

An Interview with Thomas G. Ebel
Illinois Supreme Court Historic Preservation Commission

Thomas G. Ebel worked as an Assistant State's Attorney in Peoria County from 1970-72, and was a Legal Advisor to the Peoria Police Department from 1972-73. From 1973-75, he was an Assistant State's Attorney for Tazewell County, and from 1975-81 he was the Chief Assistant State's Attorney for Tazewell Count. In 1981, he became an Associate Circuit Judge in the Tenth Judicial Circuit and served in that position until 2002. He was recalled to service from 2005-2006 in the Eleventh Judicial Circuit.

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Interviewer:

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Abstract

Thomas G. Ebel

Biographical:

Thomas G. Ebel was born in Elmhurst, Illinois on February 14, 1941 and spent his early life in Des Plaines, and Naperville, Illinois. After graduating from Naperville High School in 1959 he enlisted in the United States Air Force, serving until 1963. From 1963-67, he attended and received a degree in philosophy from St. Procopius College, and from 1967-70 he attended the Notre Dame Law School, and was admitted to the bar in 1970. He worked as an Assistant State's Attorney in Peoria County from 1970-72, was a Legal Advisor to the Peoria Police Department from 1972-73, was an Assistant State's Attorney for Tazewell County from 1973-75, and Chief Assistant State's Attorney from 1975-81. In 1981, he became an Associate Circuit Judge and served in that position until 2002. He was recalled to service from 2005-06. He and his wife Sandra have one son, Dominic.

Topics Covered:

Parents and family history; early life and education in Naperville, Illinois; teenage years; joining and time in the Air Force; Kennedy assassination; applying to and attending St. Procopius College in Lisle, Illinois; conversion to Catholicism; conception of his generation; the draft; Vietnam; political and social views as a young man; memories of Notre Dame Law School; becoming a prosecutor; Peoria County State's Attorney office; Tazewell County State's Attorney office; meeting and marrying Sandra and starting a family; State's Attorney Robert Calkins; work as Assistant State's Attorney in Peoria County; *People vs. Gorsuch*; social unrest in Peoria; race relations in Peoria; rising crime rate; Sandra and son Dominic; work as Legal Advisor to Peoria Police Department; State's Attorney C. Brett Bode; work as State's Attorney in Tazewell County; Tony Corsentino; Jesse Donald Sumner case; Delevan Theater case; Pekin motorcycle clubs; composition of the local bar in Peoria and Pekin; nature of legal work in the area; Heidelberg case; work as First Assistant State's Attorney in Tazewell County; memories of judges; President Nixon and Watergate; *People vs. Phillips*; *People vs. Childers*; murder cases; becoming a judge; politics of local judiciary; work as a judge; work in Chicago; work outside the circuit; juvenile court work; juvenile delinquency and child abuse; impact of prosecutorial background on judging; patience; disciplinary proceedings; appellate review; cameras in the courtroom; the judiciary and the media; enhancing the public's awareness of what the judiciary does; bar associations; role of the judiciary in society; pro-bono and philanthropic work; civic engagement; preserving legal history; future of the profession; legacy.

Note:

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

Judge Thomas G. Ebel: An Oral History

LAW: [This is an oral history interview with Judge Thomas G. Ebel. The interviewer is Justin Law.] Today's date is May the 20th, 2015, we're in the Peoria County courthouse here in Peoria, Illinois, and today we're going to cover his background. Judge Ebel, I thought we would start with when and where were you born?

EBEL: I was born on February 14th, 1941 in Elmhurst, Illinois.

LAW: Now did you grow up in Elmhurst or were you just born there?

EBEL: Just born there. By the time of my birth my parents lived in Des Plaines, Illinois, and that was the first city I lived in. I lived in Des Plaines until half-way through second grade.

LAW: Ok, tell me a little bit about your mom and dad.

EBEL: Well, my father was a crane-operator for Elmhurst-Chicago Stone Company. My mother was a homemaker but she also worked part-time as a waitress throughout the years that I grew up.

LAW: Now your dad, Elmer, right?

EBEL: Mm-hmm, Elmer G. Ebel and she was Grace E. Senne, Grace E. Ebel.

LAW: Now were they both from the Chicago area?

EBEL: No, my mother was born in Des Plaines, Illinois, in 1916 and my father was born in Barrington, Illinois, in 1907. He came from a farm family, he was raised on a farm, it would have been in rural McHenry County Illinois.

LAW: Ok. Did you know grandparents on either side?

EBEL: I knew my maternal grandmother and, no, I take that back, I knew my paternal grandmother, my father's mother. I never knew my father's father, he was alive but they were divorced and my father never had any contact with him. I think I saw him, one time in my life I think I saw him when we were at a social function. On my mother's side I knew her father. Her mother had died when she was a small girl and he had remarried so I knew my grandfather and my step-grandmother I guess, we'd call her, in Des Plaines.

LAW: Now your dad's mom, did she live down in McHenry County?

EBEL: Well, I don't know when they left the farm. My father had to leave the farm after grade school to go to work and help support the family because his father was an alcoholic and there were eight children, my father was the oldest of eight children, four boys and four girls, and so he wasn't able to go to high school, he worked on the farm and he went to work at some bakery in Des Plaines, Illinois, and then would bring back money to his mother and his brothers and sisters, and then he married later in life, I think he was about thirty-three when he married.

LAW: So he must have met your mom there in Des Plaines?

EBEL: Yes he did, she was a waitress at a soda fountain; they don't have those anymore.

LAW: Yeah, ok, and did you have any brothers or sisters?

EBEL: Two younger sisters.

LAW: Ok, so you're the oldest.

EBEL: Yep.

LAW: Now you consider your hometown Naperville, [Illinois] so you must have moved there in grade school?

EBEL: Well, half-way through second grade we moved to Huntley, Illinois, my father was transferred, Elmhurst-Chicago Stone Company, he was transferred to a gravel pit they had there. We only lived there for about seven, eight months and then he was transferred to the Barbers Corner plant which is in a rural area south of downtown Naperville, its actually in Will County, just over the line in Will County. And, we lived there, I went to a one room country school, it was third through sixth grade that I went to a one-room country school, one teacher taught all eight grades. And then there was a school consolidation and then they divided it up into two schools and in seventh grade I went to a school that was fifth, sixth, seventh, and eighth and then by eighth grade they had the new school all built and so I went to Valley View Grade School. Eighth grade, we were the first graduating class but that was separate grades, separate teachers and rooms for each grade. And then I went to Naperville Community High School which is now called Naperville Central High School 'cause at the time I went it was the only high school in Naperville. They now have four high schools, I think, and they renamed it to Naperville Central.

LAW: Now tell me about, do you have any memories of growing up in the [19] '40s?

EBEL: I can remember when we moved to, when my dad got transferred to Barbers Corner, which is an unincorporated area; it's not an incorporated town. We moved to a house in the country, we're not on a farm, but there was an old farmhouse in the country, it had been replaced by a newer farmhouse on the farm and the company my dad worked for owned the farm and it owned that old house and my parents rented the house. So it was in a rural area, farms all around us but we didn't farm. And I lived there from third grade all the way up until the end of high school when I joined the [United States] Air Force after high school. And I have some memories of moving there, I have some memories of when we lived in Huntley and I have a few memories in Des Plaines. I thought about this as far back as I can go, I think I can go back to when I was in kindergarten in Des Plaines, Central Grade School in Des Plaines. I remember going to kindergarten half-day.

LAW: Okay, so it's just mainly memories of going to school and stuff?

EBEL: Mm-hmm

LAW: What were your extra-curricular activities as a youngster?

EBEL: Well, when you're in a one-room country school house there's not a whole lot of extra-curricular activities, you go outside for recess, once in the morning and once in the afternoon and play a little softball or play games; one I remember was "Red rover, red rover, come over." Mostly was softball we played though, and then when I went to Valley View for eighth grade they had a gymnasium so we had some organized gym classes.

LAW: Tell me about being a teenager in the 1950s.

EBEL: Well I kind of liked the 1950s (chuckles).

LAW: Tell me about it, tell me about the period.

EBEL: Well, there were no big problems on the world stage, World War II was over, we had prevailed; we were the dominant country in the world. The economy was good, there was no problem finding jobs. Now my father stayed with that company for over twenty years, he retired with it, but I can remember uncles and cousins and that nobody ever had any trouble finding a job, you could just about walk into a lot of places and if you were breathing they'd hired you.

LAW: But tell me about, what did teenagers do back then for fun, were you working?

EBEL: No, not during school I wasn't working. We lived, as I say, in a rural area about seven miles south of downtown Naperville so I had to ride the school bus in and back, it was a forty-five minute ride each way and then in the afternoon, or when school was out, the school buses didn't leave until about forty-five minutes/an hour after school was over so people could engage in extra-curricular activities or if they had to do detention they did their detention and then they took us home; so we had an hour and a half every day riding a bus.

LAW: Now was that all the way through high school?

EBEL: When we were juniors in high school, he was the son of the farmer that lived across the street, we were best friends, he got a car and a lot of the times, most of the time I would get a ride into school and ride back with him. But I didn't get a car until I was out of high school.

LAW: Did you have any important or influential high school teachers or mentors?

EBEL: Well I remember one teacher, the history teacher, he is probably responsible for me liking history so much, he was a very entertaining teacher and he could make history come alive and so when I went to college I took a lot of history courses, even though I wasn't majoring in it, I took enough to have that as a minor. His name was Mr. Stephens, I can't remember his first name, but I remember that, Mr. Stephens.

LAW: Were you playing in any sports or in any clubs or anything?

EBEL: Nope, I didn't do any extra-curricular, as for sports my hand-eye coordination is terrible so I was not very good – well of course in those days gym class was all competitive sports, now I understand from my son when he went to high school you could do the competitive gym class or you could do the exercise gym class. But then it was all competitive so in the fall we played touch football and in the winter we played basketball and in the spring time we played softball and in the winter there was some wrestling too.

LAW: Now were you listening to music or anything?

EBEL: Oh yeah, the music of the [19] '50s.

LAW: Do any particular?

EBEL: No, no.

LAW: Nothing comes to mind?

EBEL: No, but I listen to a radio station where they go back and play old tunes and they'll play one from the [19] '50s and I'll remember, you know.

LAW: I gotcha.

EBEL: We'd go to the movies once in a while but not that often. Friday night's in the fall you would go into town and go to the football game that night, you'd drive around. A lot of times there'd be a dance at the YMCA [Young Men's Christian Association] so we would go there. In the winter you stayed home usually, in the summer time you would drive around, see if you could get a six-pack somewhere and drive around with your buddies, maybe get a watermelon out of a farmer's field.

LAW: But you were mainly in the Naperville area?

EBEL: Right.

LAW: You weren't going into the city or anything?

EBEL: No we didn't go into the city in high school, yeah stayed pretty much around Naperville, Lisle, and Aurora, [Illinois].

LAW: Now at some point you decided to join the Air Force.

EBEL: Well when I got done with high school I was a little bit tired of school so I wasn't interested in going to college at that time and I was interested in being a police officer but you couldn't be a police officer until you were twenty-one. So then I thought, "Well, I'll go in service and when I come out I can be a police officer." I didn't want to be an infantryman so I stayed away from the Army and the Marines and four of my classmates joined the Navy together in the "buddy program" and for some reason the Navy didn't

appeal to me. The Air Force appealed to me so I worked a summer at the gravel pit where my dad worked and went in and talked to an Air Force recruiter in Joliet, [Illinois] and I think in November, November 16th, 1959 I was sworn in, got on a plane and went to Lackland Air Force Base, Texas, for thirteen weeks of basic training.

LAW: What was your parent's reaction to joining the Air Force?

EBEL: Oh they let me do what I wanna do, they weren't against it; they didn't push me to it. My parents didn't really push us to do anything they kind of left us to make our own decision when we got out of high school. It was kind of similar with the whole family, my aunts and uncles, that generation, you know once you got out of high school you were supposed to go get a job or join the service or go to college, although that generation really didn't push higher education.

LAW: I understand. So you went down to Texas.

EBEL: Mm-hmm, everybody when you join the Air Force you go to Lackland Air Force Base in San Antonio for basic [military] training that's where all the basic training is. And it was thirteen weeks when I went, I understand now they got it cut down to eight weeks,

[00:15]

but thirteen weeks and then you got ten days leave and you went home.

LAW: Was that the first time you had really been away from home for a long time?

EBEL: Yep. In the summer time I had an uncle who had a farm and I'd spend a week there, he had two sons and I would spend a week in the summer on his farm but other than that, yeah, it was the first I was ever that far away from home for that long.

LAW: And then what happened after basic training?

EBEL: Well after basic training you got ten days leave and then you were assigned, what they called, a tech training school. I was assigned to Goodfellow Air Force Base in San Angelo, Texas, for a six month tech training school in the [United States Air Force] Security Service command which was the intelligence career field.

LAW: Interesting. Air Force Base in where?

EBEL: San Angelo, Texas, San Angelo.

LAW: So how long were you in that?

EBEL: Six months, it was a six months course and if you are in San Angelo, you intended to get there, you can't get there by accident, it's in west Texas, sort of out in, well I don't know if it's a desert but it sure looks like a desert, sand and sagebrush.

LAW: How did Texas compare to Illinois?

EBEL: Well the winters were great. San Angelo, that was my first winter outside of Illinois and you know it didn't get down below freezing, there was no snow, we had a few flurries once in a while that melted when they hit the ground and San Angelo was really a nice town, it was a middle class, well-to-do town. San Angelo is the wool capitol of the world, they raise more sheep in that part of Texas, or they did then, and produced more wool than any other city.

LAW: So then what happened after you're done with your training?

EBEL: Well we got thirty days leave, all done, and then I was assigned to Kadena Air Force Base on Okinawa, [Ryukyu Islands], for a year-and-a-half.¹

LAW: That's a long time.

EBEL: Well I extended it for a year, so I was there for two-and-a-half years, I volunteered to stay an extra year.

LAW: This would have been in the early [19] '60s.

EBEL: Yeah it was October of [19] '60 until April of [19] '63 I was at Kadena Air Force Base in Okinawa which was the largest Air Force base in the Far East, still is.

LAW: So what were your duties, what were you doing?

EBEL: I was what was called a Radio Intercept Analysis Aide.

LAW: Okay, so you were kind of trying to figure out.

EBEL: Well I can't say too much, I had a top secret clearance and basically we analyzed raw data and wrote reports.

LAW: This was when the Cold War was at its heights. What were your thoughts at the time about the Soviet Union and communism?

EBEL: I never really viewed them as much of a threat.

LAW: Really, okay.

¹ Under U.S. administration until 1972.

EBEL: Because, you know, you were very comfortable, growing up in the [19] '50s, about there being any external threats to this country.

LAW: Okay, so it never affected you as a student?

EBEL: No, well, Vietnam [War] was starting.

LAW: Well in college. I mean when you were younger in the [19] '50s.

EBEL: No, it didn't bother me. See, when I got out of the Air Force and went to college, all of my classmates were sweating their draft status, but I wasn't because I had already completed my military obligation, I was done. Although I had two years in inactive reserve but they didn't call up any reserves back then.

LAW: Before we get to college I just want to ask if you have any memories of the Cuban Missile Crisis?

EBEL: Mm-hmm, of course I was on the other side of the world, but I remember we didn't get any inside information or anything on that side of the world but I remember it from news reports. Now one of my classmates I said that had joined the Navy.

LAW: He was down there?

EBEL: Well he said there were several times in his four years he sat on the boat, offshore, looking at Cuba.

LAW: Oh wow.

EBEL: There were several times they were ready to go in.

LAW: How about the [U.S. President John Fitzgerald] Kennedy assassination?

EBEL: Well that was when I was in college.

LAW: Any memories about that? Any memories of that day or that event?

EBEL: Well, you won't believe this but I was at St. Procopius College in Lisle, Illinois, it's a Benedictine run University and from eleven to twelve [o'clock] I had a modern history class. The teacher was a Benedictine priest, his name was Father Christian, and if you'll remember earlier in the month of November, [1963] President [Ngo Dinh] Diem of South Vietnam had been assassinated, he and his brother, now that wouldn't have happened if unless our government hadn't approved it, the general's wouldn't have moved against him. In fact I read something recently about some of the information they're releasing from the Kennedy Library that President Kennedy said that if he had known they were going to kill him that he would not have approved it. Well anyhow, on the day of the assassination, in class, we were talkin' about Vietnam a little bit, kind of got off the subject, and Father Christian said, "Well, the Kennedy's did in the Diems, I wonder who will do in the Kennedys," and one hour later he was shot.

LAW: Wow.

EBEL: Now, Father Christian never brought it up again in that class.

LAW: Yeah, my goodness. Now were you from a family, were you a Kennedy supporter?

EBEL: I'm trying to remember, I was born in [19] '41, [19] '51, [19] '61, so I wasn't old enough to vote in 1960. I think the first time I voted would have been for Lyndon Johnson, in 1964.

LAW: Okay, what about your family though?

EBEL: I don't think they voted

LAW: They weren't politically involved?

EBEL: I'm not even sure they were registered, I never remember them ever going to the polls and voting. I mean they talked politics with my aunts and uncles and stuff.

LAW: Okay, so why St. Procopius College?

EBEL: Well when I was still in the Air Force, at Kadena, I decided I wanted to go to college, I didn't want to re-enlist, and so I sent, from Okinawa, I sent out applications to St. Procopius College and to North Central College in Naperville and I think one other one, I think it was DePaul [University], but I'm not sure what the third one was. I was accepted at all of them, but at the other two I got a form letter accepting me. From St. Procopius I got a personal letter from the dean of admissions telling me I had been accepted and that they hoped that I would attend because they liked to have a number of veterans there because they found that the veterans were a maturing influence for the student body. So I think that influenced me, the personal attention, so that's where I went.

LAW: It's since been renamed to Benedictine University?

EBEL: It's Benedictine University now, yes. See when I went there it was an all-male school, although we had about fifteen females in our class, they were all nuns working on their bachelor's degree. And it was taught by, well, about a third of the faculty were priests and the rest were laypeople; most of them were Benedictine priests. I majored in philosophy because I was interested in that and as I told you I minored in history because

I always liked it. There were two priests, I took four courses in philosophy from each for a total of eight, one was a Diocesan priest from Belgium and the other was a Russian priest. There weren't many Russian, Catholic priests, so there was a little diversity in faculty there.

LAW: Interesting, now, were you from a Catholic background?

EBEL: Nope, my parents were Lutheran but they weren't really church-goers. I think I was baptized in the Lutheran church, I don't know. When we moved to the Naperville area my mother enrolled me and my sisters in a Sunday school at an Evangelical United Brethren Church and that's the church I grew up in.

LAW: So this, being with the priests, was kind of a new experience.

EBEL: Well I converted to Catholicism while I was in the Air Force.

LAW: Okay, how did that come about?

EBEL: Well I've never really been able to articulate it in a way that other people would understand, I was havin' a crisis of faith and then I knew that I should become Catholic, I knew in an instant and I have never looked back.

LAW: Wow.

EBEL: But I don't know. It wasn't quite as dramatic as Saint Paul's conversion when he was struck by lightning on the way to Damascus; and so that's how I ended up as a Catholic.

LAW: So you were studying philosophy, tell me about the philosophy you were studying.

EBEL: Well it was just a general course in philosophy, like, you had to take, from the Russian priest I took four courses on the history of philosophy, it would have been ancient, medieval, contemporary, modern and from the Belgium priest I took four substantive philosophy courses, you know, it would have been philosophy of knowledge, of nature, of man and of metaphysics. As I said, I probably had more hours in history but I elected to take my comprehensive exam in philosophy, we had to either take a comprehensive exam or write a thesis in one of the areas where we had enough hours, so I took my comprehensive exam in philosophy.

LAW: What has stuck with you over the years from that education?

EBEL: Well, from the Belgium priest I think I learned to think objectively, you know, to look at all sides of an issue and to try to think objectively, don't let personal biases or prejudices interfere in it, seek the truth. That has helped me as a judge to decide cases on the law and the evidence; he was really a good teacher.

LAW: The Belgium priest?

EBEL: Yeah. Well, the Russian priest was too but the Belgium priest was the one who taught the substantive philosophy. The different history of philosophy courses were interesting but I really enjoyed the ones taught by the Belgium priest.

LAW: Now you were a little, you were about what, four years older than most of the other students?

EBEL: Yep.

LAW: Did you notice any kind of generational differences between you and them?

EBEL: Yeah, there was a little, now St. Procopius was largely a commuter college, I mean they had some dorms but I think a large portion of the students, maybe half, lived in the area and drove back and forth and that's what I did, I lived at home with my parents and I drove back and forth and I worked, well for the last three-and-a-half years I worked at a Kroger [grocery] store in Downers Grove, [Illinois], part-time, anywhere from fifteen to thirty hours a week.

LAW: In grocery?

EBEL: I did grocery and produce, I did checking-out when they needed a checker, I unloaded trucks.

LAW: I've got a little bit of grocery experience myself.

EBEL: Do yah. I gathered carts in from the parking lot.

LAW: But, I mean, I guess what I was getting at is, people born after WWII are kind of often thought of as the "baby boom" generation and you were born a little bit earlier, not by much.

EBEL: Yeah, I was born in [19] '41, I was born before WWII started.

LAW: So did you think of yourself as part of the "baby boomers" or the "silent" generation?

[00:30]

EBEL: Well I can't classify myself as part of the "greatest" generation because I didn't do anything to win that war, but I think those born from [19] '46 on are considered "baby

boomers.” I have one sister that was born in [19] ’45 and one that was born in [19] ’46, I’m not sure what they consider us who were born shortly before the war or during.

LAW: Yeah, you were kind of in that– that’s why I’m asking, how did you define your generation?

EBEL: It would be similar to the WWII generation but we really weren’t the WWII.

LAW: Okay.

EBEL: See, my father was a, well, both of my parents were of German heritage, my father was a hard-working man, kind of a no-nonsense guy, always supported his family and always supported his brothers and sisters when his father failed, and he had a job where he had to be at work, he was a crane operator for Elmhurst-Chicago Stone Company, he started work at six-thirty in the morning, he didn’t get up at six-thirty and go to work, he had to be on the job at six-thirty and would work until five or later with a half-hour off for lunch. My mother, she, for most of the time, except maybe when she was pregnant and one of us was young for a while she would work as a waitress part-time.

LAW: So the work-ethic was big?

EBEL: Oh yeah, with my family you worked. He never complained, my father never complained. If he needed help he wouldn’t ask for it, if a relative or friend needed help he was the first there to help but he would never ask for help. He was a very independent, very independent man.

LAW: You spoke a little bit earlier that the kids you were in college with they were more worried about the draft than you were.

EBEL: Yes.

LAW: What were your thoughts, at the time, upon the draft and how it functioned?

EBEL: I don't know that I had that much, I know that they would be askin', exchangin' information on their draft status and once in a while they would ask me what mine was and mine was 5A and I remember they said, "What's that?" That's when you've already completed your military obligation. There were a few my age, there was, I know one classmate he had joined the Air Force too and then I remember another one, I didn't know him well, but he was older.

LAW: It didn't seem, the draft wasn't a big issue for you really?

EBEL: It wasn't a big issue, no, 'cause I had joined [19] '59 and Vietnam really wasn't an issue in [19] '59 and it wasn't really until [19] '62 or [19] '63 where it started.

LAW: What are your earliest memories of the Vietnam War?

EBEL: Just what I saw on TV.

LAW: Television.

EBEL: Yeah, I was never in Vietnam, I was in, I stopped over in Saigon once, [Ho Chi Minh City, Vietnam], for refueling and stopped over on the way back when I flew from Okinawa to Bangkok, [Thailand] so all I saw in Vietnam was Saigon International Airport for about a half-hour/forty-five minutes and on the way back, half-hour/forty-five minutes. The runways were terrible, the plane bounced, they were not concrete runways, they weren't smooth, I don't know if they were dirt or gravel but when the plane landed it was (makes a bumping noise with his hand on the table), bounced all the way down.

LAW: Yeah.

EBEL: And it was very small, the terminal building was very small then, and it was there in the jungle, I mean there was nothing but jungle all around you.

LAW: Now the [Vietnam] War really heated up while you were in college, between [19] '63 and [19] '67.

EBEL: Yep, that was a time when it was really heatin' up and more and more people were being drafted.

LAW: What were your thoughts on the war at the time?

EBEL: Well, I don't know that, I wasn't against it, I wasn't doing any demonstrating or anything, I didn't think all that much about it. I was done with my military service and didn't think much about it and the student body at St. Procopius was a conservative student body, we didn't have anti-war demonstrations.

LAW: Okay, so the war never became an issue in class?

EBEL: No, it was talked about in history class sometimes but it was never a big issue on campus. Now I had left there, I graduated in May of [19] '67 and, I don't know, it may have been an issue after that and then shortly after that it became co-ed, and they changed the name to Illinois Benedictine College and then later changed it to Benedictine University.

LAW: What was your political and social outlook as a young man?

EBEL: Well I was a democrat in college, I don't know, I wasn't real conservative, I wasn't real liberal, but I remember voting for democrats the first time that I voted.

LAW: And then at some point I guess you decided to study the law?

EBEL: Well, again, I was nearing the end of my college and I still didn't know what I wanted to do. So, as I had said I wanted to be a police officer when I got out of college, so I gravitated toward being a prosecutor since I couldn't be a police officer.

LAW: I guess I should ask, what was your parent's response to you going to college and graduating, and getting a degree?

EBEL: They liked it, yeah, I mean they weren't against it. I could tell when I graduated and my father came up and shook my hand he was very, very happy.

LAW: Were you the first one in your family to go to college?

EBEL: Yeah, the first one on either side of the family, I was the first one, and two years later I had a cousin graduate from Bradley University in Peoria, Illinois, so he was the second one.

LAW: So why [University of] Notre Dame?

EBEL: Well I had applied at Chicago-Kent [College of Law] law school, DePaul [University College of Law] law school, and I was gonna go to one of those two, but then I had a classmate who had an interview, he was trying to get into graduate school at Notre Dame and he was going over for an interview and he wanted somebody to ride with him, I had nothing to do that day so I said, "Well, I'll ride with you," so I went over with him. He did the interview, I walked around the campus, I came to the law school, I walked in and

picked up an application and sent it in later and was accepted. Then I decided I would go with football rather than the other two (chuckles). I think football made me decide to go to Notre Dame rather than DePaul or Chicago-Kent.

LAW: They had a pretty good program at that time.

EBEL: Yeah, Ara Parseghian was the coach.

LAW: The era of [Daniel Eugene] “Rudy” Ruettinger.

EBEL: Rudy, yeah. Well, no, that was after that, that’s when [Daniel John] Devine came after Ara.

LAW: So, I kind of wanted to learn a little bit more about the Notre Dame Law School when you attended in the late [19] ‘60s. So I guess my first question would be, what kind of legal philosophy were you encountering there?

EBEL: Well first of all, it’s what they call a national law school or universal, it doesn’t gear you for any one state. Like if I had gone to John Marshall [Law School] or Chicago-Kent or any of the Illinois schools, they prepared people to pass the Illinois bar and be Illinois lawyers, except for Northwestern [University] and University of Chicago, those would be universal ones too and that’s what Notre Dame was. So we were a generalized study of law based a lot on the federal system, but not geared to any one certain [U.S.] state unless there was some peculiar unusual case in one state or another that we would study. I might add that at Notre Dame I had two classmates that had been in the military too, again I was four years older; they both had been Marine Corps officers. And then ahead of me, there was a man, ahead of me in the class, he was quite a bit older, he had several

years in the Marine Corps and in fact he had been the pilot for Marine One during the [U.S. President Lyndon Baines] Johnson administration for a while.

LAW: Now do you recall what, sort of, the make-up was of your law school class in terms of gender, race, ethnicity, and age?

EBEL: All male except for one, one female, she was the first female to graduate from Notre Dame law school and she was in our class, Grace Olivarez, she was from New Mexico, she did not have a high school degree, she was admitted, she was active in the civil rights movement in New Mexico, was on some civil rights commissions and I don't know if she was on a commission with him or what but Father [Theodore M.] Hesburgh [C.S.C.] who was the president of Notre Dame, he was active in the civil rights movement and he was on the civil rights commission under [U.S. President Richard Milhous] Nixon and she got to know him through there, and she expressed to him that she had a desire, she had always wished she could have gone to law school but she didn't have a college degree and he said, "Well I can fix that," and so she was admitted with special permission or dispensation from Father Hesburgh. So she was admitted with only a high school degree and she did graduate and became the first woman. We had two black students, one from Alabama, one from North Carolina, all the rest were white males.

LAW: So tell me, help me get a better understanding of your law school education. What were the principles and legal skills that you were learning?

EBEL: Well, first of all, Notre Dame, it wasn't a very big law school. I think there were, our class started out with about one hundred and eighty some, just about everybody who was gonna leave left after the first semester or after the second semester and I think we

graduated with one hundred and twenty some, so it wasn't a really big law school. They had a core curriculum, actually for the first two years was pretty much core curriculum, all required courses, and of course you had to take a course on the English common law to understand what that was all about, you had to take a course on legal ethics, and you took some courses on contracts, real estate law, torts, criminal law, constitutional law, the rules of evidence, labor law, uniform code of commercial transactions; the basics. And then in your third year I think you had one required course each semester the third year and then all the rest could be electives. All teachers were male, never had any female, and they were all white too. I had a teacher in the third year who was both a priest and a lawyer.

LAW: Any memorable professors?

EBEL: I think my criminal law professor, G. Robert Blakely, he was my real estate one but I really enjoyed him for criminal law. He had been counsel to some senate sub-committee, dealing with organized crime, and he was one of the people who wrote the RICO [Racketeer Influenced and Corrupt Organizations Act] statute, so he had a great deal of knowledge of organized crime, he taught several years there, he went back for a while, I think to the government for a while, I think he went back to Notre Dame, taught at the University of Virginia, he again, he was very interesting, he made criminal law very understandable.

[00:45]

I think he was the one that probably strengthened my thoughts about being a prosecutor, going into criminal law.

LAW: Now, you said you had a constitutional law class, what were some of the big constitutional issues at that time?

EBEL: Well, that was another of my favorite classes, constitutional law, criminal law, and the rules of evidence, I think were my three favorite classes. There you would have been with the integration of the schools, the suppression rule or exclusionary rule where police misconduct is controlled by excluding the evidence they gathered from being admitted into a criminal proceeding, the stop-and-frisk laws, the Miranda decision, those were really the main topics back then.

LAW: Were you encountering any kind of legal philosophy? Not necessarily what the law is but how to apply it.

EBEL: No, not really, it was pretty much, again, it was a substantive courses, here's what the law is, on what the law is, learn it. Now we had some professors that were conservative and we had some that were liberal.

LAW: Okay, but nothin' like legal realism or formalism or legal reasoning or anything like that?

EBEL: Oh yeah, we would have a course on legal writing, analyzing cases, courses on doing legal research. In fact the professor I told you about, Blakely, he was conservative, and then we had a common law professor who was very liberal, so we had both ends of the spectrum and everybody else in between.

LAW: Now did the wider world ever impact your law school experience; the war in Vietnam or the Civil Rights Movement?

EBEL: Yeah, there were some student protests on campus against the Vietnam War. Now a law students didn't get involved in any of that, it was an undergrad thing.

LAW: Okay. Do you feel that your law school education prepared you to be a lawyer?

EBEL: Yeah I think it prepared me, but it didn't prepare me to pass the Illinois bar exam, for that you take a bar review course, forget it was six to eight weeks, half a day for four days a week in downtown Chicago at, I forget where it was at, but I took a train four days a week, took the bar review, came home for lunch and then studied in the afternoon; there were I think eight of us from Notre Dame who took that course, there were eight that wanted to be Illinois lawyers.

LAW: So, had you, growing up as a young man, had you known personally any lawyers?

EBEL: No I didn't, I had no contact with a lawyer, my parents never had to hire one; nobody in the family was a lawyer.

LAW: So it's just really, you found your way because of the interest in law enforcement?

EBEL: Yeah, yeah that was it, I wanted to be in law enforcement and my first interaction with an attorneys was probably when I went to law school.

LAW: So you graduated from Notre Dame, you passed the bar in 1970?

EBEL: Yep.

LAW: Now why did you decide to go into public service? Was that from wanting to be a prosecutor?

EBEL: Prosecutor, yeah, in my second year of law school I sent out a bunch of letters to several State's Attorneys and counties in Illinois and I sent some out to the U.S. Attorney Southern District [of Illinois], I think I also sent one out to Northern District, you know, tellin' 'em I wanted to be a prosecutor and I was lookin' for a summer job, I got two interviews, one in McLean County and one in Macon County, Decatur, [Illinois]. In March of [19] '69, in the spring of my second year I drove to Bloomington one day and had an interview and then drove down to Decatur and had an interview and neither one of them gave me the summer job so I didn't know what I was gonna do, so in about a week before the semester ended I got a call from the State's Attorney of Peoria County, Mr. Robert [S.] Calkins, and I had sent him a letter and he said, "The county board had appropriated some money to codify the ordinances of Peoria County," they had never been codified. When the county board passed an ordinance it was placed on the records of the county board and somewhat, I don't know how great they published it to the county, but so I said, "Yes I would be interested." I came here and I went through the, I don't know what you call 'em, they were these huge books where the proceedings of the county board was kept starting back in the eighteen hundreds from when Peoria first became a county, and I went through and picked out everything that I thought was a permanent ordinance. Now an ordinance is intended to last you know, there were some ordinances that were just for a specific purpose for a short time, I gathered all of those, I separated them into different categories and put them in chapters, I wrote up an enabling ordinance, I went to the University of Illinois [College of Law] one afternoon, the law school, checked other city and county ordinances, how they had set up their enabling ordinance and stuff, and drew up one, and submitted it and the county board adopted it,

and I went back, well they adopted it when I was back in law school for my third year, and then he had told me when I had left, Mr. Calkins told me if you, well he said, "Well if you pass the bar give me a call and I'll hire you." So that's how I ended up in Peoria, My though was to come here for two or three years and go back to Naperville and that never happened.

LAW: Interesting, well let's get into just a little bit of this. You started off as an Assistant State's Attorney?

EBEL: Of Peoria County.

LAW: Peoria County. And that was just for a few years?

EBEL: Yeah that was from October of 1970 to December of [19] '72.

LAW: And so what kinds of cases were you handling?

EBEL: Well you started out with the traffic and misdemeanor and at the end of it I was doin' felonies. Now at that time "Mike" [Michael M.] Mihm was legal advisor for Peoria Police Department, he quit to run for State's Attorney and I was hired to take his place, actually they wanted me, I was gonna start in September but Calkins objected to me leaving before his term was up so the county and the city worked out a compromise where for two months, October/November, I was both an Assistant State's Attorney and legal advisor of Peoria Police Department, city paid half my salary and county paid the other half.

LAW: And then that was just for about a year then right?

EBEL: That was for two months, and then in December when Calkins left office I was a full-time legal advisor and that was December of [19] '72 but I left in July of [19] '73 I left to become an Assistant State's Attorney in Tazewell County, [Illinois].

LAW: You were Assistant State's Attorney over there for about eight years.

EBEL: Yeah I was, well, from about July of [19] '73 to about October of [19] '75 I was an Assistant State's Attorney and then I was made Chief Assistant State's Attorney until February 9th, 1981 when I was sworn in as an Associate Judge.

LAW: So, we'll get into that into a little bit more detail in that in our next one, but I just wanted to ask if the practice of law was what you thought it was going to be?

EBEL: I was never really in private practice, I was in public service all the time. So, I don't know what practicing law as a private attorney?

LAW: Well, what I meant was, was being State's Attorney what you thought it was going to be?

EBEL: Yeah it was like I thought it was going to be, better, and it was better than law school. If being a lawyer was like being in law school I wouldn't have been a lawyer.

LAW: Why is that?

EBEL: I did not like law school, I liked going to college, I did well in college, I didn't like going to law school; I didn't do as well in law school as I did there. I think it was the casebook method, you know, read these cases and we'll come to class and we'll talk about 'em. I preferred the lecture method which was what I had at St. Procopius where you go in, the professor lectures, you take notes and that was the same as the training in the Air Force, my tech training was lecture method, for me that's the best method to

learn. The idea of the Socratic Method where you get together and talk about things and nobody ever seems to come to a conclusion, I just didn't like that method but I stuck it out.

LAW: Now did your political or social views change at all during this time period after you were going to college and practicing?

EBEL: I think after becoming a prosecutor I became a little more conservative and I became – well I don't vote a straight ticket but I vote for more republican candidates than democrats. In college I voted in the democrat primary but I became an Assistant State's Attorney and since then I've been voting in the republican, unless there's somebody that I really want to support, a democrat I really want to support, than I would go over to the democrat primary. Mr. Calkins was a democrat by-the-way.

LAW: Yeah, I was gonna ask you about that. Now he was the last democratic State's Attorney of Peoria County.²

EBEL: Yeah, because Mike Mihm, Mr. Calkins didn't run for re-election and Mike Mihm, who had been the legal advisor, was elected, for two terms he went into private practice and he is now a retired federal judge.

LAW: I wanted to ask you a couple personal questions. At some point while you were an Assistant State's Attorney you met and got married, met your wife and got married.

EBEL: No, I didn't get married until I was a judge.

LAW: Oh, that's right, 1981?

² John Barra, State's Attorney of Peoria County from 1980-1988, was a Democrat. As was Kevin W. Lyons, State's Attorney of Peoria County from 1988-2011, and Jerry Brady, State's Attorney of Peoria County from 2011-present.

EBEL: Yeah, I beat my father's record, he got married at thirty-three, I got married at forty. I wish I would have got married a little earlier 'cause we only had one child, I think if I had gotten married a little earlier we might have had more than one, but.

LAW: So did you, you met her in the Pekin, [Illinois] area then?

EBEL: No I met her, she worked in the Peoria State's Attorney's office.

LAW: Okay, so how did becoming a husband and father affect your work life?

EBEL: I don't know that it affected the work life, but it makes you a different person, it makes you a more serious person 'cause you've got a lot more responsibilities, especially when you have a child. Our son, Dominic, was born in September 1985. A child is an amazing addition to your life, a child teaches you what unconditional love is 'cause your child loves you no matter what and there aren't many people in the world that do that; except your mother and father (chuckles).

LAW: Now, were your parents still around when you were?

EBEL: Became a judge, yes, they were, not for long.

LAW: What was their reaction?

EBEL: Well they were very happy, yeah, they were overjoyed. See, I became a judge in February of 1981 and my father died in July of [19] '81 from melanoma.

LAW: Oh wow.

EBEL: And then my mother died in March of [19] '82 of ovarian cancer, so they didn't last very long after I became a judge. My mother was here, though, to see me get married.

LAW: So by that point you were pretty well settled in the Peoria/Pekin area?

EBEL: Yeah I wasn't comin' back. I mean I would go back to Naperville and visit them on weekends, not every weekend, you know, and then I had two sisters that live up there which I still go back and see.

LAW: Well, Judge Ebel we've gotten you from birth to practicing law.

[01:00]

EBEL: Good and I'm still alive.

LAW: (Chuckles) Is there anything else you want to add about your background, has anything come to mind as we've been talking that we haven't gotten into?

EBEL: I'll think of something and let you know next time, or add it if I think of something. I've been mullin' this over in my mind since – I didn't know how specific you were gonna get as to dates and stuff, but.

LAW: Well I think we got the basic dates.

EBEL: Okay.

LAW: Born on Valentine's Day.

EBEL: No I was just wondering if I was going to have to give you the exact birthdates of my parents and the dates they got married and stuff, so I didn't.

LAW: Oh, well we got the years, we got the names.

EBEL: Okay, that's the only thing I was wonderin' about and I was thinking about my life before being a lawyer.

LAW: Okay, where are we on time Ben?

BELZER: Half-hour.

LAW: So, we're only about an hour in?

BEN: It's just one hour, one hour one minute.

LAW: Okay, well Judge Ebel I think we'll stop there.

EBEL: Sounds good.

[Total Running Time: 01:01:18]

END OF INTERVIEW ONE

BEGINNING OF INTERVIEW TWO

LAW: This is an oral history interview with Thomas Ebel. Today's date is December 3rd, 2015.

We're in the Peoria County Courthouse. This is our second interview and today we're going to talk about Judge Ebel's legal career. Judge Ebel, I thought we'd start today with, you got out of law school; you came down to Peoria to be an Assistant State's Attorney. Looking back, what were your first impressions of Peoria?

EBEL: They were favorable. I liked the town right away. Seemed to be clean and people that I interacted with were friendly. And Mr. [Robert] Calkins was very gracious and good to me.³

LAW: Tell me a little bit more about him. State's Attorney Calkins.

EBEL: He was a State's Attorney for one term. And as I said, when I finished my second year of law school, I sent out a bunch of letters at the end of my second year to a bunch of State's Attorneys, and I think some U.S. Attorneys, because I wanted to be a prosecutor. I got two interviews. One in McLean County and one in Macon County, (laughs) but neither one of them hired me. So it looked like I wasn't going to have a job for that summer, but right before the semester ended I got a call from Mr. Calkins, Peoria County State's Attorney, and he said: "The county board has just appropriated some money to codify the ordinances of Peoria County and would I be interested in codifying the ordinances?" And I said: "Yes." I came down here and worked the summer. Codified the ordinances and went back for my third year of law school. But before I left Peoria that summer he said: "When you pass the bar give me a call, I'll give you a job." I passed the bar and while I

³ Robert Calkins was State's Attorney of Peoria County from 1968-72. See, *Peoria Journal Star*, January 7, 2006, pg. B4, for Calkin's obituary.

was waiting for the results he said: "Come on down, I'll give you a job as a clerk until you pass the bar." So I worked for about two months as a clerk in the State's Attorney's office, and then passed the bar and I was sworn in on, I think, October 2nd, 1970 and started as an Assistant State's Attorney the next day.

LAW: Now how was the office organized? You know, how many lawyers were there? How was the work divided up?

EBEL: Well, there were a few part time lawyers -- actually there might have been more part-time lawyers than fulltime in those days. Especially in the felony division, almost all the felony assistants were part-time lawyers who had a private practice. The traffic, juvenile and misdemeanor assistants were fulltime. The civil assistant was fulltime. The First Assistant, and of course, Mr. Calkins were fulltime. Now as the years have gone on, that's changed to, it's almost completely, it may even be completely fulltime now, which is good because, when you had a part-time lawyer as a felony assistant; and Monday morning when all the felony trials are set, he had to resolve the case or go to trial. If he resolved the case he got to go back to his private practice and make money. So there wasn't a lot of incentive for a vigorous prosecution in that way. And that all changed under, I think, under Mr. Calkin's successor, Mr. Mihm, Mike Mihm, who's now a retired federal judge.⁴

LAW: So were you, where were you initially? What kind of cases were you handling?

EBEL: Oh, you start out in traffic and misdemeanor. That's where, that's where I started. I didn't start out in juvenile, some people start out in juvenile, but I started in traffic and misdemeanor, and then I started going up to doing arraignments in felony and then

⁴ Mike Mihm was State's Attorney of Peoria County from 1972-1980. In 1982 he became a U.S. District Judge for the Central District of Illinois, and served in that position until he took senior status in 2009.

started getting assigned some felony cases after about, oh, hmm, I'm trying to think. It was less than a year before he, he started assigning some lower level felony cases to me. And then I had a great opportunity to, to second chair a double murder.⁵ Bruce Becker was the lead prosecutor. I did a lot of the pre-trial investigation. And then I second chaired him at the trial and I really learned, I learned from Bruce Becker how to try a felony case. I mean, that was invaluable. And I got to do it early on in my career. So that really helped me later in my career. Because Bruce was a good trial attorney.

LAW: So this period of time there was a lot going on in the country. It was a time of -- I guess you could call it social unrest to some extent. Especially in some of the cities.

EBEL: Yes.

LAW: Did you witness any of this? And what were your thoughts on that? I mean, how did all that impact Peoria?

EBEL: I didn't witness any, but there was... there was some unrest in the Taft Homes, a public housing project. I don't recall any anti-Vietnam War demonstrations here, but there was a, there was a little bit of demonstrations and some low level rioting in that. I know the police had to, you know, call up, call up a lot of their officers in that, for the Taft Homes area.

LAW: Now was that related to some open housing demonstrations or something like that?

EBEL: I'm not sure what it was. It was -- there were, there were some street demonstrations, which later became demonstrations in Taft Homes that the police had to deal with. I remember that the head of the NAACP in Peoria, John Gwynn, led this demonstration and he was charged with -- I think it was disobeying a police officer. Went to jury trial and was found not guilty by the jury. The state's case was, well, the state's chief witness

⁵ See, *People v. Gorsuch*, 19 Ill. App. 3d 60 (3rd Dist. App. Court, 1974). Also see this transcript, pgs. 17-18.

was Captain Gail Owens of the Peoria Police Department and he said he had told John Gwynn that he had to get out of the middle of the street. He had sat down in the middle of the street, I think by Bergner's. Told him that he had to leave and others were sitting down, too, and he told them they had to leave or they'd be arrested. And he didn't leave and he was arrested. At the trial, of course, Captain Owens testified to that, and then John Gwynn's testified that Captain Owens never told him that. In fact, Captain Owens never talked to him. Well, before rebuttal we contacted some of the local stations here and we found one, one of the local stations had footage of John Gwynn sitting in the middle of the street and Captain Owens bending down talking to him. So I mean, it was a flat out lie when he said Captain Owens never talked to him. We had proof positive, we had on film Captain Owens talking to him. But the jury decided, you know, it was one of those jury nullifications. They decided it was best just to find him not guilty and move on. Which juries can do.

LAW: What would you, your assessment now? I mean what was the state of race relations in Peoria?

EBEL: It was, at that time there were some problems and I recall -- there were some problems at Manual High School, too. There were some demonstrations at Manual High School, that the police had to deal with. Nothing got out of hand and I mean there was no violence or damage. But there were a few days when there were some demonstrations. I don't remember what the demonstrations were connected to. I think it was the, I don't know what they were demonstrating about at Manual, but John Gwynn's had to do with housing, I think. But again I can't, can't remember any demonstrations against the

Vietnam War, even up at Bradley [University]. There might have been. I don't remember.

LAW: Now there was also, I guess crime was sort of increasing in the '60s.

EBEL: Yes it was.

LAW: Generally. What was your perspective on that in the State's Attorney's office? Did you see that? Was it readily apparent?

EBEL: No, I started in 1970 so I don't know what, I don't really know what the crime level was in the '60s. Now in the '70s I think there was a period of it increasing and that was when the federal government started pouring a lot of money into law enforcement agencies, and especially training. And the State's Attorneys got benefit of that, too, because we had two seminars a year where we went, we got some training in prosecuting cases; in December, up in Chicago, and then in June, down in Belleville, Illinois. They would last about three or four days and it wasn't just the elected State's Attorneys, but a lot of assistants were there too, and Mr. Calkin's always tried to take as many of his assistants with him as he could, had to leave some here to man the courts. And so in those years in the State's Attorney's office, we got a lot of good hands-on, hands-on training in prosecuting cases. Picking a jury, prosecuting cases, learning what the suppression rule was, how to deal with that. And I don't think, well, well maybe they do, I don't think they have that much training now. You'd have to ask Mr. [Jerry] Brady, he'd know that.⁶ But it was -- it was very helpful.

LAW: Okay. Now you're also a young man, a single man and I believe it was around this time that you met your wife.

⁶ Jerry Brady became the State's Attorney of Peoria County in 2011, and continued to serve in that position at the time of the interview.

EBEL: Yes. She was a secretary in the State's Attorney's office. Met her and later married her.

Sandra Jean Bach. And we married a little later in life. We only had one child, our son Dominic. He was born in September 14th, 1985. His full name is Dominic Thomas Ebel and he was a great joy and is a great joy to us. He was always a good child, never a behavioral problem, grew up into being a good young person. Right now he's in graduate school at St. Ambrose University in Davenport, Iowa and we're both, we're both very proud of him.

LAW: Now I always ask everyone how being a husband and a father impacted their work life.

EBEL: I think it makes you a more serious person. It makes you focus more on your work life and you learn, I think you learn the meaning of unconditional love, especially from a child. They love their parents, no matter what. And you know, except for maybe your own parents, there aren't many people that love you unconditionally in your life. And then you realize the responsibility. You brought that, you helped to bring that child into the world and you have some responsibility to raise that child into first of all a good person and a productive, law-abiding citizen and it's not always easy. (laughs) But it's worth it. They're a great joy.

LAW: Okay. So you were at the State's Attorney's office in Peoria County for about two years.

EBEL: Mm-hmm.

LAW: And then you went over and became the legal advisor to the police department.

EBEL: Yes. Mr. Calkins went out of office in December of 1972. And the police legal adviser had been Michael Mihm, who quit two months prior to that to run for State's Attorney and was elected and when he was elected I went to the city as legal advisor and --

LAW: So what were the issues you were advising them about?

EBEL: At that time?

LAW: Yeah.

EBEL: It was a lot of search and seizure in those days. A lot of warrants for drugs were issued, still are probably.

LAW: So it was kind of --

EBEL: How to charge or what to charge, you know, based on the facts of a case. Things like that. And we would be, I would be called, I would be called to the scene of every homicide to give them advice, if needed. And then sometimes I would just ride around with them at night, talk to them. See what life on the street was like. But then in July of 1973 I got an offer from the newly elected State's Attorney in Tazewell, Brett Bode, who now is also a retired judge, to come over there and --⁷

LAW: How do you think, how did he know to make that call?

EBEL: A mutual friend.

LAW: Mutual friend?

EBEL: I did not know him. But a mutual friend of ours, he needed a, he needed help over there. He had a vacancy and his friend says, you ought to call me. And I was kind of wanting to get back into trial work. You know, I'd been ten months or more as legal advisor and that had pretty well run its course and I wanted to get back to being a lawyer again and getting into the courtroom, so we met and talked and I started working over there.

LAW: Now State's Attorney Bode, he ran on reducing -- I guess you'd call them "pleas."

[00:15]

⁷ C. Brett Bode was State's Attorney of Tazewell County from 1972-1976. In 1982 he became an Associate Circuit Judge and served in that position until his retirement in 1999.

EBEL: Yeah. Yeah. We had -- the previous State's Attorney was under a lot of criticism for negotiating too many cases not going to trial.⁸

LAW: Negotiated pleas, that's right.

EBEL: You negotiate a plea, yeah. So we, that was his policy and we cut down on that, we had more trials. And when I went there the First Assistant was a Tony Corsentino, he was from Chicago. He had been an Assistant State's Attorney in Cook County and been a Chicago police officer before that. And again, I learned a lot from him about prosecuting cases. And after about two years he went into private practice and then I replaced him as the Chief Assistant State's Attorney.

LAW: Now were you working with Tony on cases?

EBEL: Yes, we worked together on some cases and then I had my own cases I handled by myself and he had his own. But we could always talk and you know, talk about any problems we had in a case and bounce ideas off of each other about how to do this and I learned, I learned a lot from Tony on preparation, about -- because he really, he really worked hard at building a case, preparing it. When he went to trial he was prepared. You know, he had thorough investigation, I mean the police did an investigation and he filled in any holes that the police may have left and just built rock solid cases. And that's what I learned from him.

LAW: Are there any memorable cases from that, those first few years while Bode was State's Attorney?

EBEL: Well, there was -- a fellow who was killing coeds over in McLean County. And I can't remember his name.

LAW: Sumner?

⁸ Bernard L. Oltman was State's Attorney of Tazewell County from 1965-72.

EBEL: Sumner, that's it. Jesse Donald Sumner. He had killed several college coeds over there.

And he had been charged with several murders over there and one of the girls he killed, he dumped her body on County Line Road, which was the road between McLean and Tazewell County. He made the mistake of dropping her body on the Tazewell side of the road, which meant Tazewell had one of those cases and Tony prosecuted it and he was a much better, highly, more highly effective prosecutor than anybody they had in McLean at that time, so -- and that was the first case that went to trial and he was convicted and sentenced. So that was, that was the first memorable case over there when I went. Now I didn't do any courtroom work, but I helped Tony a little bit. Not much. He did most of it but I was there and sat in on some of his meetings with the witnesses, or listened to him, yeah.

LAW: Do you remember at all the Delavan Theater case?

EBEL: Yep. That was another Tony prosecution. Obscenity. He, he prosecuted that and I don't think he got a conviction, did he? I'm trying to remember.

LAW: Well, he did on the local level but then lost on appeal.⁹

EBEL: Okay, that's right. He got, he got a jury verdict, lost on appeal and so the theater stayed in business. Because the State's Attorney was getting a lot of pressure from people in Delavan, a small rural town and here's this, here's this adult porn theater in town. Eventually, though, the owner, it closed, the owner died of cancer, I believe. I'm not sure how long after that, but -- that kind of died down after that prosecution. The people no

⁹ See, *People v. Thomas*, 24 Ill. App. 3d 907 (3rd Dist. App. Court, 1975), *People v. Thomas*, 37 Ill. App. 3d 320 (3rd District App. Court, 1976), and *City of Delavan v. Thomas*, 31 Ill. App. 3d 630 (3rd Dist. App. Court, 1975). Also see, *Village of Morton v. Thomas*, 116 Ill. App. 3d 676 (3rd Dist. App. Court, 1983), which relates to another obscenity trial in regards to an adult movie theatre in Morton, Illinois. Thomas lost his appeal and the theatre closed. The case was then utilized as legal precedent in the drafting of an ordinance in Delevan that resulted in the closing of the theatre there.

longer blamed the State's Attorney for doing nothing. Then they could blame the Appellate Court.

LAW: Now I've heard Pekin characterized as a pretty wild town to some extent. Did you witness any of that? I mean --

EBEL: Well, there's -- the south side of that town where there were some pretty rough taverns and there was some burglaries and thefts and some assaults and robberies, and South Pekin, too, where the, where the biker gang's headquarters was.

LAW: Was that the Arapahoe's?

EBEL: No, no.

LAW: A different one?

EBEL: It was, the Pfeiffer's ran it. I want to say the Grim Reapers, but I'm not sure that was right. But they really didn't have much; they didn't have many cases in court. They just, you know, were a nuisance and a bit of a troublemakers, but they didn't have any really serious cases in court. And then Tazewell had its share of murders. Although it didn't have as many as Peoria, of course.

LAW: Right, right. Now did you ever try any capital cases?

EBEL: No, never.

LAW: Never?

EBEL: Never. There was -- I'm trying to think of -- there was one in Peoria, a capital case where he was convicted and he was sentenced to death, too. But at that time -- I was either still in the State's Attorney's office or I was a judge. No, I was a judge at that time. Because the trial was here in front of Judge [Donald] Courson.¹⁰ It was a man

¹⁰ Judge Donald Courson became an Associate Circuit Judge in 1979, and was appointed a Circuit Judge in 1982; he was elected to that position in 1984. He retired in 2001.

who, with an extensive record who had killed a woman and cut her open. Almost like when you butcher an animal and the jury found him guilty and sentenced him to death. Although God intervened and he died in prison before they were able to execute him. That's the only death, that's the only death penalty case that we had except -- we didn't have any while I was a State's Attorney in either county. And we had two while I was a Judge and that was -- that case and there was one in Stark County, where a fellow killed a deputy and the neighbors, a neighbor couple.¹¹

LAW: Now I take it you probably moved from Peoria to Pekin.

EBEL: Yes, I did. When I started working in the State's Attorney's office I moved down there.

LAW: So first impressions of Pekin.

EBEL: Oh no, I didn't move. I take that back. I didn't moved to Pekin, I stayed in Peoria.

LAW: Did you really?

EBEL: Yep.

LAW: Okay. So the whole time you worked in the State's Attorney's office you just commuted over.

EBEL: Yeah. It was only, it's only nineteen miles from my house to the Pekin Courthouse. And it's also -- there are some rough, rough people in Pekin and some of them are defendants and I was threatened one time by one of them and you know, it's a little safer to leave there and drive into Peoria. To people in Pekin, this is a vast metropolis over here and it was harder to find me, where if I lived in Pekin it would be easy to find me.

¹¹ See, *People v. Enoch*, 122 Ill. 2d 176 (1988), *People v. Enoch*, 146 Ill. 2d 44 (1991), and *Enoch v. Gramley*, No. 94-3470 (7th Cir., 1995). Also see, *Chicago Tribune*, June 11, 2000, pg. 4C2. For the Stark County case, see, *People v. Thompson*, No. 97373 (Illinois Supreme Court, 2006). Also see, <http://www.chicagomag.com/Chicago-Magazine/September-2002/The-Bully-of-Toulon>.

LAW: So how did the Tazewell County State's Attorney's office compare to the Peoria County State's Attorney's office?

EBEL: There was less volume in Tazewell.

LAW: It's just size? But were the, was the types of cases any different?

EBEL: Well, there were more murders here. More armed robberies and rapes. And you know, more burglaries and thefts than there were over in Pekin.

LAW: Okay, so just numbers really.

EBEL: Well, numbers and race. The majority of murder defendants in Peoria were black. In Tazewell they were white because there weren't many African Americans living in Tazewell. There were a few. But they were law-abiding. I can't -- in all the years I was over there I can only remember a few black defendants over there.

LAW: Okay. Now the local bar. I know you were just working with them as a State's Attorney, but from your vantage point, what was the composition, starting first in Peoria, what was the composition of the local bar in terms of race, ethnicity, gender, age, experience?

EBEL: White males. Vast major of the bar, there were only, there were, oh, I can remember maybe three women lawyers. I'm sure there were more, but I only had contact with three. They were white males. And as far as experience, you had the older lawyers who were probably with the most experience and then you had a middle group and then you had those that were, you know, within ten years of graduating from law school. There were a few black male lawyers. But again there weren't -- like there was Joe [Billy] McDade who is now a retired federal judge, he was one of them.¹² Don Jackson. He's the head of the NAACP here in Peoria. I see him in church almost every Sunday. There

¹² Judge Joe Billy McDade was an Associate Circuit Judge from 1982-1988, a Circuit Judge from 1988-91, and a U.S. District Judge from 1991-2010, when he went on senior status.

were no black Assistant State's Attorneys. There was one, there was one female assistant. And I think there was another, there was another black lawyer, but I didn't have any interaction with him because I think he did mostly civil work. Now when I went to Tazewell there were no black assistants. There was one woman assistant, again, and all the rest were white males.

LAW: Now was the bar, were most lawyers general practice? Or were they specialized?

EBEL: Most of them were general practice, back then. And only a small minority of them did criminal work. Most of them did general practice, civil work.

LAW: Now who would have been some of the more prominent attorneys at the time?

EBEL: Defense attorneys? Criminal defense?

LAW: Yeah.

EBEL: There were the big three. There was Robert Jones, Jack Brunnemeyer and Jim Reynolds.

They were the big three criminal defense attorneys when I came to town. I tried cases against Mr. Jones and Mr. Brunnemeyer. I never tried one against Mr. Reynolds, but when you've got them in the courtroom, you had a fight on your hands.

LAW: Now they had been there for a while?

EBEL: Oh yeah, they were older.

LAW: They were older? Okay.

EBEL: Yeah, they were, they were in their fifties on up. And they had a lot of years' experience.

And of course, there was a high rate of turnover in the State's Attorney's office back then, you know. Lawyers stayed for two or three years and then they went into private practice. Same in (clears throat) -- pretty much in Tazewell the same way. And so the

experience, experienced criminal defense lawyers had an easy, an easy picking sometime with the young prosecutors fresh out of law school.

LAW: Now what about over in Tazewell? Was it, in terms of the specialization.

EBEL: No, I think it was the same. Pretty generally civil. State's Attorney's office was, there was a little more stability there. There were, like the female lawyer over there had been there for many years and stayed there for a long time.¹³

LAW: But she handled juvenile cases, right?

EBEL: Yeah, she worked part time. And she was, she was a long-term -- the First Assistant, Dennis Sheehan, he was many years there. But you know, and the rest of them, there was a turnover.

LAW: Okay. Were there any well-known criminal defense lawyers over there?

EBEL: Well, there was a case in Tazewell one time where, and I had nothing to do with it, but the defense brought in Melvin Belli.

LAW: Okay, yes. Was it that "Strawberry Alarm Clock" case?

EBEL: That's it, Strawberry Alarm, you got it.

LAW: Melvin Belli.

EBEL: Yep. That was probably the most, that was probably the most famous lawyer over there.

In Peoria, on the Cleve Heidelberg case, he was the man who killed a police officer, Sheriff's Deputy, Raymond Espinoza -- Kunstler, remember Kunstler from the Chicago Seven? I'm forgetting his first name.

LAW: William, I think.

EBEL: William Kunstler, yeah. He came down for a while on that case and then left. Because it was, it was Jack Viele who ended up defending Heidelberg. And, but Kunstler, in the

¹³ Betty Cassidy.

preliminary stages Kunstler was down here involved in the case. So those are the two most famous lawyers.¹⁴ (laughs)

LAW: I imagine that one must have been a pretty high profile case.

EBEL: Yep. Very high profile, yep. I mean he --

LAW: What was the outcome?

EBEL: He was found guilty and given, I don't know, ninety-five years or something like that.

He's still in jail, I think, if he's alive. He -- and it was a cold-blooded murder. Sergeant Espinoza was parked in his squad car out by the Belleville Theater. They got a report of an armed robbery. And he was parked outside waiting for the robber to come out. And he was sitting in his squad car. It was a warm, the windows were open. Heidelberg, Heidelberg came up behind him, out of the bushes, walked up behind him and just shot him. Right, right behind the, like at the left side of the head.

LAW: What was the motivation? Was it ever determined?

EBEL: No. He, I mean, Sergeant Espinoza didn't know that he was already out and in the

[00:30]

bushes. Now I didn't know, I don't remember what mode of travel he had to get back to Peoria, but I mean, he could have just kept walking into the woods. But, because Sergeant Espinoza didn't know he was there and he was not a, you know, but he just walked up there, shot him and -- there was some anti-police, you know, from the '60s left over, anti-police feelings, into the '70s, into what, '75 or so, when the Vietnam War ended. And then he fled into Peoria and Peoria police had a huge manhunt here and the Peoria police caught him.

¹⁴ This case took place in 1970. See, *People v. Heidelberg*, 33 Ill. App. 3d 574 (3rd Dist. App. Court, 1975).

LAW: Now back to the lawyers. Was there a lot of carryover, in terms of were attorneys coming from Peoria to practice in Tazewell and vice versa?

EBEL: Not much.

LAW: Not much?

EBEL: There were a few. Now like the big three defense attorneys, if they had a big case over there, criminal case, they would go over there. But the civil, I think the civil bar pretty much stayed in their own county. And the Tazewell bar would go out to some of the rural counties like you know, Fulton and Woodford and --

LAW: Now State's Attorney Bode, he decided not to run for re-election.

EBEL: Yes. He decided to go back to private practice where he could make some money.

LAW: And then the State's Attorney --

EBEL: I think back then the State's Attorney of Tazewell County made \$35,000.

LAW: Right, right. So a lot of that salary had been eaten away by inflation and --

EBEL: Yeah. Well, that was a high inflation time. The '70s there.

LAW: Now his, ultimately his replacement was Bruce Black.¹⁵

EBEL: Yeah.

LAW: And he had already, he was already --

EBEL: He was an assistant.

LAW: Right, right. Now how did he compare to, to Bode? Was he doing anything differently?

Or it was all pretty similar?

¹⁵ Bruce Black was State's Attorney of Tazewell County from 1976-1985. From 1985-2001 he was a Circuit Judge. In 2001 he was appointed a Judge in the U.S. Bankruptcy Court for the Northern District of Illinois where he continues to serve.

EBEL: No, he pretty much followed through on the policies that Brett Bode had instituted. He was a hard worker. I'm not saying that Bode wasn't, but I mean a lot of times we'd get there, I'd get there before 9:00 and Bruce would already be in his office working.

LAW: Now by the time he was State's Attorney, were you his, you were not his First Assistant yet?

EBEL: Yes I was.

LAW: You were.

EBEL: Yeah. I was First Assistant under Bode and then I --

LAW: So you took over when Tony left.

EBEL: Right. When Tony left I took over and then Bruce kept me as First Assistant. Chief Assistant, they call it over there.

LAW: Give us an idea of what that, that involved, being the First Assistant.

EBEL: Well, you were largely responsible for the felony division. My job under both Bode and Black was to supervise the felony division. So I handled, I mean any felony assistant could file a felony case, but they had to bring it to me right at, right away and I would assign, I would present it to the grand jury and assign an assistant to it and track the case. And I would assign so many to myself also. And usually I would assign the case to the assistant that had filed it. That was a little more efficient because he knew something about the case and it also, it also tended to weed out filing weak cases. Because if an assistant -- if he knows when he files a case he's going to try it, he won't try a weak case.

LAW: Okay. I wanted to ask you about some of the judges from that particular time.

EBEL: Sure.

LAW: Let's start with Peoria. Do you have any memories of Judge Calvin Stone?¹⁶

EBEL: Sure do. He was the first judge that I appeared in Felony Court. When I was assigned to Felony Court he was a Felony Court Judge here. And when we tried the Gorsuch case, as I told you, the double murder I second chaired with Bruce Becker, that was the Gorsuch case, Todd Gorsuch where he murdered his 11-year-old sister and her 12-year-old girlfriend out in the woods, out by Jubilee State Park. And he was 14 at the time. That was a three-week trial and Judge Stone was the judge in that case and he, along with Bruce Becker and Tony Corsentino, I probably learned the most criminal law from. He was an excellent Judge, he knew the law. He was fair. And I really enjoyed appearing in front of him. And he was, he was fair, he was fair to both sides, but, and he was fair when it came to sentencing and -- but when you went into court you had to, you'd better know the law.

LAW: Now how about Judge Robert Hunt?¹⁷

EBEL: I didn't appear in front of him very often. He, I believe when I was in Tazewell he was in Felony Court one year. I had no problems with him. Yeah, he was a fine gentleman but he really was a civil lawyer. He liked civil law and he preferred being in Civil Court. So I, I mean he did fine and we got through, but it wasn't like being in front of Judge Stone.

LAW: Okay. How about Charles Iben?¹⁸

¹⁶ Judge Calvin R. Stone was a Circuit Judge from 1968-1988.

¹⁷ Judge Robert Hunt was a Special Master in Chancery from 1952-61, a Probate Judge from 1961-64, an Associate Judge from 1964-68, and a Circuit Judge from 1968-82.

¹⁸ Judge Charles W. Iben was a Justice of the Peace and Police Magistrate before being elected as the County Judge of Peoria County in 1960. He went on to become an Associate Circuit Judge, and Circuit Judge. He was not retained in 1978.

EBEL: I -- when I first became a lawyer and an Assistant State's Attorney in Peoria he was a Felony Judge, but I was in Misdemeanor and Traffic so I had -- by the time I got to Felony Charles Iben was gone and Judge Stone was a Felony Judge.

LAW: You may not have heard, you may not have had any cases in front of these two, but I want to ask anyway. Edward Haugens?¹⁹

EBEL: Haggens [Haugens].

LAW: Haggens [Haugens]

EBEL: Yeah, that's how he pronounced-- yeah, he's a Marshall County Judge and I -- I didn't have any cases in front of him.

LAW: What about Albert Pucci?²⁰

EBEL: Ah, nope. He was -- in Hennepin, Putnam County.

LAW: And C.M. Wilson?²¹

EBEL: Oh, I had a lot of cases in front of him. He was Stark County Resident Circuit Judge. He was something of a character. No disrespect, but he wasn't as knowledgeable in the law as Judge Stone was and, and he wasn't as easy to work in front of. I mean, Judge Stone would put in the hours no matter what. But Wilson wanted to get back to Stark County a lot and -- I do remember one thing about Judge Wilson. Tried a felony case in front of him. The jury found the defendant not guilty. (laughs) And before he dismissed them Judge Wilson said to the jury, "Ladies and gentlemen, there's been a lot of talk about how us Judges let criminals go. Remember, I didn't let this one go," (laughs) and the

¹⁹ Judge Edward E. Haugens was a Judge in Marshall County for twenty-three years, he retired in 1981.

²⁰ Judge Albert Pucci was the County Judge of Putnam County from 1942-63, and an Associate Circuit Judge and then Circuit Judge from 1964-78. He was not retained in 1978.

²¹ Judge Charles M. Wilson became an Associate Circuit Judge in 1964, a Circuit Judge in 1972 and retired in 1984.

jury kind of was froze and shocked there for a little bit. Because the guy was clearly guilty.

LAW: Okay. Now out in Tazewell County --

EBEL: As a follow up --

LAW: Okay, go ahead.

EBEL: Three weeks later that guy was charged again with the same crime and the second jury convicted him. (laughs) So Judge Wilson was right.

LAW: Now I believe when you went out to Tazewell in '73, the judges out there would have been Ivan Yontz and James Heiple?

EBEL: Yes, they were the two Circuit Judges. And then there were four Associate Judges.

LAW: Okay. Any memories of, how about we start with Yontz first.²²

EBEL: Yes, I appeared in front of him many times. Good Judge, a real gentleman. And sort of a -- very good public speaker, you know, sort of an outgoing, dynamic guy. He was very fair to defendants. And if a criminal defendant wanted a trial he would give them a fair trial but the defendant better win it. Because he was, he was a pretty heavy sentencer. He sentenced heavier than most Judges.

LAW: Judge Heiple?²³

EBEL: He was a very good Judge. I appeared in front of him. You know, about as many times as I did in front of Judge Yontz. He was a very good Judge, he knew the law and that and -- again, like Judge Yontz, he was fair but he intended to impose heavy sentences. More so than the Peoria Judges did at that time. The two in Tazewell tended to impose heavier

²² Judge Ivan Yontz was twenty-eight, and the youngest Judge in the state when he was elected the County Judge of Tazewell County in 1950. He later became an Associate Judge, and then a Circuit Judge, retiring in 1985.

²³ Judge James D. Heiple was a Circuit Judge from 1970-1980, an Appellate Court Justice from 1980-1990, and an Illinois Supreme Court Justice from 1990-2000.

sentences on defendants that were found guilty. They wouldn't reject negotiated pleas, but if you went to jury trial or a bench trial and were found guilty, then they would impose a heavier sentence than was generally imposed here in Peoria County, at that time.

LAW: Now you mentioned some Associate Judges.

EBEL: Well, at that time there were four in Tazewell and six in Peoria, Associate Judges.

LAW: Now would one of them have been Carl Davies?²⁴

EBEL: Yes, Carl was one of them.

LAW: Any memories of him?

EBEL: No. I didn't appear in front of him very often and he -- I'm trying to remember. He died, he was in bad health when I went over there and he died, I don't remember when but --

LAW: In like around '77?

EBEL: Yeah. Yeah, that would be it. Because I was still in the State's Attorney office, yeah.

Probably the one I appeared most in front of was Judge Reardon.²⁵

LAW: Now which Reardon?

EBEL: William.

LAW: William, Okay.

EBEL: William J. Reardon. Very good Judge. Very thorough and meticulous. He used to have the longest arraignments. (laughs) Longest arraignments of any Judge. (laughs) You were better off, we used to joke about it, that it's better to go in and try a case than to sit through some Riordan arraignments because they went on and on and on and on.

(laughs) Yeah. And then there was Art Gross.²⁶ And he was -- he knew the law and he

²⁴ Judge Carl O. Davies was a Magistrate Judge, and later an Associate Judge, in the late 60s and early 70s in Tazewell County. He died in 1977.

²⁵ Judge William J. Reardon was a Magistrate Judge, and later an Associate Judge, from 1965-2000.

²⁶ Judge Art Gross was an Associate Circuit Judge from 1970-95.

was very intelligent. He had some little idiosyncrasies, though. And he ended up in the penitentiary himself, so.

LAW: He did? What happened?

EBEL: He got into drugs.

LAW: No kidding. Huh.

EBEL: He became addicted. Became addicted and you know, fell down on the job and, you know, the quality of his work suffered and then he was arrested. I believe it was an undercover operation by the MEG Unit. He was arrested for possession and a large amount and I think he was put on probation and then, I don't know, then I think he violated probation or something. But then he ended up in the penitentiary for a few years. And of course, was removed from the bench. And I still see him every once in a while. He belongs to RiverPlex Athletic Center where I belong and he's a runner. I see him and talk to him every once in a while there. And then the fourth one was, if I can remember, let's see, there was Carl Davies, William Riordan, Art Gross. And the fourth one really, the fourth name escapes me. I remember mostly Riordan and Gross because they're the ones I appeared in front of most. You have a name there?

LAW: Mm-mm. Well, could it have been Charles Perrin?²⁷

EBEL: Later on, yeah. But that was after, he became a Judge after I was a Judge. So I really, I think the fourth judge --

LAW: [James P.] Ault?²⁸

²⁷ Judge Charles J. Perrin was an Associate Judge from 1977-1987.

²⁸ Judge James P. Ault was an Associate Judge from 1987-2000, and a Circuit Judge from 2000-2006.

EBEL: No. He became judge after I was a judge. He, the fourth one, mostly, I don't know, I don't have any recollection. Because I appeared, most of my appearances were in front of Gross, Riordan, Yontz and Heiple. It'll come to me. Middle of the night.

LAW: Yeah, I don't have it. Unless it was, could it have been Steven Covey?²⁹

EBEL: No, he was a Circuit judge and I appeared in front of him. In Tazewell. Because he was on the county bench for a while. Another, another good judge. Steven Covey was, he was the quickest at assimilating facts. He could assimilate facts really quickly. And identify the issue and again, he gave you a fair trial, knew the law and he was a fair sentencer. He -- didn't sentence quite as heavy as Judges Yontz and Heiple did, generally. But he was another good judge to appear in front of.

LAW: Okay, I don't have it. Okay.

[00:45]

EBEL: Richard Eagleton, another Judge I appeared in front of.³⁰ Circuit Judge, another good Judge. Knew the law, was fair. At trial and at sentencing. Took a little longer to do things than he had to but that was the pace at which he moved. And he, he's the one we talked about, being a Naval Reserves, right? Yeah. He was, I think he ended up being a Captain at the end. Because he'd go away two weeks every year. For the Reserves. Served as a JAG officer, I believe.

LAW: Now you would have heard cases in front of him in Peoria.

EBEL: Yes, and Pekin. He was in Pekin a while. So I -- well, actually I appeared in front of him in Pekin. I don't think I ever appeared in front of him in Peoria. It was Pekin.

²⁹ Judge Steven J. Covey was a Circuit Judge from 1974-1987, and then a U.S. Bankruptcy Judge for the Northern District of Oklahoma from 1988-1996.

³⁰ Judge Richard Eagleton served as the U.S. Attorney for the Central District of Illinois from 1965-69, and in 1970 was elected a Circuit Judge, he served in that position until 1990. Judge Eagleton also served for 34 years in the U.S. Naval Reserve, and retired as a Captain in the JAG Corps.

LAW: What about Robert Manning?³¹

EBEL: Appeared in front of him in Peoria. He never was in Pekin when I was there. A fellow graduate of Notre Dame Law School, as I am, and another good Judge. He was kind of stern and hard to get to know. In fact, his nickname among some lawyers was “the Sphinx.” (laughs) Because he seldom smiled. He was all business.

LAW: Okay. So I wanted to ask you some general questions about the '70s. We talked a little bit about -- in our last interview we talked a little bit about Vietnam but the '70s, especially the early '70s, this is -- any memories or thoughts on President Nixon or Watergate or I guess we could take, those are two different things but --

EBEL: Well, when I was in the Air Force, from '60 to '63 Vietnam was not an issue. We had some advisors there, but no combat troops. I don't think we had any combat troops there, I should say. I was stationed at Kadena Air Force Base in Okinawa in an Intelligence unit and we -- at one point we were ordered to set up a sub unit in Vietnam at one of the air bases. And our commander decided that he would first call for volunteers and if he couldn't get enough he would assign people. Well, I volunteered, but then we had so many people volunteering that they didn't need all of them so I never went to Vietnam except to refuel one time in there, twice in Saigon when I was going to and from Bangkok. But -- so we had set up a subordinate unit. In about probably '62, maybe '61. And then I got out in April of '63, so I had no more, you know, not much knowledge of Vietnam except what I read in the newspapers and saw on TV. And President Nixon, you know I had no feelings either one way or the other about him. Watergate was a terrible thing and it was inexcusable. I mean --

LAW: Being a lawyer at the time, what were your --

³¹ Judge Robert Manning was an Associate Circuit Judge from 1977-1980, and a Circuit Judge from 1980-1997.

EBEL: Well, Nixon was so far ahead in the polls for re-election, he didn't need to get involved in that, but as I understand it, he was a very intelligent guy but he was paranoid. See, he was first elected in '68, right?

LAW: Mm-hmm.

EBEL: Okay. Because I was in law school then, right?

LAW: Mm-hmm.

EBEL: I remember, I remember the Kennedy-Nixon debate, the one on television where Nixon looked pale and sick and he had on a light suit coat and Kennedy had on a dark suit coat and he was young and he looked healthy and there was a real contrast. I remember that. There was some -- when I was at law school at Notre Dame there was some, yeah, it was back then kind of, it was a conservative campus, it's less so now, but there were some student demonstrations against the Vietnam War on campus when I was in law school.

LAW: Yeah, you talked to me a little bit about that last time. But you said it was mainly just the undergrads.

EBEL: Yeah, the law students, none of the law students, I don't know if any graduate students did, but none, it was a small law school, I think. We graduated with 120 in my class, so it wasn't a very big law school. It's a lot bigger now but back then it was, we're talking about 120 to 150 in each class. We had some veterans. Had two in my class. They were former Marine Corps officers and one of them had been to Vietnam. In fact, he had commanded one of those hilltop outposts, Marine outposts, sort of an observer post, to watch and listen at the top of a mountain surrounded by sandbags. And actually the three of us were pretty good friends because we had something in common. And when I was a first-year law student, a third year law student was Peter King, the congressman from

New York who's (laughs) on TV all the time. And then there was another veteran, I probably mentioned this, didn't I? But the other veteran was older than me, he was the pilot of Marine One in the Johnson administration. Took Johnson to and from the White House to Langley.

LAW: Now we kind of alluded to this earlier about the inflation and --

EBEL: Yeah, in the '70s it was really, I think the early '70s was one of the highest periods of inflation in our history. It was -- and when I bought a house in 1982 the best interest rate I could get was eleven percent. And that was with my veteran points. So. But.

LAW: Do you remember any gas lines or anything?

EBEL: Yeah. During the Carter administration there were some gas lines. But you know, interest rates were high but also your savings account made a whole lot more money then it does now. I can remember in the '50s, my parents' savings account making fifteen percent.

LAW: Now I did want to ask you, I found this appellate case and it involved, you kind of became party to a case in the sense that it was involved in a, I don't know if it amounted to a fight, but it was, I think some words were thrown around between you and a --

EBEL: Deputy Louis Sommer.

LAW: Yeah. I didn't really want to ask you anything --

EBEL: No, go ahead.

LAW: -- too specific about it other than what was it like to be a part of a case rather than trying the case?³²

EBEL: Well, I was -- I don't think any, there was -- there wasn't any court case trial. I think it was a Sheriff's Merit Commission. I was the attorney for the Sheriff at that time and I

³² See, *Sommer v. Goetze*, 102 Ill. App. 3d 117 (3rd Dist. App. Court, 1981).

represented him at the Merit Commission and the Sheriff, Sheriff Jim Donahue had charged Deputy Sommer with some infraction and of course, I in effect was prosecuting him. And Louis didn't take too kindly to that. I think Sheriff's Merit Commission just found him guilty and disciplined him but the Appellate Court overturned it and then there was a case involving, I was at a tavern in East Peoria with a friend of mine, Chris Lavin who was an East Peoria policeman, and Louis came in there and talked to us a little bit. He was okay. And then Lavin went to the bathroom, Louis said, "Well, one of these days I'm going to kick your ass," and then Lavin came out and Louis shut up. So I reported it to the Sheriff. Not because I wanted Louis charged or anything, but I just told Sheriff Donahue, "Look, if I find, if you find me beaten to a pulp in an alley some night, start with Louis Sommer because he's threatened to do that to me," so the Sheriff talked to Lavin and then the Sheriff decided to charge him. And then the Appellate Court found it wasn't really conduct unbecoming an officer, I think because he was off duty and we were drinking in a tavern. And so Louis got his job back. And I used to see Louis every once in a while because when he retired from the Sheriff's Department he was a courier for the banks here in town and sometimes when I was going to lunch I'd see him carrying a courier sack into a bank (laughs) or something. But we never talked again after that and he never did get around to beating the shit out of me. (laughs)

LAW: Well I had to ask you about it. I thought that was kind of unique.

EBEL: Yeah. Well, that's, yeah, that was a case. I wish now I'd never told Sheriff Donahue about it. (laughs)

LAW: Okay. Before we move onto judging, is there anything else that we should cover? In regards to working as an Assistant State's Attorney?

EBEL: Well, you were asking about interesting cases. One of the murders, cases I prosecuted was a fellow by the name of Paul Phillips who killed a coed at ICC College in a bathroom.³³ Her name was Brenda Roberts and it got so much publicity here that we had to move it out of, the Judge moved it out of Peoria. It was moved down to Decatur, Macon County. And the judge was Judge Heiple and he went with us down there. And Bruce Black went with me. He second chaired me. I think that was his first murder case. And tried him and convicted him and he was sent away for a long time and he is still in the penitentiary. His requests for parole are always denied. And probably because he had a conviction for attempted murder or molestation of a girl up in Chicago before he moved down here. So he had, he had tried to molest a girl or did molest her, I don't know, and then choked her, thought she was dead but she wasn't -- if I'm recalling the facts right. Had served his probationary period and then moved down here. And he told, he told the East Peoria officer who was transporting him to the psychiatrist in Bloomington for an examination or maybe when he was coming back, he told the East Peoria officer, "If they let me out I'll just do it again," so that's probably a big reason why they're not letting him out on parole.

And then the other interesting case in Pekin was James Childers, who killed his mother, his brother and his stepfather.³⁴ Multiple stab wounds to the mother. Some gunshot wounds and stab wounds to his stepfather and multiple stab wounds to his brother. And he was convicted in front of Judge Heiple and got, well, he's still in prison. I don't remember the exact years, but it was -- he'll never get out unless they parole him. And he was seventeen at the time. I knew the family. His best, his best friend in high

³³ See, *People v. Phillips*, 58 Ill. App. 3d 109 (3rd Dist. App. Court, 1978).

³⁴ See, *People v. Childers*, 94 Ill. App. 3d 104 (3rd Dist. App. Court, 1981). Also see, http://www.illinoiscourts.gov/R23_Orders/AppellateCourt/2015/3rdDistrict/3130647_R23.pdf

school, him and his mother were friends of mine. I knew his mother and him. And I would sometimes, they both were on the Pekin baseball team and I would sometimes, if I had time, go watch a game and that's how I got to know him. I didn't know him well, but I knew him. And I didn't know his mother and stepfather and brother but I knew who they were because they would come to the games, too, and watch but I never had any interaction with them, so. Yeah, Bruce Black tried that case. And I did some of the pre-trial investigation on it and that was -- don't know what happened to him there. Never been in trouble. Was a star athlete. And he wanted to get married and his parents wouldn't sign for him because he was underage and one night he killed them all. Well, he killed his parents and then his brother was trying to get away. Couldn't get the front door open and he, Jim caught up with him and stabbed him multiple times as he's trying to get out of the house and get away, so that was a rather gruesome one.

LAW: Now on those murders, the two different cases, were those three prominent criminal attorneys involved? Do you remember who the opposing counsel was?

EBEL: Well, in the Childers case it was Art Inman. No, I'll take it back. In the ICC coed case it

[01:00]

was Art Inman. On the Childers case it was Joe Napoli. It wasn't any of the big three criminal lawyers. The one in Peoria, the Gorsuch case with the 14-year-old who killed his sister and her girlfriend, that was Walter Winget. So we had none of the big three on them. But they were all competent lawyers. The Gorsuch case, there was an article in one of the true crime magazines about that case. And there might have been one on Childers, too, made one of the crime magazines. But I think those three murder cases are the three murder cases that stand out.

LAW: They stick with you?

EBEL: Yep.

LAW: Because of the nature of the crime? Or just because of the challenge of the work?

EBEL: Well, both. But -- they were all a unique set of circumstances. I mean, a 14-year-old boy kills his 11-year-old sister and her 12-year-old girlfriend, a 17-year-old boy kills his mother and his brother and his stepfather and then a person, a convicted sex offender comes down here, enrolls in college, gets a part time job at the Y and meets this girl who was in some sort of a Christian Evangelical Church and was, befriended him and was sort of counseling him and then he, he meets her one night at the college about 8:00 and shoves her into a bathroom and strangles her. I mean, those are three unique or unusual circumstances. I mean, a lot of murders are run of the mill. They're a bar room fight that gets out of hand, it's a domestic fight where somebody dies or somebody's killed in an armed robbery, those are, you hate to say murder's routine, but those are pretty routine cases.

LAW: I guess I should ask also if, did you ever handle any cases on appeal?

EBEL: No, I never did any appellate work.

LAW: Now who would have been responsible for the appeals?

EBEL: Well, when I was in the Peoria State's Attorney's office they had an attorney, Ronald, or Roland Litterst. He handled all the grand jury and he did all the appeals. He didn't do any trial work. He was very good at both. When I went over to Tazewell, I think by that time the State Appellate Prosecutors Office had been created.³⁵ And they do it now. It had been Jay Janssen that did them in Tazewell before I came there. Somewhere about

³⁵ The State's Attorneys Appellate Service Commission was created in 1978. In 1985 it became the Office of State's Attorneys Appellate Prosecutor.

the time I went to Tazewell is when the State Appellate Prosecutor was, office was created and they did the appeals and still do them.

And one other case when I was in Tazewell. Armed robbery of a mom and pop store.³⁶ Two guys went in.³⁷ One of them had a sawed-off shotgun and they were an elderly couple and kind of old schooled and the man grabbed the barrel of the shotgun to try to pull it away from the robber and it went off, hit him in the stomach and killed him.³⁸ And they fled to Arizona, to Phoenix. East Peoria police worked with the Phoenix police and the Arizona State Police and they located them out there. And I went out there with two detectives from East Peoria to interrogate them and pick them up. When we got there, they had just had a prominent newspaper reporter car-bombed to death and he was investigating organized crime and somebody in the papers. So when we got there we were working with the Phoenix policemen and the Arizona State policemen and they said, “Well, we got some bad news for you. We’ve been working on this reporter case and we’ve lost him,” so we kind of had to start from scratch and that was kind of interesting, working with the two East Peoria detectives and the two Arizona ones but we did locate them. Got statements, confessions from both and brought them back here. And that case was, since I was a witness in that case, and Bruce Black prosecuted it because, or no, Brett Bode prosecuted it because I was a witness to both confessions so I couldn’t prosecute them.³⁹ Those are the four most interesting cases. Actually I think I had more interesting cases as a prosecutor than I did as a judge.

LAW: Okay, so how and why did you decide to be a judge?

³⁶ February 14, 1976.

³⁷ Michael Smith and Thomas Hone.

³⁸ Willard Calvert.

³⁹ The two defendants entered negotiated guilty pleas.

EBEL: Well, I'd been a prosecutor for almost ten years or a little over ten years. And I really hadn't thought about applying for a Judgeship because number one, I thought, I was perfectly happy being a prosecutor. That's what I wanted to be and I really liked it. And number two, I thought, well, they wouldn't give me one anyhow. But then I saw some of the people that they (laughs) were given the Associate Judgeships to, so -- my wife encouraged me and I wasn't married to her at the time, but she encouraged me. Bruce Black encouraged me. (laughs) Probably because I had gone so high in the salary scale over there he could hire two assistants for my salary. And of all people, Bob Jones, the defense attorney, he encouraged me. So I applied, didn't get it the first time and then I got it the second. Lost to John Gorman the first time.⁴⁰ And then started out under -- Judge Eagleton was a Chief Judge. He brought me back here to Peoria. I started out in Civil Court to learn civil law.

LAW: But I mean, how does one get that position?

EBEL: You can apply. You send in your application.

LAW: It's just an application.

EBEL: Send in when, back then it was. It's a, there's a little more to it now, but back then you'd send in an application and you could, the practice back then was to go around and talk to all the Circuit Judges. That was kind of established by John Gorman. Because before that they just sent them in. He's the first one that started doing that, so I did it. I didn't get it the first time. The second time around I just talked to any new Circuit Judges that I

⁴⁰ Judge John Gorman became an Associate Circuit Judge in 1979, a Circuit Judge in 1980, an Appellate Court Justice in 1990, and a Federal Magistrate Judge for the Central District of Illinois in 2000. He retired in 2014.

hadn't talked to before. I think there was, well, there was Gorman and there might have been one other, Judge [James M.] Bumgarner who was a hard guy to get a hold of.⁴¹

LAW: So what do you say to them when you go in?

EBEL: Well, you tell them you'd really like the job. That you think you've got the experience to do it and you'll do a good job and do you have any questions. Most of them didn't have questions, some did. I remember -- Judge Heiple telling me -- I forget how it came up. I think I might have asked him, and in those days the Circuit Judges didn't meet and talk about it. They met and voted, period. They didn't talk about it. And I think I asked him about it and he said, "Well, you've got to understand one thing about us Circuit Judges. If any of us had to depend on the votes of the others to get our job, we wouldn't have our job," it was, there wasn't a whole lot of, I don't know. That's changed now. Now they meet and discuss and talk about it. But that old guard of Circuit Judges back then, they met and voted.

LAW: Now was there any kind of -- was politics involved at all?

EBEL: Oh, yeah. Not so much in this Circuit. In other circuits, or I've heard from other circuits where there's a lot of politics and some are -- in this circuit it was, in those days it was pretty much -- they were looking for someone who could, who was qualified, who could do the job. Mostly. And if there were any politics involved, I didn't know about it because I simply applied. I was not active in politics as a prosecutor. I didn't, no, I didn't work for either party. I just wanted to be a prosecutor. Now, Bruce Black, as State's Attorney, went around and talked to some of the Circuit Judges for me. Telling them, you know, what I did for him. And that certainly helped. And as to who was a big supporter of mine among the circuits, I don't know. You know, they don't talk about that

⁴¹ Judge James M. Bumgarner was a Circuit Judge from 1979-1989, 1992.

after it's over. Now, as I understand the process today, no wait--they also had a bar poll. They had a bar poll, which they still have today. At that time they had another bar poll. They had another poll. They had two separate polls. One for the lawyers and one for the other Associate Judges, people who were already Associate Judges -- they wanted to know who they wanted to work with them. And I think they only did that a few times and that's been discontinued. It's just a bar poll. And then I think the application sheet is a lot more extensive. I think you have to list the jury trials you've been in and then the outcome and stuff like that, where ours was just, just a pretty bare application.

LAW: Now what are the politics of the circuit is? Is it --?

EBEL: Well, what I hear now, it's a little more political than it used to be, but I've been retired, what, twelve years now, so I'm pretty well out of the loop on what's going on. I was just thinking the other day of the twenty or twenty-one Judges here, there are only two of them that I worked with left. That's the turnover in twelve years.

LAW: Were there, do you recall any contested races for Circuit Judge?

EBEL: Oh yeah, I only recall one that was uncontested and that was Judge [Donald] Courson's.⁴² He got the appointment, ran as a Republican and the Democrats didn't put anybody up against him. Everyone since then has been contested, either in the primary or the general election or both, I think.

LAW: Any of those contests that are memorable that stuck with you?

EBEL: No. I didn't get involved in any of them. After I just, got out of politics as much as I can. But I do, I do think the people in this circuit, do a good job of selecting Circuit Judges and I think the Circuit Judges do a good job of selecting associates. They've got a

⁴² Judge Donald Courson became an Associate Circuit Judge in 1979, and was appointed a Circuit Judge in 1982; he was elected to that position in 1984. He retired in 2001.

history of -- I mean, we don't, we don't have anything like in Chicago where there are Judges taking money to decide a case or like it used to be in Chicago, I don't know that it still is, but you know, with the [Operation] Greylord investigation up there and all that, we have Judges who are honest, honest and competent here and conscientious. I don't, I think they want to do the right thing by the people that appear in front of them or in accordance with the law and the evidence and --

LAW: Now I've noticed a lot of Judges in this area either were former Assistant State's Attorneys or State's Attorneys. What impact do you think that has on, on the Judge? If any.

EBEL: Well, it has a little bit of an impact. You lean a little bit toward the prosecution, but not, not to the point of violating any of the defendant's rights. But I think that's changed. Lately it's been less Assistant State's Attorneys or State's Attorneys becoming Judges. I mean, Judge, to my knowledge Judge [Stephen] Kouri was never -- and Judge [Michael D.] Risinger was, like Judge [David] Dubicki never was.⁴³ Judge [Jerelyn D.] Maher never was a prosecutor.⁴⁴ Kevin Lyons was, of course.⁴⁵ Judge [Paul P.] Gilfillan wasn't, over in Tazewell.⁴⁶ In other counties, I don't know, I kind of lost track of what's going on up (laughs) in the northern counties. It's shifted a little. Now when I -- in the '70s there were a lot of State's Attorneys and Assistant State's Attorneys becoming Judges. So.

⁴³ Judge Stephen Kouri was elected a Circuit Judge in 2002; prior to his election he was in private practice. Judge Michael D. Risinger was elected a Circuit Judge in 2010; prior to his election he was in private practice and worked as both an Assistant State's Attorney and Assistant Public Defender. Judge David Dubicki became an Associate Circuit Judge in 1999 and retired in 2016; prior to becoming an Associate Judge he was in private practice.

⁴⁴ Judge Jerelyn D. Maher became an Associate Circuit Judge in 1995 and retired in 2016; prior to becoming an Associate Judge she was in private practice.

⁴⁵ Judge Kevin Lyons became a Circuit Judge in 2011. Prior to becoming a Circuit Judge he was State's Attorney of Peoria County from 1988-2011.

⁴⁶ Judge Paul P. Gilfillan became a Circuit Judge in 2006; prior to becoming a Circuit Judge he was in private practice.

LAW: Okay, let's talk about the judicial career. So you become an Associate Judge in 1981.

What are your initial duties?

EBEL: Well, I started out in Civil Court [involving claims over \$50,000], L.M. Court [involving claims between \$5,000 and \$50,000], and Small Claims [involving claims up to \$5,000] here in Peoria. I had very little experience in civil law and so they started me, Judge Eagleton started me out in, in the lower level civil cases to get my feet wet and to learn. And then I think I went from there to Misdemeanor, which was very comfortable for me because I knew criminal law. Spent some time in Misdemeanor. And then I did Juvenile, three years in Juvenile here and then –

[01:15]

LAW: Before you get that far, okay, you say you started out in Civil Court. About how long did that last?

EBEL: Oh, that was about a year. That was about a year, a year and a -- about a year, year and a half and then I went to Misdemeanor for a year, I think. And then I went back to Civil for several years, like three or four.

LAW: Now, did you have any, were there any fellow Judges that sort of served as a mentor toward, to you?

EBEL: No, we didn't have mentors in those days. Now they do.

LAW: But was there anyone, may-- I know --

EBEL: Courson.

LAW: Courson? Okay.

EBEL: Now when you become a Judge they assign an experienced Judge to mentor you. There it was, there it was -- those days, here are the files and there's the courtroom. That's the

way you did things. And well, Judge Courson and I had been Assistant State's Attorneys together in Peoria in the early '70s, so we were friends and knew each other and he had become an Associate Judge, I don't know, two years before I did or something like that. And so -- and we were both from the Chicago area. And so he was, really, when I had any questions and that I'd go to him.

LAW: Okay. So Civil Court the first year, year and a half. Then over to Misdemeanor for about a year and then back to Civil.

EBEL: And then Judge Covey, he succeeded Judge Eagleton as Chief Judge and he tried something. He decided I was going to be the Presiding Judge of the Associate Division in Peoria. I was going to supervise the six, the five other Associate Judges here and they were all up on the fourth floor except I think one was down on the second doing some Divorce. But I was going to -- I mean, he signed the assignment papers but I would tell him who I wanted where and then he would assign them there and any problems I would bring to him and I think he just wanted to be rid of supervising that division. And what it meant is that I did a lot of fill-in work when an Associate Judge would be gone, would be sick, on vacation or away at seminars. So I kind of sat in all the courts there. And then when Judge [Peter J.] Paolucci succeeded Judge Covey as Chief Judge, he continued me in that position and then when Judge Manning came in, he did away with it.⁴⁷ And so I think I'm the only person that's ever been the Presiding Judge of the Associate Division of Peoria County. But it was a good experience. In those years of being the Presiding Judge, another one of my duties is when some other circuit wanted one of our Judges to hear a case that none of them could hear, it would usually be me. Judge Covey and Judge

⁴⁷ Judge Peter J. Paolucci became an Associate Judge in 1975, and a Circuit Judge in 1982. Prior to being a Judge he was State's Attorney of Marshal County from 1964-72. He retired in 1987.

Paolucci would usually assign me. So I got to go, I got to go down to Quincy for a case. I heard a couple cases over in Galesburg. Went to Pontiac and heard a case. So I got to do a little traveling. And then another part of it was when the Judges in the northern county were on vacation or away at a seminar, then I'd go up and cover the court in the northern counties. So I got a lot of experience in all five counties. Go to Tazewell sometime. In all five counties. Plus I got to go to a few counties outside of the Tenth Circuit.

LAW: I've talked to some Judges that went to help out in Chicago. Did you ever do that?

EBEL: Oh, I did that three times. Three different years I went up there for a week in Traffic Court.

LAW: Now was this before Greylord or after?

EBEL: This was before. But the downstate Judge who was the undercover agent for them, I believe he was, I did not meet him, but I believe he was working up there in Chicago at the time. Yeah, this was before in --

LAW: Brockton Lockwood?⁴⁸

EBEL: Yeah. Yeah, it was -- I just did Traffic the three times I was up there, but that's all most of us, when we went up there, we either did Traffic or some motions in the low level civil cases. That was an interesting experience, the sheer volume. They would have four calls a day in Traffic Court, 9:00, 10:30, 1:30 and 3:00 I think were the times. And you would have, oh, anywhere between fifty and a hundred people and traffic tickets on those calls. And the -- you would have three clerks and the volume was such -- now around here you've got one clerk in the court. You've got three clerks in the courtroom processing.

⁴⁸ See, Brockton Lockwood and Harlan Mendenhall, *Operation Greylord: Brockton Lockwood's Story* (Carbondale: Southern Illinois University Press, 1989).

You would have a prosecutor from the City Attorney's Office because most of these were Chicago ordinance violations. You would have a Chicago policeman and a Cook County deputy assigned to your court. And the prosecutor would call the cases. And I mean, if somebody meandered up there he would say, you know, "Move it. We ain't got all day," and they'd just bring them up, run them through, you know, "Guilty or not guilty?" If you had a trial it was what you'd call a "stand up trial," nobody sat down. The officer or officers came up to the bench, stood there with the defendant. Everybody was sworn in and – "What happened? What happened? What happened?" And then you would decide whether he was guilty or not guilty. So it was always a little bit hectic but it was interesting. And once in a while you'd have somebody who couldn't speak very good English, like – well you know one time I had a fellow from Poland. Couldn't speak English. So the prosecutor said, "Anybody here speak Polish?" And about three or four hands went straight up. "Come on up here," one of them would come up and they would serve, they would serve as the interpreter, because usually there was somebody in the audience who had gotten a ticket who spoke the same language (laughs) as, as the defendant. And something I really liked up there. The police officers would show up in uniform, you know, who had written the tickets. They didn't show up in civvies, they showed up in uniform. They sat in the front two rows of the courtroom and when an officer was done with his case or cases he did not leave, he sat back down. When the whole, when the call was done the prosecutor would say, "Your Honor, may the officers leave?" "They may," that did a lot for maintaining order and decorum in the courtroom, (laughs) when you had, when you got ten, twelve, fifteen officers sitting there in uniform nobody gets out of line. And here, as soon as they get done testifying they leave and

unless they're on duty they're in civvies and -- and the other thing Chicago does right is when they started putting court records on computers, you know, at the downstate counties, usually went to Felony first -- Chicago went to Traffic first. Because that's where the money is. And when your case was resolved and the fine imposed, you didn't get your license back. You were told to go to a cashier, the same number as the courtroom. Go to cashier number fourteen, because you were in courtroom fourteen. You go there and when you paid it, you got your license back. Because one of the three clerks would take the licenses out there, so you didn't get your license back until you paid. So they were much more efficient at collecting traffic fines than we are down here, or we were. I don't know how we do it now. But I was impressed. It was very well organized for, for handling volume.

LAW: Now how about the, how did these other circuits compare? Like you said, you went to Quincy and Galesburg and Pontiac.

EBEL: Well, my only experience was I'd go down there. You know, let the Chief Judge know, get a date and time in the courtroom and I'd go down there and meet the lawyers and we'd have a hearing and then I'd leave. So -- and usually I would be given a courtroom where there was nothing set that afternoon or that morning. They would provide me with a clerk and would go down there and a clerk and court reporter and go down there and hear the case and the Quincy one, I had to go back several times with the two in, in Galesburg, Knox County, I had to go back several times. The one in Pontiac was kind of interesting. A woman sued the Chief Judge who had ruled against her in the (laughs) Small Claims Court. And she was a pro se, so I got to go hear the case and she wanted me to set aside his findings because she knew that he was having an affair with some

woman or something, had a girlfriend (laughs) or something like that. So I denied it and left and then I waited to be sued, but she never did.

LAW: But I mean, by and large they weren't drastically different from Peoria?

EBEL: No, they were -- they were very, took very good care of me and everyone. In fact, one of the Judges over in Pontiac was Harry Frobish who, him and I were Assistant State's Attorneys in Peoria together in the early '70s and he had moved to Pontiac, went into practice, became an Associate Judge and later a Circuit Judge so got to spend some time with him.⁴⁹

LAW: You know, that brings up, brings up a question for me. Has it been your experience that the State's Attorneys that you've worked with and the Judges that you worked with aren't from that area, are the majority of them from other places in Illinois? Or other states?

EBEL: Well, now you're talking about -- Brett Bode is not, he's from the Chicago area. Erik Blanc is from the Chicago area.⁵⁰ Don Courson's from the Chicago area. I'm from the Chicago area. So there are four of them right there. Dennis Sheehan, who was a First Assistant in Tazewell for a long time, he's from the Chicago area.

LAW: That's a lot of transplants.

EBEL: Kevin Lyons is from Elgin, I think, Chicago area. Yeah. It's such a great place to live. We come down here. And I do like Springfield, too. I knew Dick Hollis, he was State's attorney in Springfield when I was in the State's Attorney's office here.⁵¹ Art Inman, who defended Paul Phillips, he was the Assistant State's Attorney in Springfield.

LAW: I thought I recognized that name.

⁴⁹ Judge Harold J. Frobish became an Associate Circuit Judge in 1986 and a Circuit Judge in 1998. He retired in 2008.

⁵⁰ Judge Erik Blanc became an Associate Circuit Judge in 1995 and served in that position until he retired in 2006. Prior to being a Judge he was State's Attorney of Tazewell County from 1985-1995.

⁵¹ Richard Hollis was State's Attorney of Sangamon County from 1968-72.

EBEL: And Bruce Locher, too, was an assistant. They both came up here and worked for Mike Mihm and then Locher went back and Inman stayed in private practice here, yeah.

LAW: I think Locher went on to be a Public Defender in Springfield.

EBEL: Yeah. I've always liked Springfield. I'd like to make Springfield, that's a beautiful, I think that's really a beautiful lake. I'd like to have a house on it, but I couldn't afford it.

LAW: Okay. So you, I'm guessing then, we talked a little bit earlier, Civil Court, Misdemeanor, back to Civil. So that gets us to probably about, what? About the late '80s?

EBEL: Yeah, because, yeah, somewhere in there and then, then I went to Juvenile for three years. Here. In Peoria.

LAW: In Peoria, okay, okay.

EBEL: Then after that I went to Tazewell to Misdemeanor and Juvenile for two years. And then Traffic for two years in, in Tazewell. That would have been '95 to '99.

LAW: So let's talk a little bit about the Juvenile Court years. I found a couple articles that basically highlighted that there was really some issues with space in the juvenile detention centers.⁵²

EBEL: Yes there was. We had too, didn't have enough space for the --

LAW: Talk to me a little bit about that.

EBEL: Well, this was before they built the new juvenile detention center, when they had the, the detention center was on Gift Avenue home. There just wasn't enough space. When the officers bring a juvenile to the juvenile detention center they pretty much have to accept him until he gets to court and he gets to court soon for a detention hearing. And those that are -- but the juveniles that have been sentenced there and they can only be sentenced there for up to thirty days or back when I was a Judge that was all -- so what the juvenile

⁵² See, *Peoria Journal Star*, September 26, 1993, pg. A1. Also see, *Peoria Journal Star*, August 29, 1996, pg. A6

detention center would have to do, if they were filled and the officers brought someone, they would have to let someone out early. And that was a problem. Another problem was Tazewell was sending their juveniles over here, even though they had no -- Tazewell and Peoria County didn't have any contract at that time. It's just the Tazewell Judges would send them over here and the director of the juvenile detention center would accept them because he thought he had to. I ended that problem, that procedure. If we don't have enough room -- until Peoria and Tazewell get a contract for us to accept them and Tazewell pays for them, then we won't. Well, eventually Tazewell got their own detention center and Peoria got a new one and that pretty much ended the controversy. Actually there were -- three months before that I had been -- so I'd been a total of three years and four months in Juvenile. There was a period of time where I was four months, I did three days in Juvenile and two days in Divorce. Earlier in the '80s.

BELZER: Do you want me to stop?

LAW: Yeah, let's stop and switch the tape. Because I'm going to ask him..

LAW: So Judge Ebel, tell me about your years on the Juvenile Court?

EBEL: Well, as I said, over three years in Peoria and then two years in Tazewell and it was all in a row, so I had a five-year period of where I was doing Juvenile.

[01:30]

It was a, it was a, I mean there are two halves of Juvenile Court. There's the delinquency half where some juvenile's done something bad and then there's the abuse and neglect half where someone has done something bad to a juvenile. I had no problem with the delinquency, that's criminal law and -- Probably the most stressful court, though, is the abuse and neglect court because you can't imagine the mistreatment that people do to

children, their own children -- to the point of even some of them ending up dead. And that wears on you and that's really stressful. There are a lot of bad parents out there.

LAW: I'm always curious to how you go about being a Judge, or if you can be Judge without internalizing all of this.

EBEL: Well you do, you have to deal with it as best you can.

LAW: How do you do that?

EBEL: Well, you've got to have some interest outside of the courtroom, a hobby or something.

Me, I like to fish. Travel, I can do some traveling and stuff like that. But you've got to get away from it, you know, on the weekends. Because it eats away at you when you see children being abused, physically abused, tortured, sexually abused. One of them I remember a young child that was killed by a stun -- the foster mother just kept electrocuting it on the chest with a stun gun. Why? I guess the baby was crying and bothering her and she thought that would shut the baby up. But she ended up killing the child and -- I had the case. I found, I found that the child to be abused and we took away her, her foster mothership and she was charged in Felony Court and I think she was convicted down there of killing the child. Another one I remember -- the way that a father would punish his boys, he had a gas stove in the kitchen, so he'd turn on the burner and hold their fingers over the flame. Burn the tips of their fingers.

LAW: What do you think makes people do that?

EBEL: A lot of it has to do with addiction. The mother is, never been married to the father. She may have children by more than one man. She is addicted to cocaine, heroin and she's dependent on him for the supply of that. She has no means of livelihood so he can abuse the children and she does nothing about it. When there is an intervention, usually when

the child is hurt so bad it's got to go to the emergency room, then the doctors report it to the police and the DCFS and there's an investigation and then the, then the child's taken away and she's got to go into treatment and she's got to get the man out of her, out of her life. Some do and some don't. Some just can't break that cycle of addiction and they end up eventually losing their children permanently. Their parental rights are terminated.

LAW: I think I saw a quote in here, it may have been from you that they, sometimes the most inexperienced attorneys would be sent to Juvenile Court, whereas it really required more experienced attorneys.

EBEL: Well, that's true. I don't remember if I said it, but it's --

LAW: That's a paraphrase but --

EBEL: Yeah, I think that sounds like Judge Bode to me, but --

LAW: Could be.⁵³

EBEL: Because he preceded me in Juvenile Court. He was there like five straight years.

LAW: Was that ever an issue, the --

EBEL: Yeah. There usually -- well, it's more so an issue with the State's Attorney. It used to be -- the less exp-- the new attorneys went to Juvenile Court for a while. On the Public Defender side, they were, they were part timers. The attorney that represented the child, that was pretty stable. And then the attorneys that represented the parents, they're not Public Defenders but they're appointed by the court and that's what they do on a regular basis and that's pretty stable, too. And as I understand it now, I think the state's end of it is pretty stable, too. So I think that's, that's all improved. But in my experience, Peoria County, even the young, inexperienced, they're pretty good attorneys. They were usually women. And also the attorney representing the child is usually a woman.

⁵³ See, *Peoria Journal Star*, March 13, 1994, pg. A1. The paraphrased quote was from Judge Bode.

Because as time went on there were more and more women graduating from law school and more and more women, you know, practicing law and a lot of them gravitated to the State's Attorney's office so -- and I think probably it's, it's usually better, I think, having a woman prosecutor on an abuse and neglect case. (laughs) Not that the men can't do it, but the women seem more dedicated to helping the child.

LAW: Now were you also dealing with any kind of like gang violence or anything like that?

EBEL: There was some of that. There wasn't much.

LAW: Or did that go to Felony Court or?

EBEL: No, there were -- well, it depends on what their age were and what -- back in Juvenile, if they had to be usually seventeen, well, it's automatic if they're seventeen or older they go to Adult Court. And then they changed the law where fifteen- and sixteen-year-olds could be transferred to Adult Court after a hearing in front of the Juvenile Judge. And so when fifteen- and sixteen-year-olds would commit some serious crimes, I mean, originally they just went to Juvenile Court. But then it changed and now they can -- and when I was on the bench that we were transferring some to Adult Court, you know, armed robbery, rape, stuff like that, murder would go to Felony. So that's one change that's happened in the '70s or I mean in the '80s where you could transfer the more serious ones. We did have some gang members committing some misdemeanors and stuff, but it wasn't a whole lot.

LAW: So when we're talking about Juvenile Court, we're really, well, on the delinquency part, what kind of cases would we be talking about?

EBEL: We're talking about burglary, theft, marijuana possession and use. Some assaults, robberies, strong-armed robberies. Occasionally armed robbery. Some sexual assaults. And a few murders, but they always went to Adult Court.

LAW: Based on your experience, why do you think juveniles ended up in Juvenile Court? Where does juvenile delinquency come from?

EBEL: Well, my experience, with the vast majority of juvenile delinquents, there was no father in the home. The mother usually was never married to the father and the father had abandoned the child, either before or shortly after birth and was not in the child's life. The mother and grandmothers, thank God for grandmothers -- grandmothers were raising an awful lot of children when I was in Juvenile Court because the mother would have addiction problems and, and you know DCF would intervene and the grandma would be appointed the guardian. Now if a juvenile who didn't have a father involved in his life, if he had some other father figure, an uncle or a grandfather, that made a big difference. And the mothers did a very good job of raising until the child was about ten, eleven, twelve, somewhere in there, you know, and they hit the teens and then the mother just couldn't control, couldn't discipline. Well over half of them. I'll bet you over three-quarters of them, the father was not involved in their life. And you know, talking with Judge Bode, he shares this with me -- he's, he and I always thought the biggest problem in juvenile, the biggest cause of the juvenile delinquency was no father in the home.

LAW: Okay.

EBEL: And I noticed, getting back to abuse and neglect, something I noticed. You know, parents who abuse their child are either white or black. I never had an Asian case. I had one Hispanic case, but the parent was mentally ill. So Asians, because Peoria has a lot of

Vietnamese -- Asians and Hispanics do not abuse their children. In my experience in Juvenile Court here and in Tazewell County.

LAW: Now was there any big differences between Peoria juvenile offenders and Pekin, Tazewell?

EBEL: It's the same as adult. In Tazewell they're white and over here the majority were black.

LAW: Okay. But it was the same in terms of the broken homes in Tazewell County?

EBEL: Yeah, that was the same thing because there was the -- it didn't matter what county it was. If there wasn't a father in the home it was more likely that there would be trouble.

LAW: Okay. Let's see. So after Juvenile Court --

EBEL: Well, I've got to tell you a story about Juvenile Court. The only time in my life I was in fear of my life as a judge. (clears throat) There's a fellow named George Lott. Lived in Texas. He was a lawyer in Texas. He was married and had one child, a boy. Him and his wife got divorced in Texas. She got custody of the child and she moved to Peoria. She took a job at Bradley University. And he would come up here on some weekends for visitation with the child. And it came to light that he was sexually abusing the child, who was a boy, I don't know, about 10 years old. So the mother, when she found out, naturally called the police. DCFS became involved and a petition was filed to end his visitation. Here in Peoria. To make the child -- I had no jurisdiction over the divorce in Texas, but I did have jurisdiction over the child, so I could make the child a ward of the court and order him to have no visitation and give mother, you know, confirm her custody. So we had a hearing. He was also charged in Felony Court in front of Judge Manning with a felony abuse of a child. So in Juvenile Court you have a hearing right away, whether it's delinquency or abuse, you have a sort of a, like a preliminary hearing,

detention hearing or in Abuse and Neglect Court it's called a Shelter Care. We had a shelter care hearing. Actually I was on vacation. Judge [Richard E.] Grawey had the shelter care hearing and took, and ruled in favor of the state, took the child into temporary custody, ordered him to have no contact.⁵⁴ Then we had some pre-hearing, pre-trial, pre-hearing type motions in front of me, where he tried to get that order lifted and stuff like that. And it was a little bit contentious. Him being a lawyer he knew what he was doing. Now he was -- at that point he was a disbarred lawyer. Texas has disbarred him because after his divorce -- well, he had started a, he had started a husbands and -- Fairness for Husbands in Divorce Court, he had started some sort of an organization that was agitating and I don't know what else he did in Texas, but at that time he was disbarred but he still knew the ropes. So we had a contentious hearing against him and I ruled against him. Kept the order in place where he, where the mother was custody and she, and he was to have no visitation with him unless it was supervised, I think, by DCFS. And then we set it for a final hearing several weeks down the road. Well, a week or two after that, the clerk, it was a Friday afternoon and the clerk, I was in my chambers, the clerk came in and says, "George Lott has called. He wants, he needs a hearing next week for a motion. It'll only take fifteen minutes," and she said, "We're pretty full but we do have fifteen minutes on the date," I almost gave it to him. But then I thought, no, he was such a pain in the courtroom, let him wait. So she said, "No, you're going to have to wait," you know, several weeks. So then he called down to Judge Manning's clerk and tried to get a hearing date there. Was refused. That next week he went into the Appellate Court in Texas that had affirmed his divorce. There are no metal detectors in the Appellate Court.

⁵⁴ Judge Richard E. Grawey was elected a Circuit Judge in 1990 and served in that position until his retirement in 2010.

Shot up the place. Killed one person, wounded two others. Was charged with murder in Texas. And eventually Texas executed him. But shortly after the shooting in that a

[01:45]

detective from the county came to see me and he says, "Judge, I just got off the phone with the detective in Texas that's handling it. They searched George Lott's apartment," and this is before he was apprehended, "and he had directions and maps to your house and to Judge Manning's house and they are accurate," so he tried to get in front of me, then he tried to get in front of Manning. He knew where we lived. And then I guess he got frustrated and decided to do a shooting down in Texas. Because he could have got either me or Manning at home and there were metal detectors here, but -- there's ways to get a gun into this courthouse without being detected, so -- that's the closest I came to being shot.

LAW: Doesn't get more real than that.

EBEL: Well, that's the only time. I told you I was a prosecutor, I had been threatened in court by a defendant, but he later apologized, so -- (laughs)

LAW: Yeah, yeah. Okay. I believe your last few years, though, as a judge, were you back to handling felony cases?

EBEL: Yeah, my last, I think my last sixteen months on the bench here I was in Felony Court.

LAW: And from what I saw in the paper, you had some, some pretty serious cases.

EBEL: Yeah, we had some murder trials and some others. Because I retired in December, December 1st of 2002 and I had been in that court since July I think of 2001.

LAW: One case I saw that I thought was pretty interesting was that there was this fella. He was pulled over for a DUI and then basically admitted to bombing an abortion clinic about ten years before.⁵⁵

EBEL: What was his name?

LAW: Randal Maske

EBEL: Sure I had that?

LAW: Sentenced Monday by Judge Ebel.

EBEL: Okay.

LAW: After pleading guilty to one count of arson.

EBEL: I kind of, I kind of remember that. I don't remember the abortion bombing. Maybe that didn't come out in the evidence.

LAW: Well I just, it was interesting because he got stopped for a DUI and, and the officer sarcastically called Maske a hero to which Mask replied, "I am a hero, I bombed an abortion clinic."

EBEL: Okay, I'm starting to come back to memory. That's one that I had forgotten. What did I sentence him? What did I give him?

LAW: Three and a half years.

EBEL: And that was for what crime?

LAW: He plead guilty to one count of arson.

EBEL: Okay. That's probably why I have trouble remembering it, it wasn't a trial. But you know, you get, I mean you get, about eighty, eighty to ninety percent of your felonies are negotiated and the negotiated pleas kind of fall off into a fog and -- (laughs)

⁵⁵ See, *Peoria Journal Star*, June 18, 2002, pg. B02.

LAW: So I guess what I wanted to ask you about that, about the time handling the serious felonies, I guess there was no un-serious felonies but --

EBEL: Well, there are some that aren't too serious. The legislatures made a lot of things felonies that really shouldn't be but --

LAW: Okay. Okay, Okay. But having tried felony cases, now you're hearing them -- tell me about that. I mean, you're on, you're the judge now.

EBEL: Well, when I first became a Judge it was difficult keeping my mouth shut. Because you know, lawyers would question somebody either on direct or cross-examine and I would be thinking, ask him this, ask him this, ask him this and they wouldn't do it. You know, you kind of get involved. You remember the days when you were trying them and, and lawyers have different styles in trying cases. Some, you know, it's a matter of trial strategy in that what you want to emphasize and -- but after a while you learn, okay, it's their case, it's not your case. (laughs) And so you try not to get involved and I remember one time I was in Judge Manning's court handling a case and on the bench there, taped up so only the Judge could see it, he had "Relax, it's their problem."

LAW: (laughs) We had one judge tell us that one of the most important things for him was patience.

EBEL: Oh, yeah.

LAW: Did you ever, did you have any methods to stay patient?

EBEL: Well, you've got no choice. Some lawyers are quicker and better than others. Some lawyers, and they're not necessarily incompetent, they just take a longer time to question and get things done and some are incompetent and they're just stumbling around and that, but -- that's probably the most frustrating part is a lawyer who takes more time than he

should. And somebody told me, I can't remember what judge it was, told me one time, "It's a pleasure to preside over a case where both lawyers are competent," and it is. It goes quicker and it's more understandable and you get to the issues quicker. When you've got a competent lawyer and one not so competent, that's bad and when you've got two of them who aren't very competent, then that's even worse but you just sit there and - - you get through it.

LAW: Did you ever have --

EBEL: Once in a while I would interject and you know -- sometimes you get a lawyer that keeps asking the same question over and the other lawyer doesn't object. So at some point you say, "Counsel, you've asked that three times. Don't ask it anymore," so once in a while the judge -- and that's proper under, under Illinois law for the Judge to interject and ask some questions. In fact, it was raised as an issue in some Appellate Court case and the Appellate Court says, "The Judge is more than just looking like a wise owl sitting up there. He has a right to interject himself and to ask questions," but you can't go too far. You can't go to the place where, you can't go so far that you're trying one side's case for them. But if you didn't understand something a witness said or you needed a little more elaboration, the Judge can interject and say, "Well, tell me, tell me more about that," or "What did you mean when you say that?"

LAW: Did you ever have, did it ever happen where things got out of hand and you had to hold somebody in contempt?

EBEL: There have been times where I've had to threaten.

LAW: Threaten?

EBEL: You mean a lawyer?

LAW: Mm-hmm.

EBEL: I've never had to hold a lawyer in contempt. There were a few times I had to remind the lawyer of the contempt power, but it's mostly in pro se, where they'll get out of hand and then you'd better explain to them, you've got to give them warning, you've got to say, "Don't do that anymore, don't ask that," and they keep, you say, "Now, I'm not going to tell you again. If you do that again I'm going to find you in direct criminal contempt. And do you know what that means? That means I can impose a sanction summarily," and then I ask him, "You know what 'summarily' means?" and most of them say, "No," "That means it will happen right now. There won't be a hearing or a trial of any kind. And you know what 'sanction' means?" "No," "That means I can punish you by a fine up to \$500 or imprisonment in the county jail for up to six months and that will happen immediately. You don't have a right to a lawyer or a hearing. The sheriff there will simply put handcuffs on you and take you away for as long as I tell him," and I've never had any, well, I had a few challenge and they ended up in jail but that and most of the time -- that and most of the time it calms things. I had a case in Juvenile Court in Peoria, or in Tazewell, where I sentenced a juvenile to some time. His father got up, walked over to the Juvenile Probation officer who had done the pre-sentence report. Stuck, stuck his finger in his face and said, "I'm going to get you," or I don't think he said, "I'm going to kill you," but he said, "I'm going to get you," well, I found him in direct criminal contempt there. At that point I didn't have to warn him. Gave him two months in jail. The sheriff deputy took him over in that. And in Tazewell in those days they had an underground tunnel that goes from the courthouse to the jail so when you sentence someone to jail the, (laughs) the deputy walks him in the tunnel. So when we broke for

lunch the deputy came back and he says, “Judge, you know when I was walking that guy over here in the tunnel, you know what he said to me? He turned to me and he said, ‘Boy, I really let my mouth overload my asshole that time, didn’t I?’ I almost gave him some time off. (laughs)

And then I remember one that’s -- it was a husband and wife in Juvenile Court. And I think there was a neglect case. And you know, they get a chance to talk when the evidence is done and that. And the wife wouldn’t shut up. She kept talking and talking and I go, I told her, “Now you’ve had your chance, you’ve had your chance, you kept it up,” and I said, I told her about direct criminal contempt and I said, “If you say one more word I’m going to find you in contempt and send you to jail,” it wasn’t two seconds before she started talking again and her husband went, rolled his eyes back and I gave her 10 days. Usually when you tell them what you can do to them and that solves it.

And in Juvenile Court a couple of times I’ve had some real tough guys. Teenagers, they may be gang members or what, but real tough guys and they’re a little disruptive. But every time I’ve had one of them, when I told them what I could do to them they stopped being disruptive and settled down. So this business of not being able to control yourself with teachers and that, they can control themselves if they know that somebody can do something that will hurt them.

LAW: Just a few moments ago you referenced an appellate case where you said that “a judge is more than a wise owl.”

EBEL: Mm-hmm. Sitting there looking like a wise owl. I think they said.

LAW: As a judge, are you aware of what, if your cases go up for review and -- how do you deal with that if you get overruled?

EBEL: Well, it happens. Of course, you're conscious of it and you don't like to be overruled, but it happens. And you do the best you can. You know, they say the job of a Judge is to rule in accordance with the law and the evidence. He's to give everybody a fair hearing and then rule in accordance with the law and the evidence. The more accurate way of saying it is, he's to rule in accordance with the law as he understands it to be and the evidence as he perceives it to be. We can make, well, I've never been overruled because I misperceived the facts but I've been overruled because I misunderstood the law. That happens and so they do one of two things. They outright reverse it and that's the end of the case. They don't do that very often. They usually reverse and remand and then it comes back for another trial. And then either you try it or another judge tries it. If you're still in that court you'll probably try it. A lot of times the second time around it's settled. You know, it's negotiated. But of course, no Judge likes to be reversed and he's conscious of it but -- that's life. Now I've never had in a case that I was directly involved with, but I had a mental health hearing case where I ruled on an issue, a legal issue and the Third District reversed me. And after that in another circuit, another Judge in a case that had the same issue, ruled the same way I did. And he was in a different Appellate District and he was reversed by the Appellate Court. There the prosecutor appealed it to the Illinois Supreme Court and they reversed the Appellate Court reinstated and it was on the same issue, where the Third District had reversed me, but the prosecutor chose not to appeal it any further, let it, just let it go.

LAW: Do you remember what the issue was?

EBEL: Yeah. In a mental health hearing it says that a judge has to consider, it has to be a written treatment plan. I'm not sure it was called a "treatment plan," social history treatment plan, before he can make a decision.

LAW: It has to be specific?

EBEL: Yeah, it has to be, if this person is committed, what is your treatment plan for him? And it has to be in writing. And it's done by a social worker or a medical assistant. It is not done by a psychiatrist. So we had a case out there where we got all through it and then

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the prosecutor said, "Oh, oh, Judge, they didn't do a treatment plan," and the prosecutor says, "Can I just have the psychiatrist here testify to what treatment plan was?" and I said, "Yeah, that's Okay," so the psychiatrist under oath testified what the treatment plan was and I committed him. The Third District said, "Statute said it's got to be a written, prepared," I viewed the sworn testimony of a psychiatrist superior to an un-sworn to a report by a non-psychiatrist. Well, the same issue in the other court and the Illinois Supreme Court said, "No. Sworn testimony of a psychiatrist is just as good or better as a written treatment plan," so.⁵⁶

LAW: Interesting. Interesting.

EBEL: Yeah. But that's, you know, that's one of those little quirks. I wish the state had appealed it on my case, but they didn't. Because in mental health, you know, they don't stay there more than two, three, four weeks because they're treated and they get stabilized and then they're released again and as long as they stay on their meds they won't be back. The problem is getting them to stay on their meds. You know, they'd get off of them and they think they're cured and then they deteriorate and then they're back. One change that

⁵⁶ See, *In re Emmett J.*, No. 3-01-0938, (3rd Dist. App. Court, 2002).

happened there is if, if the person is getting some sort of a welfare government check, they don't, they have to go pick it up and they don't get it unless they bring a receipt from the medical facility that they took their medication. So they have to go to some medical facility, take their medication, get a receipt and then show it and then they get their check. That has helped a lot to keep people on their meds. And the mental health professionals, they amaze me. I've seen patients, you know, totally irrational, you know. Don't know where they're at or what they're doing or they may even be violent and screaming and that. And I've seen them three weeks later and they're perfectly normal. You can talk to them, no problem. They just buy medications that the psychiatrist prescribed for them. It impresses me. And there are very few of them that have long-term commitments anymore. You know. So. I've always been -- Judge, would you like to say something?

JUDGE KEVIN LYONS: No, but you look great.

EBEL: Thank you. (laughter)

JUDGE KEVIN LYONS: You look like the day you left. I wouldn't say that if he was a Judge, but I wouldn't say that if it wasn't true now. (laughter)

EBEL: Judge Lyons.

LAW: Okay. I have some philosophical questions, unless there's anything else we want to cover from your time as a judge? I know it's a long period of time.

EBEL: No, I think we've pretty well covered a lot of things. Brought back some memories. And -- what's your philosophical?

LAW: Okay, first one. What are your thoughts on cameras in the courtroom? How should the judiciary relate to the media? And how should the media relate to the judiciary?

EBEL: Well, all the time I was on the bench, cameras weren't allowed so it was never an issue. I don't know how they work or don't work. The thing I was concerned about was the lawyers would play to the camera. That was the thing I was concerned about. And so I think if you have strict rules laid down, such as there will be no shots taken of the jury or any jury member, you know, you keep the cameras off the jury and you keep it on the witnesses most of the time. Maybe some distance shots where it includes the Judge and the lawyer. Then I think it is okay. It's transparency. And we never had any problems with the media here. For the most part, when you'd have a trial the media here would talk to the prosecutor and defense attorney. They wouldn't talk to the Judge and, and that was good. The Judge shouldn't be commenting on a trial that's in progress. In fact, I think he's prohibited from it under the rules to be commenting about a pending case and especially if it's in trial, so they never, the media never approached me during a trial. So there was never a problem in this area.

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

EBEL: Well, I think the judiciary has been more active in recent years. You know, they have programs in the schools where they go and talk to kids. The kids come to the courtroom. I've done that, I did that a few times when I was on the bench where they'd bring in a class and I'd talk to them about our judicial system here, a court system. And I think that was good. There are some other programs the Judges have, like there's program the Illinois Judges Association has called I think "Seven Reasons to Leave the Party" where they would go talk to the kids about, you know, when it was time to leave a party. What could happen to you if you, you know, got a DUI or got in other trouble and that's good.

I think Judges being interviewed not during a trial but when the trial is over or just being interviewed generally about the court system is good.

LAW: Are you member of any bar associations?

EBEL: I'm a member of the Peoria County Bar Association, yeah.

LAW: What is the nature of the relationship between bar associations and the judiciary?

EBEL: Well, in this county it's good, I think, in this circuit. I'm also a member of the Illinois Judges Association. I'm on retired status. And they have a lot of these programs I'm talking about like the "Seven Reasons to Leave the Party" and you know, talking to kids at school. They also have an intervention program to intervention, to intervene in cases of (clears throat) Judges having an addiction problem. What was the last part of your question? I forgot it.

LAW: Well, what I'm kind of getting at is -- the nature of the relationship between bar associations and the judiciary.

EBEL: I think -- well, when I was on the bench there wasn't much relationship except for the Christmas party. But now Judges are taking an active role like Judge [Lisa Y.] Wilson is or was the president of the bar association here.⁵⁷ And I think Judge Maher has also taken an active role in the bar association. That -- really, when I was on the bench there weren't, I can't remember Judges, any Judge taking a really active role like running for an office in the bar association, but they are doing that now. And since I retired I've kept my license active and I've gone to the Peoria County Bar Association Continuing Legal Education Seminars for most of my hours, so I've actually had more contact with the bar association since I've been retired than when I was working. And I see a little different

⁵⁷ Judge Lisa Y. Wilson became an Associate Circuit Judge in 2009 and continues to serve in that position. Judge Wilson was President of the Peoria County Bar Association from 2012-2013. Judge Jerelyn D. Maher is set to be President of the Peoria County Bar Association for 2016-2017.

perspective there than when I went to judiciary seminars and when I went to State's Attorneys' seminars. There's a little different perspective. And the State's Attorney's seminars and the judiciary seminars, we were all on the same team. The bar association seminars you've got criminal lawyers, you've got civil lawyers, you've got lawyers that concentrate in Federal Court and lawyers that concentrate in State Court, so it's really not everybody on the same team. It's a little different. There's a little more variety and you get a perspective of what the other side has to deal with.

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

EBEL: Well, the role of the lawyer is to represent people when they've got a court case, where they're in trouble with the law or somebody else has sued them. They're to represent them to the best of their ability in accordance with the law. The obligation is to be ethical, too. And -- my experience in the circuit, I haven't seen many instances of unethical conduct by lawyers. There have been a few that have been disbarred over the years, but really not that many. And the role, what was the second question? The role of the judiciary with the public?

LAW: In society.

EBEL: Oh, in society. Well, I think we have to do the things that I've talked about, that the Judges Association is doing. And we have to, it's sort of an educational role. Because most people don't really understand how the court system works. I think we have to do what we can to make more people knowledgeable about how the court system is and what their rights are and the important thing is to have a good lawyer. Because you never know when you're going to need him, or her.

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

EBEL: No, I haven't. I'd have to ask -- well, I couldn't when I was on the bench and I really haven't practiced law at all or done any pro bono work since I've been retired, when I retired, well, I retired from the Tenth Judicial Circuit in December 2002, as I said. I was retired for three years and then I was recalled and assigned to the Eleventh Judicial Circuit, which is Bloomington, Pontiac and Lincoln and I spent most of those nine months I spent in Eureka, working with a whole new set of judges, people I didn't know. I only knew two of the judges over there. Judge Frobish, as I mentioned; and then Judge [Ronald] Dozier who was State's Attorney of McLean County when I was in the State's Attorney's Office.⁵⁸ That was a whole new experience. I'm glad I agreed to go back. It was a good experience. I got to meet a lot of people and got back in the -- because there is a period of adjustment when you retire from the bench. You know, you're used to, you're used to people being deferential to you, you know and nobody (laughs) arguing with you and (laughs) -- and then all of the sudden you're out in the world and nobody cares (laughs) that you were a Judge. Except your good friends and family and that, so you kind of miss that, but there's a period of adjustment and when I had adjusted I was recalled so after nine months I had to readjust again.⁵⁹

And I have trouble watching courtroom TV shows because they almost never portray the law 100% accurately. They got about 89% accurately but in order to have a good story they have to fudge it a little, especially on the suppression rule. You'll see these cases like *Law & Order* and that where the judge suppresses evidence which in real

⁵⁸ Judge Ronald Dozier became a Circuit Judge in 1987, and served in that position until 2006. From 1976-87- he was State's Attorney of McLean County, a position he returned to on an interim basis from 2011-2012.

⁵⁹ Judge Ebel was recalled to serve as a Judge in the Eleventh Judicial Circuit from 2005-06.

life he would not suppress. There was not an illegal seizure or a search or an interrogation. But they have to make it that way to have a story. That's a little frustrating. Those shows don't, don't really 100% accurately portray. I mean, for the most part they're good shows but -- I get people a lot of times asking me, "How could they, can they really do that? You know, suppress that?" and I say, "It wouldn't happen," or they'll say, "Well, the police can't do that," and I say, "Yeah, they can," you know. (laughs) And the suppression rule is not an easy thing to understand. Most lawyers don't do criminal law and so they don't understand it, really.

LAW: What kind of civic engagement have you been a part of?

EBEL: Since I retired? No, I've --

LAW: Throughout your career.

EBEL: Throughout my career? I haven't really been heavy, active in civic organizations. I was on the Central Illinois Heart Association Board for a couple of years because I've had open-heart surgery and so I sat on that for a couple years. I, as I said, was a member of the bar association. For a while I was a member of the Illinois State Bar Association, too, as a prosecutor. But I really haven't done that much. I'm active now in the church a little bit. That's, that's about it. I also give free legal advice to relatives.

[02:15]

LAW: Okay. What role do you think our commission can play in preserving the history of the courts in Illinois? How can the courts and the commission work together to preserve records, collect oral histories and develop memorials?

EBEL: Well, I think this oral history thing is a really good idea. And I think you should get as many of those as you can. I was watching a show the other night about a fellow whose

father had been in World War II but he never talked about it. Near the end of his father's life he got him to talk about it, he did an oral history and he found some of the people that served with his father and then he took an oral history from them and it was really, it was really interesting to -- these people had been in the Battle of the Bulge and you know, they -- it's a common experience among families of people who have been in combat, they usually don't talk about it. And it's hard to get them to talk about it. I mean I've had, I had an uncle who was in combat in the Pacific, badly wounded in the Philippines and he never talked about it. I had a cousin who was in Vietnam in the Marines and he never talked about it, so. Now you do get relatives who haven't talked in years who call you up when they've got a legal problem. (laughs) That you get.

LAW: What does the future of the professional hold?

EBEL: Well, I think, I don't know, I think the future looks good. I think we've got a lot more qualified and dedicated lawyers than we used to have. We've taken away some of the, some of the things that lawyers used to get paid a lot of money for that they shouldn't, such as you know, probate where it used to be a percentage of the estate they would get and, but now they have to bill, they have to bill for their hours actually worked. And I think that's a little better. I think women in the profession is great. They bring a dynamic to it. I don't know, women lawyers seem to be a little more energetic and involved in their client's case and I don't mean that as a slam of male lawyers. They're involved. But I think women, I don't know if it's an emotional thing or they relate better to their client and -- you know. Juvenile Court, they did a great job. Civil Court, I didn't have that much time in Civil Court, but there weren't that many female lawyers that appeared

in Civil Court. It seems to be in the State's Attorney's office, I think that has the bulk of them, then government work.

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

EBEL: You mean about going to law school?

LAW: This would be really in regards to your legal career.

EBEL: Yeah. No, I don't think so. I think I was very fortunate, very fortunate that I got that call from Mr. Calkins in May of my second year of law school offering me that job because, well, I had, during college I had worked part time at Kroger and I'd worked the first summer back at Kroger, so I would have been back working at Kroger probably, or some other place. My decision to go to law school, you look back on your life, there are a lot of moments where it really was a fork in the road. Because I had worked the last three and a half years in college, I'd worked part time at a Kroger store and I had worked fifteen to thirty hours a week and I could very easily have gone into the Kroger management training program. I thought about that, but I wanted to be a prosecutor. I wanted to go, so I went to law school. (clears throat) And I think about being in the Air Force. As I said, I was in the Intelligence career field and in the unit I was in, in Okinawa, there were three occupational specialties. There was analyst, cryptologist and linguist. The linguists were people who had been trained in one specific language. They could translate messages. What the Air Force did was send them to Yale University for one year, as a student. Didn't have to wear a uniform. They took twelve hours each semester in one language. To read, write and speak it. Whether it was Chinese, Russian, Vietnamese, whatever. And in that unit we had a lot of Chinese linguists in that unit. And since the Air Force had spent a lot of money training them they wanted to keep them. So at the

end of their first enlistment, if they re-enlisted they were automatically promoted to staff sergeant. Now they did not offer-- I was an analyst, they didn't offer that to analysts or cryptologists.

But I was thinking back, you know, if that had been offered to me, because I had been made airman first, if that had been offered to me, I probably would have taken it. I probably would have been twenty years, thirty years in the Air Force if they had -- so just, you know, those circumstances that change a direction of your life.

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

EBEL: I hope I -- as a judge, I hope I'm remembered as someone who was, gave everybody a fair trial and then ruled in accordance to the law and the evidence. That's very important. I think it was Judge Courson who told me, "The only thing worse than a Judge who knows the law but doesn't follow it is a Judge that's taking bribes," because for stability in our society, you've got to have predictability in the law. In other words, you've got to have judges who know the law and will rule in accordance with it and the evidence in the case. And (clears throat) -- a question you always ask a juror, when you're selecting a jury, "Will you follow the law as I give it to you, even if you disagree with it?" Now most people say, "Yes." There will be a few who say, "Oh no, if I disagreed with it I couldn't." I say, "Now wait a minute. Let's think about this. Suppose you had a case. Somebody was suing you or you were suing somebody and the day before the trial you went into see your lawyer for one last pre-trial conference. And supposed it was a bench trial and your lawyer says, 'You know, we've got a good case here, we've got a good case, you should win it, if the Judge follows the law and rules in accordance with the evidence, you'll win, but there's no guarantee the Judge is going to do that, so you may

lose, ' now how would you feel?" So Judges will rule in accordance to the law and the evidence, provide stability and predictability and that, that gives you stability in your society, because if Judges don't do it, then what have you got? Chaos? Eventually anarchy? I mean, there's got to be somebody who can resolve disputes between people and between corporations and governmental units and between people and corporations and people and government. There's got to be some people who, somebody who can resolve those disputes peacefully so it doesn't result in self-help or violence and -- and I really think that's the most important thing about being a Judge and all, you do the best you can and be fair and let everybody have their, let everybody have a fair hearing. Because you know, people go out, who lose and leave court -- if they've had a fair hearing, they usually are satisfied. Now some people won't be satisfied no matter what, but -- if you let someone, if you let people have their say and present their case and then, and something I didn't always do in my early years, I just handed down my decisions, but I learned to do, explain your decision to the people. Especially non-lawyers. Pro Se. Explain why you're ruling the way you did. And that's helpful and they understand it and sometimes when it's a he said, she said or it's one witness against the other witness, you have to resolve it by determining the credibility of the witnesses -- who do you believe? In a criminal case, if you believe the state's witness, then you find him guilty. If you believe the defendant, you find him not guilty. If you don't know who to believe, then that means the state hasn't carried the burden of proof beyond a reasonable doubt and so you have to find the defendant not guilty. I remember a case I had, I think it was a misdemeanor. It was the defendant's word against the state's witness and at the end of the trial I usually said, "Well, having determined the issue of credibility of the witnesses,

in favor of the people and against the defendant, I find the defendant guilty,” that’s a nice way of saying it. And then one time this defendant said, “Judge, I don’t understand. What do you mean by that?” I said, “Well, sir, it means I didn’t believe you,” and he says, “Oh, Okay.” (laughs) So I think that’s, it’s important to explain your decision. Now if it’s a motion in a civil motions or something, the lawyers understand why you ruled the way you do and you usually don’t have to do much explaining.

LAW: Judge Ebel, that’s all I have for you today, unless there’s anything else you’d like to add.

EBEL: No, I think that ends it. It’s been a pleasure.

LAW: Thank you, sir.

EBEL: Mm-hmm.

[02:26] Total Running Time

END OF INTERVIEW TWO

END OF ORAL HISTORY