

An Interview with John J. Stamos Illinois Supreme Court Historic Preservation Commission

John J. Stamos practiced law in Chicago, worked as an Assistant Corporation Counsel, and Assistant State's Attorney, before becoming State's Attorney of Cook County in 1966. In 1968, he was elected to the Appellate Court, First District, where he served until 1988, when he was appointed to the Illinois Supreme Court. He retired in 1990.

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Abstract

John J. Stamos

Biographical:

John J. Stamos was born on January 30, 1924 in Chicago, Illinois, and grew up in South Chicago. He served in the U.S. Army Medical Corps in the European theater of operations from 1943 to 1945. Upon his return from the service, he attended the DePaul University College of Law and graduated with an LL.B. degree in 1948. He was admitted to the Illinois bar in 1949. After a few years of private practice, Stamos became an Assistant Corporation Counsel for the City of Chicago in 1951, and in 1953 became an Assistant State's Attorney for Cook County. Stamos worked as an Assistant State's Attorney until 1966, with a short break in private practice in 1960. In the early 1960's he was the head of the Criminal Division of the State's Attorney's Office, and then First Assistant to State's Attorney Dan Ward. In 1966, he was appointed State's Attorney of Cook County, and served in that position until his election to the Appellate Court in 1968. Justice Stamos served on the Appellate Court, First District, until 1988, when he was appointed to the Illinois Supreme Court. He retired from the court in 1990, and re-entered private practice. He lives with his wife Mary in Chicago.

Topics Covered:

Painting; early life and family background; the Depression; teenage years in south Chicago; experiences in Europe during WW2; Pearl Harbor; being drafted; preparing for deployment; service in Crewe, England with a psychiatric unit; service in Plymouth, England preparing for the Normandy invasion with a detached unit; experiences in Europe during WW2; service with a psychiatric unit in Belgium; returning home and attending college; law school at DePaul University in Chicago; first wife, Helen; the movies; political outlook; law practice; work as an Assistant Corporation Counsel for the City of Chicago; colorful judges; Frank "Skinny" McDonnell; Judge Charlie Dougherty; Bill Carlin and stories about Clarence Darrow; work in private practice; becoming an Assistant State's Attorney; work as an Assistant State's Attorney; becoming State's Attorney; work as State's Attorney; work as Assistant State's Attorney; relationship between the Chicago Police Department and the State's Attorney's office; work as Assistant State's Attorney.

McCarthyism; Robert Kennedy; Harry Truman; appearing before the Illinois Supreme Court as an Assistant State's Attorney; Mayor Richard J. Daley; not being re-slated for State's Attorney in 1968; work as State's Attorney; 1968 Democratic National Convention; riots after the assassination of Rev. Martin Luther King Jr.; rejecting being slated as the candidate for Attorney General in 1968; private practice; becoming an Appellate Court Justice; work as a prosecutor informing his work as a judge; politics and the Appellate Court; important cases on the Appellate and Supreme Court level; cases worked on while Assistant State's Attorney; running for the Illinois Supreme Court in 1980; second wife, Mary; other Appellate Court justices; thoughts on recall; Appellate Court cases; importance of experience; obscenity cases; being appointed to the Supreme Court; living in the Supreme Court building; colleagues on the Supreme Court; Illinois Supreme Court cases; retirement; important Illinois Supreme Court cases since retirement; role of a judge in society; the best way of enhancing the public's awareness of the judiciary and what it does; role of the ISHPC in preserving the history of the Illinois judiciary.

Note:

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Oral History Transcript
Illinois Supreme Court Historic Preservation Commission

John J. Stamos

Q: I am John Lupton, Director of History Programs for the Illinois Supreme Court Historic Preservation Commission. We are in the home of Justice John Stamos and today is August 26, 2010. OK, Judge Stamos -- actually, before we start, why don't you tell me about what we're sitting in front of here. Your -- your paintings.

A: Yes. Those are my -- I refer to them as my creations. You know, the -- some of my favorites, that blue one on the left, that's my favorite. Yeah. See, what I do, I paint a four by five base and I -- with acrylics and then I take them over to Kinkos and use their Xerox machines to enlarge and make these and then also make greeting cards. Then I also make copies that I paste onto -- glue onto four by fives. Show them to you before you leave. So... But I have one painting in here is by a British artist I met in Ireland and he lamented the fact that he didn't have access to masonite. I sent him three pieces of masonite and within a couple of months he sent me a finished painting that he did on one of the masonites, thanking me for the... So that was very nice. Yeah.

Q: How long have you been painting?

A: Since I was a child.

Q: Since you were a child?

A: Yeah.

Q: Just something you were -- had an interest in?

A: Oh -- yes. Painting, drawing, yeah. So... But I was sidetracked. My -- because there was a tremendous number of able artists, men and young women. New York alone I don't

know how many thousand there that are excellent artists and some are having difficult financial problems. It's a very -- it's like the theater business. It's very competitive and there's a lot of capable qualified people and I'm just happy I didn't get into that because I don't think I would have enjoyed it.

Q: Well, let's -- let's start off with your early life. Tell me when and where you were born.

A: Well, I was born in Chicago, Illinois. I was the youngest of nine children and I was born at home, the bedroom downstairs, and I told my children -- they ask, I said, "Well, the first thing I noticed when I was born was the bright star in the east." But I was born at home. And I think my mother, the age at that time, I think she was about 39 years old. And I was the youngest and that's the -- you know, you get spoiled rotten. And all sisters and one brother. And we lived in a steel -- that part of Chicago was the big steel making part. In fact, the United States Steel employed 15,000 people. Three shifts and Republic Steel, and Youngstown Sheet and Tubing, Inland Steel, Republic, you name it. We published -- you name it. There was forges and foundries and you name it. A very bustling, busy place that -- well, there were 60 languages and dialects spoken. So my friends as I grew up were you name it. Serbian, Croatian, Italian, Irish, Polish. You know, regrettably I learned some of the bad words you're not supposed to learn but I learned all of them, both in Italian, Serbian and also Croatian. I used to -- Mike Bilandic was the former mayor of Chicago. He had -- he told me one time, he said, "What the hell kind of an education you had, you know, hanging out with those Croats, teaching you that terrible language." So my dad, he came over to this country when he was 18 years old. In fact, I have a copy of the manifest on the ship he came over on. And he and his twin brother, they went -- he went to work for the paint company. What's the one? "We

cover the world.” On the South side of Chicago. In those days, the odor was tremendous. You could smell it. You could smell the stockyards. Now you don’t smell anything. But he lasted 30 days and he said, “I didn’t come to this country to be subjected to this,” so he got a job as a dishwasher and he said -- within one year he had his own restaurant. And he said -- when he first came over he said he realized, he said, from what he’d heard that he’d probably had a little problem with the language, he said, but he was a little perplexed. He said, for instance, he was wondering whether the arithmetic would be the same, whether two and two was four, like it was in Greece. He said once he realized it was the same he thought it’s not much of a problem and he succeeded quite well financially. So what more can I tell you?

Q: Well, his parents stayed in Greece? What -- how --

A: Oh, no, they came over.

Q: They came over. When?

A: Yeah, they came. My mother came and they stayed -- they went back once. Back in ’51 they went back. I have a feeling -- I may be wrong. Of all the immigrants in this country, I think the Greek immigrants are the only ones who came over with the intentions of making some money and going back. I don’t think they ever really intended... I found that out one time, I was traveling in Sweden, and I met some Greeks there. And there’s a thousand living in Stockholm now. And they said the same thing. They said they came to Sweden because it was an opportunity to make some money and he said he thought we’d accomplish that, we’d go back home. But he said, “But now I’ve been here 15 years. The kids speak the language, they have friends.” He said, “We’re not going back,” he said. So same thing happened to my parents. They never went back.

I can understand. I've been to Greece a number of times and I could understand, you know, why they'd want to go back. The weather, the people, the lifestyle, you know. But... so then I went to grammar school and Bowen high school on the south side and...

Q: What do you remember about growing up in Chicago in the '20s and '30s?

A: Well, I remember... It seemed like the snowfalls were more severe and the weather was... It seemed it was hotter and colder than what we experience now. Well, in those days, you know, we didn't have those artificial fabrics. You had either wool, linen or cotton slacks. And I remember we used to -- as kids we used to wear the knickers and I remember I used to have high tops one time my mother bought me and it came equipped with a knife that you put in the side of the high top. And it seemed that -- you know, the streetcar fare was three cents for children under the age of 12 and seven cents for an adult. I remember I had a sister worked as a cashier downtown and she would ride that streetcar back and forth. The restaurant was on Randolph Street. She made a dollar a day and was damn glad to get it. But she had to ride maybe back and forth, 45 minute ride, almost an hour ride on the streetcar. In those days, you know, you didn't have -- the only buses were -- the park district had buses that ran in the park district. But streetcars were readily available. I think you could find a streetcar line within five blocks wherever you were and it was very convenient. It's a shame they tore them up because they performed a hell of a service. Then my family insisted that I learn the Greek language, which we spoke at home, but go to the church school. All of my cousins, there was about six of us, seven of us, was required three days a week to leave school at 3:00 o'clock, get out of -- get on three different streetcars to get to the church an hour later at 4:00 o'clock. Then, 6:00 o'clock reverse and come home. And I was about 11, 12 years old. And in

the winter, it was really an imposition. It was really bad. I remember I'd come home, I'd be tired, I was sick, I was hungry. I told my mother one night, I said, you know, "This going to the two schools," I said, "if I marry and if I have children, I'm not going to subject them to this routine of going to two schools." She said, "I know that. I know it's difficult. But I'll tell you something," she said. This is like 1936. She said, "I know you're going to go to Greece some day." She said, "I don't want you to go as a deaf mute." It turned out she was right. You know, I went over, I was able to speak and communicate, so -- so it worked. She's the one that told me -- I went to college, I came home for some books and she looked at the books and she said, "Those are -- those are big, heavy books, aren't they?" I said, "Yes, they are." She said, "Well, just remember, my boy," she said, "that wisdom came before books." I thought it was a pithy observation, yeah.

Q: What -- did -- was your family hit by the Depression?

A: Yeah, my poor father... He and his brother went bankrupt. In fact, my mother used to tell him to slow down, take it easy. He kept investing in real estate. He had bakeries, he had candy shops, hotels. Told him to slow up but he persisted and the bottom fell out. And then later on he managed to come back again and he was able to retire. He could afford to retire. But for a while there it was touch and go. But my mother warned him. She said, "You're going too fast, too far, you know."

Q: How did that affect you as a kid?

A: Well, yeah. We -- well, for instance, I told my wife, who was a former schoolteacher, I said, "Well, they have these lunch programs for these kids and they have these trays and they have all this food." I said, "When I went," I said, "we would live on... My mother'd

make a jelly sandwich, two slices of bread with some jelly on it, put it in a brown bag. That was your lunch. And today,” I said, “they muddle-cuddle these kids. The milk and the this, the that. In those days,” I said, “most of the kids, I’d look around, we’d have lunch and the other guys have a peanut butter sandwich and that was your lunch. And if you were lucky, you’d get a nickel. In those days you could buy a hamburger for a nickel. But that was far and few between.” And so I remember those days. Money wasn’t that available, you know. It... So...

Q: OK. What was it like to be a teenager in the '30s and '40s, then?

A: Well, I hung out with a group of kids. We made our own... We -- we had our own baseball team, our own football team and we were like 12, 13, 14 years old and there were neighborhoods in that place, south Chicago, like in – South Deering was one part and there was Calumet Heights and then there was the Bonivers. That was an Italian outfit from the east side across the river and then there was this Polish group. I forget their name. Then there was a black football team called the Renaissance. They’re from around the steel mill. And there was a local paper. We had a daily community newspaper. That was the only one in the United States. A daily community newspaper. And we would arrange to have games and we would notify the various parks where we were going to play and we’d reserve a place. And it wasn’t grass. A lot was gravel, for god’s sake, and we were ill equipped. You know, catch as catch can equipment. I got my nose banged, my legs banged. It was a lot of fun. Then we’d have jackets. We’d raise money and we’d have a dance every year. You could get in with 35 cents and we’d raise money so each of us would get a jacket and it was Crimson Tides Social Athletic Club and we was... And one year we had sweaters, CT. But we were kids. You know,

we'd hire a band for \$110 and ten dollars more you get a vocalist and then he would -- there'd be ground rules. He would play -- a set would be four songs and he guaranteed he'd play ten. That'd be 40 songs. There was no intermission. He had to exchange his musicians. We wanted a lag time. And they're like bickering with these 14, 15 year old kids. You know, you got this bandleader. But we'd go to the Masonic Temple, we'd lease the place for the night and by George, you know, every year it was very successful. And the war came on. Naturally, a couple of our guys volunteered. I lost -- a cousin of mine got killed, a good friend from college got killed. Real lucky. Some of our people had a cousin, he was wounded. In fact, just to digress, Pete was in the infantry. I was lucky, I ended up in the medical, which is another story. But Pete was a tech sergeant in the 84th Infantry Division, 333rd regiment anti tank company and he and I were on furlough at the same time in '43 and I said to him... You know, "Dikes -- " Dikes was his nickname. Mine was Sid. I said, "We're probably going overseas. You tell your people I'm your brother and I'll tell my people that you're my brother." I said, "You know something might...something's going to happen, sure as shit." Well, November, about... Cold winter November day, overcast, rain, terrible. We're in Belgium. My first sergeant said, "Hey, where the hell you been? We've been all over for you." Well, then he says, "Your brother's been wounded. He's up in the hospital up in Liege." He said, "Go down to the motor pool." He said, "Hoffman's waiting for you to drive you. He's going up to pick up some supplies." "How is he? He's hurt?" "I don't know," he said. "Blue -- American Red Cross called." So I go down to the motor pool and there's Hoffman. I tell him the 56th General Hospital. I knew people from the 56th because I served with them just before the invasion in Plymouth. There's three, four Italian kids. I don't know how

they all ended up in the same unit, same neighborhood, but I knew them. So I got to the hospital and I told them, oh, yeah. They take me to a tarpaper shack down the way and my driver, Hoffman, says, "I want you back here in two hours." He says, "At 8:00 o'clock you be here to take you back." So I go down to the paper shed. The door opens, there's a jukebox, there's a bare light bulb and smoke and some GIs are dancing and I holler, "Dikes, Dikes," and he emerges with his arm in a sling. "Well, for Christ's sake," I said, "I thought you lost a leg or something. What is it?" "I got some shrapnel." I said, "Oh." So I visited with him for a couple of hours and got back on the truck and went... I told him. I said, "Didn't I tell you before we left that...?" So I said, he -- you know what you're talking about. So that's what...

Q: He was one of your friends that you played with in...?

A: He was my cousin.

Q: Your cousin, OK.

A: Oh, he and I were born and raised together. Yeah, he died a couple of years ago. Pete. Yeah, he was the 84th Division. So after the war, when Germany surrendered, how old was I, I was 20 years old, 21. My captain, who was a real decent fellow, he stayed in the Army. He became a lieutenant colonel, then he retired and was a school teacher. Then when I looked him up -- he had died a year before I looked him up. I found him up in -- he was living in Pennsylvania. So I said, you know, "Cap," I said, "I haven't had a furlough in two years." He said, "I know." He said, "Well, where do you want to go?" I said, "What do you mean?" He says, "Well, you want to go to the Riviera, you want to go to Paris?" I said, "Well, I haven't been to Paris." I said, "I want to go visit my brother." "Well, where is your brother?" I said, "He's over in Germany somewhere with

the 84th Division.” He said, “How about if I give you ten days?” I said, “Fine.” So I got a copy of the order downstairs. I got it framed. So my sergeant, for Christ’s sake, I don’t even think I told him I was leaving. When I got back, he didn’t even know I was missing. Didn’t give a damn. But I go down the railroad station, I figure, well, I got... “He’s in Germany somewhere,” so I’ll get on the train and go in Germany. So I go down to the railroad station and the more Belgium... There was a train going -- I found going to Koblenz. Well, anyway, I make it to Koblenz and I meet some GIs coming back from furlough. Needless to say, the guy says, “You have to go to Eisenhower’s headquarters to find out. They know where everyone is.” So I get on the autobahn and there’s tons of traffic, you know. So I get down to Frankfurt and I go to the Eisenhower headquarters. And they’d taken over the IG Farben headquarters, a famous German chemical -- I don’t know how they are now but they were a big operation. Anyway, I go there and I talk to a captain. I still have the pieces of paper, stationery from S.H.A.E.F. [Supreme Headquarters Allied Expeditionary Force] headquarters. He says, “He’s in this triangle.” Heidelberg, Frankfurt and something else. I don’t know. Heidelberg... Mannheim. Anyway, found him. He said, “What are you doing here?” I said, “Come to visit.” I visited with him and then on the way back I hitched a ride on an airplane. My first ride on an airplane. The fellow said, “You know, there’s planes that take wounded back and forth. They take them to Paris. There’s a landing strip.” So I went over there, I got on a plane and visited Paris for a couple of days. Yeah. Well, that was interesting. So what else do you want to know?

Q: Well, let’s back up a little bit to Pearl Harbor. Do you remember...?

A: Yes. I was in a pool room. Pearl -- Pearl Harbor was on a Sunday and we were shooting pool and somebody had the radio on and then somebody said, "Wait a minute. What was that?" You know... And finally they repeated it over and over again. Pearl Harbor was bombed. So one of the fellows down there, he knew about Pearl Harbor. And he says -- he had a brother that was in the Navy and Pearl Harbor's in Hawaii and we thought, "Oh, my god, you know, what is this?" So it was just a tough, you know, time. I was 16, 17. So naturally everyone thought, you know, this was a question is when do we -- we're obviously going to go. So they were drafting at that time. You know, before Pearl Harbor there was a draft. But they really accelerated it now. And so that was like December '41. Well, the year of '42 our guys, one at a time, started disappearing, being drafted. Every morning you'd come out to meet somebody on the street, you know, "I've been... Got the letter." A board consisting of your neighbors and so forth. And what we do is... A fellow'd give ample notice and you would first go for just a general physical/mental... It was nearby. Park, I remember, Market Park, and they would cull out people who obviously, you know, weren't going to be drafted. And then subsequently they would tell you to come back another 30 days and you'd report to your draft board and then they would rent a streetcar and put everybody on the street car and take you downtown. I remember they'd take us down to the Insurance Exchange Building. Thousands of people there and it's all set up, moving in and out, checking this and checking that. And then, near the end, they'd ask you, "Do you want to volunteer for the Marines or the Navy?" So my father said, "Don't volunteer for anything." So I said, "No, the Army." And this was all right. They swore us in, said, "You're in the Army now, in the Reserve, and you report back to your draft board in 30 days," which we did.

And then I reported to Fort Sheridan to be processed. And -- but what we would do, when a fellow was leaving, we'd have a party for departure, for party. But we learned early on to only give the party if he's already been sworn in because some would go down and he'd fail the physical or the mental. So once they got -- they were in, we'd give them parties. I remember we gave a party one time on the next block, a man... let's see, I forget whose household. Maybe Gahoya's house. Ralph Gahoya, whose name means joy, in the basement. So they went out, these fellows, they bought a couple of kegs of beer and rented a jukebox and, the next thing you know, we're having a having. Well, then the word spread around south Chicago. The next thing you know, people are coming in you'd never seen before but they know a friend who knows a friend. Well, now you got 50, 60 people and the basement spilled out into the yard and that's like a Saturday night and then people say, "Well, it'd be nice if we come Sunday afternoon to clean up the basement," you know. So the fellows would come back and then it would be like 4:00 or 5:00 in the afternoon and someone would say, "Well, what the hell? Let's get a keg of beer." So they order another keg of beer and they tell the fellow they want the jukebox back. Well, the next thing you know, that party went on for three nights. It kept going. Those were wonderful days. Now, to get back to the Army. I was very fortunate, soldier of luck. I knew how to type. I think I told you this story. I was in high school and there was a friend of mine, a very energetic fellow. He says, you know, he says, "All the women," he says, "are in a typing class." I said, "Yeah?" He says, "Let's sign up for typing." So he took -- he says, "Look," he says, "See, you don't see a fellow in there. All over it's all women." So we sign up and sure he's right. It was all women. The only two of us are in typing. So I learned how to type and I met all these girls. It worked out

swell. So -- and Ms. Priss would go with a big pointer. She didn't want you looking at the keyboard. You had to look at... If you looked at the keyboard, she'd whack you on the knuckles, you know. So I learned how to type. So I go in the Army. Now, in those days, a much sought after position was a typist or amateur radio operator. And another one was -- to this day, I guess, it is important -- but a very important fellow in the Army in those days. And they -- whenever they got one, they hung on to him like it was precious diamonds or something. It was a sign painter. See, the Army in those days was just full of signs and if anybody got their hands on a sign painter, they would move heaven and earth to keep them. So I was a typist, so I got up to Fort Sheridan, they processed you. There's four or five people behind cages and they're interviewing you. You are compelled to buy \$10,000 worth of insurance, I remember, and he'd be typing that information in. And one of the last questions he'd ask was, "Are you an amateur radio operator?" "No." "Do you know how to type?" I said, "Yes." He called the sergeant over. So they take me to a room. I typed a couple of lines. He says, "You're hired." He said, "But you only can stay in camp here for 30 days then you ship out." He said, "But you go home every weekend." It worked out that way. It was cold. I remember the -- it was in February. Cold. I'd come home on the weekends and people stop in the street, you know. "Gee, my son," you know... Would say, "He hasn't been home. How come you're home every weekend?" And I remember one kid across the street, he said, "You know, your mother's the only one who, when she saw me, says, 'It's nice that you're able to come home.' She says, 'All these other sons of bitches,' he says, 'They always complain, 'My son's in Buddha Canal. How come you're home.'" He says... One year I knew we had a job with -- at 11th Corps. His -- one of his jobs was to

bring back AWOL soldiers. Which... He got home quite often and it got embarrassing for him because neighbors and friends would accost him and, "Well, how come you're home and then my son is, you know..." Well, he had to sneak home back and forth through alleys at night because he didn't want to be confronted with these outraged parents and relatives about how come I am constantly in and about and their son -- that was Zatzi Granite, that's his name -- and he says he had to roll around, he says, like a thief in the night. He says, "I got tired of those people swearing at me and... So that's... Since I got in the Army I could type. So I went to medical... Then I got the mumps in the Army. Yeah. I did some three weeks in the hospital at Fort Sheridan and then shipped out to Texas, Abilene, Texas, as a medical replacement training center. And they trained for everything there. Then I was assigned to an outfit, the 3-12 station hospital in Alabama, Fort Rucker. And then we shipped overseas and we were a medical surgical outfit. We had 400 people, X-ray technicians, lab technicians. The whole bit. So we got over there. It was like December 6, 1943. We went over there on a British vessel. It was terrible. And we landed and they put us on the train and we got off the train at the town of Crewe, which by the way, they manufacture the British automobile. Not the Rolls Royce, the other one.

Q: Bentley?

A: Yeah. In Crewe, yeah. So they put us on trucks and it's December -- what, now, it's about the 15th. Cold, damp, raining. Oh, Jesus. And so we're lined up. They're going to give us hot coffee out of a tin cup and this major comes by and somebody says to him, "Oh, yeah, what's going on?" We knew something was going on. He says, "Well, this is an NP hospital." We thought, "Gee, the MPs got their own hospital." But he meant

neuropsychiatric. So we sit down and have our coffee and then we're advised that we're no longer going to be a surgical medical organization. The Army finds itself short and they need psychiatric units. So they take some people out, they put some people in, we get some psychiatrists, we lose some surgeons and physicians. It was topsy-turvy. So we end up treating what they call... They called it combat exhaustion. I don't know what they call it today. But it could affect people who aren't even in combat, mental illness. It was officers, too, were mixed up. And we opened the school for doctors for refresher courses because the Army was absolutely short of psychiatrists.

Q: What was your role? What was your specific role in this unit?

A: I was a typist at headquarters.

Q: OK.

A: Then I also -- the camps had me driving a truck, chauffeuring around with a jeep. I'd go get the payroll and stuff like that. But I had a real wonderful -- I was very fortunate. So then in... Let's see. Around March of '44 I'm called in with four other fellows. A colonel tells us that we've been selected to go on detached service, to go to Plymouth, England. We're being joined by thousands of other people to assist and help in the invasion. I thought, "Oh, my god. I'm going to the invasion." He said, "You go down there to help these combat troops. You're going to do their laundry, you're going to do their food, you do their guard duty, you name it, and all they're going to do is train." So we get out of training and we go down to Plymouth. It's an old English fort, big parade ground and a big mess hall and a warehouse. Wonderful place with a big fence around it. And we're joined with other people -- in what they call -- detached service. And we're going to help this outfit. Well, the Army -- I don't know how they do it now. In those days, whenever

there was detached service, the origin was that the Army had some mission that had to be performed on a temporary measure. Maybe it was going to last a month or three months and it was temporary and they needed people to carry out this mission. Then they would later return to the organization. And they would give it a title. They'd give it like 210th Provisional Unit or something. And you would go down to detached service. Well, the Army had to practice. So when they got word, depending on the size of your organization, you'd be asked to send five, and others would be 15 people, ten people. They'd come from all over the place. They'd send you down to this. And you'd arrive and then you found out that it was an opportunity for many, many organizations to unload all their goldbricks and troublemakers. Get rid of them for a while. Maybe they're lucky, they're not going to come back. And I like to think that we were picked because we were pretty good. But we got down there, and I'm telling you, it was like a zoo. There were people there I believe were actually insane. There were people that served in Iceland before Pearl Harbor. They were isolated. They were -- and the poor things were just... They were-- they were different people. But that was quite an experience. So we handled the 4th Infantry Division, the 12th Regiment First Battalion and then later on the Fifth Armored, the 35th and 95th. All these different divisions, we worked with them. And then they told us we're not supposed to speak to them and they would not speak to us because D-Day is a big secret, you know, it was hush-hush. And so I am assigned to the kitchen and I am peeling potatoes. There's a potato peeling machine with emery cloth and water and you'd put the potatoes in the tumble and they'd peel. In those days, I was smoking a cigarette, and a beautiful day like today. All of a sudden, I look, and here's one of the Fourth Infantry guys standing here with his rifle. He's on guard duty. He says

to me, "You want to buy some invasion money?" Which I did. We printed some French francs. In fact, I got a couple I put in my safe deposit box. Yeah. But I noticed he spoke with a heavy, heavy Greek accent. And I said to him in Greek, "Are you..." "Yeah, oh, wow." So we start talking Greek. So I said -- I just regret I never got his name because... Anyway -- anyway, I said, you know, they built this shack over there on the parade grounds. The tarpaper shack about as big as this room [15 x 20]. And I noticed people go in there, 25, 30 people at a time for a half hour. "Oh," he said, "there's a table in there depicting the shore of France where we're going to invade." "And," he says, "it shows the church steeple, it shows the German -- where the machine guns are and where the barbed wire is and the minefield," and then he said, "that's supposed to... when we land, we got these landmarks and we could get oriented to them. "And by the way," he said, "they told us that we're going to have 80% casualties, killed and wounded." I said, "Wow, that's kind of heavy." Well, needless to say, they march out on a Thursday, rainy cold day and the invasion takes place the following Tuesday. And about a week later, I'm going across the parade ground and I see him, my friend. He's limping along and he's carrying a package. Well, he's on his way to the post office. He got the Purple Heart. He was wounded. And I said to him, you know, "How was it?" He said -- well, he was the third wave. The first wave, I think, was the Eighth Regiment and the 12th was the third wave. He said, "The first two days were very quiet." He said, "Then they..." He said, "They opened up with a machine gun and hit him in the heel." And I said, "Now what?" He says, "I'm going back for seconds." He'll report back to his... So regrettably I never followed up on it. I wished him well because that organization took a beating in the whole war, the Fourth Infantry Division. So that was it. Then we eventually -- we

returned to our outfit and my sergeant never even realized I was gone. You know, I had a real -- real easy time of it in the Army. I was, I bordered on a goldbrick type of thing. I took care of the officers' payrolls, which was no effort at all back then. In fact, I think we had too many people in our organization. We could have done with about a hundred less, I think. But because that -- the winter of 44 -- they thought the war would be over by December, Christmas. Well, October rolled around and they saw that it wasn't going to be that way and, in fact, with the invasion... They thought the invasion, that we -- we... Ninety days after the invasion we would be at the Seine River. Well, hell, the Germans by then had already gone back to Germany. So our armies pursued them and... But as the Germans would get closer to Germany, their supply lines got shorter and ours got longer and we didn't have any ports. We had to work off the beaches. So it was a terrible situation and with the result, you know, we had to get supplies up and it was food, ammunition, especially gasoline. But they didn't get up the winter clothing. They had to cut back -- they didn't have room for it on Red barrel highway they called it. So...

Q: So were you in England this time or were you following the Army in -- in your -- on the mainland?

A: Oh, no, we -- we landed -- we landed Sep -- we landed September at Utah Beach. In fact, the initial landing, they were very fortunate because they landed a mile off where they were supposed to land, which was lightly defended because the Germans figured this place is unsuitable for landing. The suitable place is where they were ready with their armament. And when they landed a mile offshore, in fact, it was General Roosevelt, Teddy Roosevelt's son, he was chief executive officer in the Fourth Division. I think his name -- the general, I think his name was Barton. General of the Fourth Division. And

he landed and went out with the first group and he looked around and he realized this -- we're in the wrong place. And, "Yes, yes, we're..." He said, "We're going to start the war from here because the Army is this order/counterorder/disorder. So lucky they landed where they did because the casualties were like -- I think about 200, whereas Omaha down the way, horrendous casualties. Well, that's because the Air Force bombs didn't fall on the beaches, they fell inland about a mile and the Navy firing was -- left much to be desired. But the Navy redeemed itself because the destroyer saved the day at Omaha Beach. They came in so close they tore off the sonar equipment onto the keel, you know, with their five inch guns and they -- they saved the day. It was the Navy, yeah. So that was that.

Q: So then at the end -- in Ap -- fast forward to April of '45 and the Germans surrendered. Where were you? What did you do after that?

A: We were -- we were in Belgium. We were in Belgium and treated patients. Primarily psychiatric but we also treated medical/surgical. Treated a lot of German prisoners, too. And eventually we let them set up their own medical thing with their own medical people. They had German nurses, I remember we met some in Normandy, and German doctors and eventually we let them kind of set up their own. And -- because we took over a structure that had been... It had just been completed when the war broke out. It was a seminary. Beautiful building. The Germans used it as a hospital and then when we came along we took it from the Germans. They left behind a lot of equipment. They left behind some x-ray equipment but they took a vital part out and rendered it useless. But they left behind a lot of equipment that we used. They left in such a haste. You know, they got out. They didn't have the adequate transportation to take things out. But we

took over. And I remembered the war ended, there were two priests on the premises. They lived across the street from the hospital and when the war ended they asked this Major Weiss -- he had -- he was a supply officer. They asked him to get some young men with sledgehammers. They wanted to show him something. So they went down in the basement. Right behind the desk, they -- they moved this desk and he's watching, the guys are watching. The two young men, they -- you see, they told him, "Bang this wall open." They used a sledgehammer. They built a cavern, a tunnel underneath all the way to their house across. Loaded with wine. Thousands of bottles of wine that they had secreted when the war broke out and had plastered up the wall. They wanted to give a bottle of wine to every GI but our colonel says, "Oh, no. These kids are 18, 19 years old. You can't give them any wine." So I don't know how they did it. They parceled it out so the older guys got the wine bottles. Because officers in those days would get -- every month they get an allowance of whisky, gin and bourbon. Every -- every month they get that. You'd have to send an ambulance up to Liege to get the... And a lot of the officers didn't drink and they'd give it to their favorite sergeant. And, you know, they were... They didn't have the -- well, they opened up the officers club and, yeah, we'd treat a lot of officers. And, you know, we'd get these wounded in and we'd get these patients in and we'd have maps on the wall and we'd ask them, you know, what's doing, because the Army found out that the sooner you treat combat exhaustion, we call it today, I don't know, the sooner you treat it -- closer to the front. You don't evacuate back. You should treat them initially with the sound of artillery. Don't give them an idea that it's safe, you know. You have to do it as soon as practice -- as close as possible to the front line. Our people had to learn that over. They learned it in World War I and we had to learn it all

over again in World War II, shortage of psychiatrists. We had no tranquilizers. All we had was sodium amethol, pentothal, insulin, shock treatment, sleep and some was pretty sad. But our army had this strange method of keeping a unit in the line until it was filled up with replacements. Now, all the other armies, German, Russian, British, they would pull a whole unit out and then reestablish it and then put it back. We wouldn't do that. We'd leave this -- so the only way a fellow got out was he was either killed, wounded or became a mental casualty. So -- and we used this replacement thing, which was an absolute disgrace the way they handled the replacements. Would come in -- and then they ran short of men. So the Army had to improvise, with the result that they had like, I don't know, how many bands. The Air Force had bands and they realized, well, we could use those people. So they disbanded the bands, took those fellows, gave them 11 week training in infantry, and put them in infantry. And then they said, "We don't need that many anti-aircraft units because the German Air Force is not much in evidence and they converted those people. And a lot of that was being done. And we lost about ten people, were converted into infantry people. Then they had another program. I think I told you, ASTP, Army Specialized Training Program, where if you had an exceedingly high IQ, they would send you to college and you would learn Russian or learn to be a doctor, whatever. And -- and I don't know how many thousands were diverted into that program.

Q: This was during the war?

A: Yeah. Because they had -- the Army -- the country wanted to avoid what England and France went through in World War I when they lost a generation of brains and we thought, "Well, that's not going to happen to us. We're going to preserve our brains because we're going to create this ASTP program and we're going to save all of the brains

and send them to college." We're not going to... Well, it turned out that they went short of help and they... They ended up practically abandoning this ASTP -- taking those poor suckers and putting them in the infantry because there was a shortage of help. And so there was a lot of hue and a cry about that. But so... So those are very interest -- as the Chinese say, those are very interesting times.

Q: Well, let's -- let's get you back to the States.

A: Sure.

Q: So you came home -- back home when?

A: Yeah. I -- well, I had -- I had a year and a half in college, pre -- in those days you could have two years pre-legal or pre-med, then you could go to medical school or law school with just two years. Now they require a degree. So I had a year and a half of pre-legal at DePaul, so I came back, had one more semester and then I joined the law school. And so most of the fellows in law schools were veterans. I'd say they were almost 80%. And we only had three women in our class. Now I understand it's more than 50%. But those days was -- I remember it was just those three. Now...

Q: Why did you decide to go into the law?

A: I don't know how I got into that. I -- I really couldn't tell you how. I met -- a relative of mine, my brother-in-law's brother, he was a student at DePaul and he would tell me about going to college. I was still in high school then. He said, "You know, why don't you sign up?" He said, "You know..." That's before the GI Bill. And he said, "It'll only cost you..." I said, "I still have the little booklet that..." The tuition wasn't much at all and I commuted. I went downtown on the train back and forth. And I guess I met some people

there. The next thing you know, somebody talked me into maybe considering law school when I got out. So...

Q: So you went to DePaul because you had already taken some courses there?

A: Year and a half.

Q: Year and a half there before -- before you went into the service?

A: Right, right. They were at 64 East Lake Street upstairs of Pixie Miller's. Yeah.

Q: When did you meet your first wife Helen?

A: Well, the families had known each other and so that was all -- we weren't strangers, you know. So we got married in '55. Now she passed away at 81 and then I barely -- my present wife, she's a widow, too. I knew her husband. We knew each other. Neighbors of ours and he passed away. Both died from cancer. And so we got married. So she has three children. I have four. Yeah.

Q: What were some of your other interests besides law? What else were you doing at the time? Did you listen to music? Did you go to movies?

A: Yeah. Well, yeah, movies. You know, in those days, in movies, it would cost you -- like an adult, it'd be 15 cents and you would see a drama, a comedy, a newsreel, current events and a cartoon. All for 15 cents. And after 6:00 o'clock, it was like 20 cents. And then they had -- they would give dishes away sometimes. You'd get a set of dishes if you went often and often you'd end up with a whole set. And you'd walk in, they'd hand you a dish or a cup. And during the show, every once in a while I'd hear a bang. Someone would drop their dish. So they had -- then they had bank night. Light -- put the lights on and they'd spin the wheel and... It wasn't gambling. They'd give you a card, like a bingo. Well, the City of Chicago, for some reason, deemed it to be unlawful, so they cut it out.

But it was very popular. They called it bank night, I remember. I was 12, 13 years old. I'd see the crowds in the theater would pour in to participate in bank night and maybe get a free dish or a cup or something. Yeah.

Q: What was your political or social outlook at this time?

A: I -- I was a Democrat. I'm still a Democrat. I was active, I was a precinct captain in the 15th precinct in the tenth ward and met Jim Thorpe one night. It was an Eagles Hall. He had a daughter living in a trailer camp out in Hegewisch. I guess he lived with her for a while. He brought her down to Eagles Hall. I remember shaking his hand. So I got active in the organization and... Let's see. I was a lawyer. And I started to practice. I got licensed in '49. And I was very fortunate that in those days you practiced -- I practiced solo and I handled divorce case, handled a criminal case, handled probate case. I handled everything except admiralty and patent law, I think, and everything else. Personal injury, you know, and I don't think you could do that today. It's so specialized. And I have real estate. People buying and selling a house, buying and selling a business. And I still have my books that I had and then -- in the meantime, then I got a job. I was appointed Assistant Corporation Counsel to the City of Chicago and started out in the police courts at South Chicago Grand Crossing and I did that for about a year and a half.

Q: Did you apply for that job? How did you get that job?

A: Yeah. Well, I talked to my committeeman. Alderman Pacini.¹ There was an opening and he sponsored me and I went down. John Mortimer was the Corporation Counsel at that time.² And I was -- in fact, Harold Washington's father, I worked with him. He was assistant, too. I remember -- I think -- oh, that's right. Yeah. So then an opening came

¹ Emil Pacini was the Alderman of the 10th ward from 1943-1963.

² John Mortimer was Corporation Counsel from 1950-1955.

along in the State's Attorney's office. My predecessor, I don't know, he got -- it seems like he offended the State's Attorney and he was fired. So it opened up and my committeeman called me and said, you know, "You want it?" I said, "Sure." So I was sworn in as an Assistant State's Attorney. And then I -- I wasn't married at the time. And I thought, "Well, this is a good opportunity to meet people, network, you know." Little did I know I'd be shaking hands with the President of the United States or with Mayor Daley. You know, times just -- talk about meeting people. God.

Q: Well, let's back it up to the Corporation Counsel for City of Chicago. What kinds of cases did you have in there?

A: Well, it was ordinance enforcement. Like keeping an afterhours tavern. Police were always preying on these poor tavern openers. They were open after hours. Their license was in jeopardy. Oh, it was a... And we had backyard fence fights, housewives quarreling, drunken husbands beating up on wives. They also had -- used to call them bastardy cases would come along. They call it paternity cases now. And altercations, barroom fights and trying to ascertain the blame. So I worked with some very colorful judges. I don't think we have colorful judges anymore, nor colorful lawyers anymore. I attribute that -- this is my opinion -- to the fact that previous -- when I was a young man practicing law -- there was no disciplinary proceedings regarding judges. I think the only way you could remove a judge was you had to impeach him by the legislature. Some process like that. There was no other way that you could get him except when he came up for reelection. Couldn't lay a hand on him. Couldn't discipline him. Well, then they passed a constitution that created this body where -- in fact, I served on that commission

for three years.³ You'd try judges. You could censure, reprimand, suspend or recommend disbarment. And it had to be approved by the Supreme Court. Well, that came along. The judges today are looking over their shoulder because all it takes is a phone call or a letter to start the process where you're called in and you have to respond to some complaint some citizen or lawyer has made about you. So they have to be very cautious. They're not freewheeling like they used to.

Q: Give me an example of a colorful judge.

A: Well, there was one judge... I don't know -- his name was Hermes, Joe Hermes. A colorful judge. And I guess he got some bad press and the powers that be thought that they'd better assign him to a courtroom where he was not exposed to this temptation to get some bad publicity about the way he conducted his courtroom. So they sent him down to women's court, Eleventh and State in those days and that was a courtroom where mostly prostitutes -- every morning they'd bring them in and the housewives who were -- had backyard fence fights. And in the morning they'd bring in the prostitutes, fill up two, three pews up in front and... So Joe would come out and this lawyer stepped up representing one of the girls and he's lamenting the fact that his client is ill and she's being medically treated and she's got this health problem. And he's singing this tale of woe about her medical condition and Joe says, "Well, I'm so sorry to hear that." He says, "I think we should help this young lady. I think what we'll do -- " he says here, "let's all pitch in some money here to get her some medical help to get her back on her back." Well, needless to say, you know, the newspapers pick it up and there's poor Joe Hermes in hot water again. Oh, there were some that were... And then lawyers, you know.

Colorful lawyers. Then they created the lawyers disciplinary. Before, if a lawyer violated

³ Justice Stamos served on the Illinois Courts Commission from 1973-1978.

the canon of ethics, he'd be referred to the Chicago Bar if it was a Cook County lawyer and they would appoint a committee to look into it and determine guilt or innocence and recommend to the Supreme Court whatever. In the rest of the state, it was handled by the Illinois State Bar. They would appoint a commission. It was a cumbersome -- just didn't work right. Now all it takes is a client or a lawyer or even a judge, just a phone call or a letter, to get the process and the next thing you know, you find yourself responding, you know, to the disciplinary proceedings. So it kind of is a chilling effect, so to speak, on the conduct of both judges and lawyers. They have to mind their Ps and Qs. Wasn't freewheeling like it was before.

Q: I read your "War Stories" and you had a number of stories about a man by the name of Frank -- Frank McDonnell.

A: Oh, Frank, yeah.

Q: Frank McDonnell.

A: "Skinny" McDonnell.

Q: Yes. So did you know him?

A: Oh, yes. Yes. He entertained us one afternoon. My partner and I, Ed Egan -- has died. I sure miss him. But we were partners and he was in our office one afternoon and he regaled us with experiences with judges in courtrooms. Just regrettably we didn't tape record it because it was just a vast fund of unbelievable recitation of... You know, he practiced during Prohibition and he represented the outfit, so to speak, and he'd tell stories about judges. He was a strange guy. He -- he was trying a case one time that was a dance -- so called dance hall in Lyons, Illinois where they had these young women dancing. The place was low lit and you had a juke box and you'd pay ten cents a ticket to

dance with them. And all they had was this little garment and you would dance with them. And so the powers that be suggested something more than dancing was taking place, so they took a young policeman out there and planted him to gather evidence, which he proceeded to do over a period of a couple of weeks. And then they indicted these people for running a house of ill fame or something like that. Well, "Skinny" McDonnell was retained by these people and they go to trial. He had a jury in a box. And this young policeman's testifying and he's relating just how he went about investigating and he tells how he would dance with these girls and "Skinny" would say, "Well, let me understand this." He said, "Your chest would be on her bosom?" "Yes." "And your stomach would be on her navel? And your pubic would be here? Now, this is -- this is all in the pursuit of duty?" He says, "Yes." And then when you had your abdomen in -- oh, that was a duty?" "Yes." "And you're holding her there and you're touching her breast, that was duty? Pray tell me, when does duty cease and pleasure begin?" So he exhausts his witnesses and the judge says, "Well, call your next witness," and he calls himself. Says, "I call Francis McDonnell -- McDonnell to the stand." The jury sits, he takes the stand. He says, "State your name, please." He says, "Frank McDonnell." "What is your business occupation?" "I'm a lawyer licensed to practice in the State of Illinois." And then he says, "Mr. McDonnell, keep your voice up so the last juror can hear you." The judge finally realized he was permitting this nonsense. "Get off." But he was -- I had a case with him one time before Charlie Dougherty and this was a judge -- he was funny.⁴ At first -- Charlie was a former Assistant State's Attorney. He was a good friend of Abe Marovitz.⁵ They worked together. Marovitz later became a

⁴ Judge Charles S. Dougherty.

⁵ Judge Abraham Lincoln Marovitz.

federal judge. But there was a -- what the hell do you call it? A business school out in Beverly in Chicago. This young lady with two of her young male friends, they burglarized the place one night, took all the business machines out and put them on the backseat of the car in the middle of the night and the car was going down the alley. Looked like a criss craft. You know, the front end is up and loaded in the back. Well, naturally the police stopped them. They're caught dead. Bang. So the two fellows, somewhere along the line, they pleaded guilty, but she insisted she wanted to be tried and Skinny's her lawyer. So we go to trial. It's an open and shut case. And she doesn't testify. The judge finds her guilty. So "Skinny" says, "Judge, I want to be heard." She goes in chambers and he's lamenting the fact that -- how can the judge do that? And he says, "Well," he says, "you didn't even put a defense on, something for me to hang my hat on." And "Skinny" said, "Well, I didn't want to suborn perjury." Well, then all hell broke loose because then the judge went after him. He said, "You're talking about suborning -- subornation of perjury. You know, in 1927 I was prosecuting a case and they had some mafia guy with a gun in a car. In those days you could be found guilty if the gun was readily accessible to you." And he said, "And you brought in a taxi cab driver that said he saw the police pull the cab over, whatever, and the cab driver said he saw -- when he looked he saw that the gun was on the floor of the backseat and it wasn't where the police said they had found the gun." He says, "Then I found out it was your client and the cab driver was your nephew. You know, talk about suborning perjury. You -- you're telling me now that you're -- he's recalling something happened 40 years ago." He said, "Don't be telling me you're concerned about subornation of perjury." I don't know what happened to that case.

But Charlie Dougherty be trying a case -- first case I tried that was a jury trial, I'd ask a question, I heard a voice say, "Objection sustained." It was the judge. And then the lawyer said, "Oh, yes, Your Honor." What the hell's going on? The judge is doing the objection and everything. So during the recess, I went back in and I said, "Excuse me, Judge, but what is this with you objecting?" And he says, "Oh, yeah," he says, "that lawyer needs some help." He says, "You know, if it's a guilty, my name goes on the judgment so I can't sit here and let some incompetent..." He said, "He needed some help." So I'd be accustomed to that. I'd be trying jury trials and I heard, "Sustained." Yeah, here you go, his -- his co-counsel, you know, the judge is right with him. But that's the way he would handle it.

Then he said -- the other thing he had one time. A lawyer came up and said -- they were fighting over a cigarette or something and the victim... If he hadn't died, it'd be a simple battery case but he up and died. Complicated matters. And I told the lawyer, I forget his name... And I recommended manslaughter, I think one to three or something. No, his client -- he's -- he wants a jury trial and he... OK. We'll have a jury trial. So I tell the judge. The judge says, "Oh, put a jury in a box." So we proceeded to trial. The jury comes in. Guilty. And in those days, they set the punishment at life. The lawyer's beside himself and the judge says, "Hold the prisoner," and tells the lawyer, "You wait." Tells me, "You come in chambers." I go in chambers. He says, "Well, you go out there and you tell that fellow to make a motion for a new trial. I'll give him a new trial. Then he's to stipulate that all the evidence at the jury trial will be considered by me as a bench trial or a plea, whatever he wants, then I'll sentence him to one to five." I said, "Well, Judge, you know, once the people in county jail, those inmates hear about it, they'll all be

asking for jury because they'll know, you know, you'll take up the slack, so to speak." He said, "Listen, the lawyer did a terrible job. Don't you realize," he says, "that the hospital killed him?" I said, "What do you mean?" He said, "Medical malpractice," he says.

"Didn't you hear the evidence?" And he's on and on about the lawyer should have played up the negligence of the medical people. He did a terrible job. So I went out and told the lawyer. The lawyer said, "I don't believe it." I said, "I'm telling you so." He stepped up and the judge gives him the one to five and now the prisoner says to the judge, "I want to shake your hand, Judge." And the judge, "Oh, take him away, take him away." So I ask the judge later on, "Why didn't you shake his hand?" "Because I was a young man like you years ago and a defendant put his hand up and my judge unwisely shook it and he pulled him off the bench." So then he said to me, "I'd come in the first couple of days I'm assigned to --" My partner was Joe Weber. I walked in with my files and he said, "May I see your files?" So he's sitting over there with a cigarette, I remember, and every once in a while he'd have a shot glass or two. He put the files down and I figured, well... He's sitting there reading. He goes, "One to three. Jury trial. Not guilty. Five to ten. This one I don't know." Just from reading the thing. "Gee, Judge, you know..." Well, that's the way you'll do it. OK. So he would do it that way. He'd... So he said to me... He said, "Don't bring me a case with a single identification with very little corroboration or none at all. Don't waste my time," he said, "because I learned the hard way." I said, "How's that?" He said, "Well, I was a young assistant like you," and he says, "it was a nice day, I was on the second floor and I'm walking toward the elevators in the criminal court and I hear this tumult on the staircase and come crashing down is a fellow being pursued by a horde of policeman and he's got a gun in his hand. He knocks me down. He bumps into

me. We fall. He's got the gun. Then the police grab him, apprehend him, disarm him." He said, "To this day, I can't tell you whether he was white, gray or was he black -- grizzly gray. So don't tell me about identification cases unless there's ample corroboration." He stuck to that, too. We'd get cases, he'd say, "You don't have enough here, Mr. Stamos. No." And to the defendant, "You go forth and sin -- sin no more." Quite a judge. He is. But that business... So, yeah.

One time lawyers argued. We had three defendants. Two pleaded guilty, went into the penitentiary. Third fellow wanted a trial. He gets his trial. And the lawyer... Oh, he's gone to his reward now. He's arguing to the jury and I got my notebook there ready to respond in rebuttal and I hear him say, "Where's Witherspoon? Where's Alvarez?" And I hear a voice say, "They're in a penitentiary." It was the judge. In the meantime, I got the citation, *People v. Barbaro*, People -- that I can respond to that and say that they're not here because they're in a penitentiary. And I have already -- and I hear him. Anyway, the jury goes out to deliberate. I go back in chambers. I said, "Judge..." Well, Kerry was the name of the lawyer. "When he talked about where -- the absence of the two fellows, you interceded and said they're in a penitentiary." I said, "I've got the case, *Barbaro*, that I'm permitted to do that. I was going to do it in rebuttal." "I know *Barbaro*. I was the assistant who tried the case."

Q: Well, why don't we take a --

A: You want to take a short break?

Q: Sure.

A: OK.

END OF AUDIO FILE 1

A: In those days, only four of us handled appeals because they weren't furnished free transcripts. Once the Supreme Court said transcripts were -- now they got 40, 50 people on the briefing part. In those days they had about four. John Gallagher -- and this is an interesting one. And this is an interesting one. Bill Carlin -- Bill Carlin was a former partner of Clarence Darrow.⁶ Did I tell you this story?

Q: Keep going.

A: And Bill -- Bill in those days was... Christ, he was in his 80s. And I -- he and I shared an office. We had two desks across from each other and Bill is a slight little guy. He looked like a jockey. And he would tell me stories about Darrow. In fact, Darrow's widow was still living and she owned the piece of properties in Chicago and she asked Bill to find out the value because someone wants to buy it. So he asked me to look into it, which I did. I got a friend of mine in real estate, told him what it was and eventually she sold the property. But she was living at the time. But he would tell me about Darrow's stories. And where was it? He said... I told you the one about every year they have a ceremony about Darrow's death. They throw a wreath into the... Huh?

Q: Um-hmm.

A: A lot of bullshit. And I'm there one day and he's on the telephone. I could hear him. He asked...and he says to me after he hung up, he said, "That was Francis Busch, former Corporation Counsel to the City of Chicago, a contemporary of Darrow's, and he wanted to know if I was invited to the ceremony out in Jackson Park." I heard Bill say to him, "If Clarence were living, he wouldn't be seen with those people." And the other -- other on the line says, "I think you're right. I'm not going." Which -- which he didn't go, you know. But I asked Bill actually about Darrow and he said Darrow always left his office

⁶ See, *Chicago Tribune*, May 13, 1962, pg. 25, and October 21, 1963, pg. B16.

door open so that his secretary could... When he had a client, his secretary could see him and he could see the secretary. He never let the door close. But he said he had a habit of -- his business things, where he'd take off for months at a time, not tell his partners. He'd be off in California, be off over here. And not only that, he'd get fees and stick them in his pocket, just negligently. Not account for them. And he went through a number of partners. One of them wrote that Spoon River Anthology.

Q: Edgar Lee Masters.

A: Yeah. He was part of the firm. But Bill knew him. And Bill's sitting there one day, he's telling me about the... "Yeah," he says, "you know, I carry Clarence's books." He said, "We had a civil case once." No, he says, "Yeah, I had a case one time where Annie Oakley was suing the Hearst Paper, *Herald Examiner*." Annie Oakley. I said, "How the hell old are you?" He said, "I'm not going to tell you any more stories. "Oh, no, no, please." He says, "All right, what about it?" I says, "Well, did Darrow handle civil cases?" "Yeah," he said. He..." "In fact, one time," he said, "he represented both parties." "Is that right?" Yeah," he says. "It was a harvester plant and something else and he represented... He was -- one time was Corporation Counsel, too, you know. Darrow. And he said, "I was carrying Darrow's books as a young man," he said, "because my aunt was his secretary." And he said, "When I passed the bar, I was going to go work for the Great Northern Railroad, I think," and Darrow said, "Oh, Bill wanted to work with me here. I could -- I need your help." And Bill said, "I'd -- I'd go with him." He said, "We tried a lot of civil cases, criminal, civil." He said, "Go to court," and he said, "those days," he said, "you know, a lot of civil war veterans are still living and a lot of horses in the street, too, and there's a lot of sawdust on the floor and there were

spittoons." People spitting and hawking, chewing and... And no female jurors. And women lawyers unheard of, let alone judges. And they said that these guys would come in with their spurs and spitting tobacco. He said that they go to trial and the plaintiff -- Annie Oakley's lawyer comes in and he's got a young man with him, too, carrying his books. I said, "Well, what's she suing him for?" He said, "Well, they said that she was a lesbian." "Oh," I said, "Was she?" "No, she was not a lesbian." He says, "But they played that up and went to court," and he said, "the evidence goes his, dead bang," and he says, "the time comes for argument." He said the plaintiff's young man got up and gave a pedestrian argument, anticipation that the old man's going to follow Darrow. So after the young man finished his opening argument, the judge turned to Darrow, said, "You may proceed, Mr. Darrow." And he says, "The defense waives argument." Well, he says, the plaintiff's lawyer said, "You son of a bitch," he hollered across the courtroom. He said, "What happened?" He says, "What was the verdict?" He says, "\$25,000 against the paper." I said, "Well, then Darrow lost." "No, he didn't lose. What do you mean?" Because the paper made millions. They kept playing that lawsuit up in the news, they kept repeating the lesbian shit. He said, "That type of stuff couldn't come fast enough for him." That was Darrow. Yeah.

Q: Well, let's get you into the State's Attorney's office.

A: Oh, yes.

Q: So you were there from -- well, originally, I guess, '53 to '59.

A: Yeah, then one year I was out. One year.

Q: And you -- you left -- why did you leave the State's Attorney's office at that point?

A: Why?

Q: Um-hmm.

A: I wanted to make some money, which I did. In fact, I still have my books. I made \$25,000. And I had no secretary. And --

Q: This was just in private practice?

A: Yeah.

Q: Um-hmm.

A: It was... I'm out of the office, short period I get a -- and most of the business I was getting from defense lawyers, criminal defense lawyers who I had previously tried cases against. And Mike Brodtkin sent me a rape case one time, \$5,000 fee, you know. Harry Busch calls me a couple weeks. It was famous. "I got two defendants," he said, "each one... A lawyer for each. A gambling case. Would you be interested?" "Sure." So I go down to the office and, yeah, it was like a simple case subject to a motion to suppress and you know I. So he calls the two guys in, we meet, and Harry -- we listen to his story. I don't say anything. Harry does all the talking. And he said, "Well, now, gentlemen. I want you to be back here two weeks from today." He said, "I want you to bring the fee." He said, "The fee is going to be \$2,000 apiece." Two thousand a piece? When I left the office, I was making \$7,500 a year. So they left. "And I want it -- I don't want bits and pieces. If you don't have it, don't come in." They came in with four grand cash, he said, so after they left he gives me my two grand. I said, "Harry, how long has this been going on?" Oh, you know. So after that, hell, this is... I went home, I told my wife, "You realize all the money that's available out there bestrewn..." Let's see, what -- no, I wasn't married at the time. That's right, I wasn't married. I got married in '55. No, I was married. I'm sorry. I was married. And I started practicing and then Dan -- Dan Ward

was elected State's Attorney in November of '60 – November, what, '60. And I get a call from Ed Eagan and he's made Dan's first assistant. Picked him as his first assistant. I get a call from Ed Eagan. He'd just been sworn in as first assistant. "Danny boy," he says, "I want to talk to you some -- about..." "What's that, Ed?" He said, "I'd like you to come and help me." I said, "Do what?" He said... "Well," he said, "you know I just got first assistant." "Yeah, I heard about it. Congratulations." He said, "I want you to come, be my chief of criminal division." "Oh, Jesus." Said, "Well, what are my duties?" He said, "Well, you just take my overflow." He said, "The -- listen," he said, "because I was his partner for how many years trying cases. You know, you were always saying that if you were in charge of the office you would do this and you would do that. Well, now's your chance," he says, "Come on aboard," he says, "and let's do those things you always wanted to do." So I talked to my wife. I said, "OK." So I went back and I started, you know, chief and then he became a judge and I became first assistant and then Dan Ward was elected and I became State's Attorney. So I was very fortunate.

Q: What kind of cases did you have then in the '60s when you were -- for the first assistant?

A: Oh, yeah. Criminal... Oh, when I was first assistant?

Q: Well, during the time you were Assistant State's Attorney?

A: Oh, all kinds. You know, murders, rapes. You name it. Oh, yeah. Especially... Let's see. I was married in '55. So I would stay late because in those days the traffic was horrendous and later on I was able to use the Dan Ryan Expressway. What usually took me, say, close to an hour I could do in 20 minutes with the new highway. And I would stay late. I was single, you know. In fact, my father used to say to my mother, "What's that kid doing over there staying late?" Well, I volunteered, too, to write briefs and be in

the library and argue cases to the Supreme Court, which... Because I was single. I could do that, see. Those are very interesting times.

Q: Did Governor Thompson work for you?

A: Yeah, I know Jim. Sure.

Q: Yes.

A: Jim and I worked together, yeah.

Q: How was he as a --

A: Oh, yeah. Very brilliant. Bright kid. And Zagel, he worked with us. Zagel was a State's Attorney whose on the case, the governor's case and Joe Flaum was on the south circuit. Yeah, we had... I'll tell you, they had a wonderful staff. I don't know if you're familiar with it, but I was not slated -- reslated to take the rung by the organization.

Q: Before we get to that story, let's go back to '66 when you became State's Attorney. How -
- how did you become the State's Attorney?

A: Well, Dan Ward was elected to the Supreme Court. That left a vacancy that had to be filled. And when that occurs, it necessitates -- a majority of the circuit court judges have to sign a petition to the county board advising them that we're aware of the fact of the vacancy and the board has to appoint to fill the vacancy. Well, I don't know if I told you that, about Seymour Simon. But, well, that's what happened, was, you know, he kept telling people he's the -- he's the president of the county board but the organization didn't re-slate him. They dumped him. And he told everybody -- he told a couple of dear friends of mine, too, in fact, told Senator... What the hell is his name? Senator --

Q: From Illinois?

A: Yeah.

Q: Who was --

A: Stevenson.

Q: Stevenson.⁷

A: In fact, told him and told a lot of people that, yeah, he's going to make arrangements to have the county board bring it up and they're going to vote and he's going to be -- I'll be State's Attorney. So Dan is elected November and he's to take office the first Tuesday in December or something like that. In the meantime, I get a telegram the Wednesday preceding the Tuesday he's supposed to be sworn in as a Supreme Court judge by a fellow I never knew but I heard of. He sends me a nice warm telegraph telling me he's very pleased and congratulations on my pending appointment as State's Attorney. I thought it was very nice of the guy. It turns out he's a theater owner, owned a lot of theaters in the Middle West. I don't -- all over the place. Very well to do. I had heard of the guy. Never met him. And so Wednesday rolls around and I get the tel -- my wife calls me and says, "You got a wonderful telegram from S.J. Gregory." Had some other -- other telegrams. I still have them. And so Wednesday night I leave the criminal court and I go downtown. There Dan Ward is in our civil office. He's morose and dejected sitting there. "What's the matter, Dan?" He said, "I can't take the Supreme Court job." "Why not?" He says, "Well, Simon says he's not going to make arrangements to have you appointed." He says, "So I can't take it." I said, "What do you mean?" He said, "Well, we can't leave that office to the incoming Republican Sheriff Ogilvie, and Daley said that I'm to keep, I cannot take the job." I said, "Well, how the hell do you explain that to the voters that voted you?" He said, "I don't know, but that's the program." That's

⁷ At this time, Illinois was represented in the U.S. Senate by Senator Everett Dirksen, and Senator Charles Percy. Adlai Stevenson III, won a special election to the U.S. Senate in 1970.

Wednesday night. I said, "Geez." So Thursday rolls up. I tell -- call up Dan. Nothing. No, no, no. Friday rolls around. Nothing new. He still says he's not going to take the job. This is crazy. So Saturday rolls around. I don't know how the sequence went but I know my niece is over with her husband visiting us and it ends up about 2:00 o'clock in the morning. I'm talking to Seymour Simon, then I'm talking to Dan Ward, I was talking to Mayor Daley. And it's going back and forth and Simon's saying, "No, I'm not the organization. Dump me and so I'm sorry I'm not going to do it, I'm not going to do it." I'm telling Dan, you know, that... Then I can hear Seymour's then son-in-law saying, "What are you talking to Stamos for? He's talking to Ward and Ward's talking to Daley." Which is exactly what was happening. And the messages go back and forth. So finally at 2:00 o'clock in the morning we just say, "Well, that's it." Oh, then Dan says to me, he says, "The mayor said -- " and he used to refer to the mayor as Ra, the sun god. He said, "Ra says that you're to turn your people loose." I went, "What the hell's he talking about, turn my people?" "I don't know. That's all the mayor said. Turn the people loose." This was 2:00 o'clock in the morning. So I told my wife, "I don't know what the hell everybody was talking about there." So the only thing I figured is, well, there's this dear friend of mine, he's president of our church, I know he's a friend of S.J. Gregory's. They're very close. And I know this guy's an early riser. He's up at 5:30, 6:00 o'clock in the morning. He's a retired real estate man. So I figured, well, these are the people I'm supposed to turn loose? So I call him. I tell Pierre (inaudible). He says, "Son of a bitch," he says. "He told me this?" He says, "He's not going to do it? You go back to bed. I'll take care of this." "What do you do?" "Don't worry. I'll take care of it," he said. "You're going to get the job. Don't worry about it." Well, he calls S.J. Gregory, his

friend, and says, "You know, your pal, Simon..." S.J.'s a favorite client of Seymour's. He called S.J., who was another early riser and he was outraged when he heard. He said, "What? No." I go back to bed. Eight o'clock in the morning, the phone rings, it's a friend of mine, Harry Stovetiz, he's worked for the city, but also as a sideline he designs these architectural theaters, these structural ironworks and he does work for S.J. Gregory when they build a new theater. And he's in his office looking at some plans and he hears in the next room S.J. Gregory is giving Seymour Simon -- he's got him on -- he's giving him a new anus and tells him, "You call that young man up and tell him he's State's Attorney. I sent him a telegram and I'm supposed to send him another telegram telling him to ignore the first one? Get on that phone and call him." Well, that happened. Harry picks the phone up, calls me quick. He says, "I'm at S.J.'s. You're going to get a call from Seymour Simon. I can't speak long but hear you're going to get the job." Boom, hang up. Two minutes later the phone rings. It's Seymour. "You know, I've been thinking about it. Maybe..." You know, and I thought, "You son of a bitch." Yeah whatever. "By the way, could you buy a thousand dollar Israel war bond?" Yes, I could do that, too. And you know on and on. That's the -- so then I had to call the chief judge and he had to call the judges. They had to jump in cabs. This is Sunday. Come down to the Daley Center, sign the petition. Sunday afternoon, the county board meets, I'm sworn in as State's Attorney. So that's the background.

Q: With Simon. Um-hmm.

A: Bad, bad. Ask Ben Miller about him. What he did to Ben Miller. I told you that time about the swearing in?

Q: Yeah. Tell -- tell me that story again.

A: Yeah, well, Ben Miller's dear friend is being sworn in as President of the Illinois Bar Association. The proceedings are being held in Chicago. Dan is -- Ben is with the Supreme Court. They're in session down in Springfield and his friend calls him and says, "I'd appreciate it if you'd come up and swear me in." Ben says, "You know, I'd love to," he says, "but we're in session and we meet at night." And, you know, "Oh, I understand. OK." So they were meeting at night one evening and then after dinner they're sitting there, you know, discussing their cases and all of a sudden Seymour gets up and walks out and never comes back but, anyway, they adjourn and the next morning Ben gets an irate phone call from his friend. "Oh, son of a bitch," he says. "You told me that you couldn't come up to Chicago to swear me in because, you know, you're in conference and..." He says, "Seymour Simon showed up." So he put poor Ben in the trick box. He didn't say anything as he's leaving, "I'm going", so he'd be the only Supreme Court judge present, you see. But that's the de -- he had an agenda. Every morning he had an agenda he'd work out. Yeah. But poor Ben was... He had to explain to his friend about, you know, I was put in the trick box by this guy. Yeah, but typical nonsense like that. Yeah.

Q: Oh. So tell me about some of the cases you had as State's Attorney. There were some pretty high profile things going on --

A: Yeah, yeah, yeah.

Q: -- you had Richard Speck.

A: We had some. Yeah. Had Speck -- yeah. Well, I was State's Attorney then. It started out with Dan Ward and then Dan was elected and I inherited Bill Martin and Zagel and Flaum and Lou Grippo and George Murtaugh, Bill Martin to carry the load. And we tried it down in Peoria. Bad guy. And I noticed whenever he walked down the hall he'd look

in every office. The son of a bitch was looking for witnesses, wanted to see if, you know, if we got some witnesses that would... And he's looking just like. He killed before and got away with it, I think. In fact, I knew some of the fathers of those nurses that were killed. They're born and raised right in -- the hospital, in fact, was two blocks from my house. Yeah. So that was an interesting case. You know, we had a confession from him at the hospital but we couldn't -- we didn't want to use it because the doctor -- his name was Smith. He's retired now. He noticed the tattoos and he realized this is the guy and he admitted that he killed the nurses. But we couldn't use it because he was under sedatives and useless. They'd argue, well, you know, he's got this pain reducer, all that. So we didn't need it. We had an eyewitness, this young -- young nurse. But he -- he got... Not only that, he threw the knife in the river on the 100 -- 111th Street, 103rd Street. He threw the knife. The police -- the Chicago police went out and said they couldn't find the knife and we knew damn well that knife was there. So we sent our own people out. They did an exhaustive -- and they found it. But we couldn't use it because it looked like we planted it to see -- so how come they didn't find it? You found it. So little things like that that, you know... You know... And then I had that one where... There was a book written about it. You got it at the library. The only place that have it are the universities. *The Sin Corner*. It was written by senator -- Alderman Despres and there was a -- and Mabley was a columnist from the newspapers.⁸ This was, I'm trying to... 1954. There was a place in Chicago. It was a -- is this being televised?

Q: Um-hmm.

⁸ See, Joe Smith, *Sin Corner and Joe Smith: A story of vice and corruption in Chicago* (New York: Exposition Press, 1963), esp. pgs. 88-110. Alderman Leon M. Despres, and writer Jack Mabley, each wrote a forward to the book. Also see, Dominic A. Pacyga, "Responding to the Second Ghetto: Chicago's Joe Smith and Sin Corner," *Journal of Urban History*, Vol. 37, No. 1, pgs. 73-89.

A: Oh. Well, yeah. This fellow was... It was a bad situation. The neighborhood was... I guess there was prostitution. There was all kinds of nonsense going on. This black fellow was on a one man crusade, I guess, to clean it up and they referred to it as sin corner. And lo and behold, he gets arrested. I forget the exact charge. I don't know what it was but this prostitute came in. She was an excellent witness. I'm trying the case and the case is called for trial and five lawyers step up. One of them was George Leighton, who was -- later was a federal judge. George is still living. And there's five judges before Charlie Dougherty. There are five lawyers. And Charlie -- I remember saying -- he gets their names for the record. And then, "By the way, gentlemen," he said, "would you trade two lawyers for one good witness?" So they make a motion for a bill of particulars and they ask for ten things and the judge said, "Oh, OK. You'll respond by 1:00 o'clock." And I said, "Judge, I want an opportunity to do a little research." So I came back and I was successful in knocking out nine of them. But the tenth one was the date when this occurred. So, it's not like a robbery or rape, you know, you could set the date. It was like a -- well, when did the embezzlement occur? So it's hard to... I told the judge, I said, "Judge, that's unfair. It says beyond or about within the statute of limitations, you know." "No, you got to have the date." So I picked New Year's -- or Labor Day and we go to trial. She testifies that she remembers this fellow well because when he undressed, she noticed he had a scar from his navel to his pubic area. He had three buttons on his underwear and there was three other things that she'd only know if she'd seen him nude. So we go to trial. I put the evidence in. My partner makes an opening statement and then George Leighton got up to make his argument. And he makes his argument. But he never alludes to how does she know these? You know, it's

sort of like a kid I had one time charged with indecent literature -- indecent thing with a...

We described the interior of this guy's house. Well, you know, how the hell does he know that? But George never alluded to how could she know that? So I got up and I said, "Well, ladies and gentlemen, I thank you for your service, taking you away from your business and (inaudible). But we could resolve this case in one day, the first day in the first hour if we had just had Mr. Smith drop his pants and if there's no scar running from his...and I rattle all this." And then George, "Object, object." "I'll carry him out on his shoulders and demand you find him not guilty." Well, anyway, the jury goes to deliberate. They're out three hours, four hours. They come back not guilty. The *Tribune* reporter George Wright comes out of chambers. As he passes me, he says -- in those days he had -- there were like three, four newspapers in the city. They had a press room and they had photographers there every day. And George walks by me and he says, "Right guy, wrong day," and he kept going. So I go in chambers. "Yeah, what is it, John?" "Judge," I said, "George Wright just walked by me and he said right guy, wrong day." "Yeah," he says. "They sent me a note." Today it would be unheard of. Today you'd have to notify the lawyers you got a note. But in those days... "I got a note from the jury." "What was the note, Judge?" It said, "Could we find them guilty on any other day?" I said, "I told you, Judge, that the bill of particulars, that was going to hang us on that." "Well, it's over with now," he said, "That's right." So that was it with the Sin Corner thing. Now, in the book, the authors of the book, Alderman Despres and Mabley, they write that there was no evidence that she had... That's bullshit. That evidence was there. That was the strongest piece of evidence. But they lied. I thought it was improper. So to this day I forget what the hell he was charged with.

But then I had a case one time -- I wasn't married so I could stay late and go down on weekends. Almost like a hobby. And I get a file. One time I walked in my -- the chief of the criminal division's office and he had all kinds of files laying around. "Hey, John, come here. Stamos, come here. This case here has been kicking around here for about a year," he says. "You know, it needs a lot of work. Could you look into it and..." I go back in that office. Oh Stamos. Nobody's done anything, just keep continuing them, because they required a lot of work. So I end up figuring out that all of the victims were black and there's a used car dealer on South Michigan Boulevard, Pinky Davis and another fellow. And these poor people come in, they take \$50 at the end of it, they take a card. You know, stealing a hundred, two hundred, you know. There's this thievery going on, pushing these poor black people around. So I go down to our police section. I get the black policeman to work with me. So he gets in touch with all these people. Yeah, no one's talked to him in the last year. So finally I start putting the case together and I interview people on weekends, Saturdays, nights and other times and he's helping me. We're put -- slowly putting the case together. This is taking shape. So the lawyers who represented -- one guy is represented by George Bieber from the law firm of Bieber & Brodtkin.⁹ And Herb Barsey is with him. And the other lawyer I forget. I never heard of him. He represented the second defendant. And Judge Dempsey's the judge, real high class guy.¹⁰ I loved him. He was real good. And there was a number of counts. One of them was conspiracy. And we go to start the trial and I put on the weakest witness first who only put in -- George Bieber's guy was A and the first witness just testified related to B's activities. George would stand up and after examining him would say, "Your

⁹ George Bieber and Mike Brodtkin were well known criminal defense lawyers at the time. For Bieber's obituary see, *Chicago Tribune*, July 24, 1981, pg. A11.

¹⁰ Judge John T. Dempsey.

Honor, I make a motion. The jury is instructed to disregard as to my client because he was not named.” “Jury is so forth instructed to disregard -- disregard Mr. Bieber’s client.” I put the second witness on, third witness. Now we’re on Tuesday. The witnesses are getting a little stronger. Now I put a witness on, he puts them both in. George gets up again with the same litany. “I make a motion to the judge to deny.” He said, “Now the jury’s instruction -- previously told you to disregard. You are now to consider.” Never heard that done before. First judge I ever seen do that. I didn’t even make a motion. He himself... So George gets me out in the hallway. He said, “Listen, kid, so what do you want?” “What do you mean?” “What do you want?” I said, “Three million dollars in small bills.” “Get the hell out of here,” he says. So we go in and he talked, he said they’ll plead guilty. Well, I thought, gee, that’s terrific. Plead guilty? All this work is paying off and they’re going to give all the money back to all these people. So I go downstairs to see the chief of the criminal division that gave me the case. I tell -- “Oh, that’s wonderful. Oh, boy, that’s a hell of a disposition. That case required a lot of work.” I said, “Yes, thanks.” “You did a hell of a job.” “Yeah, thanks, Frank. Thanks, Mr. Ferlic, Frank, oh, yeah.” So I go back up again and it’s in the court reporters statements where I told the judge I have to go down to the front office and clear it. Fine. We dispose of the case. That’s like Friday. Herb Barsey is on the case with me. He’s guiding me through it because he’s an old time trial lawyer and I was just starting out. So I get a call Sunday night from Herb. “John, Jesus, well,” he says, “Gutknecht wants to see you,” that’s a State’s Attorney, “first thing Monday morning.”¹¹ He says he’s very disappointed with the disposition we had on that.” “How’s that?” He says, “Well, I’m just telling you.” So I drag my ass down to the office that Monday morning to see Herb.

¹¹ John Gutknecht was State’s Attorney of Cook County from 1952-1956.

We go in and there's the State's Attorney and there's the chief of the criminal division and there's the first assistant and there's the head of the fraud complaint where the case first started out. And I remember stopping that son of a bitch out in the hallway when I'm working on the case. "Tom," I said, "you know, you got that case." "You got that guy that works for you." "Oh, I don't know anything about it, on and on." OK. Well, they're all in there. And Gutknecht said, "I don't like the way of the disposition. They should have gone to the penitentiary. What's the matter with you?" Blah, blah, blah. I look at Herb and Herb's you know and I said -- I've been in the office now like six months. I figured shit. I said, "Well, Mr. Gutknecht, I spoke to Mr. Ferlic and he approved of it." "What about that, Frank?" What do you think Frank says? "I don't think -- the boy may not have given me all the facts." I feel, "Oh, this is -- this is the big league shit here." How about that, well, anything could blow over. That was it, you know. Now, spin forward a couple of years. I made a little file one day. Nothing in it. Yeah, they were some outfit -- some Italian boy, they're accused of printing fake records and using them in their juke boxes. I could never understand what the state crime was. I could see a federal copyright but... So then a guy named... He handled it first. He got all the publicity. Pub -- you know, grand jury, we're going after the mafia and all of a sudden he disappears, I end up with this goddamn thing. And, again -- Frank Ferlic handed me the file again. It was one of those dogs that nobody wants to try. So I get up there before the judge. I didn't know who the judge was. And George Crane, alias Cohen, was the lawyer and they could plead guilty. There are three counts. They plead... Misdemeanor, \$200 fine. I don't know what it was. So I figured I'd go down and see Ferlick. I still haven't learned my lesson. I said, "Oh, yeah, yeah. How wonderful."

Does he get rid of that dog? Oh, Jesus. Yeah, get rid of it. Yeah, get rid of it. Oh, get rid of it. It pays a fine. It's a -- the year goes by. There's a big federal inquiry in Washington, in Congress. The McClellan committee investigating the mafia or some goddamn thing and up pops this case and there's a reporter from the *Tribune*. I don't know if he's still living. But he's in Washington working. And anyway, they call me and they find this case. And they says what happened, you know, the disposition was a slap on the wrist and Jay calls me. I said, "Yeah." He said, "Well, half a loaf is better than none." Well, then I'm called in now by Adamowski, the State's Attorney.¹² He's got the file in front of him. There's Ferlic. He's now first assistant. I'm called in. I like Adamowski. Real decent guy. "Well, John," he says, "I see here you've prevailed on a couple motions but what was this with the disposition?" He said, "Didn't you talk to somebody before you disposed of it?" I look at Ferlic and I figured, "I'm not going to go down that road." "No," I said, "I made my own decision." I don't know. "Well, all right, don't worry about it." That's all. That was it. But that son of a bitch, you know, I figured he could do the same thing again.

So anyway, I tried a case one time, a murder case who allegedly killed his -- I got millions of these stories. Yeah, but Ferlic, he said, "You didn't give me all the facts." I thought, "This is the big leagues. These guys play -- they play serious here."

So had a case one time, a Hansen case allegedly killed his wife.¹³ It was in all the press. It was written up in a *Collier's* magazine. Anyway, I brought into the case after the indictment and pretty well down the road. I come into the case, it's chaos. The police are in the place, they trampled all over the place, the crime lab was all screwed up, they

¹² Benjamin Adamowski was State's Attorney of Cook County from 1956-1960.

¹³ See, *Chicago Tribune*, May 28, 1959, pg. 3, and *Chicago Tribune*, October 12, 1959, pg. 7 for more on the Hansen case.

couldn't tell me who -- wet sheets are found in one of their crime lab bags. They can't tell me who put it there and what... So we went to trial and it's -- it was written up. Yeah, written up. And she had two children, two or three young children and she, in the meantime, was estranged from her husband and she was dating this doctor and he had somewhere along the line told our people he had some evidence that this fellow admitted killing her or something was up. Some outrageous thing. But we did a check, background check on him and realized that he was vulnerable on cross-examination. He would do more damage towards the -- a defense witness, so we couldn't use him. But Charlie Bellows was the defense lawyer and now Charlie's waiting for him. We put on all our witnesses. It was obvious we're going to put on this doctor. Then I realized you can't put him on. But I see Charlie's all ready for cross-examination. The guy's really vulnerable. We'd still be there on cross-exam. So we adjourn for lunch and they're anticipating we're going to call this doctor. So the *Tribune* reporter George Wright comes up to me and he says, "What time you putting the doctor on?" I said, "We're going to put him on at 1:00 o'clock," which I knew was a lie. Because I knew he was going to go right back and tell the defense lawyer - which he did. So when he come in, I say, "The State rests." Well, Charles just collapsed, you know. Take all your shit. George Wright comes and complains. "You lied to me." "You're goddamned right I lied to you, you son of a bitch, so you could go back and tell him. You did tell him, too." I said, "I was right." "Oh, yeah, yeah, yeah. Get out of here," this bastard. So that case... So then... Now, the years go by. Adamowski calls me in the office. He says, "Well, I'll tell you something about the case. You did the best you could with what you had, but we're not here to get convictions. We're here to put on what evidence we have and that's

it, so don't worry about it." He said, "Go on to the next case. But I'll tell you something." He says, "Some day those kids are going to ask him if he killed their mother." He said, "That's when he's going to get punished." OK. Oh. That's like, I don't know, 53 -- 40 some years later, maybe longer. I get a call... My daughter's -- I got two daughters. They're prosecutors. One of them in Brooklyn, District Attorney's office, and one of them in Arlington. She's first assistant. She's running for State's Attorney now. She's been there about 20 years. So she called me one morning. "Dad," she said, "I got a lawyer here. He represents this young woman and she says that you prosecuted her father for murder." I said, "Hansen, oh, yeah, sure." "She'd like to talk to you." "Oh," I said, "afraid not. I don't -- I don't want to talk to her." And I said, "Why doesn't she talk to her father," and she says, "The lawyer said she and her father aren't talking." Adamowski said some day... The chick -- chickens came home to roost. So I never heard anything more about it. But she -- he figured it out right away, Adamowski. "Someday," he says, "those kids are going to ask if he murdered their mother." So I thought that was... Yeah, that was -- that was something, he said.

Charlie -- George Wright was -- he had the... There was... They had a case one time where the municipal airport -- just before they opened up O'Hare. The municipal airport, 63rd and Cicero, and in the tower you'd have the young men, and they got their binoculars and when they're not looking at the airplanes, they're looking at the women in the parking lot and all kinds of lookin' around. And they look at -- geez, there's a beautiful Lincoln car in a parking lot and there's three guys obviously breaking into the trunk. So they call the police. And they watch. Sure enough, the police swoop down, they grab these three guys. One of them's a policeman. So they're arrested, all three. I don't know

what the hell they're charged with. But the case comes up, they don't plead guilty. It ends up they're indicted. It ends up in Charlie Dougherty's call.¹⁴ I'm the assistant and here we are with this case. They're not going to plead, they're not going to plead. And I -- I meet the complaining witness and he says, "This case has been kicked around and I've been back and forth. They deprived me of my golf clubs," because they were taken as evidence and some other stuff they took. The -- the police, they inventoried it, and he was just angry with this case. And then I realized his name is misspelled. They got the wrong first name. Oh, my god. So I tell him I have to go back to the grand jury to get a new indictment. So I drag him in there and bing bang we got the new indictment and now it comes down. Well, they each have a lawyer. Harry Busch is one of them and Lee Devine, I forget the other guy and then George Wright, the *Tribune*, is sitting right in the middle of the defense lawyer. And now the *Tribune* has come out with an article like, oh, the merry-go-round case and they proceed to lambaste the office, the judge, the whole system on an on an on because this guy had a friend at the *Tribune*, the victim, and he went and said... Well, I remember George, that morning when it hit the fan, George was - - stated to the judge -- to the lawyers, "Well, I did the best I can but the guy went around me. He has friends at the *Tribune*." So put heat on the case. To this day, I don't remember how we disposed of it, but we disposed of the case. And this fellow Harvey, or was it Heavey [Hagey], was it... He sent a beautiful letter to the State's Attorney extolling me. "I was the only one who ever took an interest," he says, "in the case." So I still have those letters. So that was -- that was Charlie at the *Tribune*. Then tell you the other one about the *Tribune*. This is being filmed?

Q: Um-hmm.

¹⁴ See, *Chicago Tribune*, December 4, 1958, pg. C12.

A: Well, I don't care. The -- there was a *Tribune* reporter named Doherty. A series of brothers. They worked for the *Tribune*. And apparently, he had some relationship to Sam DeStefano, who was later put to death someone with a shotgun while he was putting out the garbage one morning. Seems he offended someone. But before he got killed... For some reason, this fellow in the *Tribune* went out to DeStefano's house. And there was some kind of an altercation. No blows were struck, but apparently DeStefano had -- was armed with a weapon and chased him down the street or something and this fellow ran until he ran to the nearest police station and put in a complaint with the result that DeStefano was arrested. And somewhere along the line, the wings of temper -- I had nothing to do with it, but he's indicted on three counts, assault with a deadly weapon and some other stuff. Dan Ward the State's Attorney, he called me and I was Chief of the Criminal Division. "John," he said, "I want you to handle this." So I said -- I listened to him. What the hell we got here? So -- Ed Egan's first assistant. A friend of ours, a former Assistant State's Attorney who was married to Sam Giancana's daughter, Bobby Donald... This story comes out now that DeStefano's been indicted for assaulting the *Tribune* reporter. The *Tribune* is all gung-ho. They want a... Bobby Donald calls Ed Egan, who -- he worked in the office. Bobby's former assistant. And said, "Ed, this DeStefano matter. You've got another Jake Lingo on your hands." He said, "What do you mean?" He says, "DeStefano's got tape recordings talking with Doherty and Doherty doesn't look good." He said, "You're going to have another Jake Lingo." So we call Doherty and -- Ed and I. He admits that, yes, he had these dealings with DeStefano. Well -- so we call Dan and Dan says, "Tell him to go to the *Tribune* tower and tell his bosses what he just told us," which he did. So we get a call from his then

editor, Clayton Kirkpatrick, and he said, "Get rid of that case. We don't care how you do it. Just get rid of it and you won't hear from us at all." So now we got to get rid of it. So we have a meeting, myself, John Boyle, the chief judge. The case is -- he's the arraignment judge. Myself, George Wright representing the *Tribune*. Dan Ward is there. And we figured out how to get rid of this case. So I figured -- we have to get him a lawyer. So somewhere we decided that Harry Busch would be his lawyer, so he called his pressroom and Harry's in, he comes down and we meet in the office. And I don't know if he talked to the client or what but it was a foregone conclusion that he was going to plead guilty and take a fine. And then we have a scenario -- I said, "Well, how will this go down?" "Well, the case is going to come up in two or three days. The case is called and I will step up and say, 'Your Honor, may I address the court?' 'Yes, what is it, Mr. Stamos?' I said, 'I've conferred with the complaining witness, Mr. Doherty, and he would appreciate it if you would permit him to address the court,' and then Doherty then would proceed with the following litany that this was all a misunderstanding," duh, duh, du, dah, at which point the judge would say to Mr. Busch, "Well, Mr. Busch, and what is your plea here?" "Well, Your Honor, we would plead guilty to count two of the indictment," and he said something... And I don't know, he said, "Mr. Stamos, do you have a recommendation?" Yes, I recommend that -- I think I -- something like this would be pay a fine. And he said, "Very well, gentlemen. That'll be the order," and the case was disposed of. And DeStefano runs out of the courtroom screaming and hollering, "Yay, I've pleaded guilty," and you know he's screaming out. Well, two unknown people come up and take him by the elbows and escort him out of the building. That was the end of that. The next morning, Karen Walsh, the editor from *The Sun-Times* comes

with a court reporter and comes in our office. Ed Egan and I are there. And he wants to know about this disposition with DeStefano. What's the office... What's... So we said -- and everybody said, "Why don't you consult -- before you print anything," I said, "I suggest you talk to your fellow -- your colleagues at the *Tribune*. Never heard anything more about it. That was the end of that.¹⁵ So you remember Jake Lingo [Lingle].¹⁶ Jake Lingo [Lingle] was a *Tribune* reporter during -- who was allied with -- allegedly with Capone, lived high -- far beyond his means and he was on the way to the racetrack and went down in the subway to get on the train to go to the racetrack and somebody came up behind him and killed him, and ran up the stairs and bumped into a policeman. The policeman later on was no use because it turned out he was a mental case. Eventually they found the fellow named Brothers and said that he killed the fellow. It turned out -- he said that Brothers was not the killer, that he was just put up by the outfit to take the heat off of... Anyway, he got 14 years. He got out, went down to Saint Louis. I think he was assassinated down there, some labor problem. Anyway, so -- so that was it with the *Tribune*. And so it was another Jake Lingo case. So now I've got this recorded for posterity. Most of the people involved in it are all deceased. All of them. Yeah, they're all deceased. Harry Busch. Harry. Harry passed away when he was about 95. His mind was sharp as a tack. And I used to have lunch with him over at the Standard Club. And Harry was the type of a fellow... If he started talking about all what he knew, O'Hare field would be filled with people leaving town, because he was in a... Well, I'm going to give an example. There was a fellow -- killed -- there was a shootout. Policeman and so

¹⁵ See, *Chicago Tribune*, November 15, 1961, pg. 3, November 20, 1961, pg. 11, November 21, 1961, pg. 3, and December 16, 1961, pg. 3.

¹⁶ For a retrospective look at the Alfred "Jake" Lingle case, written by Col. Robert McCormick, editor and publisher of the *Tribune*, see, *Chicago Tribune*, October 17, 1954, pg. 18.

forth. Policeman got killed. There was a guy named O'Connor allegedly killed a policeman. Now, I don't know if he was tried and found guilty but he escaped from the county jail. And he had a gun and he ran out into the street. I don't know if it was at night or what. In those days automobiles had running boards. And a car comes down the street just as he runs out into the street and he leaps on the running board, commandeers the car and the driver takes him off someplace and he leaps off and goes down into oblivion never to be seen again. Oh, yeah, he'd been convicted and sentenced to death by hanging. That's right. In fact, they kept the scaffolding, they kept in the basement of the criminal courts for years in anticipation that if he's ever apprehended he'd be hanged. Later on, they cut up pieces of it and Bill -- Ben Miller's got a piece of it as a souvenir from that scaffold. Now, Judge Burke, who was on the appellate court, died when he was about 104, and he was just full of knowledge about Chicago history. He said he doesn't think O'Connor's bullet killed the policeman. He think it was another policeman's bullet that killed him. In fact, he says, "O'Connor was never apprehended," but he said, "he was seen in and about Chicago but was never arrested." When he jumped out of the running board of his car, there was a fellow -- a young man driving his car and took O'Connor away from the county jail. I don't know where he dropped him off but it turns out the young man driving this car was Harry Busch. He had just passed the bar. And I mentioned that to Harry and Harry's response was, "Yeah, isn't that something?" So I don't know. I didn't press it any further but this is Mad Dog O'Connor, I think they called him. But Charlie's -- rather, Joe Burke says, "Yeah, another policeman's bullet killed him," and they blamed the... Yeah.

Q: You've been bringing up these issues about, you know, the police department and things

like that. Did -- did you -- what was your relationship with the police, with the Chicago Police Department as State's Attorney?

A: Well, we -- there -- there are a lot of good people. A lot of good people at the department that comes to mind. You know, Jack Killacky, Speato, Mike Speato. I could any number of them were doggone good policemen, honest and really took their oath of office seriously. I remember one in fifth district there's a homicide section, that poor fellow in charge of homicide in that district was pleading with his superiors in the headquarters, "I need more help, I got too many homicides. Every time we come to work we got more homicides. I need more help." So finally the chief of homicide comes down to his police station and he sits down in his office and talked with the commander. Across the way is a young couple and a policeman is sitting between them. I don't know if they're married or what but they got a dispute going back and he brought them in maybe to pacify, maybe -- without anybody getting arrested. Get rid of this thing. And as the chief of the homicide's talking to the local homicide commander of that district, the woman pulls a gun out and shoots the fellow right in the presence of the policeman -- right across the hall. These guys look and he turns to the police and he said, "You see, they're killing them right in the police station." [laughter]

Q: What time is it getting to be?

_: We're about 52 minutes into the second tape.

Q: Fifty-two minutes into the second tape. OK. I wonder if now might be a good time to stop.

_: Where are we with questions?

Q: Well, we haven't gotten him out of the State's Attorney's office yet. That might be a

good place to start up next time when...

_: Judge Stamos, is it OK if we -- can... Are -- are we welcome to come back and..

A: Sure, of course. I don't know how much of this --

Q: This is great.

A: -- you're going -- I'm going to censor or what. But most of these people are dead, so...

Q: Um-hmm. Well, that -- that's -- that's your --

A: No, I know. To hell with it all.

Q: That's up to you. I mean, if --

A: It's all true. I mean, what the hell.

Q: I mean, these are your stories.

A: But I'd love to -- to retain it for posterity, especially, "Skinny, call your next witnesses."

You know, a lawyer did that later on. I -- what the hell's his name? Sherwood. Another colorful lawyer. Julius Sherwood. He did that one time to me on trial. And the judge

said, "Mr. Sherwood, proceed with your next witness." He calls himself to the stand.

And Judge Bryant was the judge.¹⁷ And they start that shit. You know, you stage -- wait

a minute, wait a minute. Let's not go through... "Get off there," the judge says. You

don't do the same thing "Skinny" did, you know. See, your -- is this taping now?

_: Yeah.

A: Oh.

_: I can stop it.

A: No, that's all right. Years ago, they only had like -- at most 12 criminal court judges.

Now there's 40. They got these Suburbans. And sometimes we used as many as eight.

Sometimes during the summer it might be only two. But they had the situation where a

¹⁷ Judge James R. Bryant.

newly elected judge would be sent immediately to the criminal court because it wasn't that sought after a job. It was off on the west side and it -- they'd be sent there to do two or three years. Regrettably, some of those judges had absolutely no experience in criminal law. Some had no experience, had even been in a courtroom. They were -- handled mortgages, foreclosures or something and they suddenly become a judge of criminal court. Well, you know, you got problems of evidence, rules of evidence, they had no... And it would take a while for a judge to get acclimated to this job. So kind of unfair. And after three years or four, he'd go out and then they'd send a new crew in. It didn't lend itself to any efficiency. A lot of the judges were former assistants, so they had some knowledge about trial of a case but a lot of them did not and it caused problems. So now judges sit there as long as ten, 12, 15 years, which is terrific because they have all that experience behind them. But years ago, it was like a penalty box. The judge would be sent out there and couldn't wait to get out. So it didn't lend itself... I -- I remember one time a judge came out. Judge -- he was a former municipal court judge. Braude.¹⁸ And he came out and, you know, they have a statute a man has to be tried within a certain days. I don't know. We used to call it the fourth term. 120 days he has to be tried. If he's not, he's discharged unless he causes the delay himself by asking for a continuance. It's called the fourth term. Fourth term. But if an assistant violated and got caught, he could end up being fired. That's how serious it was looked upon. In fact, the files used to have stamped on them, "Watch out for fourth term." But he came out and the first day on the job I am assigned to him. I'm not sure who my partner was. "And, well, what is this I hear? What's this fourth term I hear about?" "Well, Judge," I says, "it's got nothing to do with Roosevelt." [laughter]. Oh, Braude, he was something else.

¹⁸ Judge Jacob M. Braude.

I heard that when the judge -- what's his name? Thaddeus Tudor. I remember Ed Egan's arguing a case and every third word Tudor would jump and say, "I'm -- through, object." The judge, "Overruled." "Object," you know. So finally it just got annoying and tiresome after about the sixth, seventh, well -- Ed in exasperation, he's arguing to the jury, turns to the jury and says, "Ladies and gentlemen of the jury, I have to apologize for my client, Mr. Tudor. He's a far better lawyer than what he appears to be," and Tudor gets up and says, "To that I do not object." [laughter] And -- and you had... And what's his name, Lester Shapiro. Lester. He reminded me of Sergeant Bilko. God, he was funny. But he had a jury in the box and he's telling the jury about... "Now you remember," he said, "when he arrived there it was 4:00 o'clock." And a juror pops up and says, "It was 3:00 o'clock." "It was 4:00 o'clock." "No, it was 3:00." The rest of you jurors have been set straight. [laughter] The juror was right. Ed was wrong.

And then I had a case with Billy McGall one time. The robbery occurred on Gada Street or Goathee and the two assistants got into an argument about how you pronounced it. So all through the trial, the jury kept hearing two -- two addresses. They kept hearing Gadar, they kept hearing Goathee. I guess they must have went home and thought that this occurred at two different streets. One would not give on to the other. And he said, "Gad -- that was Gadar." Even the judge let him -- oh, let him go. So there was -- they're trying this case. They got a witness in the witness room and Judge Desort is the judge and Sherwin's the prosecutor.¹⁹ And he said, "Call Mr. Smith, the witness," and the bailiff goes out to get the witness and he goes through this little ante room and he goes out to the hallway, goes to the door and then he brings to this door and then he comes through this door and into the court through this door and that door and he puts him in the

¹⁹ Judge Rudolph F. Desort.

witness stand. Sherwin, "Now, then, Mr. Jones, you see the man that put together (inaudible) the man that -- you see the man that... What was going on? What was there?" He said, "Well, I was in a store and the man came in and then this man went through and this other man came through the door." "Now, do the man -- will you show us the man that -- that had brought me through the door? Will you show us the man that brought you through the door?" and he points to the bailiff. The judge says, "Wait a minute." He goes into the chambers. He says, "You got to prepare your witnesses. Now, listen, from now on, whenever you have an identification case, I'm going to wear a derby and smoke a cigar. You tell your witnesses under no circumstances point to the guy with the cigar and the derby." So here's Sherwin. Sherwin's got a civil case where there's some dispute in the saloon about a wrist -- a watch or a ring or something that disappeared and they claim it's worth five, \$6,000, so they sue and there's this trial. Herb Norman was the lawyer -- the judge. I remember, I checked. Yes, it actually happened. And they go to trial and the witness is testifying. Now the time comes for arguments and Sherwin always had this habit. He'd look around the courtroom. If he saw somebody new, he's put them in the record. I remember Wright walked in one day. He had a bartender around at some strip joint at Randolph Street and he's telling the bartender, "Well, was John Stamos there that night?" I said, "I don't know. He could have been there and you not noticed." "I guess so" he turns to me and he goes, "Yeah," put in the records. So now he's arguing to the jury and he had this thing here. He'd look around to the jury after he's arguing. He looked around. If he see a witness from the other side remained in the courtroom, maybe one or two of them, he'd stop and say, "Well, now..." And he'd say, "There's Clarence. He wants to see how his side makes out. Clarence is so

interested he's not only testifying, he's a..." And then the juror pops up and says, "Wait a minute. What's wrong with the name Clarence?" Oh, geez. So he looks at the judge, says, "Take the jury out." They go in chambers. "Sure. I'm going to give you three minutes to straighten it out. You go up on voir dire and examine and get -- dig your way out." So they put the jury back in Sherwin says to the guy, "Excuse me." He said, "I mean no offense, Clarence," he said. "You're not going to hold that against my client?" I said, Nah because I understand you know. The judge says, "OK, that's fine." He says, "Look at the harmonica they gave me. Julius." And the juror says, "What's wrong with the name Julius? My father's name is Julius?" He -- he looked at the judge. He wants another -- judge, "No, no." [laughter] Needless to say, the verdict was against.

He's got a case one time, a bunch of kids, indecent -- kids fooling around with little kids, touching them, feeling them, I don't know what the hell's going on. And there was about six of them and they're testifying. And they're testifying a year after it happened. You know, the kids are like seven, eight years old. And Sherwin says to the jury, in a box he says to the kid, "Well, now, Alfred, how do you know it was a Thursday that..." "Well, that was a holy day of obligation with Sister (inaudible)." So the next witness, "How do you know that?" He said, "Well, that's the day when Sister Marian took us to the field (inaudible)." And then third one he says -- third kid he says, "I'd ask you how you know it's that date but I'm not going to put my foot in that bear trap." [laughter] That was Sherwin.

Q: Well, let's stop here.

A: All right.

Q: And I think when we come back we can start off with 1968. That might be a good

starting point.

A: Yes, yes.

END OF AUDIO FILE 2

Q: I'll wait until you get this one going. Good. OK. Today is September 10, 2010 and we are at the home of Judge John Stamos again to continue our oral history with him. I actually wanted to just ask a couple of questions from what we had talked about last time and... We were curious how -- if McCarthyism had any effect on you personally or while you were going to law school or in the city?

A: No, not at all. No. I used to watch it.

Q: Um-hmm.

A: But it didn't affect me. No. The McCarthy hearings and Roy Cohn and that's what you're talking about?

Q: McCarthy -- yeah, Senator McCarthy.

A: Yeah.

Q: The communist...

A: Yeah. Was Roy Cohn was one of his assistants.

Q: OK.

A: Yeah. And then what was the name of the Senator for Irving? Was it Senator Irving from... Yeah. [Attorney Joseph N. Welch] When he told McCarthy, "You don't have no shame," when he went after that young man who was supposed to have been a -- was a lawyer and I think he's a member of some attorneys group. And Irving scolded

McCarthy, yeah. I remember those. I remember watching them on television, yes.

Q: There weren't any pushes or anything like that to try to rid Chicago of communists or anything like that?

A: No, no, not at all. No.

Q: OK. What memories do you have of President Truman or John F. Kennedy or Robert F. Kennedy during those times?

A: Well, I met Robert Kennedy. I was at Mayor Daley's office waiting to see him about some matter and he was in his office with Senator Kennedy, who was on his way to California, then, which was subsequently where he was assassinated. As he emerged, the mayor introduced us. I noticed he had a deep tan and was relatively -- relatively short. He was very pleasant. It was a brief moment, historical moment. What else was there? It was... Yes, I remember Truman, how he was campaigning at the time and most of the pollsters said he would lose. And I remember the newspaper, the *Sun Times* in Chicago, they would conduct -- on national elections they would conduct straw polls throughout the state and a friend of mine, Frank Sullivan, who later worked for me as a PR man and then he worked for Mayor Daley, Frank was telling me as a young man he worked on those straw polls at the time Truman was running against Dewey. And they encompassed all the State of Illinois and he said he and others came back to their people and told them that it looked like Truman was going to win. And the papers -- and those running the polls refused to believe it and they just said it'd be close. But Frank says he came back and told the -- he said, "He's going to win." But they didn't have the courage enough, I guess, to report it that way and I guess they just said it would be close or something. So that was quite interesting.

Q: Was that your first Presidential election that you voted in? '48?

A: Yeah. Well, I was also working in a precinct, the 15th precinct in the 10th ward of Chicago and working at that time at the polls. In those days you had paper ballots. You didn't have machines, or all the modern things. But I remember working the polls. Yeah. There was a large turnout.

Q: And I assume you cast your first vote for President Truman?

A: Oh, yeah, by all means, it was a straight -- straight Democratic ballot.

Q: [laughter] When you were Assistant State's Attorney or State's Attorney, what kind of interaction did you have with the Illinois Supreme Court at that time? Did you try cases in Springfield? Or not try cases but did you take cases on appeal to Springfield?

A: Appear -- no. As an assistant, I appeared and also the Appellate Court I appeared. But once I became State's Attorney, no, I never appeared before the court. Our assistant -- our assistants would do that. But I remember going down to Springfield. In those days, our brief department in Cook County in the State's Attorney's office consisted of about four people, until the United States Supreme Court came out with an opinion that required that the states furnish the prisoner with a transcript of his trial. Well, that just, you know, an explosion of appeals, then, which -- like today, I understand, is 40, 50, maybe even 60 people in the State's Attorney's office handling appeals because practically every prisoner now appeals. He has access to free transcripts and so forth. But in those days it was just the four of us. It was John Gallagher. He -- so in those days he must have been in his 70s. And there was Rudy Janega and there was Bill Carlin. Bill Carlin, he was quite aged. I'm sure thinking back now. We're talking about 1955, '56. He must have been -- in those days, he must have been in his late 70s or early 80s. And

there was another fellow worked in the office briefly. But just a handful of us handled the briefs. Well, Bill Carlin, he and I shared an office. We had desks opposite each other. As a young man, he was a partner of Clarence Darrow's. And, in fact, Bill's aunt was one of Darrow's secretaries. Bill, when he passed the bar, was going to go work for the Great Northern Railroad Law Department and Clarence persuaded him to come and work with him, which he did, and he was one of his partners. And Bill would tell me about Darrow. You know, I'd ask about Darrow's stories and he said that Darrow didn't only try criminal cases, he also very active civil cases. In fact, he told me a convoluted story one time, how Clarence Darrow represented both parties with their consent and resolved their problem. I guess he acted more of the mediator than the lawyer. And he then said to me that he would go along with Darrow as his young assistant. He said, "I carried the books." He said they had this trial where -- in those days there were no women jurors. It was all male jurors. And a lot of civil war veterans, Bill said. And a lot of sawdust on the floor in the courtrooms, a lot of spittoons, and a lot of these veterans -- you know, in those days, a lot of horses, a lot of people coming in with spurs on their boots. He said, "I was trying a case one time where Darrow's defending the *Herald Examiner*, *Herald American*, which was a Hearst newspaper and he said that Hearst was being sued and they hired Clarence Darrow to represent the newspaper. They were being sued by Annie Oakley. So I said to Bill, "Annie Oakley?" I said, "Bill, how the hell old are you?" He said, "I'm not going to tell you more stories." I said, "I apologize. Tell me about it." Well, he says that the newspaper reported that Annie Oakley was a lesbian and -- which precipitated the lawsuit and she sued them. And he said, "I went to court with Darrow, carried his books, and the plaintiff was represented by an elderly gentleman who

also had a young man with him. And we go to trial. And this is a slam dunk case,” he said. The evidence wasn’t contradicted. And the time came for argument. And the opposing party, the old gentleman, had the young man stand up and give a pedestrian type of closing argument, anticipating that he was going to come in rebuttal after Clarence. Well, after the young man argued, Bill said the judge turned to Darrow and said, “You may proceed, Mr. Darrow.” So Darrow got up and said, “The defense waives argument.” With that, the old man representing the plaintiff realized that his mouth was forever shut and he shouted across the courtroom, “You dirty son of a bitch.” I said, “What happened then?” He said, “The jury went out and they came in with a verdict of \$25,000.” I said, “Well, that’s one of Darrow’s losses.” He said, “No, on the contrary.” He says, “The newspaper loved it.” He said, “They sold more newspapers...” You have to remember, there’s no radio or television in those days. He said, “They sold newspapers like crazy.” He said, “Those lawsuits couldn’t come fast enough.” So he just told me about Darrow’s stories. He said, “Darrow would always leave his door open so that his secretary could see him and he could see his secretary whenever he was interviewing a client.” He said, “He always made that practice.” And he said -- the other thing was -- he said, “He had a lot of partners. What the result was he would take off and not tell his partners. He’d be defending a lawsuit some goddamned place, or he’d take fees and stick it in his pocket. Not in the sense that he’s cheating it, he’s just -- he’s lackadaisical in businessman, as a practice of law.” But he was a very interesting fellow.

Q: Well two -- so how many cases did you argue then before the Supreme Court when you were an Assistant State’s Attorney?

A: Oh, I must have argued 50 cases. I remember one time we went down, we stayed over --

you know, overnight in a hotel room down there, take the -- take the Illinois Central down. There's another one that's no longer in business we used to take down to Springfield. Alton Railroad. Alton something railroad. But anyway, we'd get a hotel room and I remember Rudy Janega, he would bring his own linen with him and strip the bed off. He had a separate briefcase. He'd open it up and he had sheets and pillows and pillowcases. He would redo the whole bed. We went down there one time. I'm anxious as a young man, you know, to argue at the Supreme Court. How old was I at those days? We get down on a beautiful day like it is today and John Galliger, who was very close to the court, they called him in chambers and then he came out before court opened. He said, "We're going to all waive argument." I said, "How's that?" And he said, "Well, the judges say they have to catch a train. They don't want to be delayed." So we went and the defense argued and we had to stand up and say, "We waive arguments," so that we expedite the proceedings so the court could go about catching their trains, wherever they were going. So I was kind of disappointed. I came all the way down to Springfield, I didn't even have a chance to argue -- argue orally. And I remember one time I'm down there, and there was a young man who regrettably -- he died quite young. I found out later he had a mental problem, which evidenced itself because one morning the court came out and -- I think Davis was the chief judge. And before the preliminaries, he started out. He said, "As far as..." Well they didn't have the case name. They go by number, agenda. "Agenda number 453, whatever, is inadvertently or something and it improvidently was allowed to be filed in the Supreme Court. It's being transferred to the fourth appellate district." Well, in the meantime, this lawyer steps up to the rostrum ready to argue and he hears that he's not going to argue, in fact, his case is being taken

out of the Supreme Court and sent to the Appellate Court. Well, he has this spontaneous exclamation. He says to the court, he shouts out, "What do you mean, you transferred this court? What the hell, I came all the way..." Then they realize now that this -- they got a little problem. So the marshals started to make a move and then the judges all jumped up. They realize they got a problem. So they all ran for that center door where they come in and out of the court and they virtually ran out of the courtroom. And as the door slammed, he ends up saying, "You sons of bitches." Well, they could hear that because in -- in the conference room there's a speaker. So the marshal just escorted him out of the building and they told the marshal, "Let us know when he's gone out of the building." The poor young man, he later died. He apparently is a mental case but the court was quick. They're not going to stick around and get involved with contempt or anything. They realize the best thing is just abandon this thing and let him get out of the building. So those were arguments. Yup.

Q: So back up in Chicago, then. Tell me about your relationship with Mayor Daley.

A: Well, I got to know him quite well because my boss, Dan Ward, whatever -- the mayor'd have meetings a lot of times that would address the questions of the traffic court, the question of law enforcement, question -- and he would ask the various state offices that come down or county officers, like the sheriff or something, and he'd ask the State's Attorney to come down, too. And Dan was a little adverse to coming down to City Hall too often. I can understand. And he'd say, "John, you go down." And that's how I got -- I got to know the mayor. And we -- we'd go down and he'd have his meetings and, you know, got quite close especially when they didn't reslate me for State's Attorney. It was kind of a situation we had there.

Q: Can you elaborate or can you talk more about that?

A: Well, I think -- did I tell you before with Dan Ward I was going to decline to take the office of Supreme Court [State's Attorney]?

Q: Yes, you had told us that before.

A: Yeah. Yeah.

Q: Um-hmm.

A: And in the beginning, when they first talked about me taking Dan's place, I remember I met with the mayor the first time, I said, "Mr. Mayor, can I have an understanding? I won't seek election. I'll just serve out, cause -- I wish to go out and practice law." "No, no," he says, "I insist. You're going to be the candidate." Well, when they didn't slate me, I didn't bring that up. I figured, "Oh, why bring it up." But I thought, you know, you told me at the time... But so what was that going to accomplish. So I didn't say anything about it. But later on I told him that -- you know, they had to keep it a secret because they were afraid that I might marshal some support and run against the -- run against the party's candidate, which I -- which I wouldn't do. So I told him, I said, "I don't know why you didn't tell me." I said, "Instead you had this abs -- absurd situation where I had to walk out and tell you I don't want it and then you had to run over and find, you know, somebody to take my place in the situation." I said, "You could have avoided it by just calling up and telling me." Well, that was quite interesting.

Q: Well, the newspapers had reported that you weren't re-slated because Hanrahan could get the Irish Catholic vote?

A: Yeah, I don't know about that. I don't know. Well, there's a lot of other things that enter

into it, I thought. I don't know if you're familiar with the Royko book *Boss*.²⁰

Q: I haven't read it, but I'd like to.

A: Yeah. I got it over there. There's a little more to it than that. As he said, I was kind of aloof, kind of distant and a lot of the party members were a little nervous. There were occasions when someone would suggest that we retain the services of some policeman we put on our staff and I had our people check out and I didn't like the looks of his background or what, I would decline to do it. I said, "Send somebody else." Well, a couple things of that nature would pop up and I think that was it. That Irish thing is a lot of nonsense. No. They... It was a shame because Dan built -- you know, the six years Dan was there and I was there as his first assistant chief of the criminal division, he built up one hell of a good staff of people. Real good lawyers, dedicated people. Then I took over, just continued the same practice. And then they brought Hanrahan in. There was -- just a lot of people quit. Twenty some people quit. It was a dismantling of the office. It was a shame, because I think it was the highlight of the prosecutor's office in Cook County. We had people there that all went on to become judges, federal judges, governors, you name it. It was a shame they had to dismantle it, because it was a well run organization. Yeah. And I think it brought a credit to Dan, who put it together. No, you come off the street, he's retain you. I remember a number of people who just came off the street without any political representation. All, just walked in, filled out an application, they were retained. So I just admired that, thought it was a shame that that office was just taken apart later on.

Q: Talk about your -- your term as State's Attorney, the two years that you served as State's

²⁰ See, Mike Royko, *Boss: Richard J. Daley of Chicago* (New York: Dutton, 1971), esp. pgs. 75-77. Royko uses the story of Stamos not being re-slated as an example of the power of Mayor Daley over the "machine" and the slate making process.

Attorney?

A: Well --

Q: I mean, what --

A: Yeah.

Q: -- what did you deal with?

A: I'll say this. That it was the easiest job I've ever had. The reason I say that is I was not responsible to anyone. I could make a decision without looking over my shoulder to find out whether my superior was going to agree with it. And to me it was a lark. It was so pleasant, and with the good staff we had, too, you could delegate things and walk away from it and know it's going to be done. I didn't have to micromanage at all. It was a very enjoyable... Let's see. It went from '88. '68 and '69. Yeah. '66, 67', 68', yeah. It was marvelous, that fact that I could run the office in that fashion. You had a good people. Pat Tillard, Lou Grippo, Martin Flaum, Zagel, who's now the federal judge on this case. Those people working for us. Had good... It was the easiest job I ever had and I liked dealing with the press. I remember I was interviewed by -- CBS came in one time. I met a fellow at the airport, one of their producers from New York and he says -- if he could drop by some time and do a little interview. I said, "Sure." So one afternoon he descended on me without any notice. Came in with a sound man and a camera man, engineer and producer. My god, big production. And he proceeded with the interview being... I had a feeling it was kind of a hostile interview, because that's what attracts viewers. And he's telling me about, for instance, the ACLU. He says there's some criticism of our office that we're not doing thus and so on. I said, "They may be right." I said, "If we were doing everything the way everyone wants us to do, or if everybody

accepted the fact that we're doing a good job was universally accepted," I said, "there's something wrong." I said, "I'd look into that." I said, "But now that we're talking about organizations such as the ACLU," I said, "I'm always worried about who's the custodian of the custodian." I said, "You know, they -- I'm sure they're well meaning and they've done a lot of good things and I complement them and I admire them for that," I said, "but, you know, they collect money from people. They collect big money." And I often wondered are they influenced by people who send them money? Like I remember, without mentioning names, a prominent Chicagoan secretary was found with some narcotic problem and her boss called the ACLU and they came to her defense. I'm just wondering would they have come to the defense if that person had not given all that money to the ACLU. You see? I said, "It was always who's the custodian of the custodians?" Well, the thing went on like that and I was kind of critical, too, of the news people, the way they report. But, you know, the thing was never shown in Chicago, the tape, but it was shown outside of Chicago, like Florida, and I received two letters from Florida who saw it and one of them complemented me on taking down -- referred to them as the CBS Taj. [laughter] They felt I didn't knuckle down but I felt free to express whatever feeling. I felt I had no obligation. Just expressed my opinion, like I did with the ACLU. I don't care. That's... But as a prominent magazine said, the CEO said if I would pose on the cover of the magazine complimenting him for the work he's doing on behalf of law enforcement? I said, "Sure." I said, "But for the next issue I want you complimenting me." But, oh, no, he couldn't go for that. [laughter]

Q: What are your memories of the Democratic National Convention in '68?

A: I was a -- I was a delegate. Put -- put it right now. Daley was not saying F-U-C-K to

what's his name from Connecticut. Who was he?

Q: What was his name?

_: Ribicoff.²¹

Q: Ribicoff, yeah. Yes.

A: Yeah, no. No, he wasn't saying -- they know. He was saying faker. He was saying faker. But in those kind of strange days, those were... Yeah. And the other thing, too. On voting, Daley would come among the members, one at a time, and Jimmy Ryan is secretary, with a little pad of paper and he'd ask you how you're going to vote on some measure. So he wasn't the dictator talk -- no, he would consult. Everybody had a vote. And I remember coming down the aisle. He'd come up to you and say, "What's your vote on this thing." Then they'd show you the tally.

Q: Was this during the DNC or was this during...?

A: During the convention.

Q: Oh. OK.

A: Oh, yeah. Yeah. He would have the -- he and Jimmy would come down the row and vote. So it wasn't the Daley... And then the other strange thing. We were seated alongside of the Texas delegation. And what was the name of his former secretary? The former Texan? What the hell was his name? They auctioned off all his property. He was in the car with -- when Daley was...

_: John Connolly.

A: When Kennedy was assassinated. Connelly.

Q: Oh, Connelly, yeah.

A: Yeah, he was head of the delegation, Democratic delegation. Texas, and he had did, and

²¹ Senator Abraham A. Ribicoff.

they were right across the street -- right across the aisle from each other. I noticed they never talked, never consulted, never looked at each other. To this day I was wondering what the hell was going on. But I remember seeing -- Paul Newman was there and I remember -- on the floor and I came up to him and we really bu -- almost bumped into each other. Kind of looked. And I went to the left, he went to the right and he smiled and he continued on. I thought the goddamn bluest eyes I've ever seen. But I got home and I'm telling my daughter, I says, "Saw Paul Newman." "You did?" "Yeah," I says, "Yeah." And I said to her, "Well, yeah. It's kind of -- looked at him." I said, "You know, he's relatively short. He's about as tall as that bookcase." Well, I'm pointing to a bookcase about 4'9 or so. "Oh, dad, he's not that short." But he was kind of short. He come up to my chin. But what was it, another movie star was there. They were going from the delegation -- California delegation. What the hell's her name? She had a brother who was a movie actor. He played in the movie *Reds*. The shampoo. Ned something. Beatty? [Warren Beatty]

Q: Ned Beatty?

A: Yeah. His sister -- his sister's a movie actress [Shirley MacLaine].

Q: OK.

A: Yeah, she was there, too. So a lot of California. And there's a lot of tumult on the floor, you know, fights broke out. Chicago police were accused, you know, of pushing around the news people. This was very strange days. I -- I often thought that rioting in the streets, that these kids... And they were from all over. I remember I was State's Attorney. I was getting calls from State's Attorneys and prosecutors around the country who I knew, who'd been approached by family members of their children who were arrested in

Chicago and wanted to know if I could help out. But these young people that were rioting -- and I thought... At the moment I thought, "Well, yeah, they were rioting because they feel this is an unjust war and philosophically something the United States shouldn't be engaged in." So they had noble principles against the war. Then I realized later on that no, it wasn't that at all. They didn't want to be drafted. They didn't want to be killed or wounded. That's why they were -- that's why today we don't have the draft. You know, I think I'm -- my memory's correct. The Vietnam War, when we got involved in that initially, in that war, we did bring people in from the National Guard like they do now. We didn't have a draft. And I remember they brought in a unit, a National Guard unit from Wisconsin. I don't know what it was. Military, infantry, whatever, engineers. But anyway, they sent them to Fort Lewis, Washington. Fort Lewis, Washington was an enormous army base that could handle 150,000 troops during World War II. And like a lot of forts, they were still maintained. They weren't used but they were maintained. In fact, I visited my old fort in Rucker down in Alabama. And the old barracks was still there, but a lot of cobwebs and dust and dirt and dirty windows and so forth. But the structure is still there in case they need it. Same thing with Fort Lewis. So they stuck these people in these rundown, unmaintained Army buildings and they were appalled at the dirt and the filth and the cobwebs and so forth and they complained to their congressmen and their senators and raised all holy hell and I guess the political, so to speak, criticism of this, being -- taking these National Guard kids off away from their jobs and being put into these dirty barracks... So the politicians backed off. They thought, oh, maybe not a good idea to create a lot of dissension and a lot of votes against it by taking civilians and suddenly thrusting them into the army. So I think they reverted

to the draft. But they initially started to do what they're doing now, which is using National Guard, which is an absolute disgrace. You know, I could say it freely historically. I mean, the country's not at war. Those poor families are at war that got kids over there, boys and girls. That's who's at war. We're not at war. We're not like World War II where the whole country was at war. No, it's an absolute disgrace and I think that a lot of those people are from small towns. You don't see anybody from Northbrook or Glen Cove. See, I mean, it's all little towns in Oklahoma and Kansas and so forth. Why is that? Where are people? It's so unfair. Just absolutely unfair. It's obscene is that we're fighting a war with a handful of people from little towns and they're taking the brunt of this thing and the rest of us, you know, we're going on like it's a sideshow of some kind, not affected by it -- we're not at war. They're at war. It's a disgrace, absolutely disgrace.

Q: What kind of -- with these riots during the Democratic National Convention, your -- your office -- I assume you were prosecuting those?

A: Yeah. Well, a lot of them were prosecuted at the city level, violations of ordinances. And I'll give you an example of what happened. There were some state charges against Hayden and some of those other people. I don't remember their names. And they were booked into the various police courts around the city on misdemeanors, state charges. And one of them, I guess, got caught letting the air out of the tire of a squad car or some goddamn nonsense of that nature. But they were state charges. And I get a call from Tom Foran, who was at that time the District Attorney, Federal District Attorney here in this district. "And John," he said, "I see -- our people tell me you've got state charges pending against these following people," and I said, "Yeah, we do." He said, "Well," he

said, "you know, we're going to proceed to indict them and I'd appreciate it if you'd dismiss those charges." I said -- I remember telling Tom, I said, "I don't understand, Tom. You going to have the majesty of the United States government chasing these people?" "Well," he said, "that's what we're going to do." I said, "If that's what you want, I'll be glad to do it." I said, "I'll take care of it, Tom. You go ahead." And they proceeded to prosecute them. Crossing state lines to create a riot or some -- some dumb nonsense like that. So I remember that. They could have been charged in a police court but that's not what, but that's about -- what it was worth. It was just an ordinary misdemeanor. But they, I think it was blown out of proportion. So that was our... The other thing, too, was we later on had -- the Reverend Martin Luther King was killed, we had the rioting and the burning of large parts of Madison Street. And you have... When you have a large crowd of people you have mass arrests. The problem is finding the policeman who made the arrest. You got to have a live, talking witness in court or a film or some damn thing. Somebody's got to step up and say, "This person here is charged with this -- was doing this and this, the reason why he was taken into custody. And I as a witness saw that." So you've got to get the policeman lined up with that defendant. So we knew that was a problem. So some -- so at one point, we had a couple of people with land cameras in those days, with instant photographs. You'd have the policeman shown with the so called culprit, taking his picture, and then you had a badge number, you knew this fellow made this arrest. That's always the problem. That's -- I feel with these so-called terrorists at Guantanamo Bay in Cuba, when they talk about it, they call them terrorists. They haven't been tried yet. Who's your first witness to say why is this man in custody? What did he do? Who's your first witness? I don't know, if they could find

the witness... I imagine they were sweeping people up off the battlefield. Maybe someone was on his way to get a dozen eggs or something and he's swept up by somebody who grabs him, some -- they had a 15 year old child they took in custody. I don't know what the hell he was doing that justified locking him up for four or five years. You see? So that's always a problem in mass arrests. You got to have people able to testify this person was doing thus and so on and that's why he's taken in custody. That's why he's a problem on mass arrests.

Q: Well, tell me about -- tell me a little bit more about the Martin Luther King situation there.

A: Well, yeah. I remember I was -- that evening I was -- had an affair that afternoon and the head of the FBI office here in Chicago, Marlin -- his first name was Marlin. I forget his name. And, you know, the disturbances were taking place and he said, "Do you think we have a problem?" I said, "Well, it remains to be seen." Which we did have a problem. At least fire and looting and so forth. I went on the roof with Lou Grippo of the criminal court and you could see the skyline. It looked like Warsaw after the German Luftwaffe bombed, the black smoke pouring off, you know. And so I -- then I heard that there was a possibility the young men were going to invade the loop and start breaking windows and creating mayhem and so forth. And I remember I called Mayor Daley and asked to come down. He says, "Come on down." So I went down to his office. It was quite an evening then and things were sort of quieting down. And he was in his inner office with the radio listening to police calls. And so when I came in the building, it was only the one usual policeman down at the front door. And not a young man. I mentioned to the mayor, I said, "You know, we heard there may be some -- these young people may come

prowl around the loop and start busting windows or creating some mayhem. And you don't have any policeman down there." When I left there was almost a platoon of policeman around the city hall. And so I said to him, "You know, Mr. Mayor, you could do what one of your predecessors did. One time the city council got it in their head to prohibit the sale of beer on Sundays," I said, "which -- which really upset the German contingent, because they have these beer gardens on Sundays. And they're going to march on city hall." Well, now, you have to remember that Chicago's actually like a peninsula. You got water on each side, water on the north side and water on the west side, and the only land access you have without a bridge is coming from the south. Everywhere else you got to come over a bridge. So I said what he did was he moved the bridges -- in those days, they were turnstile bridges. They didn't go up or down. They turned on a table. And they turned the bridges around so that people couldn't get access to the Loop. I remember he said, "I don't think that would go over too well." So I said to him about the damage that was being done on West Madison Street, I said, "You can maybe look at it, Mr. Mayor, as instant urban renewal." And he says, "I -- " I remember to this day. He said, "Well, I wish it were 16th Street." So I made a point to go -- a few days later go down to 16th Street. He was right. There were a lot of buildings there that should have been torn down. But that was funny about the bridges. But that's interesting that the only access by land is the south.

Q: Yeah. Well, so you mentioned a little bit earlier about being slated -- or not being slated for --

A: Supreme Court.

Q: -- the State's Attorney.

A: Yeah.

Q: But you were put up to be Attorney General?

A: Yes, yes. They -- well... Yeah, I had heard -- people had been -- were telling me that I wasn't going to be re-slated. They told me it would be Hanrahan and I was going to be re-slated as Attorney General. I heard this from maybe four or five different directions and I thought, "Maybe I should go to the mayor and lay it right on him," and say, "is this true what I'm hearing?" I thought I'm going to let the -- I'm going to let the thing proceed. I'm not going to... Let's just see what happens. But I did tell Art McGloon and Johnny Touhy, who was chairman of the Democratic Party.²² I said, "I understand they want me to be Attorney General. I don't want the job." Well, naturally, they don't go back and tell Daley, because in politics you don't bear bad news because in some way you might be associated with the bad news. It's just not -- you just -- not only carry the message in some way that you may be responsible. But no one said anything. So I said the hell with it. Let it go right there. So one afternoon one of my aides says to me, "You know, you better get over to the Sherman Hotel," where the slatemakers were just finishing. I said, "Why?" He said, "They just finished the slatemaking." So I go over there and I get there. The committeemen are just coming out of their meeting after they've established the slate. And I've been greeted with -- I remember Marshall Korshak for instance. "John, congratulations. You're a candidate for Attorney General," I mean, Art McGloon and all of that and I said, "I don't want the job." And finally they

²² John Touhy became the Chairman of the Democratic State Central Committee in 1973. Touhy was the Illinois House Minority Leader at the time. Thomas "Art" McGloon, was the Illinois State Senate Minority Leader at the time. Both were allies, and members, of Mayor Daley's "machine."

all get out. The last one coming out was Daley with Alderman Cullerton.²³ They're emerging from this inner room and Daley's got the slate, the paper, in his hand. And Parky -- he says to me, "John, congratulations. You're going to be our Attorney General candidate." I said, "Parky, I don't want the so-called job." He turned over and said, "Dick, you better talk to John." So John said -- the mayor said, "What is it, John?" I said, "I'd like to speak to you." "Come on in." So we go in, shut the door, just the two of us. And I explain to him I was not interested in running for Attorney General. Well, you know, he gave me all the positives why I should do it and I said, "Well, if that's a hot job, why doesn't Hanrahan take it." But I said, "I've got four children. I can't be going back and forth from Springfield. And besides," I said, "I want to go out and practice law." He said, "Well, now, when you leave here," he said, "what are you going to say?" I said, "What do you mean? Listen, this is what I'm going to say. This is a press release. I start writing it down. And you just tell me what you want me to say. That's the other one. I'm not going to castigate or assail you, the party or anything," I said. So we just write -- I still have a copy of it. I just said, "I hereby, you know, decline the opportunity to run for Attorney General," and he said something about want to thank the Democratic party for it. "Yeah," I said, "I thank them for my career and all that. Anything else?" "No, that's it. You'll never hear anything more about it." And I never said anything after that. And then I see him occasionally after that because I still have about seven months to go on my term and I'd run into him and he said... I remember one time he said, "What did Mrs. Stamos think about the fact that you weren't re-slated?" I said, "Oh, she was quite angry." And he says something that was very unusual. Frank Sullivan told me it

²³ P.J. "Parky" Cullerton. Cullerton was Cook County Assessor at the time. Prior to that, he was Alderman of the 38th Ward from 1933-1958. He was a member of Mayor Daley's "machine."

was unusual that the -- he said Mrs -- "You should have heard Mrs. Daley. It was very unusual for him to talk to his wife anything about the politics." Because I had met her with the family a number of times. And I said, "Well, I appreciate that." But I told him at the time, I said, "You should have told me ahead of time so we could have avoided this problem." I said, The way it had unraveled. "Well," he said, "those things happen." So I said, "Turned out for the best," you know, which I think it did. But those were very interesting tumultuous days.

Q: So you wanted to get into private practice?

A: I did, yeah. I went out -- in the year '60 I left the State's Attorney's office. Came back in '60 -- well, it was one year of practicing law. I did -- financially did very well. And, in fact, most of my business came from former defense lawyers, Harry Busch and David Brodtkin, Herb Barsey. You name them. I remember Harry Busch called me one day and said he represents two gamblers, would I like to represent one of them? Come on down to the office. I come down. We talk to him, we listen to him, we realize that we have a good motion to suppress the evidence and Harry says to the two gentlemen, he said, "It's going to cost you \$2,000 apiece and you come back in ten days with the \$4,000 or don't bother to come back." And they came back. He said cash. They came back cash and after they left Harry gave me \$2,000. Well, in those days I was making \$7,800 a year. So I turned to Harry. I said, "How the hell long has this been going on?" So I started. Then I did very well. And then I got a call -- Dan Ward was elected, he was Dean of DePaul Law School. He was elected State's Attorney. And he was a former federal prosecutor, too. And he retained Ed Egan, who had -- one of my partners in the State's Attorney's office, as his first assistant. So I get a call in December of '60. Ed Egan had

just taken the job. And he said, "Johnny boy," he said, "I want you to come aboard as my chief of my criminal division." I said, "What are my duties?" He said, "You just take my overflow." He said, "Come on." He said, "You always said when we were in the office - - you were always talking about if you had the opportunity to run this office, all the grand proj -- grand projects you had in mind. Well, now's your chance." He said, "Come on." He said, "I'll help you in whatever you want to do." So I said, "OK." So I abandoned my practice and then I went to work as chief of the criminal division, yeah, for four years and then two years first assistant and then State's Attorney. But -- so he did come in and we did some -- make some changes that we thought, as young assistants, should have been made. We felt that our previous predecessors were not... We were one of the few, except for John Boyle, that actually were practiced as Assistant State's Attorneys. So we came in. We made air conditioning in the library, I remember, finally. Moved the complaint department down to the first floor. Got it out of the police section. I thought I made a lot of good changes. Changed the filing system. You know, there was a number of things we did different.

Q: But you -- you didn't go into private practice, then, in '68? I mean, after you're State's Attorney?

A: No. Then I was elected to the Appellate Court.

Q: How and -- how and why did you decide to become a judge?

A: Well, that's an interesting story, because at the time I'm talking to Daley, turning down the Attorney Generalship. He asked if I'd be interested in circuit judge. I said, "Well, thanks for the offer," I said, "but I told you I want to go out and practice law and make some money. I got four children." Then I'm State's Attorney and it's in the summer like -

- like now, August, September, and my family's in the station wagon. We're ready to travel down south. We're going down south, Carbondale, places down there, Cairo, and my wife Helen is in the car with the children and I said, "I want to go in the house and check again, make sure the coffee machine is off and this and that and double-check." So I get out of the car, I come in the house, the phone rings. It was Mayor Daley. "John, this is Mayor Daley." "Yes." He said, "John, I'm with the slate makers here at the Sherman." He said, "We got an opening at Appellate Court. Would you be interested?" "Well," I said, "that's quite an offer. I've got my family in the car. We're ready to go on vacation. In fact," I said, "I just stepped into the house to check things out when you called." I said, "Let me go out and talk with my wife. I'll get back to you." He says, "Fine." He says, "Here's my number." He gave me a number. So I go out to the car. I said to my wife, "Thus and so." She says, "Well, whatever you want to do," she says, "is all right with me." She says, "You just go ahead." "Oh, yeah," I said, "OK, fine." So I call him up. I said, "Spoke to my wife and yes." I said, "I'm interested." "Fine," he says. "Now, you go ahead on your vacation and when you get back, call me." I says, "Fine." So we take off. So every day I would call the office, talk to Lou Grippo. So the next morning I call Lou and Lou said, "Glad you called." He said, "The mayor called. You got to come back because the slate makers wanted to see you and he wants you to come back and thank them." So I call him. And he says, "John, you got to come back." I said, "I'm in Carbondale," wherever I was. I don't know. He said, "Well, get on an airplane and fly back." Oh, Jesus. So I got on a train, came back to the old 12th Street Station, went over to the Sherman Hotel and there's -- I'm running with Thaddeus Tudor. He's running for another vacancy. Thaddeus Adesko. I give a two minute thank you to the

group and I leave and I go back to the railroad station and then I'm summoned by the railroad station. They want me to -- I failed to sign one of the documents for the -- whatever. So they had to send a policeman down with the documents and I had to sign them and then I got on the train and went back and joined my wife and family down in Carbondale. Yeah. So that was -- so that's why whenever a phone rings I tell my wife, "I got to answer that. It might be Mayor Daley asking me if I'm interested in the Appellate Court." [laughter]

Q: So you took a train, which is probably, what, about a six hour train trip --

A: Yeah, yeah. Come back.

Q: -- for at two minute thank you and then you went back to...

A: That's right. Exactly, yeah.

Q: [laughter]

A: Went through -- went through the motions. Yeah, exactly. I know, I know.

Q: So then we go to November and you're -- you're elected as --

A: Appellate judge.

Q: Appellate judge.

A: Appellate judge. I just regret I was never a trial judge. You know, I appeared before 40, 50 different trial judges. I always thought how I would conduct... You know, who I would emulate, what I thought were good judges who not only were... I thought were scholarly but were good administrators. You know, when you talk about judges, especially trial judges, they always talk about their judicial knowledge and their intelligence and so forth and commonsense, but they never talk about his administrative abilities and that's very important in a trial judge, is how he administers his courtroom,

how he conserves time of everybody. The jury's time, his -- you know. And he's actually ring -- ring -- ringmaster. He's got -- he's got the jury on one hand, he's got witnesses, he's got bailiffs, he's got clerks, he's got lawyers, he's got witnesses and he's got to mesh that all together and make sure the system works to the convenience of everyone. It's not disorganized. It's an even flow of business. And I noticed -- I worked with various judges. Some were absolutely adept at running a courtroom. They had -- they just had an excellent administrative ability and a lot of them could -- in conjunction with that were also, I thought, scholarly, too. Well read, good lawyers and good administrators. It was just a pleasure to work in their courtroom. In others, it was like a cave of the winds. Some were just -- they might have been excellent lawyers, but were poor administrators and they left it a lot to the head bailiff to run the courtroom. Some of it was chaotic. There's a lot of loss of time, a lot of missed opportunities. It was a disjointed type of operation. But I always thought the administrative ability was very, very important. I worked with a judge one time, Judge Dougherty. He was so efficient with -- with time that my partner'd be out in front picking the jury, he'd be hearing a bench trial in chambers, and the jury -- the previous jury would be deliberating. This all at the same time. And if a question came up, he was available. He'd step out. It's just remarkable how that man would do it. And I remember his head bailiff that was in charge of the courtroom, he lamented to me the fact that, "I wish the judge would stop and have a couple of drinks and maybe rest up for a week so I could get some rest," [laughter] because he was in and out with prisoners and jurors. But there was very -- he was very adept at conducting the -- I don't know if I told you the story about how he would make objections.

Q: Um-hmm.

A: Did I tell you that story?

Q: Yes, you mentioned that.

A: Yeah. I remember going in chambers. I said there was -- ah, he says, "I have to help some lawyers because some lawyers are not that good. And besides, my name goes on that judgment and I want to make sure he get a fair trial and if he's not going to get a fair trial if a lawyer fails to object when he should object." "Oh, OK, Judge." So that's where trials would go. I'd hear, "Objection," then the lawyer would leap up. "Oh, yes, Your Honor, I object." And... [laughter]

Q: How did being a prosecutor, then, prepare you for being a judge?

A: Well, that's a good question. Number one, you could -- you could be conversant with the rules of evidence, number one, because the rules of evidence were relatively the same, from the civil or criminal. Civil has a little twist to it, but the rules of evidence and the trial -- especially in criminal cases. That was the beauty of the Appellate Court. You had judges up there who came from various parts. Like I had great knowledge, so to speak, of the operation of the criminal division, criminal cases, how they're tried and the physical plan of a courtroom, how the -- the bailiff's room, the witness room, the chambers, and the layout of the courtroom. I could read a transcript and I could get an immediate picture of what was going on. You had other judges who -- their field was personal injuries. Another, their field was real estate. Another, their field was contracts and so forth. You'd get three judges together. If you're lucky, they mesh all that knowledge together and they each feed off each other. You see, years ago the appellate court consisted of three divisions. It'd be three judges in each division. It'd be nine

judges. It was like that for years. They endeavored in the beginning to have each division have a Protestant, a Catholic and a Jew. In those days, the Supreme Court would select the members of the appellate court, not the voters. It would be the Supreme Court would select them. And they always made wise choices. They would pick what they thought were the best judges. And they had a selfish motive for that because the best judges then would have first crack at a case and they would write an excellent opinion, which was sort of like -- they were like glorified clerks for the Supreme Court because the Supreme Court would read these excellent opinions and could really guide them on whether they should take the appeal. So they had a built in interest in having good judges in the Appellate Court. It would help them later on when they're passing on leaves to appeal. And they would pick the judges in those days.

Q: Was this prior to the judicial article?

A: Oh, yes, yeah, yeah.

Q: Is that when -- when the change occurred?

A: That change occurred, yeah. And... In fact, I and Adesko were one of the first judges that was elected rather than being appointed to the court. Now, the Appellate Court, I feel... I mean, due respect to the members, but it's equivalent to the circuit court. But in those days, they used to pick the top people. And you look at the old days and you look at the names of the people in the Appellate Court, and you'd be -- become familiar with their work and you realized, yeah, these were the top notch guys in the circuit -- on the superior court that were picked. Yeah, that was... But that's the way they picked them. And not only that, they endeavored to have... In those days, because I guess it was weighted like, you always had to have... In each division of the three judges, two had to

be Republican and one Democrat or was either two Democrats and one Republican. So each division had at least one of the other party. Later on they ran out of Republicans and, I don't know, but they had to abandon that and then they went to the elective process of elected appellate... Now I think there's 24 judges. When I was out it was 12. Yeah.

Q: How much did politics play a role in...

A: I don't think much. We had -- some former ward committeemen were judges but I never detected any... No, because that's the beauty of three people. If you disagree, you file a dissenting opinion, which all of us -- I don't know if all of us did but I know I did my share of dissents. No, I was quite fortunate with the people I had. Mike Bilandic, I was with Bob Downing and Al Hartman and Saragussa [Scariano]. I had some real good partners on the Appellate Court. We -- we really -- I really enjoyed my stay there.

Q: What were some of the important cases that you ruled on when you were on the Appellate Court?

A: Well, I like to be like a -- like an old judge told me one time when he was asked that question. He said they were all important to the litigants. [laughter] You know, they were all important. Yeah.

Q: Legally significant, then. What kind of legally significant cases did you...

A: Well, that one I had on the Supreme Court, we said that lawyers have a duty to report misconduct of another lawyer.

Q: *Himmel*?²⁴

A: Yeah, yeah. That was a classic one there. Then there were cases, too, where after it was over with, you -- you said, "Well, years ago..." But I thought, "Well, if it came out now I think I'd rule the other way. I think I made a mistake when I ruled." I remember this one

²⁴ See, *In re Himmel*, 125 Ill. 2d 531 (1988).

case which I just regretted. I just... To this day, you know, you go in a lumber yard and different contractors and suppliers put their business cards out. So you walk in there and you pick a carpenter or something, something goes wrong. Well, we permitted that lawsuit to go ahead, that the lumberyard owed some duty to the customer not to be pimping for some contractor. It was a lot of nonsense. Christ, the newspapers do it all the time. You know, I thought, "What a mistake I made when I went along with that one." You know, years later I go, "Oh, geez, I wish I could go back." I remember talking to a Supreme Court judge and they will remain nameless. He always thought the motorcycle helmet case he decided was wrong. Maybe they should have imposed a duty to have a helmet. But then he said -- on the other hand he said what really influenced him, and he discussed it with his colleagues was, you know, "Wearing the helmet of a motorcycle driver has got nothing to do with safety on the highways." In other words, it may protect his life if he has an accident but doesn't do anything to prevent an accident. So you can say it comes under the common law of health, you know, public order, given the authority of the legislature to enact some legislation because it pertains to -- to health. He said, "Because you take it a step further and say, well, say the Appellate Court gets it in their head and says that they think it'd be a good idea if everybody over the age of 40 had a colonoscopy every five years." Well, what the hell is that -- see what I mean? Now, they're protecting his life the same thing they're protecting the life of the motorcyclist. Well, how far can the legislature go in dictating what -- what you have to do to protect yourself. So Illinois is one of the few states that's not ob -- no obligation to wear the helmet. Which I could see. You know, are we telling our citizens that we're going to look out for your welfare because you don't have enough sense? So he said

that's one of the things that he talked about, was, well, what's to stop the legislature from coming out with these various health things that you -- you have to take a colonoscopy, you have to take a blood test, whatever. So...

Q: These were the kinds of discussions that you had that went into these...

A: Oh, yeah, yeah, yeah. Some of the -- there was a reporter I heard. There was a court reporter. There's -- the court has what they call a court reporter. He puts together, gets to publish, his name goes on the volume and they had one fellow there, he was there for years, and finally he retired. He spent a lot of time when there's conferences going on. And he retired and he started to write a book about his experiences, you know, and some of the stuff was in conference. You know, it was supposed to be not for public consumption. Well, the judges thought -- were appalled that this fellow... So a good friend of the family was approached by a couple of the judges and they persuaded this person to abandon... And one of the stories was about how one of the judges -- in those days you had inkwells -- at a conference got so angry with one of his colleagues that he picked up the inkwell and threw it at him. Well, things like that, there's no reason to make public but apparently quite often things would happen that the public -- would titillate the public if they read about it and if they didn't read about it, the life would go on. But they -- but they persuaded him not to print the book. But -- because... While I was on the court, we got along well. There was no problems, you know. I remember we'd argue a lot of times about the law because the conference room, there's a back door that's direct to the library. And not only that, there's a heavy cloth that's over the door, so there's no eavesdropping. But a lot of the times when we'd go through that door an argument would come up and someone would, "Well, go get the volume, go get the

volume, bring it in, someone would read it." But you have access to the library without going outside the conference room. But occasionally that would come up. We argued some point. I remember one time we had a case where -- it was a question of impeachment. I forget how it went but it was out of the ordinary, extraordinary impeachment they were going to engage in. And the court voted four to three to affirm the conviction, predicated on the damn perjury thing. And the three dissenters were Ward, Stamos and Bill Clark. Two former State's Attorneys and an Attorney General. We were on the side -- they were on the side of the angels and we were on the side of the defendants.²⁵ Said, "No, that's preposterous. You can't carry that thing." That's really beating the hell out of the rules of impeachment. You know, "No, no, no." Well, you know, that damn thing went to the United States Supreme Court in a brief time, I think within six months. I don't know how the hell it happened. They took the case, it came out and they ruled in the favor of the dissent. I remember -- I think Howard Ryan wrote the opinion. It was Ben Miller and Tom Moran. Who was the fourth one?

Q: Calvo?

A: Calvo. Might have been Calvo.²⁶ And we teased him when it came down. We said, "Well, fellows, you see that? You know..." [laughter] But I remember that one. We had a lot of discussion about it. We spent about a long afternoon on that case, back and forth, Dan and I and Bill trying to persuade our four colleagues that we didn't think had... It was going to stand up, that it's not right. But I was amazed at how quick the United States Supreme Court came down with it. But the one I want to tell you about -- you got time?

Q: Absolutely.

²⁵ See, *People v. James*, 123 Ill. 2d 523 (1988). Also see, *James v. Illinois*, 493 U.S. 307 (1990).

²⁶ Justice Joseph Cunningham was the other Justice. Justice Horace L. Calvo was elected to the court in November of 1988. *People v. James* was heard and decided prior to the election.

A: I had a case with Ed Egan, my partner. We're trying this case. Well, it was *People v. Moses*.²⁷ Somebody stuck up a saloon and they're apprehended. He's apprehended. Moses is apprehended. And the principal witnesses were city employees working. In those days, you had a test, a car test. You had to take your car in for testing and you'd get a decal put on. And they had these testing places all over the city and they were manned mostly by city appointees and who -- probably their ward committeeman got them the job. And this place was across the street from the saloon that was being held up. Well, the place was being held up but in there are these city employees. I don't know if they're having lunch or what but they're in there. So there's the three city employees. Now, who in the hell is watching the safety lane, I don't know. But I remember they were the principal witnesses and the defense lawyer beat the hell out of them, you know, with that, "They were supposed to be working for the city and they're in a saloon drinking." So they were found guilty. That's the first case where the defense lawyer asked for all the statements and the police reports and anything in writing concerning this case, which was unheard of to grant that. We knew, though, that this particular lawyer had received some of these papers from the felony court where Judge O'Connell was one of the few judges who would say to the State's Attorney at a preliminary hearing, "Give counsel the statement and police reports." He was one of the few people to do that.²⁸ And we knew this lawyer had that stuff. So he renewed the motion before Judge -- oh, what's his name? Anyway, Jim -- Jim Bryant. And after he -- the law's against him. Ruled against -- the judge ruled against him, said, "I don't have to produce." But I remember as we proceeded, during a recess I look over and I see the defense lawyer. He's got copies of

²⁷ See, *People v. Moses*, 11 Ill. 2d. 84 (1957).

²⁸ Judge Harold P. O'Connell.

the police reports. In those days -- this is before the Summerdale scandal.²⁹ The policemen had to use their money a lot of the times to buy stationary, typewriter ribbons and stuff and they used to use this yellow onionskin paper and you could see it a mile away as police paper. And we could see the defense lawyer with all these papers. So we say to the policeman, he's on the robbery detail, I don't remember. His name, he'll be called nameless. I remember Ed Egan. His father was a captain, his brothers were sergeants, you know. And Ed says to him, "You see the defense lawyers got all your police reports over there." He says, "How'd that happen?" meaning the policeman probably... He says to Ed -- he says, "There must be a leak in your office." [laughter] Well, needless to say, the case goes to the Supreme Court. And I'll be damned, Judge Schaeffer writes an opinion and he relies on four or five, I thought, bogus cases and says that, yes, the state has to produce on discovery police reports. Now, that was by judicial, not legislative, and we -- we proceed to the United States Supreme Court by at least -- I don't know how many months when they came out with the *Jencks* case, which they later adopted discovery in criminal cases.³⁰ But we were one of the first states. It was Schaeffer wrote the opinion and we thought -- just unheard of, you know, that you -- that you could have to produce. Which we did. The opinion came out, so we lived with it. Then the legislature, later on they passed legislation and they keep it up to date about discovery, which -- which was the right thing, because years ago, the defense lawyer in a criminal case, if he was lucky, had a bill of particulars and that wasn't much of anything and he had maybe a copy of the indictment. He could fit both in his hat and that's all he

²⁹ The Summerdale scandal was a corruption scandal involving members of the Chicago Police Department who were involved in a series of robberies.

³⁰ See, *Jencks v. U.S.*, 353 U.S. 657 (1957). The *Jencks* case was argued in October of 1956, and decided in June of 1957.

had. He couldn't get access to the so-called confession until it was admitted into evidence. So, you know, there's a great change in the administration of criminal justice in those days.

But Ed Egan and I had a case one time where two defendants, one fellow confessed and implicated the other fellow and we were going to use this confession. But to use it we had to redact it. So we struck the name of the co-defendant and we inserted the word blank. So you'd read the so-called confession and be so and so and then blank did this and then blank did that. Then we went to trial and he was found guilty. After the trial, we'd make it a point to talk to jurors, especially if it was the end of their term. In those days they would serve like for two weeks. And we'd get permission from the judge and we'd meet them as they're coming out of the conference room in the hallway, in the public hall, and we'd say, "Excuse us. We have a couple of questions." "We have some questions to ask you, too." "Oh, what's that?" "Glad you boys came." He said, "Who's this guy blank?" So we explained to him that's the co-defendant. We use that so that you don't... Oh, well, we were all wondering who the hell's this third guy blank. OK. They filed an appeal. I write the brief for the state. I go down to the supreme court on oral argument. I remember the first question out of the box is Justice Bristol. "Well, Mr. Stamos," he said, "do you think there's any legal efficacy to the fact you substitute the name of the co-defendant and use the word blank?" "Yes, Your Honor, because -- I'm glad you asked the question." I proceeded to answer then Schaeffer pops up. I don't think we should go into that it distorts the record. So I, like a fool, back down. I told Schaeffer years later, you know, if it was today I'd say, "Just a minute. I'm answering a question." [laughter] Well, they write an opinion and they cite the United States

Supreme Court and a lot of other jurisdictions. Any goddamn fool would know that no jury's going to be misled and think of that blank isn't the co-defendant, so forth and so on," you know, and I thought that's so much for the Supreme Court of the United States – that the Illinois Supreme Court would say no goddamn jury would then --thought blank was a third guy and they wondered who the hell he is. So I went down to the library and I find the case. I think it's 10 Illinois 2nd, I think. I'm guessing. Johnson? I got it written down someplace.³¹ So I get the volume out and lo and behold, the last page is -- three-quarters is blank. Because it might be the last -- I took a pencil and I wrote the story. "Ed Egan and I tried this case and the jurors wanted to know who the hell blank was," which goes... Well, the sad part is that years later, I'm on the supreme court and I have to use that goddamn opinion in support of the fact that there's no legal efficacy substitution, knowing full well that jury we had actually thought there was a third party and never associated blank with the co-defendant. Goddamnit. So it goes to show you how much the Supreme Court knows. [laughter] But the sad part is I had to rely on that damn case in support of an opinion I wrote, knowing full well it was frivolous.

Q: That was 10 Illinois, did you say? 10 Illinois 2nd?

A: I think so. I think so. I got it -- at the office I've got it among my archives. But you can find it under confessions and name. I think it was *Johnson*. Ten. I think so. Oh, yeah, yeah. To this day I often think about that case. Yeah. I told Schaeffer later on when we became -- when I served with him on the court's commission, during a recess one time, I told him, "Yeah, Walter, if it was today I'd say, 'Just a minute. Let me answer the question here. I don't time to answer your question.'" Yeah.

Q: One of the cases that you had when you were on the Appellate Court -- actually, I have a

³¹ See, *People v. Johnson*, 13 Ill. 2d 49 (1958).

whole list of them here. But one of them that was -- seemed interesting to us was the *Northwestern University v. Illinois*, where you relied on this theory of implied repeal.³²

A: Yeah.

Q: Does that ring a bell?

A: I'm trying to think of that. It's a... You know, Northwestern was favored by one of the Illinois constitutions, they had favored status, you know. They got -- because that was a Baptist, wasn't it?

Q: Were they?

A: It was one of the religious schools.

Q: Were they religious?

_: It's the -- the liquor case.

Q: Yeah, the...

A: Well, yeah, the Temperance Union had their office in Evanston. I don't know if they're still there.

_: They're a dry campus.

A: Yeah, yeah.

Q: Yeah, it was a dry campus. Yeah, you argued that the local option statute of 1934 was not harmonious with Northwestern's charter with regard to the sale of liquor.

A: Yeah.

Q: And the university applied for and received a liquor license.

A: Yeah.

Q: So after 122 years, Northwestern finally became a wet campus.

A: What -- what -- yeah, right, right. Yeah.

³² See, *Northwestern University v. Illinois*, 56 Ill. App. 3rd 305 (1977).

Q: Um-hmm.

A: But if you look at the old -- previous constitution, university -- Northwestern University was favored. There was a lot in there written in their favor, because apparently they had enough people -- delegation that they enacted... If you look at that cop -- the constitution, you'll see. My recollection is that they favored the University of Northwestern. Yeah.

Q: So after about 12 years on the Appellate Court, what made you decide to run for the Supreme Court?

A: Oh, I just thought it was time to give it a try. Saw the opportunity, yeah.

Q: Well, tell us about the election of 1980?

A: The one -- yeah, the one where -- yeah, I ran. It was quite a field. Sullivan, Lorenz what's his name? What was that guy's name? Simon. Sullivan. Yeah, it was a big crew. People were running, yeah. But... What's his name? I got some favorable reports in the press but they favored Seymour Simon, you know, so he got the job. Then later I got it by appointment. So...

Q: Well, what did you have to do? I mean, how -- how do you run for the Illinois Supreme Court in Chicago?

A: Well, yeah. Well, you -- if you have enough money you buy some TV time, some newspaper time and you hire a PR man and he arranges for you to appear at different social Kiwanis or rotary or whatever occasion. And get out the public and have printed material put out. That all costs money. Yeah. But...

Q: And it was... Well, shortly after 1980, that was when -- that's when you met your -- your second wife, Mary?

A: Yes, yes. My first wife, Helen, passed away. Yeah. I'd known Mary and her husband

and she lost her husband, too, from cancer. They were neighbors of ours. We'd known them for years. Yeah.

Q: Tell me a little bit more about her.

A: Oh, well, she's a retired schoolteacher and I always teased her. She taught one and two and she told me that her last years she felt she was really learning how to teach.

[laughter] Just as she was ending her tenure as a teacher she said, "I finally learned how."

She said, "I think I really got a handle on this job." She said, for instance, she found out that if she told the students, "We're going to have a silent hour," or a half hour, "no one is to speak. You're just to read, and just relax." And she said how astounding it was how the students just loved that, the silent hour, because usually there's some tumult in the courtroom -- in her office. But yeah. I was very fortunate. I had two good wives. A lot of fellows can't get one good one. I was very fortunate. I got two good ones. You know, and... And Helen raised the kids. She did a hell of a job raising the four kids and then Daisy got married. Call her Daisy. She's got three. And, in fact, my two daughters -- my daughter was very close to her daughter, too, Andrea. So it... It's interesting. We both feel we're very fortunate. Very fortunate, you know. Except she keeps falling down all the time. [laughter] I call her -- years ago, I remember my poor old mother... I was the youngest of nine children. I remember with my poor old mother... She'd have the tendency to fall and it got to the point where my sisters would call her clumsy, clumsy and she even laid around. She's laugh about it. She said, "I don't know how that happens. I walk and then all of a sudden I trip and down." I remember one time she's painting the ceiling. I was seven, eight years old, I'm there with a friend of mine, and she fell off the ladder. Thank god she never broke a bone. But I told my wife, "I think you're

afflicted with the same disease my mother had. You have this tendency to fall."

[laughter]

Q: Well, back on the Appellate Court. You had mentioned about, you know, having administrative ability.

A: [Phone ringing] They want their money back.

Q: What kind of administrative role did you have on the Appellate Court?

A: Not much. We rotate the job of chairman of the court. You have a meeting and things come up. There's really not too much to administer.

Q: Did you serve with the same two justices or did you rotate?

A: No, they'd be -- well, now they rotate. We did -- you would stay with them. They either left by retirement or by death. I -- I came -- initially I was with Judge English and Judge Drucker and then I ended up with Judge Hartman and Bilandic and Scariano and Bob Downing, those people. And Judge Schwartz. Ulysses Schwartz.³³ He was a very noted alderman during the tenure of Thompson, the mayor, and Schwartz as a young alderman jumped on the desk in city hall, protested something that Thompson was doing or not doing. I remember I used to tease -- tease him about it. And when I would talk to him -- he was about 80 years old. I said, "Remember when you were a young man, you jumped on a desk as an alderman?" "Yeah," he said. "Yeah, those were the days," you know. [laughter] Then I talked to Joe Drucker until -- Burke. Joe Burke died when he was 104 and Joe Burke, each day for lunch he'd have a martini.³⁴ And he was born in Ireland and Joe was a vast knowledge of Chicago folklore. He could tell you about how they dug the tunnel in Chicago, that merchandise tunnel underneath. He said one of the big questions

³³ Justice Robert E. English, Joseph J. Drucker, Allen Hartman, Michael A. Bilandic, Anthony Scariano, and Robert J. Downing.

³⁴ Judge Joseph Burke.

was where was it through -- where was the hole that we dug to start the shaft to build the tunnel, because now you're going to have a lot of people digging, and a lot of them were Irish, minors, to dig the tunnel. I don't know how far down it is. Forty feet, sixty feet deep. And he said that was a big to do about where the shaft is going to be, which would mean that's where they come in and that's where all these workers go out. "Well," he says, finally somebody had enough influence," he said." He put the shaft in front of his brother-in-law's saloon. [laughter] He'd catch these miners coming out of his shaft after the shift, you know. There they were. There's the saloon right there. But he would tell the history. They had -- Judge Prystalski was another noted judge. He ran against Jarecki, two Polish candidates.³⁵ I don't know what office they're running for. It was a big mistake the Democratic party made in those days. They had one Polish fellow running against another Pole, which was terrible because it caused great problems in the Polish community. You know -- and Jarecki prevailed, I guess. He beat Prystalski. Prystalski later became a judge. But Prystalski was well versed in the history of Chicago and Cook County and state of Illinois and it -- picking a jury, during a lull in the proceedings, the lawyers were engaged somewhere and there'd be a few minutes that the judge was alone with the jury. He would fill it in with the history of Chicago, Cook County. Very informative. He said the jury just sat in rapt attention listening because he had this great knowledge of the history. Some judges could do that.

Q: Well, let's take a case that you had in 1981, which is actually kind of pertinent to today. There was a case that you had, that *Williamson v. Doyle*, in which you wrote that recall is not constitutional under the Illinois constitution and I was just curious about your

³⁵ Judge John Prystalski ran against Judge Edmund K. Jarecki in the 1938 Democratic primary for County Judge. At the time Prystalski was a Circuit Judge, and Jarecki was a County Judge. Both would continue to serve as judges.

thoughts on the recall provision, which is actually on the ballot for the governor for this November.³⁶

A: Yeah. I -- I'm not in favor of it... They recalled judge -- Governor Davis in California, didn't they?

Q: Um-hmm.

A: Yeah, I'm not in favor of that. I'm not in favor of restricting term limits, either. I -- you know, it sounds good but I don't think it works because... Give an example. Roosevelt served for four terms and the Republicans naturally were outraged, and so they got through the Constitutional amendment to limit the President to... Well, what happened is Eisenhower comes along and he can't get a third term. Reagan comes along and he can't get a third term. I mean, what the hell did they accomplish? Why deprive the American public of their franchise -- of their right to elect who they want? If they want a President for life, that's their business.

Q: Um-hmm.

A: Why should you deprive them with the right to have a fellow for five, six terms if they want? That's their -- that's their right? Why -- why deprive -- plus, you create a lame duck for the second term, for the second four years. And the legislature sits back there and they say, "Well, this clown here is going to be with us four years, we'll get rid of him. We'll drag this thing out and then he'll be gone." But if they're afraid that he's going to go for a third term, they're going to behave themselves. So I, for one, said what is this nonsense about limiting the term? It doesn't make sense. You're depriving the electorate of the right to put whoever they want for as long as they want. That's their business. Goddamn, I get so angry when I hear they have term limitations. They think they're

³⁶ See, *Williamson v. Doyle et al.*, 103 Ill. App. 3rd 770 (1981).

going to solve -- I said, "You're not solving anything. You're creating problems." It's illusory to think that it's going to improve the administration of government. That's nonsense. It get so furious. The older I get, you know, just want to get... You hear about -- you go down with a baseball bat.

Q: Well, if I can -- if I can challenge --

A: Terrible.

Q: -- you for a little bit. Then would recall be giving the same electorate that right to take someone out?

A: Well, I'll tell you. The problem there is that it could be on wings of temper, something to be done. Be whipped up by the news media and the, a lot of loud speaking, lot of people talking, lot of groups and get the people inflamed. That's what happened in California when they pulled the rug on Davis. They got -- the press and everything got so angry with him they flashed out at the nearest one and he was the guy and they pulled him. So it was done on wings of temper. It wasn't done with calculated sitting down and saying... No, I think it was absolutely -- and it turned out the guy was innocent. It was the damn admiral with those electrical thieves that were stealing all that money. It turned out the federal government sat on their duff and didn't do anything about it and Davis got all the heat and he was blameless. But they got the people going and they lashed out at the nearest target and he was it. I don't go for that recall business because that could be done and you build up people's anger and they lash out at somebody and it turned out they were wrong.

Q: And you're consistent with your opinion in 1981.

A: About what? Oh, yeah.

Q: The *Williamson v. Doyle* case.

A: Of course. I know this is all being recorded for posterity. They'll say that Stamos was really a nut. I don't care. I don't know that I give a goddamn what they say. I don't care.

Q: We want your honest opinions. That's what we want.

A: That's right.

Q: Let's see. Couple other cases. See if you remember these. There's a *People v. Scags* and a *People v. Stark* when you were...³⁷

A: Yeah, I remember *Stark*, the closing arguments. But the State's Attorney, they -- anything they left out was by inadvertence.

Q: That dealt with prosecute -- prosecutorial misconduct.

A: Misconduct. Yeah.

Q: That's what I thought you might... Yeah.

A: See, well, that I blame the judge.

Q: Um-hmm.

A: Goddamn. I remember that case. I remember -- I said -- I forget who the judge was. But that's the judge's fault. But the goddamn state's attorney is stepping off base. He's putting in preju -- just say, "Wait a minute. Take the jury out. Come up here. Cut that out. You do that once more and I'll hold you in contempt. Now, that's a warning now. Now, call the jury out. Now, let's get going." But he let these -- the judge let the state's attorneys go all ape shit. They're going to argue anything they want. They can't run a courtroom like that. Oh. I remember a judge, Bill Crowley, a former first assistant under Courtney.³⁸ He was a hell of a judge. He wouldn't put up with that nonsense. He -- you

³⁷ See, *People v. Scags*, 111 Ill. App. 3d 633 (1982). And, *People v. Starks*, 116 Ill. App. 3d 384 (1983).

³⁸ Judge Wilbert F. Crowley. Thomas J. Courtney was State's Attorney of Cook County from 1932-1944.

know, I've never seen a Cook County judge with a gavel. They don't have the gavels. The gavel belongs to the bailiff. But, you know, a judge would go, "tap, tap, tap. Cut it out." You knew immediately what he was saying. You knew -- you knew -- the state's attorney knew when he was wrong. But I blame the trial judge. They're the start -- so anyway, he was the first assistant under Daley. I wrote the *Stark* thing and I knew him quite well. He called me and said, "Judge, would you mind coming out and talking with my trial assistants some evening?" I said, "Fine." So he sent a car out. I went out to the criminal court one night and there's about 50, 75 assistants sitting down there, men and women. And I start telling them about you got to curtail this prejudicial arguments on argument. You can't be making arguments like this and expect the appellate court to affirm it. You -- your duty is to give a fair trial. You're with the judge to see that the defendant gets a fair trial. That's one of the burdens you have. It's not only to prove them guilty beyond a reasonable doubt but to see he gets a fair trial. You and the judge are the same part of that and you just can't be -- should not be making those arguments. Well, one guy raised his hand. "Yes, what is it?" So this clown says to me, "Well, I know, Judge, but you're not there to hear the survivors, the families." I said, "What the hell are you talking about?" So, you see, that's the kind of thinking. I said, "That's what's getting you people in trouble. You listen to that. That's not your function. Your function is a fair trial. You're not giving them a fair trial. You're putting all the extraneous matter in there." But they persisted in doing it. And I said it was the judge's fault. Now, if I was a chief judge -- but then they're elected by the trial judges, so I don't know. But I would call the judge in. What the hell are you doing? You know, these records are going up and you're being reversed. You're wasting your time and everyone's time. No, a lot of

judges I worked for, they wouldn't permit you to do that. No, way, they'd let you know in a minute. They're not going to countenance that. And they would pull you up short. So I blame the trial judges. See, the thing, too... When I was practicing in the system, most of the judges were in their 50s and 60s. They'd been lawyers for a long time. Now, lawyers, they become judges when they're 30 years old, when they're 28 years old. So you're not getting the caliber of judges you used to get in the old days. You used to get old timers who have been exposed to the practice of law, been exposed to the profession and they came with some baggage of experience. A lot of times I get a judge say, "Well, I remember when I was..." and they'd start telling you something that happened 22 years ago that influenced them in how they conduct their professional life. They rely on anecdotal evidence that they'd have. But if you get a guy at 32 years old, what the hell ev -- what the hell does he have to rely on, you know. And you would get these people... I mean, Charlie Dougherty. "Don't ever bring me a case with a single finger identification. You're wasting my time." And he said the time he was assaulted. He said, "I didn't know if the guy was black, white or grisly gray." He said, "What the hell." He said, "That's for your identification cases." But, see, he had that experience. They don't have that experience today. But...

Q: But now they're talking about, you know, passing a law where you can't become a judge unless you have ten years of experience.

A: Well, that might be...

Q: What -- what do you think of that proposal?

A: Well, I'm not saying that there aren't young 30 year old judges that could do a hell of a job, man or woman. It -- it happened, I'm sure it does happen. Well, it might be a good

idea, just like you can't be a judge unless you're a lawyer, you know, that type of thing. Somebody might say, "Well, they'd they have to be a lawyer to be a judge." Yeah. Just like you don't have to be a lawyer to be a Supreme Court Judge of the United States. In their wisdom they figured, well, you don't have to... I don't know. But why they picked ten years is an arbitrary figure. But he should come in with some experience, especially - it helps if he's had trial experience. Not the -- you can be a good judge without ever having been in a courtroom. That's possible. But it really helps if he's been previously exposed to the trial of cases because, number one, he's got a knowledge of the rules of evidence and you can't conduct a trial unless you have some goddamn basic knowledge of the rules of evidence. And if you don't have that, it's chaos. You know, it's disruptive. It doesn't work right. So I don't know. I don't take a position.

Q: You want to take a break now, then? OK, that's good.

A: OK.

Q: I think --

A: So what do you think, John? How are we doing?

Q: Oh, I think this is going great.

A: Yeah, wait until somebody reads. They'll say, "That son of a bitch. Lucky he got off the bench." [laughter]

Q: [laughter]

A: But really, the guys I worked with, when I looked back now, I really worked for some giants. You know, worked for Bill Crowley. Crowley, he was first assistant under -- Courtney was State's Attorney for 12 years. He spent most of it playing cards in the Sherman Hotel because he had people like Crowley. Crowley was an excellent

administrator, excellent lawyer, judge. I really admired him. And he's got -- what the hell's his name? Julius Sherwin is one of his assistants working for him. And Sherwin... I tried cases against Sherwin. He'd rather get a joke in -- he'd rather lose a case than miss the chance to get a joke in. You know, he was really a standup comedian and he did terrific with the first two days of the jury and after that they kind of didn't like the idea that they were part of a vaudeville act.

Q: The courtroom was his stage.

A: Yeah, yeah. But he was funny. God, he was funny. He's tried cases. And Bill Crowley called him in, and he says his first assistant, and he scolded him. He said, "You know, the last three jury trials you had not guilty. What the hell you doing up there?" And what do you think he says to the boss? He said... And the boss said -- Crowley was a great baseball fan. He claims he was in the stadium that time when Babe Ruth hit that twilight home run. He pointed into the stands. You remember that?

Q: Yeah, it was his called shot?

A: Yeah. Well, Crowley claims he was there that day. For Christ's sake, I heard that story some -- there must have been a hundred thousand people there.

Q: Yeah, that's the, everyone was there.

A: Everybody claims he was there at one point. And he didn't --

Q: (inaudible).

A: -- say, "I'm going to hit it there," he just said, "It just takes one," when he did that. It just takes one crack. Well, Crowley says to him -- well -- who fancies himself a great baseball fan, which he was. And he says to Sherwin. And Sherwin used to sell lemonade in the stands at Wrigley Field. And he says, "Well, come here. Wait a minute, John. I'm

not finished." He says, "You know in baseball what they do when the pitcher's losing all those games?" Sherwin says, "Yeah, they fire the manager." [laughter] Crowley says, "Get the hell out of here." They fire the manager.

_: Well, just off -- offshoot. Are you enjoying yourself? Is this -- are you glad we're doing this?

A: Yeah, for posterity. Get some of this stuff off my chest.

_: You know something else I was thinking about. Throughout your career, have you been interviewed quite a few times?

A: By the press. I used to get a lot of TV people. Yeah. They used to come up to the office all the time.

_: Did they ever provide you copies of those?

A: No. If you wanted to, I guess they could have. Yeah. We had at one time -- the Republic Steel Strike in the '30s before World War Two. The CIO's endeavoring to unionize the shop and the Republic Steel fought them tooth and nail. They hired all kinds of scabs and shit and there was a big demonstration out there outside this plant and the Chicago police came out in full force. And the worry was a bunch of communists. It wasn't communists. It was a bunch of workers trying to unionize the goddamn place. Well, some violence broke out. Thirteen -- 12 or 13 people got killed, let alone a lot of people injured. But it was all filmed by CBS. Filmed it. And there was a big inquiry in Washington. Did a Congressional investigation about it. And I remember Judge Davy was an assistant corporation counsel. He had to go to Washington. Went with the chief of police. And they had to be cross-examined by LaFollette, the Senator from Wisconsin. They beat the shit out of the police department. But they had this film. And when I was

at the state's attorney's office I walked in the vault one time. We had a lot of evidence stored. Anticipation the case might be retried or something, you know. That's another story. And I find this film, you know, 35 millimeter film and it's the film that they used in evidence when they were having an inquiry about this condition, the strike. So I mention it to a CBS guy. See, in those days... Oh, years ago, before television and before radio really took off, there'd be four or five editions of newspapers a day. Imagine that? Four or five editions. They put them out every few hours, another edition.

_: And then deliver it on the street.

A: Yeah. I remember I worked as a newspaper boy on a truck. I would jump off, pick up the old ones and leave the new ones and we'd go on our way. That's another story about that one. What was I going to tell you?

_: About the film.

A: Yeah. So I mentioned. He said, "Geez," he said, "I think our office would be for -- would be interested in this. Do you mind if I take it?" He said, "You know, that film is nitrate." He said, "It's illegal to have that film because it's highly flammable," and he said, "I'll take it and our people will make a copy and destroy the nitrate and we'll get you a copy back." So... OK, thank you, John. So...oh thank you John.

_: When did you say your bricklayer was coming?

A: Three o'clock.

_: Three o'clock, OK.

A: It'll just take five minutes. I just want to show him what he's giving an estimate.

_: OK. Did he return it?

A: Yeah, he returned a copy. And every once in a while I see it on television. They do a

history --

_: Oh, the same film? Interesting.

A: And they'll show the film, yeah. So I preserved something, you know. But yeah. So that was the film of the strike. In fact, there's a policeman working on the criminal court for the clerk's office. He had a hunchback like. Well, he was hit across the back with a two by four during that disturbance at Republic Steel.

_: So it got pretty -- pretty violent.

END OF AUDIO FILE 3

A: -- time with some of the big shots and they told him, said, "Ralph, you know," he says, "you could have gone higher in the company," he said, "but your file -- your file indicated that you're disloyal." He said, "What do you mean?" He said, "Well, when the CIO is organizing the plan to unionize," he said, "you were very active in your shop." He said, "But the file shows you left your shop and went in to another shop to get people to organize." So the file there is -- they have all their workers who's loyal or disloyal and that's why he could never rise above a certain...

_: Was Republic -- now, was Republic on the same side of town that you grew up in?

A: Oh, yeah. South Chicago. Yeah, yeah. We had United States Steel, Inland Steel, Youngstown Sheet and Tubing, Republic, Wisconsin Steel. Then there were a couple of foundries and then there were a couple of Coke manufacturing plants that manufactured Coke for the blast furnace. And then we had one... Oh, they used to make that damn powder. But a lot of factories. In fact, my nephew worked at Electric Furnace. Ax --

what the hell is it? Axel. And then the paint company, Sherwin Williams Paint Company. But all these plants. Yale Manufacturing, the lock company, they were there for a long while. Champion Pneumatic. They used to make Pneumatic Pumps. There's a lot of factories there.

_: Were they all kind of along the river?

A: Yeah, yeah. Yeah, I used to have a friend of mine worked on a tugboat and we used to pull -- and there was four men on a tugboat. There was four men on a tugboat. There was the captain, two crew members and an engineer and the tugboats, they were built steel. In years, they were cold fired and then they converted to diesel and they took -- used diesel engines from locomotives and they put them in the tugboat.

_: Plenty of power.

A: Oh, noise.

Q: Yeah.

A: You have to wear earmuffs too. Ooh, the noise is atrocious. So my friend, his nickname was Booty, Frank Milland, he would take me and a couple of my children. We would go out and have a picnic aboard the boat and we'd go pick up a barge of oil from East Chicago from the refinery and take it across the lake to the Chicago River, go to the Chicago River and park it. Bring the oil in for the heating, you know. And there we take -- in those days there was a lot of foreign ships going up and down the Calumet river. Like there were ships from Israel and Japanese. Oh, yeah. All kinds of ships. The Greek ships. I used to go aboard the ships there. The chief engineer was a fellow from my father's village. And I got talking to him and him and the captain, they came over the house for dinner. In fact, during the war he worked for the Japanese. He worked on

Japanese ships. He's the chief engineer. And the Japanese would come with their freighters, and their crew, their officers were all Navy guys. You could tell. And they're working as merchant marines. And they would come up by that bridge in full uniform and white gloves and they would stand there and they'd watch, you know, all the proceedings and then they had these -- we'd go out on the tugboat and we'd pick up the pirate -- the pilot and he'd get \$150 for bringing that ship up the river. And then they had ships, what they called bow thrusters. That's the first time I ever saw that. On the prow of the ship -- you know, they're longer like this. They got a bulb in front. They found out it's better for the passage of water. They're less resistant. Well, in there they got propellers. So you not only got propellers but in the ascent but you got propellers in the front, in the bow thruster, so he could help steer that ship. He could make it turn like this through all kinds -- with these propellers up in front. They call it bow thrusters. They're able to navigate a river without a pilot and that -- the company saves money. They don't have to pay for the pilot. But the insurance companies aren't too hot about it. You know, they -- because if there's a wind you can't go up river because the wind -- the size of the ship will act as the sail, which is below the ship on, you know. So if there's a - - Beaufort scale, they call it. One to six with a certain reading, they don't sale. So we go out with this guy and they'd have -- the lines would be the old hemp manila ropes, which were the best, and then they had the plastic ones, which were dangerous because they would snap. And they would snap. One captain lost both legs. That thing snapped and whipped around the cabin and cut his legs right off. So that -- to go pull we go down below deck until they could tie up and make sure to tie it up right. And then -- then one time a guy's coming up with his bow thruster and he screwed up and he needed help from

the tugboat, so our tugboat captain went over and using a tug in front, one in back, and they saved -- it took three minutes. They just threw a line, they pulled him and that was it. Well, he never reported it to the company, but he was so appreciative of the fact they helped him without making a big deal out of it -- is that the guy?

_: Yeah.

Q: I think that's your...

A: Yeah, be with -- hold on just a second.

Q: Yeah, hold on. Let me get that --

A: I'm just going to get -- I'm going to get an estimate from him.

Q: That is when... Let's see. Well, actually, we'll wait until it's rolling but it's the... Yeah, but you're obviously familiar with the case.

A: Yeah. I got a lot of criticism on that case.

Q: Oh, well, good. Well, not good that you got criticism. It's -- I mean -- it's --

A: Yeah.

Q: -- something good that you can discuss. Are we rolling? Oh, OK. All right. OK. Well, let's talk about one more case that you had at the appellate -- appellate judge.

A: Yeah.

Q: *The County of Cook v. Renaissance Arcade and Bookstore*. You had ruled that a Cook County ordinance which limited the locations of adult bookstores was unconstitutional.³⁹

A: Yeah. I was on that case for -- it was three of us. Al Hartman on that. It was unanimous, the three of us, the Constitution of the Supreme Court reversed. I understand George Dunn, the president of the county board, was all upset. The young ladies who worked on it for the State's Attorney's office were all upset. But I felt -- we felt, to this day even,

³⁹ See, *County of Cook v. Renaissance Arcade and Bookstore*, 150 Ill. App. 3d 6 (1986).

why you have the right to take these shops and put them in some industrial -- almost inaccessible area because you don't agree with their -- the product that they're selling, that you find it offensive. And if you do that to them, you could do it to a lot of other occupations, too. You could isolate them, make it difficult for customers to get to and put it in the sad part of town where people are afraid to go or at night. And I always felt that was unconstitutional to say that they can't -- just let the public pressure, public opinion operate on whether or not they should be located in a business district or what. So they disagreed. But...

Q: And the Illinois Supreme Court overturned that decision, you said?

A: No, they reversed us. They said that it was -- that the -- that the county had a right to subject these stores to some isolated area out of the way from the eyes and ears of the general public, that they were engaged in some nefarious business that actually they could not declare unlawful but it was borderline and with the result that they shouldn't be treated like any other business, they should be treated like the... Oh, they should be treated as something offensive but not offensive enough to deprive them of a license, you know. I thought what are we doing?

Q: Can I compare this to when you were State's Attorney, you went after some sellers of obscene material.

A: Yeah, yeah, yeah. In fact, Jim Thompson, who subsequently became governor... Jim was one of our leading advocates. He used to call Crock and Britano's, a noted bookstore, he used to call it Crotch and Britano's. But he was very zealous on the pursuing of these books. Well, you know, like Justice Stewart of the United States Supreme Court said about obscenity, "I don't know what it is but I know it when I see it." Yeah. Jim was

very active in Citizens for Decent Literature, CDL. It was a national organization and it was run by a fellow named Keating and Mike Howlett was very active in that and Jim was, too. In fact, I went to a luncheon one time for Decent -- Citizens for Decent Literature with this fellow Keating. I forget his -- he's from California. Well, it turns out that Brother Keating was in on the debacle of the savings and loans and Keating in California --

Q: It's that Keating?

A: -- was convicted, you know, for all his decency in literature. It's too bad he didn't have a little decency in his business affairs. I -- I blame the federal government for letting the savings and loans, you know, give loans for tennis courts and golf courses and what not, they just went ape with the result, you know, the crash came. The public had to pay. The FI -- there's no FIDC. It was that organization that insures savings and loans, you know. In fact, there were instances where the limitation was \$100,000. They permitted people to recover in excess of a hundred. They were very selective in doing that. But it cost the taxpayers a fortune. And Brother Keating, here's the Citizens for Decent Literature. He was one of the big prime movers of the savings and loan stuff, you know. Well, that was so with it. But Jim Thompson was very active in that. You see Jim, ask him some time. He... Then there was a priest we had used to come out with a shopping bag full of pornography, complaining that our office wasn't doing enough, you know. I said...

Q: Well, then let's move you to the Supreme Court. So there was a vacancy?

A: Yeah.

Q: How was there a vacancy?

A: Seymour -- Seymour Simon -- Seymour Simon resigned. So there's three judges from

Cook County and he was one of them. So Cook County had to have it filled by a Cook County resident. So that's where I came in. We were interviewed. There was about 20 of us that were interviewed by the Supreme Court and they chose me, which I was very grateful.

F: [Justice Stamos' wife Mary] Would you like to come sit in the dining room so you don't have to balance it on your lap?

A: Yeah, we will. Yeah, shortly. Yeah. We were interviewed and I was very fortunate. I -- I had a chance, too. Senator Stevenson offered me the federal judgeship thing but I didn't take it. Lucky I didn't, otherwise I'd be just another federal judge. But no, it was a good experience. I look back --and I retired good, too. I remember Judge Underwood, a justice from Bloomington, Illinois, said, "John, don't wait too long to retire." And he passed away, you know, I don't know, some -- just a few short years after he retired. He was married to a neighbor of mine. I guess they met in University of Illinois. So I planned to retire. Because best of all, I could visit my son who tries cases. I could visit. Go in the courtroom and watch him. As a judge, I couldn't do that. It'd be improper. But I love going down there and doing it, watching Jim argue and... I don't say much to him, except once in a while I'll critique and I'll tell him, you know, "Your opening statement sounds like a closing argument. How the hell are you getting away with it?" you know... "Well, they don't object." I said, "Well..." I say, "Walk in the courtroom, I don't know whether you're opening or closing."

Q: So tell me a little bit about the -- you said you interviewed with the justices. So this was - - was this like one of the first examples of merit selection taking place?

A: Yeah, yeah. They met here in Chicago and they invited us to come in, about 20 of us,

and they interviewed each one of us and then they voted. They...

Q: And the newspapers were -- from what I read in the newspapers, they were -- you know, obviously they were pleased that you had --

A: Yeah.

Q: But they also talked about having a minority candidate, that that was an opportune time to pick a minority candidate. That they didn't have --

A: Yeah, the minority candidate. Yeah, you know... It reminds me that... You know, the judges -- let's talk about minority candidates. Well, first of all, they're changing the rules. You know, now with the blacks are coming along the last 25, 30 years, they're telling them you can't enjoy the benefits of a political machine that your predecessors, the Irish, the Poles, the Italians, and the Bohemians got. We're changing the rules now. We're going to merit selection. We're not going to go with you bozos. You can't take advantage now of the precinct captain, the ward committee when they're getting these jobs and promoting yourself and getting on the ticket. We're going to go now to a merit selection. So just as the blacks are coming into the threshold of some power that they're able to exert, they're totally changing -- we're moving the goal posts, which I think is unfair, you know, to tell them that. But that's what they're doing.

Q: They're also talking about a Jewish seat, too, you know, having a...

A: Yeah, that type of stuff. You know, the Jewish seat. You know, the pensions. There's a pension board for judges. I remember when I was on the supreme court I moved to have Judge Bilandic, because he was very knowledgeable on the stock market -- in fact, we called him the six million dollar man. But he was very knowledgeable in the stock market. So anyhow -- so we put him on the board. And I remember one of our judges,

he lamented -- and he wasn't black. He lamented the fact, "Well, there's no black." I said, "There's no black?" I said, "There's no Greek either and there's no Italian, there's no Bohemian, there's no Frenchman." I said, "There's no Swede and there's no Russian and there's no..." I named a litany of 35, 40 things. So what if -- what the hell you talking about? You know, what does that mean? So Mike served on that. Did a nice job.

Q: Well, we got you on the Supreme Court now. What was it like living -- living on the third floor of the Supreme Court building?

A: Yeah, it was all right.

Q: Well, tell me some stories.

A: Well, they had -- hell, what's her name? Ruth Holka was our housekeeper and she had three or four people working for her. They would fix the beds, clean the place and so forth and she would prepare the food and serve the food. She was like a den mother for all of us, you know. And -- oh, let me tell you the story about she was retiring. Did I tell you the story?

Q: Yes, that -- tell me the story.

A: Yeah. And so poor thing I think was suffering from cancer at the time. She wasn't feeling well and she died about six months later. And we had a meeting and we agreed to increase her salary so she'd get a benefit of a better pension. And poor Ruth came to each judge's chambers to thank him personally for voting her this increase and she -- extend her appreciation. So she came in mine. I'm sitting behind a desk. "Yes, Ruth, what is it?" "Well, Justice Stamos, I just dropped in." She said, "I want to thank you for affording me the raise for my --" "I start interrupting. Now, Ruth, just take it easy. You should have heard me. There are a lot of guys in there that didn't want to give you the

raise but I argued for you. You should have heard me. I ought to raise my..." She turns around, she says, "I don't know why I came in here." [laughter] And she -- and Miller told you the one about the stairs?

Q: Yes, tell -- tell us that one.

A: Well, she had a desk outside of a staircase -- a marble staircase leading down to the second floor and -- which is located on the second floor, the courts are located. Third floor we live on and the first floor is the clerk's office. So anyway, so there's a marble staircase that leads down to the second floor and a beautiful wrought iron balustrade and her desk is about ten feet away from there and she's sitting there constantly making up menus, trying to please us with different food. And so I pass by, "Hi, Ruth, how are you?" She said, "Hi, Judge, how are you?" And then I turn and I start going down the stairs and I start -- you know, your feet are making noise on the steps. Bing, bang, bing. And I just keep -- I stop but I'm out of sight. But I stop in the same place. Well, she figured by now he should be down but she keeps hearing... So she rushes over, puts her head in it and she's right -- this far from me. I said, "I got you." And she said -- "Oh," she said, "you're terrible. I just wish I would live long enough to see how you make out." [laughter] I'll never forget that. Oh, yeah, poor woman.

Q: Tell me about the -- your colleagues on the bench.

A: Oh, colleagues, yeah.

Q: Who'd you serve with?

A: Yeah. Well, Dan I knew from the Supreme Court, from the appellate -- from the state's attorney's office and Bill Clark I knew when he was attorney general. Howard Ryan. Ben Miller, he sat criminal court for a few times, a couple of cases. They brought him up

from Springfield because he was a bachelor, they could move him around, you know.

And then there was Calvo and then there was Joe Cunningham. A nice guy, Joe. Joe -- I went to the memorial service for he and Howard Ryan. Joe died. He was playing cards or something with his family. Went to get up and he fell backward, struck his head.

They had a -- what do you call it, a concussion? Internally your brain -- you're bleeding. And he died. Poor Joe. Joe was a very nice guy. And Joe is -- is -- he and his family were in the construction business for years and Joe was very knowledgeable. They were building the new library across the street from the Supreme Court. We were watching from the ground up as it gone up. And Joe would come over to the window in the morning before we start and he'd be telling us why they're doing and what they're doing and see that fellow there. He knew all about the construction of the goddamn building.

And then you had Howard Ryan and Tom Moran. They had adjoining apartments, so to speak, facing inside the trees and the grass. Mine was outside. It faced the street. But they had inside. There were trees and there were a lot of birds, cardinals and -- back there and it was like weather like now. And they had their windows open because...

Well, I'll tell you another story about the humility. So Howard gets there and he doesn't see any cardinals so he thinks he might invite them by imitating a cardinal. So he -- he starts whistling away like crazy. Well, Tom in the meantime comes to his window and he hears the whistling. He thinks it's the bird. He doesn't know it's his colleague. So he starts whistling. Howard thinks it's the goddamn bird answering. So they both start whistling. Then somewhere along the line they realize what the hell is going on. They came down to breakfast, they had tears running down their eyes laughing. I said, "What happened?" He said, "I think it's another goddamn bird whistling away." [laughter] I

never could talk business at the table, either. You could never talk law. You had to talk about people. See like the guy says, the guy says, "But lawyers talk about judges but judges talk about lawyers." But Bill Clark had one where he would... He was very knowledgeable. His father was very active politically. His father -- and Bill had a lot of knowledge of political history of Cook County, Chicago and the state. And he comes in. "What's the name of that fellow, he's a good friend of George Dunn's?" Couldn't remember the guy's name. We were describing. Yeah, we couldn't remember. And then all of a sudden I realized that Bill slipped away and then he'd come back at the table. "Yeah, that fellow's name was so and so." "You son of a bitch," I said, "you went to the telephone and you called." He said, "Yeah, he called someone in Chicago." Came to me. But we would come up with stuff like that. And then, "I got to get that name." He said, "I know -- I know who I'm going to call," and he'd call somebody and he'd furnish them with a name or the incident, whatever it was, you know. Is this still on?

Q: Yes.

A: They had a... They had a sheriff in this town one time and he was arrested in a bookie joint. And I don't know. His -- it was -- he was taken into custody and they found out he was a sheriff and I don't know what his explanation was. It was some innocent explanation. "I didn't know it was a bookie joint. I thought it was a hiring hall or something," you know. Well, the Irish are terrific for nicknames. They're real good at giving nicknames for people. Well, the newspaper reported -- the Irish reported and identified him as Blind Tom. Blind Tom. Well, he became a Congressman and he was still known as Blind Tom because he supposedly did not realize he was in a bookie joint. His nephew later became district attorney of Chicago but died quite young. But that was

Blind Tom.

Q: Well, tell me... You had mentioned Hamill before. Some of the important cases that you ruled on when you were on the Supreme Court. Why don't you tell me about Hamill.

A: Well, that was not that difficult, you know. He was -- he was like -- almost like threatening to -- threatening somebody, to turn him in if he didn't abide by his wishes, you know. That was improper. It was like blackmail type of thing. He argued his own case, which is very unusual. He appeared before us. He never seemed to understand the gravity of the situation, what he was doing. But my son was a little upset. He said, "Dad, you're making stool pigeons of all the lawyers." I said, "That's right. Judges, too. They got a duty to report any violation." So this worked out, you know. But I tell you, there's no more colorful lawyers, no more colorful judges. I'll tell you that. No more. That's a shame.

Q: Well, a couple of cases that we had listed down with you as the --

A: Who's that?

Q: We have *People v. Pine*. Does that sound familiar? P-I-N-E.⁴⁰

A: What did it involve?

Q: It dealt with the separation of powers. This was in 1989. That sound familiar?

A: No.

Q: OK. *Read v. Norman*? Read Norman? Was that a minor?⁴¹

A: *Read v. Norman*. It was decided by an order.

_: It was the Harold Washington.

Q: Oh, yes, right. Yeah. That was the Harold Washington party.

⁴⁰ See, *People v. Pine*, 129 Ill. 2d 88 (1989).

⁴¹ The case was decided by an order, and later appealed to the U.S. Supreme Court, see, *Norman v. Reed*, 502 U.S. 279 (1992).

A: Oh, yeah. That one there. That was -- what's his name was on that? The lawyer. He died here a couple of years ago. Oh, god, I can just see him. Yeah, I remember that case. That's when Howard Ryan and Howard [Ben] Miller wrote a -- Miller wrote a dissenting opinion. Yeah. I'm trying to think of the lawyer's name. He was a black lawyer. I forget his name, damn it. Pincham. Pincham was the lawyer.⁴² Yeah. I remember that case, yeah. Yeah.

Q: Are there any judgments or opinions that you struggle with today? You know, that you feel you...

A: Yeah, that one about the hardware store.

Q: The hardware store.

A: The lumber store. Goddamn made a mistake on that. Yeah. Son of a bitch. Every judge, I guess, has got... What do they call those moments? From what... Buyer's remorse or something.

Q: Buyer's remorse. Um-hmm.

A: Yeah.

Q: Did you have any administrative role as a judge? They usually assigned --

A: Oh, yeah.

Q: Assigned -- assigned judges to be a liaison for a particular --

A: Yeah, because...

Q: What were you?

A: Well, like the chief judge will handle half of the opinions, because he has administrative duties. Then we meet, too, for administrative matters. Oh, yeah. That was painful. Very painful. Because you have an administrative court, because you got an army of people

⁴² E. Eugene Pincham represented the Harold Washington Party in the case.

working for him.” And at the time I -- I didn’t... It was kind of cumbersome. I didn’t like the way the fellow was handling it but I was new on the court so I never said much about it. But he devoted too much of our time to matters that he should have taken care of without bothering us. He -- he was compelling us to make micromanage which I didn’t think was appropriate. But there was a lot of administrative details that the court has to put up with. Yeah. I don’t know how they’re doing it now but I’m sure they’re doing it better than it was when I was there. But...

Q: To what were you the liaison to?

A: Oh, I was the liaison to the ARDC, Attorneys Registration. I was the liaison to that and I’m trying to think of what else.

Q: Does the chief --

A: Rules-breaking committee. Rules, yeah. The rules -- rules committee that recommends changes in the administration of the laws, you know.

Q: Does the chief assign these to you? Do you volunteer?

A: No, he assigns them.

Q: OK. So why did you desire -- decide to retire as a judge and not seek election.

A: Well...

Q: You had mentioned what Judge Underwood said.

A: Yeah, yeah.

Q: Was that a factor?

A: Yeah. That’s right, that’s right. I thought, “Well, if I’m going to go... I do the ten years and then I would be home. I’d be 79 or something.” I thought I -- you know, the voters vote you ten. It’d be unfair for me to quit after three years or five or five. And I -- I

thought, "Well, I've had enough. I've been a judge now long enough." And I was anxious, too, to get -- to sit in a law office with my son, too, practice law, you know. But I liked going to court and watching him. Really loved that. Which I wasn't able to do. I'd be depriving myself of that pleasure. It wasn't worth it. No.

Q: So when you retired, did you -- did you practice again or did...?

A: Somewhat, yeah.

Q: OK.

A: Somewhat. Yeah. Yeah. It was enjoyable. But before I became a State's Attorney, Office of the Corporation of Chicago, I told you I practiced. You know, I handled divorce, handled real estate. You know, I had contracts, had forcible entry detainer. You name it. It was a good way to practice law. Today they don't do that. I don't think so. There might be some... [knocking] Who is it? Who is it?

F_: Hello?

A: Oh, it's her sister... Yeah, Cindy?

F_: Hi.

A: Yeah, go on. She's in the kitchen. Yeah. I -- I was glad I did. I had a lot of time to read, to see all this stuff, take vacations without being concerned where and how long, you know...

Q: Without Mayor Daley calling.

A: Yeah. I never forget... That's why when the phone rings I always tell my... "I think it's Mayor Daley. He wants to know if I..." I imagine if I hadn't answered the phone he would have called somebody else, you know. It was the luck of the draw. But the mayor, poor man. I can tell you stories. Yeah. He loved the city. Just really loved it.

Even his son, too, was a take off on the old man. You know, that's a thankless job, too. Any political job of that nature where you have to make decisions is a thankless job. If you -- you're well meaning, too. You know, like now they're starting to come out of the woodwork. "Well, he didn't do this, he didn't do that," you know. And because they failed to realize it's a -- it's a constant job. It's not an eight hour job. You know, you're lying in bed and you're thinking of the problems and you're trying to think of solutions. People think that eight hours and you shut it off. On the contrary, you're constantly at work. You're working seven days a week, 24 hours a day in those jobs. They're not 9:00 to 5:00 jobs and you can't satisfy all the people. Like President of the United States is a thankless task, you know. I don't know what to tell you. I guess it wasn't meant to be easy.

Q: Um-hmm. So since retiring from the court, you've just been, you know, practicing with your son, traveling, you said.

A: Traveling, yeah. Yeah, we just got back from Greece. We had three weeks on the island. Yeah. Reading. I'm into my painting.

Q: Sorry. I had a next question.

A: My daughter's running for state's attorney in Arlington, Virginia.

Q: Is that next year?

A: Yeah, she's a -- I think it's November they announce and she's been there 20 some years. She's been a first assistant there. She's tried, I don't know, 40, 50 jury trials. Yeah. That'll be interesting to watch. Because they got the other one with the District Attorney's office in Brooklyn.

Q: I'm sorry. I lost track of my notes here. Looking back over everything, would you have

done anything differently?

A: No. Well, we might just... Remember Skeffington? *The Last Hurrah*? Spencer Tracy portrayed Skeffington? It's a take off on Mayor Curley from Boston. Remember that? And he's on his deathbed and the priest is there, the bishop and saying about -- if he had his life to live over, he might have been a different... He said, "Like hell I would."
[laughter] No, it doesn't... No, not really. I've been very fortunate. Yup.

Q: Have you followed any of the activities or the decisions of the Illinois Supreme Court after you retired?

A: Yeah, I -- yeah. They send me advance -- I get copies of the opinions. Every retired judge of the Supreme Court gets copies of the opinions. Yeah. So, yeah, I read them. I remember talking to Mike Bilandic when he was on the court, that some case -- well, Mike was -- fancied being alderman and mayor of Chicago. He was very conversant with easements of telephone companies and using the underground, you know. And like various, I don't know, there's some litigation. Mike disagreed with his colleagues and I guess he wrote a dissent. But he was lamenting to me the fact that -- and so in uncertain terms about his colleagues, just didn't understand what the problem was, let alone the solution and he was kind of upset about it and so he...

Q: I think the two big issues that occurred in the '90s at the Illinois Supreme Court was the Baby Richard case, which got a lot of...

A: Yeah, right, yeah, yeah.

Q: Do you have any thoughts or opinions on that?

A: Well, yeah. I congratulated the appellate court judge who wrote the opinion holding that the adoption was null and void. You know, an interesting thing about that case. We

haven't heard anything now in years about it. But no one raised it but I'm just thinking. You know on adoptions, well, the important thing in adoptions, too, is the religion of the adoptive parents and adoptive child and the natural parents. No one ever raised that about this child. The parents here -- I don't know if they were Catholic or what their denomination was, but the adoptive parents were a religion that speaks in tongues or something of that nature. And, in fact, the governor's wife at that time -- the governor's wife was in the same church or something. And no one ever raised that about the difference in religions of the -- which is very significant in adoption cases. They raise that. I thought that Heiple, it was terrible the way he was treated. You know, he really... It was -- it was -- all the judges joined in -- in it. I mean, I don't understand why he gets all the abuse. I never, to this day, don't understand how -- why he's singled out with all the abuse. It -- it's interesting that we haven't heard anything since then about this child and this family. I blame the news people, that they -- they don't want to spend the expense of a time and a crew to go check this story out. You know, they're cutting back - - the last few years they're cutting back corners. They don't want to spend money on anything. If it wasn't for police stories and fire department, they'd have no news to report because that comes cheap. You know, they got their radio. They hear the police call, fire call, they send a crew out to cover it. But they're not going to send a crew that costs them 40 or \$50,000 to go cover a story. But they haven't done a follow-up on that. How old is this child? How's he doing? Are they still married? Are they still together? They have other children, you know. I think the most terrible thing was Skippy Jacobson on the television, gave the phone -- home phone number of the judge, whose wife was dying of cancer. To call the judge. You know, that should be -- there's somewhere in the

law that should sanction that. That we're a civilized society but maybe in another civilized society you'd send somebody out with a baseball bat to do that to a judge. To anybody. It was absolutely horrendous to do that. That was unexcusable. And here the judge was right. That was a terrible episode. And then what they did -- on wings of temper they ended up with, well, we have five judges on the court's commission. We're going to add a civilian, a layperson on it. I don't know how that improved the administration of justice but they have a constitutional amendment. None -- this rate -- I mean, hysteria. They get carried away, you see. But I thought he was treated shabbily.

Q: And the other big issue of the 1990s was the capital punishment moratorium.

A: That was Ryan, yeah.

Q: Yeah. Do you have any opinions on that?

A: Well, he should have been more selective but he didn't have time.

Q: Governor Ryan?

A: Yeah. He should have checked each case individually to see which ones merited it and which one didn't. But I'm amazed that they have so many cases where there's been -- an innocent person's been convicted. Now, when I was in the State's Attorney's office, there was... We didn't know -- it was unheard of -- but never had a case like that, where someone comes to you and say that he's innocent. It's proven. I don't know what the hell's going on. To me, that's a terrible thing to happen to somebody. It was bad enough these people are locked up in a county jail awaiting trial. I don't know what the percentage is that are not guilty -- been found guilty that just can't make bail. And they're locked up. You know, to me, that's kind of strange. There's thousands in there waiting for trial. But I -- I could never understand that.

Q: Well, what are your thoughts on the death penalty? Are you...?

A: Well, it's kind of mixed. I'll say this, number one. As a practical matter, I don't think it's a good thing because the amount of effort and time and money expended on pursuing it, take ten, 15 years before you execute somebody. So you lost -- justice should be certain and swift. And after -- you drag out a death thing for nine, ten year, what the hell are you doing? Forget it. Just lock the son of a bitch up, let him rot. That's all. If you're going to go -- and the expense that you put, you could devote those resources to the administration of justice in the other parts of the system. You see that people get a fair trial, they get a right to a good lawyer. But the death penalty... And it strikes, too, with kind of a random... Like who decides what is -- the courts have endeavored, with the help of the United States Supreme Court, on fashioning -- these are the criteria that you have to meet if you're going to go for the death penalty, which is a good thing. But still, the time it takes to adjudicate a death case and to exhaust all the appeals kind of defeats the purpose. What are you doing? You'd be better off -- with all that money you spend on lawyers and the time it takes. Better off just let them do life with no parole. Without parole and no pardon. See, the governor's always got the ace in the hole. He's got that pardon. So the judge could say no parole and it's meaningless because the governor could unravel it with a pardon.

Q: Well, let's talk about just some general things about the judicial branch. What do you see as the role of the judge or --

A: Well...

Q: -- of the judiciary in society?

A: The judiciary is the cement that holds the thing together. That is, if you can't have a --

any kind of a government without certainty in judgments, without certainty in people asserting their rights and have a system where people have grievances that can be adjudicated honestly and openly and that's the way the government should operate. It's got to have a good judiciary. In any country, in the world, you have to have a... If you don't have a good honest judiciary, then the whole system collapses. There's no certainty to government.

Q: There's a problem... Actually, I think it's a longstanding problem but kind of the ignorance of the public in relation to the judiciary. What -- what do you think is the best way to educate the public or make the public aware?

A: Well, I think the best way is get your best judges in traffic court. Get your best judges who look like judges, act like judges and are erudite and are honest and are courteous and kind, and all the attributes of a gentleman. And there's where they belong, because 98% of the American public, that's the only contact with the judicial system is traffic court. And they'll measure the system by their experience in traffic court. And if you have a decent hardworking judge, respectable of the people's rights and, you know... There's a quotation I'm trying to remember, United States Supreme Court Justice Hughes said something about the United States Supreme Court and their courts of appeal can take care of themselves. It's in the courts of the poor, the oppressed, where injustice and indifference to their misery, therein lies disaster for the republic. And Justice Hughes said something like that. So it's a minor... As I told you before, we talk about the best judges belong on the United States Supreme Court. No, no, the best judges belong in traffic court. That's where the public measures the whole system. Or the police court. The minor functionary police court with your backyard fence fights and drunken brawls

and husbands who beat their wives. Those are the courts. Those are -- the best judges should be sitting there. That's where the people measure the system. Or when they sit as jurors they measure the system, how their judge conducts the courtroom and how he treats the witnesses, the jurors and the lawyers. That -- that's where the system rises or falls, is the quality of judges. And as I say, I told you before, Justice Schaeffer, I said, "If you were in the traffic court, as much as you've done for the judiciary of Illinois, you could do far more if you were in the traffic court. You look like a judge, you act like a judge. People leave the courtroom, they feel that -- whether they won or lost, they felt justice was done. They were treated decently, like they were part of a decent system." But...

Q: What do you see as our role? With the Supreme Court Historic Preservation Commission? Do you see...?

A: Well, yeah. Things should be preserved. Like I'm giving you oral history. I wish I could read oral history of some of -- some of my colleagues, you know, what they say and what they observed. It'd be interesting. I always told Bud Burke, who's a lawyer and was with me in the state's attorney's office, whose father was Judge Burke, appellate court. And I always said, "Bud," I said, "you got to get a tape recorder and let your father talk. He's just chock full of anecdotal history, of political, especially, that is gone now." We don't have it anymore. And it was very revealing and it would help somebody today in making a decision, perhaps, because really there's nothing new in the face of the earth. It's just the questions are posed differently. But the same problems remain all the time. You know, questions of poverty and misgovernment, wars. Wars. You know, they talk about we can't afford certain social programs, we can't afford to do

bridges, we can't afford the hospitals, the roads, we can't afford this, we can't afford that. I never heard of a representative or senator get up in Congress and say, "I don't think we could get into this war. I don't think we can afford it." [laughter] You know, when they talk about social programs, they always like, "What's the cost of this social..." But a war, no one ever got up and said, "Grenada? I don't think we can afford the war in Grenada. No, I don't think... I don't think we can afford that problem down in Panama when we chased Noriega around. I don't think -- I don't think we can bomb -- we can't afford that bombing of -- what's his name? Libyan. And I don't think we can afford the Iraq War. I don't think we can afford... No one ever got up and said that. But they'll get up and say, "We can't afford social security," or "We can't afford to build bridges. We can't afford to build the airport." No son of a bitch ever got up and said, "We can't afford this war." [laughter]

Q: [laughter] Well, do you have anything else to add?

A: No, I think we're exhausted.

Q: OK.

A: I can tell you the one about Julius Sherwood. You missed the one about Julius Sherwood. He was a State's Attorney. Crowley was first assistant and later became a judge. And he lost the last three, four jury trials, so the first assistant, Crowley, called him in. "Julius, what the hell's going on up in your courtroom up there?" He said, "You lost the last three, four jury trials. What's the matter with you?" "Well, you know, thus and so." And Crowley was a great baseball fan. Said, "You know, Julius, what they do in baseball when the pitcher loses a lot of games?" He said, "Yes?" He said, "They fire the manager. [laughter] Crowley said, "Get out of here." Yeah.

END OF AUDIO FILE 4