a positive impact on your life?

BODE: Yeah, Mary Martin was an extraordinary woman, she was older than the years I was there, she had been there a long time by the time I got there and she was a lawyer. But she was basically the dean's secretary and that was probably because of being a female that she had a secretarial job even though she was a lawyer there in the law school; at least, looking back, it looks that way. But Mary Martin knew all the students and she knew me pretty well because she'd been helpful at getting me into law school in the first place and so she would kind of look after me, and if I were ever short on money for groceries, and that happened a few times, or make my mortgage payment or whatever, she'd loan me a little money and I always paid her back and it was just between her and I, and I'm sure she probably did that for a number of students, that's just the kind of gal she was. I believe she was single, as I recall, just a wonderful person.

LAW: You graduated in, I believe, February of 1968 and I'm assuming soon after took the bar exam?

BODE: Yeah, I took a bar review course, because it was mid-year what we did was about half a dozen of us that, we bought a taped course and we watched it, I can't remember now, was it YMCA or some library or something, we would go and we would watch the, we did a bar review course that way and I think everybody that did that I think we all passed.

LAW: So what were you planning on doing, what was the plan for when you were done?

BODE: They had a bulletin board at the law school and the example, I can remember the [Illinois] Supreme Court was advertising for somebody to be the circuit judge for Calhoun County, they were looking for a law student, a graduate, to appoint to be the circuit judge of Calhoun County which is the peninsula county which separates the Illinois from the Mississippi River just a little north of St. Louis. And I wasn't interested in that, but there was another ad on the board looking for a student to codify the laws of the city of East Peoria, looking for some student to help do that and I answered that ad and I became acquainted with Carl Reardon of the law firm of Moehle, Moehle & Reardon and I think Sincock might have been involved at that time, I'm not sure, but I responded to the ad and got hired and so my last six months that I was in law school I was doing that and travelling back and forth. When I started looking for a job I went to Chicago, my plan was originally to go and get a job up northwest of Chicago where I was from, but actually Carolyn and I talked about five different areas that we would live in, Rockford, Decatur, Champaign-Urbana, Peoria, there might have been another one. And so when I went up to Chicago to interview it was more just to see what was available and I interviewed Chapman & Cutler, a Jewish firm up there, a couple others. I got an offer from Chapman & Cutler but I really wasn't interested in that. I remember when I went up for the interview they introduced me to one of their associates who was working up there, and he was like the number two graduate from Yale the year before, or something, and he was in his little cubby-hole and he was doing research on bond referendums for school districts of this size to this size and he'd been doing that for a year and there was no way I could ever do something like that, I mean I was bored with accounting, I knew I'd be bored to death in that operation; so that was not what I was interested in. I was

interested in practicing law, being in a courtroom and having clients and that kind of thing, not sitting in the back room of some big operation of a big firm. So, Reardon, I got acquainted with him, he offered me a job with their firm, matched the offer that I got from Chapman & Cutler. I was the number one available graduate from the University of Illinois that year because I was the only one who had his military obligation satisfied. I was in the Order of the Coif, I was in the top ten percent of my law school class; so I was a pretty hot commodity in terms of employability at that time. And I remember the offer from Chapman & Cutler was nine grand a year, I thought, wow, that's a lot of money, and just to start right out of law school and Reardon matched it so I was kind of thrilled about that. It's hard to believe you get excited about seven hundred bucks a month pay but that's what it was back then. We had this Norwegian lawyer living with us that last semester and he was working on his doctorate or masters and then I lost touch with him for a long time and then got back in touch and he ended up being in banking in Norway and became quite a prestigious banker over there in Norway. We always talked about going over there to see him but we never made it to Norway unfortunately. He married a judge, his wife was a judge, and he had a little boy while he was staying with us. He was fascinated by Kmart, he used to sit in a chair much like this one, a big comfortable chair, and his coins would come out of his pocket. When he went back to Norway for Christmas or something I remember Carolyn and I wanted to go to the movie and we found enough to go to the movie by putting our hand down in that chair and rescuing the change that had fallen out of his pocket; we didn't think he'd mind. He was always fascinated with Kmart, I think maybe I mentioned that, that was a big thing for him to go to Kmart. They didn't have anything like that in Norway I guess.

LAW: Now when you were working for Reardon were you still working as a city attorney?

BODE: Carl Reardon was the city attorney for East Peoria and Carl assigned me, had me swear in as his assistant, and assigned me to handle the traffic and ordinance violations for the city. I also got involved in drafting ordinances for the city, well, I had been drafting ordinances and I got involved in writing the ordinances for open housing which was a hot topic at the time.

LAW: Yeah I wanted to ask you about that? You want to talk about that issue at that time?

BODE: Sure, sure, yeah, open housing was a big thing going on in civil rights at the time and there was some dissention on the city council about it at the time, some councilmen were for it and some against it, they really didn't see any need for it and I kind of convinced them that it was kind of a symbolic thing to do this, by law to demonstrate your openness to people of all races and persuasions. The council did put it on the agenda and they had a discussion, they invited audience participation, and John Gwynn was the NAACP President of Peoria and quite a rabble-rousing, outspoken leader of that movement, civil rights court movement, eloquent. And we had a lady, I think her name was Himmelrich, Mabel Himmelrich, that was really vociferous, that was a resident of what we call the "Bottoms" in East Peoria which was the area where Caterpillar factory buildings were, right along the river; which now most of them are gone and there's a big shopping area there now. But she lived down there and she was convinced evidently that if we passed that open housing ordinance that black folks would all move to East Peoria from Peoria and she didn't want them living in her neighborhood, I guess. So this was a hot back-and-forth thing on the city council floor and our city council manned up and passed it and the rest is history. There may have been some black people that moved to East Peoria

but, statistically, I don't think very many did and I think it was one of the first of those kinds of ordinances that was passed in the area. About that same time we were renting a house in Pekin and I had these little girls running around the neighborhood and I had put a poster in the window of the house that had a black hand and a white hand shaking hands on it, it was kind of a visual civil rights proponent poster, and one of my little girls came in and said, "Dad, you're gonna have to take that poster down," I said, "Why is that?" And she said, "Some of the neighbors don't like it." And I understood that Pekin had kind of a little bit of a history. It had at one time been the home of the Ku Klux Klan. There was a building in downtown Pekin that had been their headquarters or something at one time.[9] It was also, and reason why my fellow, my black female classmate from law school was upset was that evidently Pekin was the stop coming south out of Chicago on the Illinois Central Railroad where people were required to go to the back of the train, if you were African American you had to go to the back of the train. So, because of that fact when you were in Pekin you had to get up and move, that was the beginning of racism, so to speak. There were also rumors that Pekin had a sundown law at one time, I never saw any evidence of that.

LAW: Was it, maybe, enforced informally?

BODE: You know, I don't know, I heard rumors to that effect. Certainly, in my time living in Pekin I ran into racists, people were overtly racist, but as time went on it became less and less so. But there were some people in law enforcement that I knew that had very racist attitudes. I was involved in starting the first human relations committee in Pekin about

[9] A regional headquarters for the KKK did indeed exist in Pekin in the 1920s. For more on the KKK in Pekin during the 1920s, see, Carl V. Hallberg, "For God, Country, and Home" The Ku Klux Klan in Pekin, 1923-25," *Journal of the Illinois State Historical Society*, Vol. 77, No. 2 (Summer, 1984), pgs. 82-93.

that same time with an attorney by the name of Bob Clevenger, he probably more than me, although he did recruit me to become a part of that. We met for maybe a couple of years and it never amounted to much, a lot of that stuff was more symbolic at that time. We had some speakers from Peoria, some African American people that would come over and talk and we would discuss things.

LAW: Now I believe at that time the Peoria schools were in the process of desegregation. What was the view from where you were of all of that?

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BODE: Mention it later on and remind me, when I get into the judge thing but, because I did have, one of the hot cases I got right off the bat as a judge was involving a racial issue in the Peoria schools. But, I don't really have a lot of specific recollections about desegregating Peoria schools, I'm sure it was going on I just don't have a – I was very pro-integration of schools and open housing, and civil rights, and getting rid of legalized racism in our laws and in our public places; so, that was part of the times.

LAW: Give me an idea of the local bar at that time, the composition of the local bar in East Peoria and Pekin?

BODE: The local bar was pretty much white male, we had Betty Cassidy, locally, was an exception, and there was another lady lawyer who had a much lower profile, more of an office lawyer that practiced in our area and I think she was in real estate, as I recall, did some real estate law; but very unusual. We had no female judges, we might have had a female police officer but I think even that came later. The whole system was pretty male

and we didn't have any blacks. Pekin, even today, has just a very smattering, I'm sure were about ninety-seven percent white.

LAW: Who were some of the prominent attorneys at this time, well known, respected?

BODE: Mel Moehle was a senior partner in our firm, lived in Washington, [Illinois] and practiced for years and was highly respected.

LAW: Mel Moehle?

BODE: Mel Moehle, M-o-e-h-l-e, Melvin Moehle. There was a Louis Dunkelberg who was kind of a character, who was an old-timer when I first broke in. I can remember arguing with him a case where I had a citation to a case where he was the attorney who prevailed in the case and he was taking the opposite position of what he was taking in my case, so I was citing him against himself, and I remember he quickly came back with the retort that that was when he was young and didn't know any better and he was quick; kind of a character, lots of fun.

LAW: What about Carl Reardon?

BODE: Carl Reardon, he was pretty young, he was only a few years older than I was but he was a comer, he was one of the few people I knew that I really believed were geniuses. He had almost total recall from things that he read. I can remember working on cases with him where he would procrastinate, the night before the case was going to trial he would be really putting in a late night, hitting the books, the next day we go to court and he was just, he'd quote verbatim things out of those cases that he read. He was a very bright, very energetic guy, was very good to me. Kind of got on the wrong side of the local bar and I don't really understand, I think some of that may have been jealousy. He

did very well in practice, he did a lot of – East Peoria was growing at the time and it had a lot of sewer extensions so there was a lot of that kind of work and that was really lucrative work, it was attorney fee schedule type work, and he made quite a bit of money and I think there was some jealousy at the time.

LAW: Was that controversial at the time, the expansion of East Peoria?

BODE: No I don't think so, I think there were some controversies, in cities there are always some groups that are kind of against newness but for the most part I think the city of East Peoria had some pretty good leadership in the city councils in the times, over the years that I've known, yeah.

LAW: So let's talk about some of your early cases.

BODE: Well, one of the first cases, the first time I went to court was before Judge Bob Hunt in Peoria and it was a scaffold case that Carl had and he wanted me to go over and argue a motion on it.[10] I don't remember many of the details on the motion but I can remember preparing like a young lawyer would prepare, I was gonna be fully prepared for this motion hearing so I had all these law books and I took them with me to court. And so I walked into this big courtroom in Peoria, I had law books under each arm and it was the custom at the time for the lawyers who had cases before the court to wait their turn by sitting in the jury box. So the jury box had eight, ten lawyers sitting in it and I'm walking up this long aisle past all the spectator benches to the front of the courtroom. The judge had a very elevated, big courtroom, had a very elevated platform and my opponent was a lawyer who was an older lawyer, well known in Peoria, and as I got about three quarters

[10] Judge Robert Hunt was a Special Master in Chancery from 1952-61, a Probate Judge from 1961-64, an Associate Judge from 1964-68, and a Circuit Judge from 1968-82.

of the way up the aisle Judge Hunt said, "Stop right there young man," he said, "You cannot bring law books into this courtroom," and I was being set up, right, I mean I was kind of taken back and stunned and of course then pretty soon, the guffaws. I think my partner, my employer, had called Bob Hunt and said, "I'm sending over my young associate who's never been in a courtroom before," so I think it was kind of a set up deal, but it kind of rattled my cage a little bit. And that was my first experience in a courtroom and it was kind of fun. Bob Hunt, God bless him, he was a real gentleman. I think he was always, after that, he was always kind of nice to me, I think he always felt a little guilty about that. One of the interesting cases I first got involved with and my first trial, first jury trial, was a very interesting case that involved pornography. One of our city councilmen in East Peoria had a son, a teenage son, and this councilman's wife had found some pornographic magazines under the son's bed and told her husband and wanted something done about it. The magazines had been purchased at the East Peoria Donut Shop, it was located right downtown and as you walked into the front door on the left there was a donut counter, on the right the magazine rack, and the magazine rack was maybe six foot high and eight feet wide, it was filled with all kinds of magazines and one section had these glossy covered pornographic magazines and the covers of them were very explicit, full nudity and very provocative poses. So, Carl Reardon assigned it to me and we decided to have an undercover officer go over and buy some of those magazines and he did so, so we established, I think we bought twenty of them and so we ended up with twenty counts of sale and twenty counts of offering to sell pornographic magazines. We filed a twenty, forty count action in violation of our ordinances in the circuit court, actually in the ordinance court. And a guy by the name of [Robert] Silberstein, attorney

in Peoria, represented the Donut Shop proprietor and he sued us in federal court for violating this guy's civil rights. We filed a motion to dismiss his action in federal court and we flew to Alton, Illinois, to have the hearing and we were the first case on the docket. Well the judge had a jury trial going, so we get there and he's got this jury case going so we can't present our motion and we're hanging around and hanging around and hanging around and finally they're gonna break for lunch and Carl Reardon impugned the judge's clerk to ask them if he couldn't please hear this for us before they went to lunch. So he was, Judge [Omer] Poos, he was an older judge at the time, in those years, he was old at that time, and so he came out. Silberstein, meanwhile, had stood up on an easel and he was approaching this as he would a Supreme Court presentation. The first thing Omer Poos did, Judge Poos did, was he sat down and said, "What is this all about?" And so I grabbed a stack of these magazines off the counsel table and I went up and I handed them up, it was all I could do to reach up and I lost my grip on them and they just kind of spewed out in front of him. And Silberstein came running across the room, "I object, I object," and he kind of jumped up in the air and tried to put his arms over the magazines, he said, "The court can't see these, the court can't see these!" Judge Poos kind of reared back and said, "Get yourself off my bench!" he said, "This court can see anything I damn well please!" So, he picked up, he looked at some of these magazines and he said, "What is this? Is this a motion to dismiss?" And we said, "Yes your honor," maybe Carl did it, "Yes your honor we don't believe this belongs in federal court," and he said, "There's a pending case about this in state court?" "Yes sir there is." "Case dismissed," bang. He dismissed that federal civil rights suit against us right then and there based on that little, few minute colloquium, quick and off we went; he never got to talk about his easel cases

or Supreme Court. We flew back home, ended up trying it to a jury in state court before, what was that judge's name?

LAW: Carl Davies?

BODE: Carl Davies, yeah.

LAW: Now was he a magistrate judge at the time?

BODE: He might have been, that might have been before, he might have been a magistrate at that time.[11] It was a knock-down, drag-out battle. Carl did most of the cross examination and direct testimony on it, I did a little bit, but mostly he let me handle the argument at the end. Silberstein, his case was based on the idea that these pictures were an honest portrayal of what the female anatomy looked like, it wasn't distorted, and therefore they had educational value and could not be censored. And he brought a doctor in to testify that these had a redeeming value, that they were educational for young men who might not otherwise be given education about female anatomy; basically to that effect. And that was the gist of his argument to the jury that these were just pictures of what women really looked like. I remember in the final we had to

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rebut his remarks so the only thing I did, I took all the magazines, just four at a time, and held them up and walked in front of the jury and just asked, I said, "I have only one question, if anyone sees their wife or their," – oh, his statement had been that they looked just like women do, like your mother or sister, "anybody see their mother or sister in

[11] Judge Carl O. Davies was a Magistrate Judge, and later an Associate Judge, in the late 60s and early 70s in Tazewell County. He died in 1977.

these magazines just find him not guilty." They came back with thirty-eight guilties and they acquitted on one magazine, the sale and offer to sell. I can't remember what that was about but they evidently couldn't come to an agreement on one magazine. So he had like a one hundred and ninety dollar fine on each count, something like that, so that was a fairly sizable fine. And he ended up paying the fine, the ironic thing is later he was wanted by the treasury department for forgery, for forging money, counterfeiting. And I don't know that they ever found him, we often wondered if he ever paid his fine with counterfeit money or not, we never did hear whether that was the case. But it was a funny case, it was a fun case, it was a good way to break into the business, so to speak.[12]

LAW: So in East Peoria at that time who were the local judges, was it just Judge Hunt?

BODE: In Peoria, no.

LAW: No, in East Peoria?

BODE: East Peoria there were no judges. Pekin was the county seat.

LAW: Okay.

BODE: So there were judges in Pekin and [Ivan] Yontz was the presiding judge.

LAW: Okay, so if you heard a case in front of Hunt that was probably in Peoria?

BODE: Yes, it was in a big courtroom in Peoria.

LAW: Okay, so Yontz was out in Pekin?

BODE: Yontz was in Pekin.

[12] This case took place between November 1968 and March of 1969.

LAW: Was he the only one at that time?

BODE: No, I don't know who the other, there was another circuit judge in Pekin.[13]

LAW: [Edward] Haugens or Haugens? [Charles] Iben?

BODE: Iben maybe.

LAW: [Albert] Pucci?

BODE: No, not Pucci.

LAW: [C.M.] Wilson?

BODE: No, not Wilson. Wilson was a northern county judge; he was like from one of the northern counties.

LAW: Like Marshall or Putnam or something?

BODE: Yeah.

LAW: Or Stark?

BODE: Stark, I think Wilson was from Stark.

LAW: Okay, so any memories of Judge Ivan Yontz?[14]

BODE: Yes, Ivan was a very distinguished man, he was almost an archetypal judge, he had the looks of a judge, he had the demeanor of a judge. He'd been a judge since he was young. He'd maybe started as a probate judge. But it was towards the latter part of his career. One of my first significant trials when I was working with Reardon in East Peoria

[13] Judge James D. Heiple.

[14] Judge Ivan Yontz was twenty-eight, and the youngest Judge in the state when he was elected the County Judge of Tazewell County in 1950. He later became an Associate Judge, and then a Circuit Judge, retiring in 1985.

was the Tripod case which was the common driveway case that I tried in front of Yontz in a bench trial.[15] It was an adverse possession case. Our clients the Tripods lived on Kerfoot Street in East Peoria and the lady that lived next door died and her son was her executor and he took control of her property, or maybe she hadn't died, maybe she went into a nursing home, that was it. Her son was named guardian of her estate, took over control of her house and drove stakes down the driveway so the Tripod's couldn't get to their garage. It was a common driveway between the two houses and they couldn't get to the garage. So they came to us, they were poor people. Carl assigned it to me so I did some research, filed an action for adverse possession based on twenty years of adverse use of that common driveway and rounded up a bunch of neighbors who had lived there forever and we put the case on in front of Yontz. There was kind of a prominent Peoria lawyer who was towards the end of his career who was an adversary and we prevailed before Yontz and he appealed. And that was an eye-opener for me as a young lawyer because his appeal I thought was frivolous and when I got his brief I could see that he thought so too because all he did was verbatim read stuff into his brief out of the cases just word for word, no effort was put into his case. We prevailed in the appellate court easily. I don't think we even argued. But, I can remember, he had, there was as a petition for fees and I remember being astounded at the money that they had spent for attorney's fees that were expended on this stupid driveway case, it didn't make any sense. We got paid in pies, as I remember. Mrs. Tripod would bring us down a pie now and then. So, it was an eye opener how I didn't really, at that time I hadn't really appreciated how corrupt some members of the bar could be in terms of how they run up fees and

[15] See, *Tripod and Tripod v. Arrington and Miller*, Ill. App. 2d Unpublished Opinions, Vols. 124-129, pgs. 140-142 (3rd Dist. Appellate Court, 1970).

cases where people don't, you know. Anyway, another case of note was, of course I'd handled traffic court, I had a guy come in, we had a DUI case against him and he came in and wanted to pay me a thousand dollars to drop the case, they wanted to bribe me a thousand bucks to drop the case. And for someone new, I was very upset about this and he told me, "Who do you think you are? You can come in here," and he said, "Hey, get off your high horse," he said, "I know how it works," he said, "My attorney told me all about it," he says, "I give you a thousand, you give five hundred to the judge." His attorney had told him some kind of nonsense like this and so I told my partner about it. It's one of the things I feel bad that I didn't do more at that time. We really should have had a sting operation on that lawyer but Carl, forget it, let it go, and so we just assured the guy this is not the way it's done, that he's wrong. We ended up making sure he was prosecuted and convicted and that was kind of the end of it. But in retrospect I wish we had done something against that lawyer because later on it came back, later on in my State's Attorney years I came to be the victim of something very similar to that where a defense lawyer came in, wanted a conference about a case that was a MEG[16] unit case where they had done a lot of drug stings. And they wait and bring a whole bunch of cases at one time, so there's like a couple three months from the time the case goes down to the time there's actually an indictment; so, your case is like three months old the day you indict. And the defense attorney came in and showed me a photograph of the defendant and his twin brother and he says, "My client says this wasn't him, it was his brother and his brother was at home on leave." So I had to get the MEG agent in and see if he could tell the difference and he said, "I couldn't tell you, it could have been his brother as far as I know," and I said, "I've got to dismiss it if you can't tell which one it

[16] Metropolitan Enforcement Group.

was," and he said, "No, just dismiss it, no big deal." It was a marijuana case or something like that so I didn't think too much about it. Then later on I found out that this lawyer had charged this guy like five thousand dollars for this with the understanding that he was paying me off to get the case dumped. The kind of things that happen now and then.

LAW: You told me you were gonna tell me about the Strawberry Alarm Clock case?[17]

BODE: Oh yeah, Strawberry Alarm Clock, that was a fun incident. The Strawberry Alarm Clocks were kind of a popular rock band that came into the Peoria area and they stayed at the Holiday Inn in East Peoria. And they had a party in their room after their performance and a lot of people were there and somebody had tipped off the East Peoria police that there were marijuana, terrible marijuana was being used at this party and so they raided it. The East Peoria police called my boss, Carl Reardon, and he helped them get a warrant from a judge in Pekin to raid this party and so they did and sure enough, I think in a chair, they found a roach. The hotel room had like twenty people in it and they found a roach in one of the chairs and so all of the Strawberry Alarm Clocks were arrested for possession of marijuana. And it was on the front page, Strawberry Alarm Clocks Arrested! So, they hired Melvin Belli, from California, who was at the time a famous, nationally famous, defense lawyer, he had won cases in the Supreme Court. So he and his associate came to Pekin and we had a meeting at Carl Reardon's office, at our offices in East Peoria and I was invited to attend. And Belli was quizzing my partner about he had been the attorney that had handled the warrant process. Also present was

[17] April, 1968.

the then Public Defender of Peoria Mort Goldfine, who is now a prominent tort lawyer over there; he's probably retired.

LAW: Now, was that an official position at that time, Public Defender?

BODE: Yeah, Mort Goldfine was the Public Defender but he wasn't in that case acting as the Public Defender. Melvin Belli needed local counsel because he wasn't an Illinois lawyer, so he hired Mort Goldfine to be his local counsel so that he could appear on the Strawberry Alarm Clock's behalf. So we're all sitting in the office and Mel Belli, of course he had this long flowing mane of white hair, a very imposing man, a deep booming voice, and he's rattling off all these Supreme Court cases about how he's, "We're gonna win this and the Supreme Court," and going on and on, and Goldfine's sitting next to him kind of shoved against the wall and I'm in a chair behind Reardon, and finally things kind of settle down and Belli said, "What do you think Mort?" And little Goldfine, he's just a little bit of a guy at the time, he's probably a little bigger now, when you get older you get bigger, but at the time he was probably about a hundred and thirty pounds soaking wet, and Goldfine says, "Well Mr. Belli I think we ought to just have a preliminary hearing in front of Judge Reardon, down in Pekin, and he'll throw it out," (laughing) and that's what they did. So the Strawberry Alarm Clocks paid Belli like twenty-five thousand dollars, or something like this, to come to Pekin from California and a little Public Defender from Peoria had the answer to the case all along, it was just a simple little preliminary hearing. They called a couple witnesses and who knew, they had twenty people in the room; how could you say whose roach that was. In fact their informant turned out to be a local journalist and he admitted that he smoked grass,

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so it was a joke right from the start. Anyway, Bill Reardon heard it and it got thrown out. It wasn't my case, I really wasn't really involved in it, but I remember it very well.

LAW: Now was that Bill Reardon, was he related to Carl?

BODE: No, no relation.

LAW: And was Bill Reardon, was he a magistrate too?

BODE: Yeah, I think he was at that time.[18] What year was it that they made that change? It was probably shortly after that when they had the bed sheet ballot and all of that, in Illinois, and they changed all the magistrate judges to associate judges. There was a lot of stuff going on politically, and reorganization.

LAW: Yeah, it was constitutional.

BODE: Constitutional change, yeah.

LAW: You were mainly engaged in ordinance cases then, I'm guessing?

BODE: Yeah, I worked, there was another case at that time was the Arapaho Motorcycle Club case. It was six motorcyclists, were out for a ride, in fall or spring or something, and they were coming up a hill and on the other side of the hill coming towards them was a semi truck without a trailer and the guy lost control of his truck just as he got over the hill and he rolled his truck right through this group of motorcyclists, and we represented a young girl that was on the back of one of these motorcycles. So we only had a piece of the case.

LAW: Was this a local motorcycle club?

BODE: Yeah, I think it was called the Arapahos.

[18] Judge William J. Reardon was a Magistrate Judge, and later an Associate Judge, from 1965-2000.

LAW: Did they have a lot of run-ins with the law?

BODE: I don't think they did, they weren't that kind of a.

LAW: Okay, so it wasn't like the Hells Angels or anything?

BODE: No. But, the perception in people's minds when it was being publicized was – but I don't think they were a bad group.

LAW: Okay. Now, you were also engaged in private practice, what kind of private practice were you doing?

BODE: Well, that was one of them, that was one of the cases. I was doing anything that came in the door.

LAW: Were most lawyers at that time, sort of, general practice attorneys?

BODE: In our firm we were general practice, we did a little bit of everything. Because of the city business I was kind of preoccupied with some of those sewer things. I had assignments for Carl, and some of the PI[19] work, that were his cases mostly; and I was his associate at the time. And then I started getting cases, gradually some of my own started coming in. I had business type cases, zoning issues, this sort of thing. I also did some work for another municipality, South Pekin, I was city attorney; I took position as city attorney for them about that time.

LAW: Were you living in East Peoria?

BODE: My first year when I got out of law school I lived in Pekin on Monroe Street. We had a little rent house that belonged to the Moehle firm. And I lived there for a year, and then

[19] Personal Injury.

Carolyn and I bought a home in East Peoria upon on the bluffs, the Fondulac area, in the bluff area, and it was a very nice home. That was kind of our first breaking out, realizing things were going to get better for us, this sort of thing.

LAW: Okay. And you lived in East Peoria for what, about five years?

BODE: Yes, I was with Carl a couple of years and Carl, you know I loved the guy, I liked working with him, he was really good to me, he escalated my pay constantly, I was always getting raises, things were really getting better for us, especially when we bought the home. He and I became real close, in the spring we would ride around in the car in East Peoria looking at property and speculating on how the city was going to grow and this sort of thing, and just interested in the future. At that time we decided to put together – we found a place that would make a perfect mall, a site for a big mall, shopping mall. So we put together a limited partnership, we were the general partners and we had eight or ten limited partners. And I think I invested five hundred bucks as one of the founders of it. That was one of my first investments and that was in Sunnyland, that property. Anyway, back about the time I got out of the State's Attorney's office I sold my interest in that to Mel Moehle for twelve thousand dollars, and that twelve thousand I used as down payments on some real estate in Pekin; that now has escalated over the years. So now we have a fourplex, a house, and two condos, that are all pretty much the fruit of that original five hundred dollar investment. So, it was the beginning of something. Carl, like I say we were close, but Carl was a guy that just, he lived the law twenty-four hours a day, seven days a week; I was not that into it. I had a family, I worked to eat and to live, not the opposite. And he kept wanting me to be down there on Sundays and Saturdays and I just kind of got so I knew that it wasn't going to change; that this is just

him. And it was alright, I mean don't get me wrong, it's just that he would rather be at the office rearranging the office furniture than at home, and I wasn't that way. So, I knew I had to get out of there.

LAW: Is that when you made the move to Pekin?

BODE: I didn't make the move to Pekin, I made the move to another office in East Peoria. Right downtown, East Peoria, I rented some office space, I opened my own shop and I became the Public Defender for Tazewell County.[20] That was kind of my basis for being able to go on my own. The salary was twelve grand a year, including office expense, and I figured that that would take care of my nut so that if anything I made would be for me.

LAW: That's a different type of practice, a Public Defender, than what you were doing.

BODE: Yeah.

LAW: What was the attraction to that?

BODE: I liked trial work, I liked doing trial work. I did a lot of DUIs and different stuff and had a lot of trials, various kinds, nothing momentous, but I wanted to get more of it. And that gave me an entry into the criminal, more of the felony type thing. In those years, that was really all you did. A Public Defender, when I got appointed, all you did was pretty much felony kind of work. It was just one Public Defender, you had a quarter time assistant to do juvenile. I had a young lawyer work for me, I really didn't supervise him, he just got a little check to do the criminal court work, the juvenile court work. I was the Public Defender.

LAW: Do you remember his name?

[20] January, 1971.

BODE: Yeah, Groan, Keith Groan. Keith did juvenile and I did felonies. It was doing those felonies that really led me to become involved in the State's Attorney's race because as Public Defender I was enjoying a lot of success in the court room. I discovered right off that the State's Attorney's office had no stomach for trials, they were afraid of trials, they didn't want any trials, they wanted to plea bargain everything, and I just dug my heels in and would force them to trial. And I got some not guiltys and some goofy cases where clients were obviously guilty but they just messed them up one way or the other. An example, there was a local police officer who on his off hours was building houses, and there was a guy by the name of [Jack] Workman who torched one of these houses that was under construction.[21] So he ultimately was arrested and charged with arson and I was appointed as Public Defender. And I had him come in and he basically explained to me how he wanted a carpenter's ticket and the local carpenters' union had a beef with this police officer who was building houses on the side because he wasn't using union carpenters. So they told him that if he burned the house down that they'd give him a ticket, so he did. He got some gasoline and torched it, and ultimately was arrested and tried. I was appointed to represent him, talked to him in the office, was set for trial. I was notified by Bobby Jones, a prominent defense lawyer in Peoria, that he was going to take over the defense, and I thought, fine, you know PD's, you don't really care one way or the other, and I thought, fine, and he took the case over. And Judge [James] Heiple, this was early in his judicial career, Judge Heiple was the judge and one Friday he calls me into his office and into his chambers and said, "I'm reappointing you to do the Workman case, be ready for trial Monday." This is like a month later or something like this. I said, "Judge, come on, I thought Jones had this case," and he said, "No, I'm

[21] September, 1970. The trial occurred in 1971.

allowing Mr. Jones to withdraw," and I said, "Well what's going on?" He hadn't been paid, okay. And I was furious because once an attorney enters his appearance you're in the case, it's your case, you entered your appearance. I don't know why Heiple was so nice to him to allow him to withdraw, but he withdrew. So now I've got the case back, so I get a hold of Workman to have him come in and he comes in and he tells me he's got an alibi, he was playing cards. I told him you weren't playing cards, you told me what happened, I know what happened. And I said where'd this come from, and he said, "Well Mr. Jones had told me what the charge was and he said there's only a couple of defenses and one is I didn't do it and you have an alibi, and so he told me to go think about it and come back and tell him what his defense was." So he came back and made up this story that he had lined up some of his union buddies to be his alibi. Well I wasn't gonna do that, I mean that was absurd. So, I ended up trying the case and told him we weren't gonna put on any case, you just sit there and be quiet. So, we tried the case and Dennis Sheehan was the attorney for the State's Attorney's office. And Dennis had a Springfield lab technician come down to testify regarding an accelerant, had his evidence in a coffee can and it was all wrapped with tape, and initialed. Prior to the lab expert getting on the stand, over the noon hour Dinny ripped all the tape off the can and got it all ready for the one o'clock, when we started, and put the guy on the stand and brings the coffee can up to him and asks him if he can identify it and the guy looks at him and says, "No," and he says, "I might have before but," he said, "I can't now." Dennis wants to offer this into evidence and he can't lay a foundation for it so Heiple takes over the examination, and Heiple starts saying, "How many coffee cans did you have in your lab from Pekin, Illinois?"

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And I'm objecting like crazy, I said, "Judge, you can't be both judge and prosecutor in this case," and he much told me to shut up and sit down. So, I'm livid and everybody's mad, Heiple's mad because Sheehan screwed up. It ends up he allows it into evidence over my objection and everything, then he puts a police officer on the stand who testifies that he arrested Workman for arson and that he interrogated him, and Workman told him that he'd been in the bar in Pekin and he named the bar. And a guy that he didn't know told him that he better burn down this house that belonged to the officer or he'd shoot Workman's house full of holes. So, on cross I asked the officer if he ever checked out that story, "Did you ever go to the bar and talk to the bar tender, or verify, or check-out whether or not my client had been coerced into this offense?" He admitted that he never had followed up on any of that story. So the case ends, and I don't put on any evidence, we go on into the chambers for instructions conference and I offer a coercion instruction, and Heiple's absolutely furious, by this time he's just so mad. So, what can they say, the only evidence on the issue is that my client's testimony through the officer, the officer's putting in what he said. So Heiple decides to allow the evidence, or allow the instruction. So I get a coercion instruction. The state has to prove beyond a reasonable doubt that he was not coerced, and there's no evidence other than what the officer just said, I won't put my client on the stand, jury comes back with a not guilty. And my client wants to kiss everybody in the court room, he's a big burly low-life. So, he's sobbing and he's going up in front of the jury, "Oh thank you, thank you," and he wants to hug me and of course I don't want anything to do with him. Next thing he's up and he wants to give Heiple a hug and thank him, and of course Jim Heiple is so furious by this time that this guy has

beat the rap after he forced it to trial. It was kind of like, I mean, I've never saw a judge have so much emotional involvement in an outcome, I mean he was really kind of wrapped up in it. So that got a lot of notoriety and there was another couple cases like that. It wasn't really anything I did that was all that magic, it was just kind of the circumstances. But anyway, I got a reputation of beating their butts. But I don't think he held anything against me, no.[22]

LAW: Do you want to talk about any other Public Defender cases that are memorable to you?

BODE: The other case, that case that I just described, the Workman case, and another case that occurred almost contemporaneous with it where another State's Attorney charged the guy with armed robbery at a gas station. The robbery occurred and the owner of the gas station called, or the operator of the gas station, called the police and reported the robbery and said a middle-aged robber, with a wet look leather jacket and a phony mustache and blue shoes and pink sunglasses had just robbed him. About two hours later Pekin police pull a car over and in the ash tray is a phony mustache, there's a wet looking leather jacket in the back seat, the guy had blue shoes and he had pink sunglasses. There was no proceeds of the robbery in the car. There was a trial and again I didn't put my client on the stand, and I just argued that the state didn't prove their case. I find it really incredible that the jury came back with a not guilty. I basically argued that everything with this guy was right except there was no proceeds of the robbery, you know, where are the proceeds? The key to the crime is the robbery. How do we ever know there was a robbery, maybe this guy just got gas there, they saw him and made this whole story up; this sort of thing. I argued it and the jury came back with a not guilty. My client, after I

[22] Judge James D. Heiple was a Circuit Judge from 1970-1980, an Appellate Court Justice from 1980-1990, and an Illinois Supreme Court Justice from 1990-2000.

sat down with this pathetic argument, my client leaned over and said – no, I take it back, I didn't even mention the lack of money, that's right, I apologize, my memory was faulty on that; I didn't mention the money. But my client asked me why I didn't and I said the reason that I didn't is you always have to let the jury come up with something themselves, and the jury came up with that I found out later, that there was no money, so that's why they came back with a not guilty. Anyway, those two cases caused the Sheriff and his chief deputy to approach me to run for State's Attorney; and the chief deputy made the approach.[23] I knew him a little bit, he ended up being a lifelong friend; he was at my home last night for dinner.

LAW: They were disappointed in?

BODE: They were unhappy with the State's Attorney's office.

LAW: What were they unhappy about?

BODE: Well, they didn't think that they were doing a good job in prosecuting cases. For the most part they were plea bargaining everything and their plea bargains were weak, they weren't getting much for their plea bargains. Up until about that time most of the trials had been done by Jay Jansen or Bruce Becker out of Peoria. There were very few trials, I think in my campaign I researched how many jury trials there had been, or bench and jury trials, in felony cases, and it was like three point something a year in the county. So when they got forced to a trial they would hire a Peoria lawyer to come over and represent the state in most of their cases, and that would cost money, and most of their cases they would just plea bargain away. So, Harvey Richmond and Jim Donahue, who

[23] Sheriff James R. Donahue.

was Sheriff at the time, they impugned me to consider running and at that time the State's Attorney's salary was thirty-two thousand a year. I was bringing in, between the Public Defender and my private practice about forty, forty-five. But the State's Attorney's job at that time was a part-time job. In other words you would still be able to have a private practice and be State's Attorney. So I thought oh that's great, I'll be State's Attorney, run the office, and I'll still have a private practice to supplement my income and do fine. So, Carolyn and I decided to do that and I got some backing; a lot of people contributed. A local attorney over in Peoria who I had been in school with took it upon himself to raise money for me, didn't tell me who had made the donations, raised money and just provided me some money to run on. We did the campaign and it was successful. I ran on the fact that they didn't, they plea bargained and didn't try cases. An example of how that campaign went was a debate at the Grange Hall. My opponent was Bill Morris, who was first assistant State's Attorney under [Bernard L.] Oltman and Oltman was gonna retire; Morris was trying to take his place.[24] He was my opponent and we had a debate in front of the Grange. There was a big group of farmers from all over Tazewell County and met up close to where ICC [Illinois Central College] is. We flipped a coin to see who spoke first and of course we both wanted to speak last. I had to speak first so I made my pitch that if I was elected that we'd start trying cases again and not plea bargain everything away and that sort of thing. So Bill Morris, who spoke second, stood up and he was all prepared for this, we had debated before so he was prepared for my argument and he had done some research and had found out about what it would cost if we tried the cases rather than plea bargained them. And he came up with some dollar figures, I don't remember what they were now but of course they were kind of shocking what it cost.

[24] Bernard L. Oltman, Democrat, was State's Attorney from 1965-72.

Let's say two hundred thousand dollars to try all the cases, so plea bargaining was really important; you had to plea bargain in order to avoid this expense. And of course I can't speak, I've already spoken. So, I'm sitting there sweating, wondering how I'm going to answer this and this old farmer in the back of the room raises his hand and he says, "Young man, break that down for me, how much would that cost me?" And Morris starts doing some arithmetic and dividing the cost by the number of citizens and families and what not and he finally came up with a figure and he says it would be a hundred and forty dollars, and the farmer says, "I'll pay!" So that kind of brought the house down. Anyway, we prevailed and it was kind of ironic how life goes. Bill Morris, my opponent, and we had some real head butting sometimes and he came out with something almost, just immediately before the election that was kind of low, kind of a last minute blast that was kind of low blow. Anyway, years rolled by and I hear that Bill's real sick and he's in the hospital in St. Frances, so, well, gee, I'll go see him. So I went over and go up and I go see him and he's in terrible shape, he's got some sort of terrible cancer that's made him almost grotesque looking and he'd been divorced before that; so he was really alone. And I spent a little time with him and he thanked me and he said, "Isn't it strange the only person that comes to see me is my old opponent from that election." I mean it is kind of strange how life goes. But he passed away a short time later, a matter of days. So at the same time that was going on, that election, we had a house guest, Carolyn and I. As Public Defender I was called down to the jail and there was a sixteen year old girl in jail, her name was Margaret.

LAW: Judge, can we pause for a second? Can we take the dog somewhere? I didn't mean to break your train of thought.

BODE: That's alright. So, I went down to the jail and sure enough there's a sixteen year old and she was in a cell. And I said, "Is she charged with a crime?" And they said, "No, she got kicked out of her house." So I said, "You can't keep her in jail." "Well she can't go home." So one thing led to another and so I went to see Judge Davies, I think that's who it was, I'm not sure, I think it was, and I got permission to take her home; I called Carolyn, and so I took her home.

[01:45]

And then a few days later I got appointed as her temporary guardian to get her out of the cell, so we kind of became her temporary foster parents. So she lived up in East Peoria with us. She lived there about nine months and then finally because of a number of series of things that occurred, and this was during the election period Carolyn said either she goes or I go, type of thing. So she had to leave and they put her in a home in Springfield, I think, a girl's home and she ran away about a week later. And the next thing I heard she was over in Peoria working as a go-go dancer. But anyway, while she was there it wasn't all bad, but I mean she was a handful. And we hadn't raised any teenagers yet so we weren't really very adept at knowing how to handle her. We finally found out that the reason she wasn't welcomed at home was she was living with a step-father and his new wife. Her own mother was in California and didn't want anything to do with her and left her with her step-father and her step-father was a railroader and he'd come home from a few days away on a railroad and she was in his bed, and his wife was working as a nurse at the hospital and he told her get yourself up and get in your own bed. And she did, she got up and left the room and he was sitting on the side of his bed and all the sudden his bed heaved up and a marine comes up from under his bed and races out the front door of

the house. She'd been entertaining a young marine, I guess, in his absence. So, that's why she was persona non grata at home; and we ended up with her. While we were with her we had a couple of kind of similar kind of incidences that made things kind of interesting around our house. Later on, many years later, we found out that she had our little girls who were just little six, eight, nine years old, something like that at that time, they had them out on what they call the berry path, a little woods behind our house up there in East Peoria and they would walk on the berry path without their tops on. And Peggy was a pretty well-endowed young lady; I can't imagine. Anyway, there were some kind of funny things like that that happened regarding that. So I'm campaigning for State's Attorney and I've got a wife and, by this time, three older girls and I have a new baby, Jennifer, number four had come along by this time and I've got this sixteen year old foster daughter and we're going to all the Marigold Festival and the Pumpkin Festival and the Turkey Festival and we've got Bode balloons, we had these big red balloons with my name on them, and Peggy and Carolyn are kind of dressed up in little patriotic costumes and their handing out balloons and I'm meeting and pressing the flesh of people. We're leaving, I think it was, the Pumpkin Festival and we're coming home and my little girls, we're in my station wagon, my little girls are saying, "Daddy, daddy, there's some boys following us." And so, there's a car load of young men following us and I say, "I don't know, who are they?" Peggy said, "Oh they're friends of mine," and of course that didn't make Carolyn too happy. We've got this car load of young men following us back from the Pumpkin Festival, her admires. You've got to picture this girl, she's sixteen going on about twenty-five, she's pretty hot looking young lady. So she attracted men like flies, when I had my friends over for poker they were even kind of

– their eyes would be wondering around; she tested us in many ways. I came home one day to find Carolyn in the front of the house kind of crying, I said, "What's wrong?" And she said, "I've got the South Vietnamese Army in my living room dancing," and I thought what, I go in and my foster daughter Peggy had a couple South Vietnamese soldiers from Danville who she was teaching them to dance in our living room; so it was an interesting time. The first guy I sent to prison after becoming State's Attorney was her fiancée, a guy who she claimed was her fiancée, who was arrested with all kinds of drugs and was involved in sales, drug sales. Of course we weren't plea bargaining so he ended up going to prison. Interestingly enough, as State's Attorney, one of my problems with the whole plea bargaining stance was with the judges. It worked pretty well.

LAW: In what way? What do you mean the problem was with the judges?

BODE: Well, the judges didn't want to sentence; I had never anticipated that problem. But we would take a – we would plea bargain like this, we would say, "You plead guilty to this offense and we won't make a particular recommendation, we'll just leave that up to the judge if you plead guilty. If you don't plead guilty then we're going to make a recommendation." And a lot of times these defense lawyers would go along with that, they'd say, "Yeah, okay, that sounds good." And we would help bring everything before the judge in terms of the factors and aggravation and mitigation and then let the judge decide them. My view was that's what judges do; they should determine what the appropriate penalty is. My job as a prosecutor is to convict them, their job is to sentence them; probation, rehabilitate them, Sheriff to arrest them. Let's make everybody in the system do their thing. The judges, I found, didn't like to sentence people and they didn't like trials. I don't think any of them were overworked but they didn't like – they would

rather not have trials. So I had, a little bit, almost as much trouble with the judges as I did the defense bar, so to speak.

LAW: Now I was gonna ask your impression of judges in Tazewell County in this time frame. We've talked a little bit about Judge Yontz and you talked a little bit about Judge Heiple, but do you have any memories of Judge Carl Davies?

BODE: I remember Carl Davies, yeah, he's the one I tried the pornography case in front of, Carl Davies.

LAW: What about Arthur Gross or William Reardon?

BODE: Art Gross was an assistant State's Attorney under Oltman, my predecessor. One of the magistrates retired and they couldn't find anybody to take his spot because the pay was so abysmal. And they recruited Art Gross for that and he eventually became an associate judge because he got moved in from magistrate into associate judge. I never had too much in front of him. I can't even remember anything in particular in front of him.

LAW: So who were the judges that you and your people were?

BODE: Judge Stone was one of the first, he was a Peoria judge who had been assigned to Tazewell, Judge Stone, Calvin Stone.[25] Great guy, former golden gloves and he's the one who kind of voiced this idea that Brett, you know better than we do how these guys should be punished. Why don't you work out pleas with them? I was kind of surprised by that.

LAW: Were there reduced levels of pleas when you were State's Attorney?

[25] Judge Calvin R. Stone was a Circuit Judge from 1968-1988.

BODE: Oh yeah, we tried many more cases; we had people who'd just plead blind. We had a lot more trials and we had more people that just plead blind. A lot of them just got probation, but probably deservedly so, you know. But we had a lot fewer, what you'd just call full plea, plea bargain situations.

LAW: You also instituted the Citizen's Probation Authority?

BODE: The deferred prosecution – shortly after I was elected, one of the first things I wanted to do when I was elected was to put together a team of prosecutors who would be interested in trying cases and I wanted to use them as efficiently as possible. And I recognized that there was a lot of cases that you know from the get-go that they're going to be probationary cases, both felony and misdemeanor. I did a cost-benefit analysis on it, I had a CPA come in and go through the office books and make him do a cost-analysis of what it would cost us in dollars and time, energy, to prosecute a felony and how much for a misdemeanor. And I can't remember exactly what the figures were but it was like twelve, fifteen hundred dollars for a felony and five hundred dollars for a misdemeanor, or something like that. So, I decided to set up a program whereby if somebody who had enough non-violence offense, a non-violent first offender, who would take responsibility for their crime, admit they were guilty and take responsibility in a sense of making restitution, I would defer prosecution and put them in a deferred prosecution program under the direction of a person who worked for me and then they would then be like a probation officer and they would have them in that program for a year. And during that time they had certain requirements they had to meet, like if they had a drug problem they had to go to drug cure and if they had hurt somebody financially they had to make restitution. And we could save a lot of time getting rid of those cases so that our

prosecutors could be devoted to doing a good job prosecuting the most serious offenders who were the most dangerous to our community; and that program still is going today. That program took hold and I think it's been, it's been modified by different State's Attorney's over the years but I think the concept was a good one and I think it saved a lot of money and allowed the prosecutor to focus. The problem with being a prosecutor is too many prosecutors are using shot guns and they should be using rifles. And I wanted to stop being a shot gun type of prosecutor and go more toward taking aim and trying to pick off the worst in our community; the people that needed to go to prison and were the most danger to our community.

LAW: Now, I think I read that you also wanted to institute what you called, and I know this is long, but it says, "A formal systematized management information system."[26] And what I gathered from that is you wanted to implement a better way of keeping track of what the office was doing as far as numbers and data was concerned. Were you able to implement that?

BODE: Probably not as well as could be done after computers. See, that was kind of a pre-computer time. I think we did as good as we could do at the time. I was very kind of a stickler about keeping statistics, finding out how many cases were coming in the door, how we were doing in terms of what kind of charges we were making, how many got deferred, how many got charged in disposition, how many hearings it would take to get them to disposition; keep track of things the best we could. It helped me

[02:00]

[26] From a newspaper clipping, early 1973, Bode scrapbook.

manage the office. But I think today it would be a lot easier to do and could be fine tuned even more using a computer.

LAW: Give me an idea of the nature of the office. Like, how many people are we talking about, how was it organized?[27]

BODE: Okay, when I was elected I kept the office manager who was a lady, a secretary type who had been there for many years, and most of the secretarial staff. I let go of Morris and another lawyer at the time. I kept the juvenile prosecutor, who was Betty Cassidy, and she really was not full-time, she was a part-timer. And I hired Tom Ebel who was the police legal advisor for the Peoria police department at the time, and he was a former prosecutor in Peoria.[28] And I hired Tony Corsentino, whose name I got from Michael Mihm, who was the new State's Attorney in Peoria; it was someone he had interviewed for his office who he liked but didn't hire.[29] And so I hired Tony and I hired him based on the fact that he had a lot of trial experience. He had tried a number of murder cases and was a very knowledgeable prosecutor. He had been a former Chicago police officer and he'd been an officer in the Army; a platoon leader, I think, in the Army. So, he was a serious man, I had some problems integrating him into my office because of his, he brought with him a Chicago attitude, a Chicago prosecutor's attitude towards defense. I don't know if you're aware of it but in Chicago at that time, anyway, I don't know if it still is, at that time it was like a war between the prosecution and the defense bar. I mean you were either on the one side or the other, there was no going back and forth. You

[27] According to the same newspaper clipping there were eight assistant State's Attorneys, one office administrator, and five clerical staff in early 1973.

[28] Thomas Ebel would become an Associate Circuit Judge in 1981, serving in that capacity until 2002. He was recalled to service, 2005-2006.

[29] Michael Mihm was State's Attorney of Peoria County from 1972-1980. In 1982 he became a Federal District Judge for the Central District of Illinois where he continues to serve.

didn't have friends who were public defenders and you didn't have friends who were prosecutors. I mean the Chicago prosecutors considered the Chicago PD's, public defenders and defense lawyers, to be criminals themselves. I mean, that was their attitude towards them. And Tony brought a lot of that with him and it took a while for him to get over that and start to understand that downstate we're really just guys trying to do their jobs, we're not criminals if we're on defense side.

LAW: I believe you also took some flack because he was involved in some activity up north?

BODE: Yeah Tony, as a police officer, of course he was part of a unit, he had a commanding officer and he had brother officers who he worked with on a daily basis. And there was some corruption in a Chicago police department at the time and money was being funneled into his unit that he worked for, and being shared by his supervisor with the other guys in the unit. And he didn't want to participate in that, but he didn't know how to handle it. So, he took the money and gave it to his priest, told his priest what was going on but in a confessional way and told the priest to keep the money. And then later he turned state's evidence against these guys.

LAW: Did you know anything about that?

BODE: No, I didn't know that at the time.

LAW: I mean, what was your response when that all came out?

BODE: Well, I talked to him, he convinced me that he wasn't on the take and he was just as he had appeared always to me to be a dedicated law enforcement type of person. He was a fierce prosecutor, he worked really hard at his job; he was pretty good at it, so I took him at his word. Nobody ever proved differently, he was never.

LAW: I think he continued to practice law up until he died?

BODE: Yeah, he did, he had a successful practice. Tony was quite an interesting guy. I went to his wedding and he married a beautiful woman, a nurse, he brought her down here and he had a bunch of kids, he almost passed me in having kids, pretty quick. But he was a very sturdy guy; he worked out, and very physically fit. He played semi-professional football when I hired him and he would travel back to Chicago on weekends and participate in these games; that was the last season. He liked to ride along with our local officers, so he was real popular with the local police which made me happy because I had to win over their approval for my deferred prosecution program, cause you can imagine, the police, when they first heard about it they're thinking ah Bode's gonna coddle these people. And I made my pitch to them and sold them and Tony helped me to do that. He did a good job on some tough cases. He handled the Delavan theater case; he did a nice job with that.

LAW: Do we want to talk about that?

BODE: We can, Delavan theater case came to our attention that *Deep Throat*, the movie *Deep Throat* was being shown to packed houses in Delavan, Illinois, a little town.[30] Of course you know, I think it might have been Tony who went and viewed it and came back, did an affidavit for search warrant, got the movie, and brought the case against Thomas, Chuck Thomas, Charles Thomas, was his name.

LAW: He was the proprietor.

[30] *Deep Throat* was produced in 1972.

BODE: He was the proprietor of the theater. And we brought the case against him and some funny things happened. For example, my brother who is just now thinking about retiring, he later became my law partner, and he is a wonderful attorney and a great attorney here locally. He's just getting close to retirement himself; he's about sixty-two. He was an intern in my office at the time and Judge Reardon, when he screened *Deep Throat*, wouldn't let my brother go in and be part of the screening, because he was so young he didn't want to corrupt him.

LAW: This was Kirk?

BODE: Kirk, yeah, he was well over twenty-one at the time, it's not like he was a child. But, I mean, that was Bill Reardon; so, anyway.

LAW: Now, I may be getting this wrong but didn't the fact that they showed the film to the judges beforehand [before the trial] create some kind of procedural issue later? Well, I may be getting ahead of where we're at.

BODE: Yeah, I'm not sure, I can't remember.

LAW: Because I think you won in the local court in front of Judge Reardon and then it was appealed, I believe?[31]

BODE: You know, that could be, I wasn't handling the appeals and I'm not sure. I don't have a specific recollection of what happened after it left. I know we had to go back, I think we went back and did it again. It seems to me I remember there being a couple trials.

[31] See, *People v. Thomas*, 37 Ill. App. 3d 320 (3rd Dist. App. Court, 1976). Also see, *People v. Thomas*, 24 Ill. App. 3d 907 (3rd Dist. App. Court, 1975).

LAW: Yeah, and I believe he was also tried by, well, he wasn't tried by but there was another case involving the city of Delavan versus him.[32] And then there was the case that the State's Attorney's office sponsored. So just to summarize, it was, you heard about what was going on down there, you subpoenaed the film, the judges saw it, they said there's something going on.

BODE: I don't think we subpoenaed it, I think we seized it.

LAW: You seized it, okay.

BODE: Yeah, because I think what we did is we sent somebody there to watch the movie who could then do an affidavit for a search warrant, and did, and then got a warrant from the judge to go seize the movie.

LAW: Okay.

BODE: And, at that time, then they also arrested him.

LAW: Okay and you said Tony handled the trial?

BODE: Yeah, I'm pretty sure Tony did it, I didn't. I remember I didn't try it. I'm pretty sure it was Tony who did it.

LAW: Now did you guys catch any flack when he was acquitted on appeal?

BODE: I don't remember catching any. If I did, maybe that was after I was gone or something, I don't know.

LAW: From what I've been able to read it was interesting in the sense that he won on appeal but then in about ten years later, they ended up shutting the theater down. But I think it had

[32] See, *City of Delavan v. Thomas*, 31 Ill. App. 3d 630 (3rd Dist. App. Court, 1975).

something to do with the ordinance was written a little bit differently and there was some procedural differences. One had to do with the instructions that were given.[33]

BODE: You know I'm trying to think if maybe we kind of put it on Delavan to do something. Maybe, I don't know, we kind of let them handle it. I never put it in very high priority, you know, it was kind of like we had to do something. In terms of when I've got serial killers killing coeds that kind of – it's a popular thing to talk about in the community, the Delavan Theater and *Deep Throat* case, but in terms of what I considered a danger to the community that was pretty low down on the scale. We had some pretty serious other stuff going on.

LAW: You're referring to Sumner?

BODE: Yes, Jesse Donald Sumner. Probably the most horrendous case that we had, it never ended up being a trial. But, he killed three girls, that we know of, I suspect that there's probably many more. He killed two girls over in McLean County and one in our county. And the girl he killed in our county was the Huwe girl, Dawn Marie Huwe, who was the daughter of a veterinarian over in East Peoria who I knew casually. He may have been in a civic club with me or something. But, Carl Reardon, I remember, represented him at one point when they were trying to find her. When he was in custody Reardon got permission from the court, with his client, to talk to Jesse Donald, and try and get him to tell them where she was buried; to ease the family, kind of a sympathy type thing. But he didn't do that, so Carl wasn't able to get that out of him. Anyway, it was a terrible,

[33] See, *Village of Morton v. Thomas*, 116 Ill. App. 3d 676 (3rd Dist. App. Court, 1983), which relates to another obscenity trial in regards to an adult movie theatre in Morton, Illinois. Thomas lost his appeal and the theatre closed. The case was then utilized as legal precedent in the drafting of an ordinance in Delevan that resulted in the closing of the theatre there.

terrible case. The gist of it was, that these coeds were turning up dead; everybody was frantic to find who was doing it, of course, or missing. And his wife found a driver's license for Dawn Marie Huwe in the garage of their home, rural Tazewell County, and she was kind of having a marital spat with him at the time so she took it to the Sheriff, over in McLean, who immediately saw the significance of it. So they got a warrant and searched his garage and found the body buried in the garage, and it wasn't Dawn Marie Huwe, it was one of the other girls that had been killed or was missing at the time. And one of the girl's bodies was discovered by a power line or something, just out in the open, and then this one in the garage. And they charged him in McLean County and convicted him over there. And then we had him on the Dawn Marie Huwe case, and he finally did lead the authorities to Dawn Marie Huwe's body and told them, before she was dug up, that her head had been removed. And sure enough, when they dug her up, she was; she had been decapitated.

[02:15]

So it was kind of a nasty business. And then he tried to escape from our prison. A young new deputy, who had just come back from Vietnam, was in the Air CAV, I believe – I can't remember his name now, I'd recognize it but I can't think of it. But he was just starting out and had jailer duties and he was to relieve the night jailer and the night jailer was to make his last rounds like at five in the morning, something like that, and this young officer came in early and relieved the elderly jailer of making those rounds and unbeknownst to them at the time Jesse Donald had gotten out of his cell and was in a common area, there was another locked door, and waiting for the jailer, the elderly jailer, to make his last rounds and he was gonna jump him. Well instead of that elderly jailer

opening the door and walking in to be jumped, it was this young Air CAV guy who put him down and kept him from escaping. And, subsequently, we learned that his wife had helped him with some materials he needed to get out of his cell, this sort of thing.

LAW: Wow.

BODE: Bizarre.

LAW: Well, yeah, that would have been one of the more high profile cases, absolutely. I would imagine that murder cases would be rather unusual in this area at that time?

BODE: Yeah, we had a few. We had a domestic murder case in Creve Coeur. A soldier who had retired, or done his twenty, married a gal and they lived in Creve Coeur, and he was older, I'd say in his fifties and she was too. And they were drinking type people, into the drinking scene and she was found, had been shot-gunned to death, and had been hit in the face as I recall. But she had, previously in her life had been in a fire so her body was a massive scar tissue. The Creve Coeur police, they put the case together, and their theory was they had been out drinking, had a domestic argument, had come home and were in bed. The wife had gotten up to go to the bathroom and when she came back to the bedroom he killed her with a shotgun. And as she laid on the floor he took a .22 rifle, bent down, put it in her hands and fired off a round out of the rifle which went through the inner wall and the outer wall of the house and then made a hole in the garage next door. And the people next door heard the rifle shot but they didn't hear any shotgun blast. So Creve Coeur saw that, their theory of the case was, he killed her and then didn't know what to do so came up with this idea of self defense, so he put the rifle in her hand and had her pull the trigger, as if she had shot at him. So, the defense lawyer was a good

friend of mine, John Bernardi, and he was a public defender. And we went to Baltimore together to do a deposition, an evidentiary deposition, of her mother and he wanted to testify, and her mother basically, the gist of the defense was that she was the aggressor, her reputation in life was she had never been knocked out in a bar fight and was kind of a monster. The mother was a very grandmotherly looking nice lady and her daughter really was a monster. I mean, she didn't look like a monster but for all intensive purposes had a really bad reputation. So, his theory, he was building his theory that she was the aggressor; he was about one hundred and forty pounds, a little wiry guy. My case was built around the police theory. I had an engineer come in and do a trajectory of the bullet based on the three holes that we found. We found the bullet, the .22, in the garage next door. The guy next door said he heard that rifle shot and heard something in the garage, tinker in the garage, and found the bullet, so he gave that to the police. He said he had just come out, when he heard the rifle. He had just come out about twenty minutes before and sat on the porch. He heard no shotgun blast but he'd been in his house, on the other side of the house, before that. So our theory was that when the shotgun blast occurred he'd been on the other side of the house and then in that twenty minute period when he went out and sat on the porch this guy was thinking of his defense and setting up his story, and so this guy was a witness to the rifle shot. So we had a drawing made, and the jury could see the line, a line that extended through those three holes, a straight line; the person who fired, you'd have to be down really low on the ground. His story was that she had been standing up in the doorway shooting at him, and the way the trajectory, it just didn't work that way; hung jury. Unfortunately, I didn't do a, must not have done a very good job in voir dire because as it turned out I ended up with an artillery man, of all

kinds, on the jury who kind of took over the jury and kind of poo-hooed my whole trajectory thing. Anyway, the jury was hung and we never retried it, I just let it go. I know different people have different feelings about that, but in the way the jury votes, you don't know, some things you just don't know. I didn't see him as being the kind that we had to get him off the street; it was a domestic type case. Probably one of the most interesting cases I had while I was State's Attorney, I tried myself, was the Triangle Lounge case, which was a melee that occurred between a couple of local gangs.[34] You have to kind of know that Pekin at that time in the seventies was a pretty rough little town. We had motorcycle gangs and local tuffs that were getting regularly involved in disputes and fights in the streets. And one of the groups had a private club that was like a tavern, only it was private. And this motorcycle gang, the Grim Reapers who operated out of South Pekin made a raid on them during a wild game feed. At the club, the Triangle Club, they had a wild game feed with parents and wives and children and girlfriends and just kind of a family, a wild game feed, and this motorcycle gang shows up in a couple of pickup trucks armed with bats and chains and clubs and whatever, and kind of invades, and there's just a wild melee in there. And we managed to get a half a dozen of them identified and enough testimony to try them. And it was Judge Covey, Steve Covey, it was his first jury trial as a judge and it was in the big courtroom downstairs in Pekin.[35] There were five defense lawyers, I'm not even sure I could name them all now. But, it was a tough case from my standpoint because it was chaos, you can imagine the melee, it was just wild, chaotic scene, and who was doing what and trying to sort testimony; that was a tough case, and, I think we convicted four of them. It was hard

[34] May, 1975.

[35] Judge Steven J. Covey was a Circuit Judge from 1974-1987, and then a U.S. Bankruptcy Judge for the Northern District of Oklahoma from 1988-1996.

because Covey had never tried a case before and of course he was trying to be a fair judge and we would go into chambers and argue things and by the time he heard five defense lawyers and then get to me, I mean, it was kind of like, if it was my defense motion he was kind of like forget what my motion was by the time we got; it was just kind of a mess. I was just kind of overwhelmed by all the different things that were going on and of course all these different lawyers and they all were kind of making trouble for one another too; so it was just a messy trial. But we did get trial convictions on, I think, four of them, which was kind of a victory in itself. When I walked out of the courtroom, after the jury delivered its verdict, I had a girlfriend attack me in the hall and slug me; that's just the kind of time it was. I didn't do anything about it, she didn't hurt me.

LAW: Judge Bode, how about we end on that story and we'll pick up there next time?

BODE: Okay.

LAW: Okay, thank you.

[Total Running Time: 02:26:37]

END OF INTERVIEW TWO

BEGINNING OF INTERVIEW THREE

LAW: This is an oral history interview with C. Brett Bode. Today's date is December 15th, 2015. This is our third interview, and we're going to continue to talk about his legal career, and we're in his home here in Pekin, Illinois. Judge Bode, I thought we would start today with what are your memories of President Nixon's visit to Pekin in 1973?

BODE: My most vivid memories is how nervous I was about that visit. President Nixon was already a controversial figure. They were anticipating possibly some demonstrations. And I was at my post in the State's Attorney's office really during his entire visit. So I wasn't really part of the crowd or involved in that directly. The thing I most remember is that an arrest was made of a citizen for having a threatening weapon or something to that effect. And Pekin Police Department made the arrest, and they came to my office and wanted me to file a complaint against the suspect. And when they gave me the facts that he had an "Impeach Nixon," sign, I refused, and made a little bit of fun of the officers that were requesting it, because it seemed to me so basic right to picket or to peacefully protest that to make a weapon out of a sign was absurd. And so I refused. And the time passed. And there was a little bit in the paper about the arrest and the refusal of my office to instigate charges. And then the years rolled by and eventually I'm quite a few years into my associate judgeship, and we get a new circuit judge comes into the county by the name of Rick Grawey. And Judge Grawey was elected circuit judge and was assigned to Tazewell County.[36] And he knocked on my chambers door, asked me if I had a minute, and came in. And I had met him before, so it wasn't like I didn't know who he was. But he brought in a scrapbook and proceeded to tell me that he was

[36] Judge Richard E. Grawey was elected a Circuit Judge in 1990 and served in that position until his retirement in 2010.

the student that was arrested by the Pekin Police during Nixon's visit, and he had all the newspaper accounts, and he had a very vivid memory of that event, his arrest, and he wasn't released until Nixon was out of town. And I remember feeling a little bit relieved that I made the decision I did, since he eventually became one of the people who would vote on my retention as an associate judge.

LAW: What were your thoughts on President Nixon at that time?

BODE: Well, I had voted for him, but I was very ambivalent. I wasn't too thrilled with his performance. I wouldn't say I was anti-Nixon. But I had mixed emotions about the Vietnam War since I was in the Marine Corps during the beginning of the Vietnam War and had friends that served. And I think in retrospect it was a bad war. But Nixon kind of inherited it also. He was in a bad position. Certainly the scandal of Watergate maybe in view of everything we've gone through in the years since isn't as extraordinary today in our eyes as it was at the time. But Watergate was a pretty major scandal. To think that the President of the United States would engage in that conduct was beyond the pale at the time.

LAW: I did have an additional question about the visit. The President's advance men, were they working with the State's Attorney's office? How was the event planned? Do you recall?

BODE: I was not involved in the planning of the event as State's Attorney. It was mostly the police. The local police department were engaged with the Secret Service in crowd control and safety for the President and this sort of thing. But my office, I wasn't directly involved.

LAW: And he was in town to unveil the cornerstone of Everett Dirksen's Congressional Leadership Research Center?[37]

BODE: Yes.

LAW: That might be a good opportunity to ask if you have any thoughts on Dirksen.

BODE: Well, I didn't know Dirksen. He was gone by the time I got to Pekin. Of course I knew of him. I thought he was very instrumental in the passage of the Civil Rights Act. He was I think a great Senator. I admired him. I admired [Sen. Paul] Douglas too for that matter, who was in the other party. They were both World War II types, what I consider the greatest generation, and statesmen. I admired both of them. I attended his funeral, Dirksen's funeral. And that was very quickly after I came here. I'm trying to think of the year, might have been either maybe '68 or early '69.[38] I remember he was laid to rest here in Pekin at Memorial Cemetery. And I remember watching the parade of dignitaries who attended the funeral. Among them was Ted Kennedy. I remember him real well. He was a young man at the time, real handsome. And Barry Goldwater I believe was there. And just a number of people. And that was quite an experience.

Then later President Ford came. And the thing I remember about that is that they put up this big stage for Ford to speak at by the Congressional Center. It was a dedication of it.[39] Really it was the same reason for him to be there as Nixon. And Ford I had not met but had seen him before in Pekin, because he spoke a couple years earlier

[37] See, Richard Nixon, "Remarks at the Unveiling of the Cornerstone of the Everett McKinley Dirksen Congressional Leadership Research Center, Pekin, Illinois," June 15, 1973. Made available online by Gerhard Peters and John T. Woolley, as part of *The American Presidency Project*, see, http://www.presidency.ucsb.edu/ws/?pid=3869.
[38] September 11, 1969.
[39] See, Gerald R. Ford, "Remarks at Dedication Ceremonies for the Everett McKinley Dirksen Congressional Leadership Research Center, Pekin, Illinois," August 19, 1975. Made available online by Gerhard Peters and John T. Woolley, as part of *The American Presidency Project*, see, http://www.presidency.ucsb.edu/ws/?pid=5177.

when he was a member of the House. He had spoke at a Lincoln Day dinner, a Republican fundraiser, and I heard him speak and admired him also.[40] Same thing, when he came to town, I was nervous about that. Maybe not as much as Nixon, but I felt like I should be at my post in the State's Attorney's office in case anything came up and they needed a warrant or something along that line. And a good friend of mine, very close friend -- in fact I was at his home this morning, his name is Harvey Richmond. He was Chief Deputy Sheriff of the county at the time. And it turns out that Harvey Richmond in his capacity as Chief Deputy a couple years earlier had been in charge of transportation of Congressman Ford to the Lincoln Day dinner and picked him up at the airport, drove him to the dinner, and took him back to the airport. And Harvey of course was part of the police agencies that were in charge of crowd control and protecting the President and his entourage. And so he was in his Chief Deputy's uniform in front of the stage that had been set up. And when President Ford and his entourage approached the stage -- and I was told this, I didn't witness it because I was in my office, but -- the President stopped and his entourage stopped and he had spotted Harvey and he waved at him, and he said, "Hey, Harv!" And I thought that was a neat thing to have the President of the United States remember meeting you a couple years ago and calling you out in the crowd. But I think that's kind of the guy that Gerald Ford was. He was a pretty down-to-earth guy, had been a football player at Michigan I think, and probably didn't take himself as seriously as some of our politicians do. So it was exciting for a young State's Attorney to be a witness to history in a sense. Not that I got to really see or shake the flesh. In fact when Reagan came to speak at the Lincoln Day dinner, at the hotel before the dinner they had a meet Reagan time, and I got to it towards the end, my wife and I. And he wasn't

[40] February 14, 1972.

President then. He was going to be the speaker at the Lincoln Day dinner, Governor Reagan.[41] And they were taking photographs of couples with Governor Reagan. And I got there late. And they said that the Governor had to leave and go to the dinner. But they said, "We'll try to work you in." And I said, "Oh, that's all right." And I said, "We'll just pass." And so we never got our picture taken with him. And I've regretted that, that I didn't have that opportunity, because I was a fan of Reagan. Anyway, he spoke. So I got to see and witness some major political figures come to Pekin, Illinois of all places. Kind of interesting.

LAW: Talk to us a little bit about the changes in the economy that were taking place in the 1970s and how that impacted you.

BODE: Yeah. I don't know whether I mentioned that before. But when I ran for State's Attorney it was really a part-time job. And right in the middle of the campaign for State's Attorney the legislature changed it to a full-time position at a salary of $32,000. Well, I had made considerably more than that in private practice and as Assistant Public Defender the year before. I had a growing family. So I was disappointed that I'd have to give up my private practice to be State's Attorney. But people had donated to my campaign, donated not only money but their time and effort. And I didn't feel like I could withdraw. And Carolyn and I talked it over and we just figured we'd just tighten our belts and tough it out. Well, then I took office and gave up my practice and it wasn't long before inflation really got out of control. If you remember, it was in the mid '70s when inflation really started to climb. And I think it maxed out at around 10%, 11% annually. But anyway, during my time in office from '72 to '76, I didn't have any pay

[41] February 17, 1975.

increases, because that was prohibited by law. You couldn't get a pay increase during your term of office. So each year during those high inflationary years my salary was eroding substantially. And my expenses were going up and up and up as prices climbed in response to inflation. And I had girls getting older and I was thinking about their college and this sort of thing. So by the time I got towards the end of my career, I was concerned about whether or not to run again. And turned out they increased the salary. They said they were going to increase the salary. But they only increased it like $10,000, from $32,000 to $42,000 I think it was. And that $42,000 in constant dollars wasn't as much as the $32,000 was that I started at because of the inflationary effect. So that was very disheartening and of course I had friends practicing law who were doing very well at this time. I mean the practice of law was booming. And so I had friends making a lot of money. Like I say, my home expenses were high. So I determined not to run. And I started looking for somebody to run. Tom Ebel didn't want to run. I mentioned it to him.

[00:15]

I think Corsentino had already left by that time. He was in private practice. And so young Bruce Black in my office was a very talented young lawyer, and so I talked to him. And he decided he would run. And I backed him. And he was elected and I went on to join John Bernardi and my brother Kirk and John's brother Fred and Pete Ault at that time in the practice of law. And I opened an office in East Peoria, where I had been before, as a branch from the main Pekin office, and began to practice law. And I was also -- that whole firm were all -- John Bernardi was the Public Defender at the time and so the rest of us in the firm all acted as Assistant Public Defenders. And so I did that too.

LAW: Okay. Let's talk about that period of time when you were practicing law before you were a Judge. I think you had the opportunity to do some appellate work during that period of time. Any memories of that?

BODE: Not a lot. Let's see. I remember my first law partner, Carl Reardon, got involved in a case over some nursing home business that he was in and was sued by a former partner associate in that business. And he needed somebody to represent him in an appeal to the Illinois Supreme Court.[42] And I worked on that. I don't have a lot of detailed memories about that. I remember that tortuous interference with contract was one of the major issues and whether or not they could dissolve the corporation, which they had done. And in a way I think the other side was trying to pierce the corporate veil in order to collect some damages from Reardon and his partners in the nursing home. It was a contract that an architect had to design the nursing home. And the architect hadn't been paid. And they dissolved the corporation. And it was an attempt by the architect to get the principals in that corporation that was dissolved to pay the debt. So I know we prevailed in the Supreme Court. But like I say, it was out of my ordinary bag, and I don't remember a lot of the details. I remember going to the Supreme Court and waiting quite a while to get in and argue it. And it was very dry. They didn't ask a lot of questions. It was pretty non-memorable other than the fact that you're before the Supreme Court. There might have been some other appeals too. But I can't remember now.

LAW: Then you were also doing – well I'm guessing again, whatever came into the office, and then the public defender work?

[42] See, *Swager v. Couri*, 77 Ill. 2d 173 (1979).

BODE: Yes. I did a little personal injury work. I can remember one. I had a lady come in that wanted a divorce. And she didn't have any money but she had dimes. Remember silver went through the roof about that time. And she paid me or gave me her real silver dime collection as security for her divorce. And I can't remember the dollar amounts now. But the silver at the time I took it as security for her fee was like -- silver was really up through the roof, $50 an ounce or something like that. And she had quite a bit of silver. Anyway I was holding it as security. And then by the time the divorce was over, silver had dropped back to its normal value, declined a lot. And so it really wasn't much in the way of security anymore. And she just walked off and never paid me. And I ended up having the silver as payment for the fee, which didn't cover it. Or even come close. When our partnership dissolved, I still had that silver. So each of the partners got a little bit of silver as part of the dissolution of the partnership. It was kind of humorous. But, trying to think of other memorable cases or things that happened in there. I don't remember.

LAW: Let me ask you about a couple judges. Any memories of -- I think it's Charles Perrin.[43]

BODE: Yes. Chuck Perrin. Yeah. Chuck Perrin had practiced for a whole career. He had a whole career as an attorney for like the Chicago Automobile Association I think it was, in-house counsel for them. I'm really not all sure what he had done. But he had twelve children. And Peoria had a juvenile court judge, a guy who'd been juvenile court judge for a long time, and he retired. And they were looking for somebody to replace him. And so when he retired, they wanted to appoint somebody. And they were looking for somebody that would step in his shoes and be a full-time permanent juvenile court

[43] Judge Charles J. Perrin was an Associate Judge from 1977-1987. Prior to serving as a Judge Perrin had been legal counsel to the Chicago Motor Club, and had been in private practice.

judge. So Chuck Perrin was chosen to do that. And he did some volunteer work in Pekin, helped out in the criminal justice system, some kind of mentoring thing for people who had been convicted, that sort of thing. And so he caught the eye of the circuit judges. And so they invited him to apply. And he applied. And so they made him full-time permanent juvenile court judge. Unfortunately it didn't work out very well. And I think after a year they decided that maybe he'd better do something else. And so he came just in the rotation of associate judges. And I had some work before him. He was really -- I don't know how to describe him other than he was just a really fine man. But he really had no experience in the practical practice of law or in judging. And it was really difficult for him. And it was difficult for people to practice in front of him, because he just didn't have a lot of grasp of what he was to do. But it's one of those things.

LAW: How about Richard Eagleton?[44]

BODE: Judge Eagleton was related to [Thomas] Eagleton who was Vice President I think at one time. Or candidate for Vice President, I can't remember now.

LAW: Oh, McGovern's Vice Presidential pick? No kidding.

BODE: Yeah. And he was what you call a Peoria aristocrat. He lived on Moss Avenue in one of those big homes. He knew all the right people. He was a society -- I think he was independently wealthy. So being a judge was like a gentleman's way to fill the day. Interesting guy. Had talent, he was bright. I got a little crossways with him when I first was on the bench because he got it in his head that associate judges in Illinois were working for the circuit judges and that they should be their understudies or their

[44] Judge Richard Eagleton served as the U.S. Attorney for the Central District of Illinois from 1965-69, and in 1970 was elected a Circuit Judge, he served in that position until 1990. Judge Eagleton also served for 34 years in the U.S. Naval Reserve, and retired as a Captain in the JAG Corps.

assistants. And in our circuit anyway the way the work was parceled out is the Chief Judge would assign courts. And by and large the associate judges were assigned all the high volume courts. And the traffic and family and misdemeanor and small claims and whatever. And the circuit judges were felony and law -- over $15,000 and probate and things like that. And this was just about the time that they were computerizing the cases in Illinois. So is it Westlaw I think it was that had a computerized system. And Judge Eagleton was really into that system and making it work for the judiciary. I think he was Chief Judge at the time. And so he proposed that each of the associate judges be assigned to a circuit judge in order to do their research and to be their assistant in addition to their duties in high volume courts. That filtered down to me, and I about went through the roof. So a few associate judges got together, and that was I think quickly squashed as an idea. And so I think we didn't get off on a really good foot. Bumped heads about that. Other than that he was a good judge. We had a great circuit. We didn't really have any bad judges. Everybody was pretty good to get along with. But I mean I think that came out of just the way he lived. I mean he was the intellectual elite of his era. And that's the way he looked at life. He was born to lead.

LAW: Now there were a couple judges that were not retained in 1978. [Charles W.] Iben and [Albert] Pucci. And I was wondering if you had any idea of why they were not retained? And did you practice in front of either one?[45]

BODE: I practiced in front of both of them. Pucci I thought really had a bad deal. Pucci towards the end of his career got a little cranky. And he was difficult for lawyers to work

[45] Judge Charles W. Iben was a Justice of the Peace and Police Magistrate before being elected as the County Judge of Peoria County in 1960. He went on to become an Associate Circuit Judge, and Circuit Judge. Judge Albert Pucci was the County Judge of Putnam County from 1942-63, and an Associate Circuit Judge and then Circuit Judge from 1964-78.

in front of. Pucci was a judge in one of the northern counties for the most part. And so the judge in the northern counties, they were elected in their county. And they were like -- I guess the closest I can give is they were like federal judges. They were like gods in their county. I mean everybody laughed at their jokes and bowed and scraped and so they were short with people, especially in their older years. And Pucci, I think he might have had some family problems. It seems like he lost his wife. And he might have even had some illness. And he was cranky and hard to deal with. I never thought that he was a bad judge. I felt bad for him when he wasn't retained. But on the other hand, I could understand why he got a bad rap from the lawyers. Iben I think was a different story. I heard rumors. I think there might have been some good reasons not to retain Iben.

LAW: According to the election returns Pucci's retention was real close. He got 59.81%. So he just --

BODE: I felt really bad about that.

LAW: But the other judge, Iben, his numbers were nearly 50-50. It just seems rather unusual for two judges not to be retained.

BODE: Yeah. I think it was. You guys are young. I can remember when I was a young lawyer and first practicing in those courts. I remember going over for lunch at Jim's Steak House.

[00:30]

And there'd be a group of us magistrates, or judges, Iben among them, sitting around at Jim's Steak House drinking martinis in the middle of the day. And smoking cigarettes. I mean it was a little bit of a different era. I think that there's been a lot of positives that

have come out in the last quarter century, especially in the court system. You know picture… If you could look at the Peoria Courthouse and think about how there were these two or three big beautiful courtrooms where some circuit judges sat. And then there was one floor that had office space. And the offices were parceled into courts. Family court, juvenile court, misdemeanor court, civil court, civil under $10,000 court. And the closets in those rooms were the chambers. And the halls is where the people would wait to go to court. And I mean there'd be hundreds of people going to traffic court and misdemeanor court. And there would be the Sheriff's Deputies. Three or four Deputies would have ten, fifteen prisoners in orange suits all shackled together. And they'd be up there and the cops, going through the hall. Along with all kinds of social workers with mothers and little children. It was chaos on the fourth floor. If a judge wanted to use the bathroom, you used the public bathroom. You're taking a whiz right alongside of a guy who just appeared before you for -- I mean it was a different world than what it is today. It was a lot more noisy and chaotic environment. The volume was very high. And it was just a whole different atmosphere. I can't express enough how much having decent courtrooms, the changes when they moved those courts off the fourth floor, and they made additional courtrooms and put the addition on the Peoria Courthouse, it just changed the whole character, how people acted, how they behaved, including the judges. It elevated everybody to have a more august atmosphere. And it really was a time when it impressed upon me. If you go into a federal courtroom, almost anywhere in this country, they're really very impressive places. You get your attention, if the person presiding over that, it's important to behave yourself. So looking back at that era, and how judges behaved and lawyers and people that appeared before the court,

it was a little different time. And some of the older judges that had come up in that different time -- and Iben was one of them. I mean things were different. And things were a lot more casual. The good old boy network was well in force. We didn't have any women in the system to amount to anything. And there's no question that that was a really healthy thing when women started going to law school and came into the profession, because I think they really provided a lot of stability to it. People behaved better than they had before. So it's hard sitting here today in 2015 to get across exactly how many different things were -- how things were so different. If you watch the TV program *Mad Men* I think it is, you get a feel for that. The guys are all drinking during the day and they're smoking. And very bright intelligent women are put down. I mean it was like that. I don't know whether I'm answering your question.

LAW: Okay, so you practiced for about five years. And then you decided to become a judge. So my question would be --

BODE: How did that happen?

LAW: Well, first, why did you decide to be a judge?

BODE: I was very dissatisfied practicing. I thought about this. I think it's almost similar in some ways to a soldier coming back from Iraq. It's like coming out of that State's Attorney position and coming into private practice was a little bit like that in the sense that you go from a very exciting, very adrenaline beat on a daily basis, camaraderie with the other State's Attorneys, missions to accomplish, bad guys to get. And all of a sudden you're in this ho-hum private practice, a lot of boring stuff. Difficult people to deal with.

The kind of practice I had, my practice always mostly involved personal pay clients rather than business pay. If you have a practice where people that are paying you are always paying you with somebody else's money, it's a lot more fun to collect and get paid for your work than it is when you're actually being paid by the person you do the service for who by and large were not wealthy people. They were working people.

So I just wasn't really happy practicing law. So I was looking forward to getting that Circuit Judgeship for Tazewell County.

LAW: To replace Heiple?[46]

BODE: To replace Heiple. And I thought sure I'd be a natural for that. Because whoever got the appointment would have a leg up on running and I thought I could get elected. I wasn't too that far out of the State's Attorney position. So I was looking forward to that. I got my nose bent out of shape when John Gorman got the nod for that, got appointed.[47]

Don't get me wrong. John Gorman is a great guy, great judge. I knew him but I didn't know him real well at that time. I since afterwards got to know him real well. And I think he had much more talent than I did. And so it was obviously the right choice. And he got it. I don't harbor anything against him anymore. But at that time in my ego and in that state, I was very very angry about that. So also if you recall that would have been about 1981. The country was going through a recession. It was a bad recession. It was very difficult to collect debts. People owed you money. They weren't paying. They were losing their job. I mean a business was down if -- I mean I had a lot of family work,

[46] Judge James D. Heiple was a Circuit Judge from 1970-1980, an Appellate Court Justice from 1980-1990, and an Illinois Supreme Court Justice from 1990-2000.

[47] Judge John Gorman became an Associate Circuit Judge in 1979, a Circuit Judge in 1980, an Appellate Court Justice in 1990, and a Federal Magistrate Judge for the Central District of Illinois in 2000. He retired in 2014.

and people were getting divorced because of bad times. So revenues, income was starting to drop. So there was a lot of things going on about that time. And when the money is pouring in by the bushel baskets, partnerships get along. When the money stops, the spigots stop, and the money isn't coming in so well, tempers start to fray. Everybody has to pull in their belt, they don't like that. Are you working your share? Are you doing your share? I mean everybody's looking at what everybody else is doing. And so a little of that was going on. Not much. I mean our firm, we got along pretty good. But there were some stresses, strains developing. And anyway I think it was Bruce Black called me and wanted to have lunch or something and asked me if I'd be interested in running for an associate judgeship or putting in my name for an associate judge. And I really hadn't thought about that up till he brought it up. I really had always looked down my nose at being an associate judge. I just thought that was beneath me. Had that -- was arrogant, had an arrogant attitude. But also I was unhappy. So we talked it over, and found out that the pay wasn't very good either. That would have been a big cut in pay from what I was used to getting in practice. And so when I heard that there was a bill in to increase the pay by fifteen grand, I thought yeah, that'd work, that could work. And so when I heard that I agreed to put my name in. And I think I was chosen on the first ballot for the associate judgeship. And that's how I became an associate judge.

LAW: How did you go about it? Did you have to go meet personally with the judges? Did you have to fill out an application? Tell me a little bit more about the process.

BODE: Really I'm trying to think now. I don't remember it being a big long application. I might have had to do a letter to the Chief Judge maybe putting my name in the ring. I remember going and interviewing a number of the circuit judges. I knew most of them.

So it was a friendly just go in, have a chat, and talk about things. Not much of a process. I understand since then that they've made it a more rigorous procedure. But at the time it really wasn't that.

LAW: So you're made an associate judge in 1982. And I believe you started off in Peoria?

BODE: Yes. I believe it was like May 1st or something like that. It was right around spring. I remember it was spring. And I remember being sworn in. My wife and kids were there. And I remember it was fun. It was exciting. All these people filled the courtroom. I got sworn in. And my wife and kids were there. And all of a sudden I'm in the misdemeanor court and I'm holding court. And one of the -- it was really hot. I remember it was a warm spring day. And I had the Bailiff open the windows. This is on that fourth floor. And place was teeming with people. I remember just almost being suffocated by all the bodies. And of course I was new. I knew roughly what was going on but I mean still I was new on the job. And I'm sitting on the bench and the windows now are open. And there's a big gust of wind, and it caught the flag. And the flag -- I had a good friend who was a farmer in Deer Creek that was one of my supporters for State's Attorney, close personal friend. He was in the audience to see me my first day. And he said, "The eagle on the top of the flag missed your head by about an inch." And that flag fell over. And I remember thinking oh my gosh, what have I gotten myself into. And I had eleven, twelve people in orange suits doing arraignments and trying to make some semblance of order out of the chaos of that courtroom. Half a dozen or more attorneys all clamoring to get something done. It was amazing. And I'm thinking is this going to be my life from now on? It was almost like I felt doomed at that time. I mean oh my goodness. And I was still angry about the circuit judgeship. And here I'm in this

almost -- feeling like I was in this cesspool of humanity. So I was the garbage man was my attitude at that time. I almost felt like the garbage man. And I was in trouble. I was in trouble spiritually, emotionally, psychologically. And I guess that's the perfect lead-in to the change in my life that was rescued.

[00:45]

I was in a lot of trouble. Maybe it was a midlife crisis. I was 42. So I'm sure you could characterize it as a midlife crisis. Half my life was over. And I was looking. Now is this it? Is this what I got to look forward to? In the process my daughter, who was eleven or twelve, my Jennifer, she's my fourth daughter, had a school project and wanted to go to the Pekin Library. So I took her to the library. And while she was working on her project I wandered the stacks of the Pekin Library. And I saw a little volume that said Corinthians. And I did not even recognize that at the time as being one of the books of the Bible. And it was a little green cover on it. And I pulled it out and I opened it up and it was Paul's hymn of love, which is about the nature of love.[48] Love is kind, love, patient. And I read that, and I read that hymn of love, and I thought oh my God, I don't have -- I just saw myself as the opposite of everything I was reading. And I thought oh my goodness, what am I going to do. And I remember checking the book out and being embarrassed when I checked it out. The librarian knows I'm checking out the Bible. I mean who checks out the Bible. And I checked that book out. And I proceeded over the next few months to work my way through the New Testament. And that book was part of a guy -- a theologian by the name of [William] Barclay. And it's a study Bible. And so you read a little bit and he explains it. And so I would sneak this. And of course it

[48] 1 Corinthians, Chapter 13.

wasn't a big thick Bible. This was just one, each volume was one or two of the New Testament books. And so I would sneak them into my chambers and when I'd get a chance I'd read. And as I was reading, I felt like there within the pages of that book somehow there was an answer to my problem. I didn't exactly know what it was, but there was an answer.

Now I have to flash back a little bit, because back a few years before, when I was in private practice in East Peoria, I had a friend by the name of Phil Phelps. He and his wife and Carolyn and I had gone to Jamaica together years before. And he and his wife got divorced, victim of the '70s, and I remember that he dropped out of sight. And I remember hearing he had some kind of religious experience. And I remember him one time asking me if I would go to this retreat with him. And I blew him off. I wasn't interested in going to any religious retreat.

Anyway so now coming back to where I was. I'm in chambers and months have gone by. And I just can't put everything together. I knew that somehow the answer was in the religion, in Christianity. For me I knew the answer was there. But I just couldn't put it all together. Didn't know what to do next. I knew that I was doing better. I mean every day I felt like I was making progress in my job. I was calmer. I was more at peace. I was more patient with the people that were in front of me. And things were starting to flow better. So I called this Phil Phelps up, hadn't talked to him in years. And after he said, "Yeah, I read that you're on the bench now, how's it going?" finally, I said, "Phil." I said, "Remember you called me some years back about going to a retreat?" He laughed. He said, "Are you ready?" I said, "Yeah, I guess I am." He says, "I'll sign you up. Don't worry." He said, "Don't worry, I'll let you know." So a couple weeks went by and I got

notice that on a certain weekend in January of '83, Super Bowl weekend as a matter of fact, I was going to go to a religious retreat with him. And he picked me up and I went through what is pretty well known in Peoria as the Cursillo. Full name is Cursillo de Cristiandad. And that means it's a short course in Christian living. And I considered myself a Christian. Had attended church with my wife and kids over the years. And never really much into it, but that's what I did when I was a kid, and I took my family to church. But this was a little different. I went through that weekend, and that weekend changed my life. Everything -- I don't know whether -- I know other people have had similar experiences. And I think it's just a combination. With me, I'd been studying the New Testament for months. I was emotionally ready. I was in need of a second chance so to speak. I felt a little bit like maybe the Prodigal Son must have felt when he came back from a far country back to his father's house. I was just happy to be home kind of thing. And so I came home, and my poor wife, I think I scared the dickens out of her, because she didn't know what had happened to me. And a couple months after that she did the same thing. She went through it. She understood better. They keep quiet exactly the details of what goes on. But basically it's just a three-day retreat away from the world. And a short time with your faith and with brothers or in case of women sisters who are committed people.

And after that I no more than got back in January and I got a new assignment to juvenile court. And I think the next six, eight years I spent in juvenile court, and I loved it, absolutely loved it. Every day was an adventure. I loved the kids, loved the people. I loved the caseworkers. Just felt like you were accomplishing stuff. We had defeats but we had a lot of victories too. Wonderful things happened. It's hard to describe. I got

very involved with reading and studying and trying to come up with ways to reach children in the delinquency area. I was real into trying to figure out how to help in the abuse and neglect area, how to help parents handle their responsibilities better. One of the things that was going on in the juvenile courts at the time was nobody would pull the trigger on termination of parental rights. Appellate courts were always figuring out a way not, to overturn. When a trial judge did decide to terminate somebody's parental rights, the appellate courts were figuring out a way to reverse it. Nobody wanted to enact the death penalty on the relationship between parent and children. As a result, we had this whole population with kids that were growing up in multiple foster homes. And it was just chaotic. And so I tried and I think the whole -- I mean the time was right in that the juvenile court conventions and seminars I went to -- there was pretty much of a consensus that we had to toughen up that particular area and put some teeth in our system. And I think legislation got passed too that limited the time that a child could be carried in the foster system without -- and there were more mandatory reviews by the court. And so we started toughening things up and we started taking away parental rights from parents who didn't make progress, in order to free up kids so they could get into permanent adoptive homes, permanent relationships maybe with a relative. And they wouldn't be constantly bouncing back and forth. That was real satisfying to be a part of that.

I got involved in -- I was asked to be on a blue-ribbon committee in Peoria on the problem of teen pregnancy. And in the course of that service I met Bishop [Edward W.] O'Rourke who was also on that and who was just an extraordinarily wonderful man, very

spiritual man, one of the most humble human beings I've ever met.[49] But he was pretty firm in his ideas. Anyway, I learned a lot from him. And we were on this committee. We, neither one of us understood when we were appointed to this committee that the powers that be had already decided on a solution to the teen pregnancy problem. They just wanted a blue-ribbon group of citizens to put a stamp of approval on it so that they could do it. And we didn't discover that till we were about three-quarters of the way through the committee meetings. And it finally dawned on us that we were being led to a particular conclusion. And that conclusion was to put clinics in the Peoria high schools to distribute condoms to kids. And that was way way far from what my idea was. And I know the bishop of course, being a Catholic bishop, he wasn't much for condom distribution. Now at the time I wasn't Catholic. It didn't mean too much to me. I'd never really investigated that. It just didn't make much sense to me to have people in position of authority doing that. I didn't have any quarrel with a clinic across the street passing out condoms to girls that may come in or boys for that matter, like Planned Parenthood or somebody. At that time a clinic. But to put it in a school where it's like the kid goes home and says when Mom finds the condoms in his pocket or her pocket, "Well, my teacher told me to do it." I mean it's like that. Anyway. So that was a really interesting experience. And I wrote some editorials. I'm always writing op-ed pieces and I did one on that. Got published in the *Tribune* in the Voice of the People.[50] I think that one might even be in the scrapbook there. Anyway that was interesting.

I got involved in the Tha Huong program because I had the Vietnamese kids coming before me for guardianships. They had the Tha Huong program in Peoria. And

[49] Bishop O'Rourke was Bishop of the Peoria diocese from 1971-90.
[50] See, *Chicago Tribune*, February 9, 1987, pg. 12.

so they needed foster parents for these kids. And so I'm doing some public speaking about the need for foster parents as juvenile court judge for these kids. And so I came home and told Carolyn that we got to walk the talk. So we took classes at Catholic Social Services and got qualified to be foster parents. And about the time that we got qualified, the pipeline of Vietnamese kids, the spigot was turned off. And there really weren't any. And the first kids they brought us were a couple kids from the Pekin housing projects down here. And so they were our first foster children. And we ended up adopting the girl, who's been a great daughter. She's presently in United Arab Emirates. And her brother, he's a year older than her. And he was with us for about a year. We did not adopt him. He had some special needs and problems that needed to be dealt with more institutionally. And then finally he got himself together. And we have a very good relationship with him today. Go to his home, and he to ours. Anyway, that happened while I was in juvenile court.

LAW: Backing up. Before juvenile court, you were going to tell me about a couple hot cases you had in misdemeanor court.

[01:00]

BODE: Oh, that's right. When I was first appointed. One of the things that the system of circuit and associate circuit judges, one elected by the people, the other elected by the judges, one of the purposes of that system is to have a judiciary that can handle cases without being concerned about public pressure. And there were two hot button cases in Peoria when I first got appointed or elected as associate judge by the circuit judges.

And so both of those were assigned to me. One of them was the location of the Peoria County Jail. Some people in Limestone Township in Peoria County where they were going to locate the new jail which was going to be a large facility, people that lived in that township were very vociferous against it. And they hired an attorney by the name of Rick Price who was a flamboyant, very publicity-oriented lawyer. They held potlucks and took up collections to pay his fees. And so that was the first case I had. And I ended up dismissing it on a motion in that I said, "The court doesn't have any jurisdiction to decide where they put a jail." I said, "That's basically up to the legislative people." And that ended up going up to the courts. And they affirmed that. And that really wasn't a hard decision.

And then the other case that was a hot button case was of course now we're talking about the civil rights era cases. And Peoria District 150 had a special ed program for gifted children. And Harry Whitaker was the superintendent of schools. And the Superintendent of Education for the state of Illinois administered the funds for gifted programs. And he refused to give District 150 their allocation of funds on the grounds that there was discrimination against black children in the gifted program a la there weren't any black children in the gifted program and therefore there was discrimination. And so we're not going to give you the money to run that program. Well, Superintendent Whitaker in Peoria District 150 saw things differently and so he sued the Superintendent to get that two years' worth of this money to run his gifted program. And I basically heard the case and ruled that the state superintendent had no jurisdiction in the matter, that if they wanted to contest the discriminatory -- if they wanted to seek redress for discrimination in that program they had to do it in federal court under the federal laws.

And that went to the Supreme Court of Illinois and I was affirmed in that. So those were hot button cases that I got.[51]

LAW: Okay, back to the juvenile court. You were there initially six or seven years. And I'm assuming that was in Peoria.

BODE: Yes.

LAW: Okay. What conclusions did you draw about where juvenile delinquency originates? Where does it come from? Why does it exist? Did you draw any general conclusions from that experience?

BODE: Yeah. I guess to make a one-sentence statement, I think all of delinquency -- and I guess I'm not saying it's just not juvenile delinquency but adult delinquency if you will. I mean delinquent acts or criminal acts, I mean it's a failure of love in some dimension. It's like if you think of a diamond with all the facets on a diamond. There's different circumstances. But delinquency in my mind is always a failure of love in some way. And I did a lot of writing and studying about that. And I've always thought, always felt like the best way to deal with a delinquent is to reattach him to somebody in a loving relationship.

For example I observed that in the minority community and in the disadvantaged community in general where a lot of single women were raising children that they do a pretty decent job overall in taking care of the little ones. Maybe they have a child out of wedlock or maybe a husband would leave or a boyfriend would leave and they'd be on their own. But by and large for the babies and the toddlers and the young children they

[51] See, *Board of Education of Peoria v. Sanders*, 150 Ill. App. 3d 755 (3rd Dist. App. Court, 1986), and 115 Ill.2d 536 (1987). Also see, *Board of Education of Peoria v. Illinois State Board of Education*, 810 F.2d 707 (7th Cir. 1987).

did pretty well. Where they started to have problems was when their children began to have a sexual orientation or identification. Adolescence is what I'm talking about. When a young boy started into his early adolescence he started to look at his mother as a woman for the first time. I mean up till then she was a mother. Then he started to see things with a certain amount of sexual dimension. I don't mean that he lusted after his mother. I'm not saying that. I'm saying that he understood his mother was a female person. And that there is such a thing as sex. And he started to see how his mother and other females would be taken advantage of. And mothers would lose respect. Now that's not to say all mothers. Some mothers were chaste, were very strong women. If they had a private life they kept it out of the eyes of their children. But in the disadvantaged community and the poorer communities a lot of times boyfriends were coming in and out of the homes and the young boys, the sons, would see what was going on. And they lost respect for their mother. And that interfered with that relationship, that bond, that love bond between them. So they went into a form of rebellion. And of course those things would escalate. And they would act out. I can't tell you how many times in court I would witness tears well up in the eyes of young men, especially young black men, over the lack of a father. It's hard to fathom the depths of the need of those boys for a bond, a good healthy relationship with a father. And they needed to be reattached to their mothers in a lot of ways. So I mean I saw that.

And that was always a strategy that I would use in court. I even had a little thing that I would go through in court with the boys. One thing about youngsters is they have a hard time understanding that love is not sex. Love is not just a feeling. So you have to teach them that love is an act of will, not an act of emotion. And we're all guilty of that

to some extent. We all equate, because of romantic movies, we think of it as an emotion thing. But true love is really an act of will. It's a choosing if you will to sacrifice yourself for another in some fashion. And you do it out of -- maybe charity is a better word in the sense of a genuine desire to make life better for the other person. And so you got a youngster that has been disattached from a mother. That love relationship has been broken. He's in rebellion. He doesn't know who his father is. And so he's natural prey for the gang leader or the gangbanger, the camaraderie of being a part of something that is more powerful than he is. And if you are going to school and if your classmates have fathers, mothers, and they study, and they go out for sports, and they're in the band, and they're respectful to their teachers, you're so angry about this, because you don't have… You're so angry that you take the opposite position. I wouldn't be on a football team if I could. I wouldn't be in the band. I won't study. I won't respect the teacher. It's like you become the antithetical to everything that is good. Because you're on the other team now. You're on the anti-good team. And so as a judge my job was to get them detached from that bad team and get them back on the good team. Become a part of straight society so to speak. And anything you could do to help in that endeavor. One of the ways that I used was I'd communicate with them. If I sent them to the juvenile detention I'd communicate with them by letter. And I thought one very helpful book that helped me dealing with youngsters was Scott Peck's *The Road Less Traveled.* His opening line in the book is life is difficult. And in this book he goes into the relationship between acts and habits. I used to teach kids the jingle. "Sow an act. Reap a habit. Sow a habit. Reap a character. Sow a character. Reap a destiny." And then I'd explain to them that every time you commit an act, good act, bad act, whatever act you commit of your will,

whatever choice you make to do or not do something is a matter of your will, whether it's good or bad, that tends to create a habit. And whatever your habits are at any one time, any given time in your life, whatever the sum total of your good habits and bad habits are, that defines your character, what kind of a human being you are at that time. And ultimately your character, the character that you develop over the course of your life, determines your destiny or your fate or how you personally would evaluate your life. When you look in the mirror at yourself and all things considered I'm all right or all things considered I'm a shit, it's that process. Young people in disadvantaged homes tend to believe in luck and fate. They don't see the connection between the act and the destiny. The act and the habit. The habits and the character. The character and the destiny. So what you have to do is somehow teach them that. That there's a connection between how you act and your habits. And one of the ways I did is I'd have a youngster in front of me, and I'd challenge them. I'd say, "Who's your favorite actor?" And they'd give me the name of an actor. And I said, "Okay. Now what I want you to do for me is to pretend for the next two weeks between now and the time I see you again in court. I want you to pretend that you are an actor just like this actor." And I said, "You're going to take on a role. You're going to pretend that you're going to be somebody that you're not. Just like these actors do in the movies. They pretend that they're somebody that they're not. And that's what you're going to do." And I said, "What I want you to pretend to be is I want you to pretend you are Mr. Goody Two-shoes in school. You're the kid that you don't like. You're the kid that volunteers to clean the blackboard for your teacher. You're the kid that brings the apple in for your teacher. You're the kid that always has his homework done on time. I know you're not that kid. But I want you to

pretend. And I want you to act this for two weeks. I want you to be in this role and to do this. And then when you come back we'll talk about it." Now my hopes were that they would take this to heart. And they'd actually try this. And if they did, in the natural course of events what would

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happen is this troublemaker at school, who Miss Jones his teacher just dreaded seeing him walk in the door, would all of a sudden be acting differently than she'd seen in the weeks and months before. And as a result of that what she would do is like any human being would do. She'd smile. And she would -- her attitude and her demeanor towards that youngster would soften to some degree. Maybe not entirely. Maybe she'd think he's trying to trick me or something. But at least -- and then as time would go on, a few days would go by, and this phenomenon continues, she's going to tell her friends in the teachers' lounge about this. And as a result her friend Miss Smith who sees Johnny in the hall is going to smile and say, "Hi Johnny." Or something. Make some acknowledgment that he is, that he exists, something that he's never seen before. People recognize me and are friendly. And I can't say this works all the time. It doesn't work all the time. But it worked often enough that when they'd come back and they would acknowledge that their life was better. And I'd emphasize. "You see? There's a connection between your actions and your happiness and your well-being. And you are in control of your happiness. Not me, not your mother, not your absent father or whatever. But you."

And so that's the strategy I would use. And I would try to do that in letters with young people in detention.

I had a young woman that called me after I'd been on the bench a few years in juvenile court. And I didn't recognize her name. And she had to refresh me that I'd sent her to the Department of Corrections for Juvenile Females. I can't remember what they called it now. Up in northern Illinois. And she said that she wanted to ask me to walk her down the aisle at her wedding because I was the only male in her life that had cared about her. So I said, "Let me think about it." I went home and tried to discuss it with my wife. My wife says, "You got to do it, you got to do it." So I rented a tux and I walked this girl, this former girl I'd sent to the Department of Corrections, down the aisle at her wedding. And it was a wonderful feeling.

I had a young man. Carolyn and I were out eating at Olive Garden. And he was a waiter. And he said, "Are you Judge Bode?" And I said, "Yeah." He said, "Oh, you turned my life around." He said, "I can't thank you enough." And he's going on and on. And I didn't remember him. And he said, "You told me about the wolves in Alaska and the Eskimos." And I remembered. And what he was talking about is again a story I would tell youngsters from time to time regarding the connection between actions and destiny. And it's the story of the Eskimos where they would kill a small animal and drain the blood and sharpen their knives on both edges till they were razor-sharp, they'd dip the knives in the blood of the animal and let it freeze and dip and freeze till they had like a blood Popsicle on their knife. And they'd bury the hilt in the frozen tundra. They'd bury it and freeze it so the knife blade would be sticking up with the blood on it. And they'd put those around their camps. And then the wolf pack would come at night and they'd smell that blood. And they'd have their warm tongue, and they'd lick that knife. And they'd get a taste of that blood. And that tasted good. They'd lick it some more. It

tasted good. And they'd lick it and pretty soon the blood would be off the knife. And they'd be licking, and they'd cut their tongue on the knife blade. And they'd be drinking their own blood and they would kill themselves. And I related this. This was a typical way I would talk about drugs and the choice to lick. That first lick of that knife was your choice to take a drug. Or something you shouldn't. And I said, "That first lick is going to taste pretty good and the second and the third. But there will be a time when you will cut your tongue in a sense and you'll die." And he remembered that story. When you tell it to a kid in court, it is a pretty powerful story, you can see. And this guy remembered that and he credited that story with changing his life. But it was a trick. It's a little -- but isn't that what education is about?

That's what education is in our schools. We read the stories, the things that are passed on by wise men and women down through time. There's a great poem by Kipling called "The Gods of the Copybook Headings." And it illustrates that there's a wisdom of the ages that human beings forget from time to time and when they forget bad stuff happens. And they have to relearn the same lessons. And of course what we mean by education is learning the easy way. My father used to tell me that there's two ways to learn. One is the easy way, by listening to your teachers and elders. And the hard way is by the experience of life. And I think that pretty much sums it up. If you're really going to get very far down the road of life, you've got to learn by education. Because if you have to learn everything by experience you're going to have too many injuries along the way. Want to take a break? Let's take a five-minute break.

LAW: Okay. So when your time in the juvenile court came to an end, that first six or seven years, this would be about the late 1980s, what was your next assignment?

BODE: I think I did a year in misdemeanor court in Peoria.

LAW: Was it hard to change?

BODE: No, I always enjoyed misdemeanor court. I missed juvenile court. But I enjoyed misdemeanor court. It's a high volume court and in many ways it was easier than juvenile because you didn't have so many parties with disparate interests. In juvenile court of course the kid had a lawyer. The parents had a lawyer. The state had a lawyer. It was a lot of interests. Everything was time-consuming. Misdemeanor court, things moved along better. And most of the cases were handled by the Public Defender's office, so you had fairly skilled people who pretty much knew what a given set of facts was going to result in or close to it. And so it was easy to keep things moving.

This was the time when we were starting to have a number of female lawyers coming in. And that was interesting. That transition. I don't know whether it was then, it was probably later, but I had problems with women from the standpoint of their voices. Towards the end of my career especially I had a hearing problem. And the pitch of female voices was something I had a hard time picking up. And so I was constantly asking them to speak up. And I think that I would get -- you have to ask somebody to speak up a few times and they don't. So I think I got on the wrong side of a couple ladies by, "Please speak up." And I think I ruffled some feathers. Of course we were always trying to be all touchy about not making life difficult for them or anything, treating them just like the men. But that was probably the hardest thing I had dealing with female lawyers was just hearing them sometimes. They were so gentle and soft.

LAW: Now you just spoke about in the misdemeanor court there was a number of skilled people. Did you find that was the same in the juvenile court?

BODE: Oh yeah. The juvenile people -- I didn't mean to imply that they weren't. Except it's just you had more numbers. You didn't have just a prosecutor and a defense lawyer, the kid would have a lawyer, and the parent would have a lawyer in a lot of cases, in addition to the State's Attorney. And you had more involvement by social workers. So you might have one or two social workers involved in a case. Just seemed like a lot of interested parties, a lot of times parents were divorced, so each parent would be represented. And that added another dimension to it.

LAW: Now where did you go after going back to the misdemeanor court?

BODE: After this misdemeanor? I don't really remember real well. I think I did a tour in traffic. Traffic was fun. I enjoyed traffic court.

LAW: Still in Peoria?

BODE: Still in Peoria I believe. Traffic court was fun because -- got a lot of trial work. I mean bench trials, a lot of them. But a lot of jury trials too with DUIs. And so it was always fun. One of the reasons I liked juvenile court so much is because there were serious matters and I had the power. In other words it was bench work. You were both the decider of the law and the facts. So there weren't any juries involved. So I was much more of an active participant rather than a referee. In misdemeanor court and in traffic court especially you're more of a referee, especially in the jury work. You sit back and let the lawyers try their case and try to let them each do their thing and then let the jury decide what the decision is. So you're a referee. You're not really an active participant.

LAW: And then after traffic?

BODE: Over the years I know I did a paternity court.

LAW: Domestic relations?

BODE: Paternity court was, they had a special court set up for -- I don't even know if they have it anymore. This was during…Where this was a court where your whole purpose was to determine whether a guy was the father of a child and therefore you could set child support. And of course in Peoria we had the tremendous numbers of public aid cases. The public aid people would require the women to identify the fathers of the children or they could lose their benefits. So they would identify the father. And then public aid would go to the State's Attorney's office and initiate a paternity case against the father in order to get an order of support. And it was one of those things that after a while you felt like it was just a game that was being played by everybody.

[01:30]

Because the vast majority of fathers didn't have any jobs. So you'd enter a $10 support order, which you were required by law to do. And the women didn't want to be there in contested cases. They didn't want to be there any more than the men did. The women were getting aid, so they didn't care whether the man was declared the father or not. It's one of those courts that never existed up until we had the breakdown of the family and the welfare state came into effect. I don't even know if they still have that. I don't think they do.

It's similar to domestic violence court. I was assigned to that, I think, one time. And it's the same kind of thing. It's a court that didn't exist when my career started. It's

a new kind of court to deal with a social phenomenon that has come about. I'm not saying it's bad. I got in hot water over this because I was politically incorrect and made the suggestion that I didn't think judges ought to be attending Women Strength conferences and participating and getting awards from Women Strength and women's advocacy groups for being quote good unquote judges. I said, "How would you like to be a man accused of abusing his wife and you're contesting it and the Judge that you're assigned to got an award from Women Strength for being one of their favorite judges?" That got me in hot water. But that's neither here nor there.

LAW: Did you ultimately go back to the juvenile court but maybe in Pekin?

BODE: I did juvenile court work in Pekin for a while.

LAW: Now how did Pekin compare to Peoria?

BODE: Of course it's not an exclusive court in Pekin. In Pekin it's more like juvenile, misdemeanor, and I think they had some other stuff too. Maybe some domestic violence. It's more of a combination court.

LAW: But what about the types of cases?

BODE: They were pretty similar. I had some interesting cases. I had a case where a youngster killed his sister. It was teenage brother and sister. And parents lived down near the river. Father had some kind of an automatic weapon of some kind. I can't remember now exactly what it was. But the young man, he was like fifteen, sixteen, something like that, was messing around with it. He wasn't supposed to but he had access. And it went off and killed his sister. And anyway, it was a tragic case. I mean he didn't intentionally kill her but he killed her. I mean it was a negligence thing. A very

bad scene. The difference was I guess mostly volume. There were more abuse neglect kind of cases I think than delinquency. But when I was State's Attorney I had created a diversion program. We talked about that. And so a lot of the cases that ordinarily might have gone to juvenile court were diverted into a juvenile diversion program.

LAW: That brings up a question that I had. How do you think your experience as a prosecutor influenced you as a judge if at all?

BODE: Yeah, it influenced me.

LAW: In what way?

BODE: I think I probably was probably more apt to be judgmental or critical of a prosecutor who brought a bad case. I was real sensitive, was always sensitive as to what it meant to bring a charge against a citizen. That just the charge itself was a terrible thing, even if the citizen were to be ultimately exonerated. And so I didn't think charges should be filed lightly. I thought that serious criminal charges especially -- should only bring them if you intended to pursue them. And so I mean I was maybe more critical than some of the other judges might have been in that respect. Having been in their shoes, I guess I was more cognizant of mistakes that they made, and maybe more apt to point them out, and therefore maybe earn some enmity.

LAW: Now at one point weren't you also involved in some adoption cases? Maybe when you were in I guess family court. Any controversial adoptions come to mind?

BODE: Gosh. I know I did some adoptions. But I don't remember any controversial adoptions. You had something specific in mind?

LAW: Well, I found an article. And it was dealing with transracial adoptions. This was like 1993.[52] The Butlers and the Burtrums. I highlighted something here in the article. It says, "The sole objection from DCFS to the Burtrums' adoption of Lucas as Judge Bode saw it was that the Burtrums are white. Quote, 'They placed the child temporarily in a white home, then temporarily forgot the child,' Bode says."

BODE: I don't really remember that. The names sounds familiar but I don't remember the -- I had pretty strong views about custody and adoptions in the sense -- I remember I had a pretty hotly contested case involving a well-to-do family where mother had passed of cancer. Parents had been divorced. There were two daughters. One was an adult daughter, like twenty-one. And then there was a daughter like sixteen. And the father was an automobile dealer, had a dealership. And the mother I think had been a professional of some kind, nurse maybe. Anyway she contracted breast cancer and passed. And the father lived south of Champaign in some town, a fairly sizable town I think. Can't think of it now. But he had every other weekend visitation and he would drive from that town into Peoria, pick his daughter up, and take her for the weekend, and then bring her back. And he paid very generous support. And would have her for his time in the summer. Was a very conscientious father. Well, when mother passed, the sixteen year old did not want to leave her high school in Peoria where she was a cheerleader and go to live with her father. And so her sister wanted to be her guardian. And they wanted the father to continue to support and visit but the sister would be the custodial parent so to speak. And I ruled in favor of the father and I remember that was a protracted trial with a lot of evidence and I just did not see it in the best interest of the

[52] See, *Peoria Journal Star*, May 16, 1993, pg. B7.

sixteen year old to basically be raised through her last few years of her life by a twenty-one year old older sister. And as it turned out I did find out that this girl thrived with her father and the following year was on the cheerleading squad at her new school and was very happy and everything worked out. So I think I made the right call.

But I always felt that in custody matters the most important thing was the sacrificial acts engaged in by the parents. In other words who was really sacrificing themselves for the well-being of the child? And generally that's why generally mothers did get custody in most child custody cases, because they would be the parent. But they were not always. And the character. I always looked at custody as most of what a parent does is quote "model" how to be a human being. We all as parents teach with our mouths. But most of the education that we give our children is how we live our own lives. And so I always looked at the character of the parents and tried to determine which of them was the proper model. And a lot of times that involved disappointments to mothers, because I also considered it was important for boys to have a male role model. And so sometimes I would put young men especially if they were close to adolescence for some of the reasons that I've already discussed, put them with their fathers. Disappointed some mothers. Anyway.

LAW: Okay. So I just want to make sure I got the timeframe right, '82 to about 1990 you were in Peoria. And then you were in Pekin.

BODE: I was in Pekin for some time and then back to Peoria. I was in traffic in Pekin. I remember having a year in traffic. I remember trying a bunch of -- when I first went into traffic court down there they had this big backlog of DUI cases. The way they did DUIs in Pekin was they had one day a week where they had trials. And so if you were

defending somebody you'd plead not guilty and have it set for jury trial. And then one day a week on a jury trial day all the lawyers would bring their clients and the lawyers would fill the jury box and we'd go through a call until we found some case that was ready to go. And then everybody else would be continued. And we'd try that case. And so it became apparent to me that the general way PD [Public Defender] represented somebody is you'd try to stall as long as possible to avoid trial and then when you got actually pushed to the wall then you would try the case. So when I first went into that court we had something like 80 some cases backlogged. And I went to my fellow judges in Pekin. And I said, "Be nice if for a few weeks if you guys would clear your calendars on the jury call day and we'll start working our way through this backlog. Soon as a case is ready instead of me continuing all the cases and trying." Oh, a lot of times what they'd do, the case that would say they're going to trial, I'd continue all the cases and then the case that was going to trial, they'd come back at one o'clock to pick the jury and they'd decide to plead guilty.

[01:45]

I swear sometimes I thought the prosecutor was involved in this sham too, because nobody wanted to go to trial. I mean there's something called the getting through the day syndrome that happens once in a while.

I noticed it on my assignments to Chicago Traffic Court. Especially in big jurisdictions where there's high volume there seeps into the staffs, clerks, judges, prosecutors, defense lawyers, everybody involved in the whole system, there seeps into the system this phenomenon called getting through the day. All I need to do is get to five o'clock. In the case of Chicago get to three o'clock. And whatever I have to do to get to

three o'clock and go home. Nobody is invested in actually concluding something to get something accomplished, to get a case finished. So you have these tremendous backlogs that developed.

And that was going on in Pekin. So I recruited some circuit judges and another associate. And we quickly went through the backlog, because I'd hold a call and as soon as somebody was ready for trial I'd say, "Okay, you go to Judge so-and-so's courtroom and report to them and they'll start picking your jury." I had extra jurors. I made arrangements for extra jurors. Then the second one that said they were ready for trial, I'd send them. And quickly plea bargains started coming in like crazy. As people started seeing what was happening. And a lot of them did not want to go to these circuit judges and try their cases. I think a couple of them thought they were going to get a bad deal if their clients were found guilty from another judge. So that was one of my memories. I remember the clerk I had, Dawn Burson, said she'd never seen anything like it. But traffic court is mostly about educating citizens and treating them with dignity and being efficient and moving through things, getting something done.

The bane of my existence were Caterpillar engineers. I grew to detest them because they'd make mountains out of molehills. Inevitably if a Caterpillar engineer got a ticket it seemed like or I had a case, a bench trial, a case would go to trial involving some citizen, a routine traffic type of case, I'd have somebody come in with easels and blown-up photographs and diagrams. Just a complicated -- and invariably it'd be a Caterpillar engineer arguing over whether it came to a complete stop or ran a stop sign or was speeding in a particular area. It was just a humorous observation, how different people react to getting a ticket. Most people say, "Hey, if I wasn't speeding today, I was

speeding tomorrow," plead guilty and get out, got better things to do. If you're a Caterpillar engineer, I think they got paid to go to court really. I think that was part of it. They probably got paid while they were compiling their case in the office and going to court. But traffic court was good. I didn't care for my assignments to civil court. I don't know.

LAW: In Pekin?

BODE: Yeah. I had civil court in Pekin for a year I think. It was all right. I mean that's the thing about being a judge. The worst assignment you get is excellent. I mean there isn't really a bad job as a judge. I mean some you may have a preference for over others. But there's no such thing as a bad gig. It's a privilege wherever you sit.

LAW: So what do you think you learned about the criminal justice system from being a judge that you may not have learned from being a State's Attorney or a practicing attorney?

BODE: What have I learned about the criminal justice system from being a judge? If I can separate it all out. I've been part of all parts of it. At least the judicial parts. Public defender, prosecutor, judge. I haven't been in the corrections end of it much. Or the jail end of it, rehabilitation end.

LAW: Do you have any general conclusions?

BODE: I guess my observation is that it's really not a system, it's really a combination of systems. In other words there's so much of a distinction and parochialism among the disparate parts. In other words each of the parts of the system, the police part, and the judge part, and the prosecutor part, and the public defender. They each have disparate goals and ways to measure success. Policemen are successful when they have cleared a

case. I've solved the crime. Prosecutors measure success by convictions. I've convicted the guilty. Judges, I've disposed of the case. And so because those are the goals of those disparate parts, the emphasis sometimes is on achieving that part of the system's goals.

In other words policemen are most interested in getting declared to solve the crime. And they're not too interested once the prosecutor files the case. Once the prosecutor indicts or files a complaint, the police tend to quit. It's not my problem anymore, I'm done. And, of course, for anyone that knows about these things, that's just the beginning in a real serious crime. I mean you really need -- there's a lot of follow-up and tying up loose ends and nailing down witnesses. There's a lot of stuff. You need a lot more cooperation. And there tends to be a breakdown. If there's not a good healthy relationship between the prosecutor and the police and there's friction between them, life is miserable for both. Mostly the prosecutor. Because the police says, "I solved the crime." He's off the hook so to speak. judges as I say, because they're so interested in dispositions, sometimes they don't really care whether the disposition is the right one or not. In other words as long as the case is disposed of, whether it's a just disposition or not, sometimes they lose sight of that. So you have judges that say, "Well, why don't you reduce that rape to offensive touching? There's some questions about your case. Why don't you reduce it and offer him probation for offensive touching?" And you're sitting there thinking, "Yeah, you want to go tell this victim of a vicious rape that you're going to let the guy off with offensive touching, I'd rather have him found not guilty, that was my attitude, than to do something like that." So I guess that's my overall observation. A good system means really a good coordinated system with healthy recognition of what the ultimate goals of the whole system are. And that's justice. When you see

breakdowns in it that's when you read about the guy who spends 10 years in prison and then his DNA exonerates him.

LAW: Tell me about how your judicial career came to an end?

BODE: Are you referring to the problems I had in Pekin? When I was in misdemeanor juvenile whatever court in Pekin and I had a -- I'd been there a while. I was really enjoying it. I was thrilled to be back in Pekin and doing juvenile work again. And I thought this is a great place to end my career. I thought everything was going good. And Stu Umholtz, the State's Attorney, came in chambers one day and asked how things were going.[53] And I thought he was just making small talk. I said great. He said, "Everybody doing their job as assistants?" "Yeah, they're great. Great bunch of kids and they're all learning, doing well. I have no complaints." Didn't think too much about it. And then it wasn't too long after. I get called into another meeting and this time I think Judge [Donald] Courson who was the Presiding Judge at that time in Tazewell was involved.[54] Wanted to know if I harbored any ill will towards the State's Attorney. No. I mean he's my party. I like the kid. I thought he was doing a great job. Good State's Attorney. I don't know what he's talking about. Well, one of his assistants told him that I had told somebody in the courtroom that they ought to campaign against him or something like that. I mean I would never do such a thing. I didn't know what they were talking about.

And so anyway next thing I know Courson wants to transfer me out of that court into civil court. What is this about? I mean I'd just gotten there. I didn't want to do that.

[53] Stuart Umholtz has been State's Attorney of Tazewell County since 1995. He continued to serve in that position at the time of the interview.

[54] Judge Donald Courson became an Associate Circuit Judge in 1979, and was appointed a Circuit Judge in 1982; he was elected to that position in 1984. He retired in 2001.

And he said, "Well, it's not a choice." And so I don't know. And so gradually I came to understand that there was this cabal of attorneys, mostly State's Attorneys in the State's Attorneys' offices that had all thought -- were telling their boss that I had to go, that I was prejudiced against their office, and I'd used the word bullshit. And I probably did. I mean there was a lady lawyer. A guy had been charged with – an order of protection had been sought against a guy because he took his girlfriend off a barstool and at the request of this girl's mother -- a former girlfriend of his, he wasn't going with her at the time. But the mother called him and said, "Would you help me get Lucy home from the bar? She's drunk and causing a problem." And he said, "Okay." So he goes and helps her. And he puts her in the car and takes her home. And she goes down and files a request for an order of protection from him. And clearly she was entitled to one. I mean I didn't have any problem. I mean he wasn't -- it wasn't his wife. He had no -- it wasn't his daughter. He didn't have any obligation to protect her or anything. And she was a grown woman. She didn't want to go. She wasn't his job to remove her from this tavern whether her mother wanted her to go or not. Anyway, so I granted the order of protection. And then this lady prosecutor said she was going to indict him for a felony. I said, "Oh my God." I said, "That's bullshit, you don't want to do that." And oh my goodness. So that came back to haunt me. And this was an informal type thing.

[02:00]

Later on my brother, who practiced law, told me this young female lawyer, she had some other issues. She didn't stay there very long. But anyway these younger lawyers. I had completely been oblivious to their hostility and how they were viewing me. I thought we were getting along fine and obviously I was blind to what the truth of the matter was.

And that profoundly shook my confidence. I mean how could I be so wrong about my relationship with these people? I mean so I got transferred from there to civil for a while and then went back to Peoria and finished my career in Peoria in traffic court. And that was fine, it was fun. I went back to my old haunts. Hanging out with my fellow judges in the judges' lounge, and guys like Erik Blanc, who'd been a State's Attorney, and Tom Ebel, and Stu Borden and my buddies.[55] I had a good end to the career. But it left me a bad taste in my mouth over that incident. I don't know. Just one of those things I guess.

LAW: Couple other questions about being a judge. I was curious if you ever had to hold anybody, lawyers or anyone, in contempt.

BODE: Yeah, embarrassing. There was a lawyer by the name of Dennis Sheehan. And he was in the State's Attorney's office before I became State's Attorney. And when I entered the office he left and he went to Springfield and he was there a couple years and then he came back. And I gave him a job as an assistant. He was a good lawyer. Very thorough. My complaint with him was that he took too much time to do everything. He handwrote everything out. He never could adapt to dictation. So it took him forever to accomplish stuff. But he was very thorough. And he was a decent trial lawyer. And he was a bad diabetic. And many times I would take him home and give him orange juice and everybody in the courthouse did that at one time or another right up to almost present time. So I'm in traffic court as a Judge. And I'm having these jury calls. And Dennis is representing the client. And we had a jury call. And one of the cases the person said they wanted a trial. I said, "Okay." And I said, "Mr. Sheehan, your case is number two."

[55] Judge Erik Blanc became an Associate Circuit Judge in 1995 and served in that position until he retired in 2006. Prior to being a Judge he was State's Attorney of Tazewell County from 1985-1995. Judge Stuart Borden became an Associate Judge in 1991, and then was elected a Circuit Judge in 2000, retiring in 2012. Prior to being Judge he was State's Attorney of Stark County from 1984-91.

I said, "I want you and your client back in my courtroom at one o'clock. And if this case doesn't go for some reason at one o'clock like they change their mind and plead guilty, then you're going to trial." And I said, "So be ready at 2:00." And he said, "Yes, Your Honor." And he had a habit of saying, "Yes, Your Honor," and then not showing up, and I'd have to go looking for him. And I said, "Mr. Sheehan, I just want -- on the record I want you to understand that if you're not here with your client at one o'clock, I'm going to issue a warrant for your arrest. I mean this is an order for you to be here." "Yes, Your Honor." So one o'clock comes and he's not there. His client is there sitting in the back of the courtroom. He's not there. Well, I'm dealing with the other case that had been set for trial. Sure enough, they want to plead guilty. They worked out a deal over the noon hour. I got a bunch of jurors waiting. So we worked out. We took the plea. And so I said to the client, I said, "Where's Mr. Sheehan?" He said, "I don't know, Your Honor."

So I'm hot. So I issue a warrant for Sheehan's arrest. So a couple hours go by and somebody comes in and says they found Mr. Sheehan. He was in his van in a ditch a couple blocks south of Pekin. He had a diabetic coma and drove his car. When he went home for lunch I guess instead of going home he went out south of town, ran into a ditch. So not a very pretty story. But it is what it is. Did I hold anybody else in contempt over the years?

LAW: And how did you maintain your patience?

BODE: Sometimes I didn't. One of the famous stories about Judge Bode is I was in juvenile court on the fourth floor, that was before the improvement in the courthouse. I had a real busy docket. I did juvenile abuse and neglect, adoptions. I did all the shelter care stuff for the state. And I also was doing jury trials for the misdemeanor court one

day a week. And I get a call from the Chief Judge. Can't think of his name now. Anyway, he says, "Judge Ebel has recused himself." Judge Ebel had been in a bench trial on a contested divorce case for like a week. And after a week of hearing testimony he recused himself. And it was being reassigned to me. And now you have to understand I knew that up there on the second floor in four courtrooms were circuit judges that weren't doing anything, that were going to play golf in the afternoon. I'm busting my butt on the fourth floor in these terrible conditions. And now I'm getting saddled with a divorce case that's contested. It's already had a week of trial and I'm going to have to start the darn thing all over again. And the problem was the very obstreperous attorneys. Jim Hafele was one and I really like Jim. But I can't remember the other guy's name. But the other guy was really the problem. I can't remember his name now. But anyway after about three or four days of just this terrible haggling between these people, just driving, fighting tooth and nail over every issue and every little thing and just making life miserable for everybody, I got mad, and I took the gavel, and I banged that gavel so hard that I broke it. And the head flew off the gavel across the room. From that time on Bode was the guy who lost his temper and broke the gavel in the courtroom.

LAW: Are there any cases that you've been involved in that you continue to struggle with today? I guess the larger question would be how do you find closure to cases.

BODE: I haven't lost sleep over anything. I can't think of. There's been cases that were disturbing. The Mary Maynor case in Pekin, I felt bad that that case never was concluded.[56] I wish -- but I was involved in the investigation. And so I saw the body and I saw the circumstances. And that always haunts me that there's that person that's still

[56] Mary Maynor was found dead in her apartment on May 31, 1974.

out there. That was a young mother in Pekin, just lived fairly close to downtown, who was discovered in a closet that had a door on each end. And one door had been closed, the one that went into the bathroom. And her body was up against that door. And she was naked and she'd been stabbed multiple times. And her little daughter was outside and somebody saw a toddler outside downstairs and so went looking for the mother, and that's how the body was discovered. The Pekin Police brought me three different people over a period of weeks, trying to get me to file charges against each. And they were under tremendous pressure to clear this case, to find this perpetrator. So three times they thought they had the person. And none of their evidence amounted to a hill of beans on any of them. Nothing that I could possibly charge somebody beyond a reasonable doubt with committing the crime. And since then I've learned offhand that now there's a fourth person that they think did it and that they no longer think those three that they brought to me were the perpetrator. But it's still an open case.

The other case that haunts me doesn't haunt me from anything I did or didn't do. It's more from the standpoint that I never looked evil in the eye as much as in this case. This was a sixteen year old boy who under the mentorship of a slightly older guy in maybe his very early twenties, like twenty-one year old, and a young girl about his age went out to commit a crime. And the leader, the older guy, groomed this young man.

The young man had his dad's gun. And the older guy said, "We're going to kill somebody. We're going to go out and we're going to kill somebody." And talked about it. They talked about it for a week or something. And then they went out. He took them to Bloomington and they were going to go in and kill this person. And then they didn't.

He was like grooming them going from place to place. And finally they ended up back in Peoria at the Willow Knolls -- not Willow Knolls. A country club. I can't remember the name of it now. But they ended up at this country club and there was a night watchman at the club. And they murdered him. The older guy shot him. And he had the younger guy stab. And the younger guy was our client. This occurred between the time I was State's Attorney and became a judge. And John Bernardi and I represented. We were co-counsel. My partner and I, co-counsel. I got involved because I had done so much -- we were both equal actually. Anyway, it was a juvenile case in front of Judge Courson. And I guess if I have a regret about the case, it's that we didn't take a change of venue from Courson. That turned out to be a critical mistake. And I'm not sure, looking back, whether I knew at the time when I would have had to do that the facts that would have given me the right to. The motivation to do it. It's a little confusing. Courson was an associate judge at the time. What we did is the case started in juvenile court and the state filed a petition to remove from juvenile court to adult court. And our only hope for this kid was to keep him in juvenile court. They had a strong case. The girl was a witness for the state. So they had a really strong case. I mean she witnessed the shooting. She witnessed the stabbing. She was with them during the whole event. They gave her immunity. She ostensibly didn't do anything. And I think that's the case. Other than watch and titter. But anyway, we had to keep it from being removed. And so we had this hearing. And I remember interviewing this kid and his father and how absolutely cold this kid was. I mean he was just almost eerie. Almost like -- I probably -- I later came to the conclusion he was a psychopath. I really think he had a psychopathic personality. Now whether you could say that of a sixteen year old, maybe they don't diagnose them

like that. But I think he probably did. But I feel bad that we didn't get the case away from Courson. Because it turned out Courson was running for circuit judge during the time our -- and so I don't think there's any way in hindsight afterwards looking back, there was any way we were ever going to keep that case from being

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recused, because Courson just -- it'd be too much pressure on him not to recuse. Because it would have taken one hell of a lot of balls for -- and I know Don Courson is a good judge. He was a great judge. One of the best we have. And of course I'm prejudiced. I'm looking at it from the standpoint of trying to save a kid. But anyway, we ended up plea-bargaining him. We didn't try to -- I suppose we could have put on some kind of coercion defense it would have been. We got a fairly decent deal for him, so we pled him.[57] So those two. Let's see if I can think of anything else. I don't think so.

LAW: All right. Now I have some philosophical questions for you. What are your thoughts on cameras in the courtroom? And how should the judiciary relate to the media?

BODE: Cameras in the courtroom. During my tenure as a judge we didn't have any cameras in the courtroom. I never really had a request for any cameras in the courtroom that I can recall. I guess I think I would have been against it back then. But today knowing, looking at what's happened in terms of police and all that, I'm not so sure it may not be a bad idea. I think --

LAW: Why would you have been against it?

[57] See, *People v. Reese*, 90 Ill. App. 3d 284 (3rd Dist. App. Court, 1980).

BODE: I would have been against it. I would have probably argued things like that we have enough trouble with attorneys now being performers and putting on shows. That's all we need is a camera for them to perform before. But I think that probably is a fairly weak argument. I think that if the cameras are in the courtroom it may initially cause there to be some initial self-consciousness and awareness. But quickly those cameras would become ubiquitous. And they would just be part and parcel of what went on, and probably would be useful.

LAW: Now what about the media? How should the judiciary relate to the media? And as a corollary to that, how should the media relate to the judiciary?

BODE: Let me back up a second on the camera thing. I'm assuming we're talking about it as being a camera that records what went on in the courtroom but then stays in the can, it doesn't go on the evening news.

LAW: It could.

BODE: I'm not sure about that. I think I still might be against cameras in the courtroom. Maybe not appellate courts. But at least in trial courts. But I don't have any objection to it being filmed as a record of what actually occurred in the courtroom.

LAW: Okay, that's a good distinction I think.

BODE: But in case there's any reason to -- Okay. Media question. How should judges relate to the media?

LAW: And how should the media relate to the judiciary? I had a judge tell me one time I should ask both sides, get your opinion on both sides.

BODE: The media ought to do whatever they think they need to do to get their story. I mean that's their function. I think judges need to be very careful. I tried not to talk about cases. I mean other than in a generic sense or like I talked today about examples. But specific cases with names and all that to the media when a case is in process I think would be verboten. I don't think judges ought to do. All you're asking for is trouble. I mean the one thing you're trying to do as a judge is to have a clean case where you appear neutral. And you give each side their day in court and let the chips fall where they may. Especially a guy like me. You can tell already just being around me a few hours that I'd run off at the mouth like crazy. I'd be jawing with a reporter and I'd probably be out of a case so fast. I mean that's just me. I don't think judges as a rule should discuss ongoing cases before them or likely to come back to them with the press. Now other than cases, I think judges have an obligation to speak to the press. And I have. About things in the system that need correction. I was the author of a fairly harsh criticism of the building and the facilities that we've already talked about in Peoria. And I drafted a document that got to be signed by most of my brethren who worked in that environment. And we publicized it to the county board and the press. I mean I think that was something that needed to be done.

LAW: As a lawyer and a judge, what are the best means to enhance the public's awareness of the judiciary and what the judiciary does?

BODE: When I was a judge and a lawyer I participated in mock trials in high schools. When I was in juvenile court I made it a habit to go to grade schools and put on presentations in grade schools. What I would actually do is I'd take my robe and I'd go to like a junior high classroom and I would leave my robe off and I'd just talk to them

about a court, what the court was all about, how it was staffed, the different people, their functions. And then I would ask for volunteers and select people to be the prosecutor, to be the defense lawyer, to be the mother, to be the father, to be the kid that was in juvenile court, to be the social worker, to be the bailiff, to be the clerk, the stenographer, the court reporter. And after having explained all those court people's roles, then I would recruit people to play those parts. And then I would go out, put on my robe, and have the bailiff open court, take the bench. Oh, I had somebody be the flag. That was always part of the comic part of it. I'd have one kid be the flag. Whenever I'd look at him he'd have to wave to everybody. That was his job, to wave. And then I would open juvenile court. And we'd go through a little mock trial.

I talked to a lot of civic groups over the years a little bit about the system like we've talked about already. Along those same lines. Yeah, I think there's a definite role for Judges to participate in public education. It just flabbergasts me sometimes to think that -- I remember the one case that I remember watching a lot of ever in my life was O. J.'s case. And what a terrible, terrible impression that case gives the public about what the system is all about. I mean we had to go around and educate people that no matter where you go in America within a radius of about fifty miles anywhere you go there's a courtroom with a judge that's handling cases on a daily basis that is nothing like what went on in California. It's like their brains opened up, I mean their heads, their minds were so wide open, their brain fell out out there, I guess the way to express it. I mean it was goofy. I understand there's a movie coming out about it.

LAW: Are you a member of any bar associations? And what is the nature of the relationship between bar associations and the judiciary?

BODE: I must be honest. I was not a big bar association guy. Even when I was a lawyer I was not big into that. And as a judge, I did attend a few bar functions, but I was never comfortable. I always thought that one of the things you did when you put on a robe is that it was important that you maintained a certain distance from the bar. I didn't mean you couldn't be friends with a particular lawyer. But you didn't want to be one of the guys. You didn't want to give that impression that you were one of the guys. Because next thing you know somebody's shooting their mouth off about something that -- I just thought you're paid enough, you get enough prestige from the job. You really don't need to be one of the guys at the bar association functions.

LAW: Was that common?

BODE: Yeah, it was pretty common.

LAW: What I mean is was your approach common?

BODE: No, I don't think so.

LAW: What is the role of the judiciary in society? What is the role of the lawyer in society?

BODE: Well, there originally were only a few professions. We had medicine, clergy, and lawyers. I mean and there was a reason why you had professional status. It's because each of those positions held a special trust. And I guess I put the judges in the attorney role. It's a particular kind of an attorney. Your responsibility has to do with the legal system rather than the body. But we have made the word professional apply to everything. But really there were only three real professionals in ancient times, and those were the three. And I think the reason you were entitled to special recognition as a quote professional unquote was that money was not to be your motivation. You're not in it for

the money. You're in it for a service. You're in it to serve mankind in a special role. So I think it's a really high calling. It's a real privilege and an honor for your fellow citizens to put that robe on you and to invest you with this special role you have. So I mean you need to be able to practice it with an absolutely clear conscience and do the absolute right thing in your own eyes. I don't claim I was right in every decision I made. But I can't ever think of a decision I made with the wrong motivation -- that I consciously made with the wrong motivation. I mean I always thought I was right when I made a decision, that I was doing justice. Now reasonable men will differ about those things. And I understand that.

[02:30]

LAW: What are the benefits of doing pro bono work? And have you been engaged in any kind of philanthropic work?

BODE: Pro bono work I think is very important for any professional. Again this goes to the idea of a professional. Money isn't your motivation. Your motivation is to see that this person is taken care of. If you're a doctor, you should treat people irrespective of their station in society or their wealth. You should try to help as many as you can to the best of your ability. And clergy, the same thing. And of course as a lawyer you have a special role to play and to dedicate a portion of your time to helping those that cannot afford help any other way, to see that justice is done, that people have their say, their ability to get their point across, I think that's critical.

All my life I have served in some fashion at some time or another. I mean I started my life out as a marine. I mean that's a form of service. I was a scout leader

when I was in the marine corps. After I left the bench, after spending some time taking care of my parents, I took Red Cross classes and I spent a number of years working as a disaster volunteer for the Red Cross. I got my disaster certificate in August of 2001. And September 12th I was notified by the Red Cross I would be assigned to New York as soon as the airplanes started flying. And I went to New York and I spent three weeks there. And thereafter I did disaster work for a number of years until my wife finally said, "You're away too much." My first obligation is to her. So I listened to her. So I stopped doing that. But wasn't long after that that I became Catholic and joined the Catholic Church. And they were looking for somebody to head up a crisis response ministry which is very similar to what I did in the Red Cross. We did disaster response. But in the church I'm doing crisis response. So the last five years I've headed up this crisis response ministry. And Carolyn and I work it together. And we have about four or five couples that work for me that go into homes of people in crisis and try to help them solve their problems and even a little financial report [*sic*] if we can.

I volunteer at the hospital. Last friday I was helping people get to their parking lot from their rooms as an escort. I've done that for -- I haven't done it much in the last year, but I did it regularly from about 2002 on up until about a year ago. And then I guess I'll probably be getting back involved in it a little bit.

I've been involved in all sorts of ministries. I spent many, many years doing prison ministry where I would go into prisons and put on retreat weekends, like a religious retreat weekend for both the men and women prisons. I had about every position on a team that there was, from the person that did nothing but pray to the person

who was the head of the whole weekend. And I was on the board of that. And so for maybe 20 years I did prison ministry.

I've served on all kinds of different boards in one capacity or another that did philanthropic type work. I'm a great believer in [Edmund] Burke's philosophy of little platoons. The thing that's unique and exceptional about America is that America is almost alone in the world as a place where people in community solve problems. Little committees of people. If there's a problem arises in a community in America, this committee is put together to solve the problem. Unfortunately that has been on the decline for a number of years. And a lot of our civic organizations who have done that kind of work are declining in enrollment. Finding it hard to get members. And that's unfortunate because I think that probably is one of the things that is so important about our nation. [Alexis] De Tocqueville in his writings about America, that was one of his observations about -- when you live in this country, you take it for granted. But if you go to Europe, they don't have stuff like this. They don't have like all these different clubs. If they have organizations, they're more selfish, they're directed inward at the members' benefits. Not saying there's none. But not to the degree. Part of it I think had to do with our pioneer -- I mean there really wasn't anybody else to turn to in this country. Communities were pretty much on their own as the country expanded west. And in a way our republic setup was that way too. Each state had areas of responsibility. The people of that state had areas that they were responsible for. It's only been in the last couple generations that everybody's looking to DC to resolve problems. For the vast majority of the years, 90% of the years of this country has existed, people looked to state and local government for resolution of problems.

LAW: What does the future of the profession hold?

BODE: There's always going to have to be a place for the profession. I mean even under totalitarian systems there were judges and people that dealt with the day-to-day life. I shudder to think that we may go the route of the theocracy, Sharia law. I'm not at all concerned about that, I don't think we will. But I think it's an honorable profession. I get a little worried about -- I think it's part of my age, it's part of being old. When you're old you tend to always think the younger generation is going to hell in a hand basket. I mean that's just a part of growing old. Part of that comes from the fact that when you get old you begin to see the repetition of things. You don't see things in a linear way. You begin to see the revolutions. You begin to see the sameness of stuff. I just got through writing an essay where I was pointing this out. I spent most of my life up until what, '90, in a Cold War environment where the evil of the world was communism. And a good part of my military career was involved in nuclear stuff and the Cold War and the reality of that. And all the stuff that went on. The wars to defend Korea and Vietnam. The proxy wars. And now in '89 the wall came crumbling down, and we found out that the Soviet Union, far from being this monstrous power, was really a paper tiger. It was a third world country with nukes. That's basically what it was. They weren't really doing very well taking care of their own people. And what the hell were we so afraid of? And I'm beginning to wonder if we weren't sold a bill of goods about the dangers of that. Anyway now we got a new bogeyman. And now we have the war on terror. And it's going to go on for fifty years and justify more bombers and planes and tanks and taxes and loss of privacy. I tell you what. It's turning around. And I think we're making big mistakes. And I can't believe that a bunch of people over there in that sandpit who can't

even build their own pickup trucks let alone build their own tanks and airplanes represents any real existential threat to the United States of America. But the politicians. Both parties, all parties, they're all wanting to go to war. I'm tired of wars. I think it's ridiculous. So I have a little bit of an old man's view about things. I just wrote an editorial about this.[58]

LAW: If you had to do it all over again, would you do anything differently?

BODE: I'd be a better man the first half of my life than I was.

LAW: I mean with this just with your legal career.

BODE: Yeah, okay. At one time like I say I had my nose really bent out of shape that I wasn't a circuit judge. But at this time looking back, I thought I was very suited for where I was. I don't think I would have done very well if I rather than Judge Gorman had done what he did. I came to appreciate the stamina that some guys like Gorman have and these judges that handle these very long complex, what I think are boring cases. I'm a people person. I mean into love and relationship and human interaction. The corporate crap that some of these judges have to deal with, these esoteric complexities and finance. I wouldn't be very good at that. I was an accounting major at Illinois and I quit that to go to law school. So I think I probably ended up -- and I'm glad I did – ended up where I did.

LAW: What do you want to be remembered for? What is your legacy?

BODE: I don't necessarily think I need to be remembered for anything. I think my legacy is really just the people whose lives I made a difference in. I wrote this thing. It's just

[58] See, *Peoria Journal Star*, December 15, 2015, pg. 4A.

fresh on my mind. I wrote this essay, op-ed piece, for the *Journal Star* which was just published a couple days ago. And a guy I know called me about it. And I couldn't get him off the phone. I couldn't get him to shut up. Really the essay meant a lot to him. And I mean it just amazed me that something I wrote touched somebody that way. Now this wasn't about love, this was more about politics or the world situation. But I mean it really made an impact. And if you can impact a human being into being a better person in some way with something you do or say or something you model in your life, I mean there's your legacy right there.

[02:45]

I'm tremendously proud of my children, my sons-in-law. I got the best sons-in-law. They're great guys. They're all better men than me. Wonderful guys. I don't know. I've been so blessed in my life. And I mean I'm sure my family will remember me. But you hang up that robe. When you retire and you hang up your robe, for a while you keep going back. You go back and visit. And then one day you go back and somebody says, "Yes, sir, can I help you?" And all of a sudden you don't know who this person is. Things change. Life goes on. People come in. I bet if I went in the Peoria Courthouse now probably not more than a half dozen people even know who I am. Now there was a time 20 years ago. "Hi, Judge Bode!" I mean it's just life goes on. That's life. So none of us are going to -- I mean unless you're really some kind of extraordinary person. And mostly people that are remembered are probably mostly pretty bad people, when you really get down to it. We maybe make heroes out of some of them.

LAW: Judge Bode, that's all I have for you today. Thank you, sir.

BODE: Okay, thank you.

[Total Running Time: 02:48:38]

END OF INTERVIEW THREE

END OF ORAL HISTORY