

**Annual Report to the
Supreme Court of Illinois
Illinois General Assembly
and the Governor of Illinois
2013**

Submitted by:

The Illinois Supreme Court Historic Preservation Commission

January 2014

INTRODUCTION

The Supreme Court Historic Preservation Commission was created in 2007 by an Act of the General Assembly (705 ILCS 17) with the stated purpose to:

“...assist and advise the Court in regard to the acquisition, collection, documentation, preservation, cataloging, and related matters with respect to historic aspects of buildings, objects, artifacts, documents, and information, regardless of form, relating to the Illinois judiciary.”

The Commission furthered its mission in 2013 by preserving and disseminating the judicial history of Illinois to the legal community and to the public at large. The Commission partnered and collaborated with multiple institutions to facilitate the creation of entertaining and substantive programs, outreach, and publications that fostered a greater awareness and appreciation of Illinois’s legal history and the importance of the judicial branch of government. In partnering with other entities—federal, state, local, and private—the Commission maximized state resources to operate at a cost-efficient level.

Included among the partnerships were Illinois College, the Abraham Lincoln Presidential Library and Museum (ALPLM), Illinois Historic Preservation Agency, Abraham Lincoln Presidential Library Foundation, Illinois State Board of Education (ISBE), Illinois State Bar Association, Chicago Bar Association, Women’s Bar Association of Illinois, Sangamon County Bar Association, DePaul University Theater School, University of Chicago, The Church of Jesus Christ of Latter-day Saints, and Community of Christ.

ADMINISTRATIVE

Commissioners

Hon. James R. Thompson, Chair

Hon. Kirk W. Dillard

Kim B. Fox

Hon. Michael F. McClain

Pauline Montgomery

Joseph A. Power Jr.

William J. Quinlan

Jane Hayes Rader

Michael J. Tardy, *ex officio*, Director, Administrative Office of the Illinois Courts

Four Commissioners were reappointed to their positions in 2013. The Supreme Court reappointed Jane Hayes Rader; the Governor reappointed Joseph A. Power Jr.; the Senate President reappointed the Honorable Kirk W. Dillard; and the Speaker of the House reappointed Kim B. Fox. All four appointees will serve four-year terms expiring June 30, 2017.

Staff

John Lupton, Executive Director and Director of History Programs

Matt Burns, Director of Administration and Director of Outreach

Virginia Geiger, Administrative Assistant

The Commission employed five part-time contractual workers during 2013. The Commission utilized contractual researchers to perform research, writing, and collections management tasks to further its goal of disseminating information on the judicial history of Illinois to the public and legal community.

The Commission partnered with colleges and universities and hosted two interns in 2013. This mutually beneficial relationship helps to train students in the field of public history, archival management, and legal history, while simultaneously supplying the Commission with the necessary staff to continue its mission.

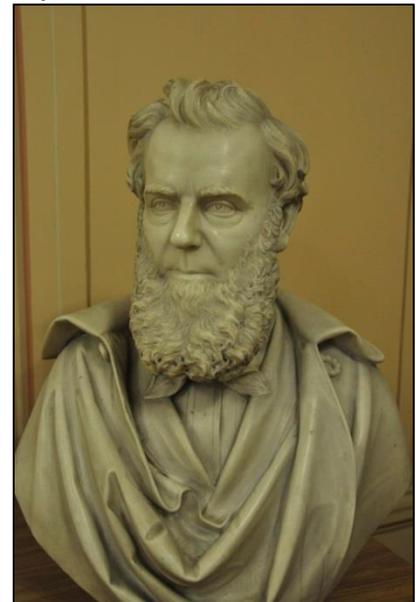
Meetings

The Commission met four times in 2013 on January 31, April 22, July 22, and October 21.

SUPREME COURT BUILDING RENOVATION

The Supreme Court vacated the Supreme Court Building in May 2013 for major renovations. The Building is scheduled to be closed until the September 2014 term of Court. The Commission has been actively involved with the Court, the Administrative Office of the Illinois Courts, and the Building architects to provide advice, knowledge, and support of the renovation. This is the first time in the Building's 100-plus-year history that it has been closed. The mechanical systems are in serious need of updating as excess humidity and temperature fluctuations have caused damage inside the courtroom itself. With priceless artwork and artifacts housed in the Building, the renovation is necessary and important to maintain the integrity of the Court's historical possessions.

Before the Building closed in May 2013, the Commission created an inventory of historic artifacts that were then packed and transferred to the Commission for storage during the renovation. Most notable among the artifacts were 107 portraits of the former justices that were housed in the Attorney's Room. The Commission has unframed the portraits and is in the process of soliciting grants to assist with digitization, reframing, and more comprehensive interpretation. Another notable artifact the Commission is storing is the Albert Krehbiel competition mural depicting Justice, Precedent and Record. Lastly, one more valuable item is the bust of Supreme Court Justice John Dean Caton, who served on the Court from 1842 to 1864. The bust was carved in Italy in approximately 1867 and given to the Court between the 1900s and the 1930s.



John Dean Caton bust, ca. 1867
Randolph Rogers, Sculptor

While other offices within the Building were packing, staff members found documents, photographs, and campaign banners. They notified the Commission, who examined the materials for proper disposition. The documents mainly came from old case files and were transferred to the Illinois State Archives, which is the state entity that houses Supreme Court case files. Other materials were transferred to the Commission for permanent storage in archival containers.

One document that surfaced was a jury instruction that had been denied at the trial court. After subsequent research, the Commission determined it was from a series of Supreme Court appeals from 1897 to 1908 involving school segregation in Alton, Illinois. These series of cases will form the subject matter for the Commission's 2014 retrial.

Commission staff have also been working with the Supreme Court Building Manager to document the progress of the demolition and renovation.

The Building renovation architects have called upon staff members of the Commission to assess the historical value of items. Two examples of an historical item and a non-historical item demonstrate the expertise of personnel involved in the assessment process. In the first example, during demolition, workers found four pedestal sinks stored in the basement. Upon further research, the Commission discovered that the sinks were the original 1908 sinks installed in the third-floor apartments. One sink had a faint pencil mark of "B. Miller," which provides the Commission the approximate date of removal and from which apartment the sink came. "B. Miller" refers to former Justice Benjamin K. Miller, who served on the Court from 1984 to 2001. The Commission took possession of three of the sinks—the fourth sink was broken and could not be repaired. The second example involves an iron gate that was slated for removal. Architects contacted the Commission for an opinion on its historical value. While the gate most likely dated from the construction of the Building, it was not deemed to be historically valuable. One important criterion for artifact retention is the ability to interpret objects. In the case of the sinks, they can be displayed to illustrate the living arrangements in the Building for the Court, but in the case of the iron gate, there was little to place it in the context of the Building.

The Commission will continue to work with all parties involved in 2014 to provide historical advice and consultation on various aspects of the renovation.

EVENTS

Honorable George N. Leighton Award



Justice Mary Jane Theis and Thomas P. Sullivan

The Commission established the Honorable George N. Leighton Justice Award to honor an attorney or judge who has made an outstanding contribution to the profession with exceptional service to the legal community and by exhibiting the qualities that personified Judge Leighton's character, service and legal career. The Illinois Supreme Court convened on November 18, 2013 as the Commission presented the award to Thomas P. Sullivan.

Mr. Sullivan is a partner at Jenner & Block and known for his involvement in notable constitutional cases, investigations, and contributions to public policy and law. He has

handled civil, criminal and appellate litigation for more than 55 years. Sullivan was counsel on the case leading to the landmark 1968 U.S. Supreme Court decision, *Witherspoon v. Illinois*, prohibiting trial judges and prosecutors from using peremptory challenges to exclude potential jurors because of personal

opposition to the death penalty. Over 350 inmates, including Witherspoon, had their death sentences reversed as a result.

From 1977-1981, he was the United States Attorney for the Northern District of Illinois. While serving as U.S. Attorney, Mr. Sullivan, along with the FBI, launched a full investigation—Operation Greylord—into judges, lawyers, and other government officials throughout Cook County that led to numerous convictions.

In 2000, Governor George Ryan appointed Mr. Sullivan to co-chair the Commission on Capital Punishment. The report identified serious issues in the system and included 85 recommendations for reform. Mr. Sullivan also served as Chair of the Illinois Capital Punishment Reform Study Committee. Recommendations from that committee led to Governor Pat Quinn signing legislation in 2011 abolishing the death penalty in Illinois.

Sullivan has also represented many indigent persons in civil and criminal litigation, including prisoners at Guantanamo Bay, Cuba. Additional details are available on the Commission's website: www.illinoiscourthistory.org/events/the-honorable-george-n-leighton-justice-award-november-18-2013.

Previous awardees were the Hon. George N. Leighton in 2009, former Illinois Supreme Court Chief Justice Benjamin K. Miller in 2010, and former U.S. Supreme Court Justice John Paul Stevens in 2011. The fifth Leighton award will be presented in 2014.

Habeas Corpus Hearings of Joseph Smith

The Commission partnered with the Abraham Lincoln Presidential Library and Museum to produce several events related to the legal issues of Joseph Smith, the Mormon Prophet, during his time in Illinois. The events by the Commission and the ALPLM highlighted personal liberties through the lens of Joseph Smith's habeas corpus hearings. These events garnered local and national interest. The Commission and ALPLM jointly solicited the necessary finances through law firms, foundations, and businesses to present these events. Most of the events related to the habeas corpus hearings qualified for Minimum Continuing Legal Education credit and teacher education credit.

In the early 1840s, Joseph Smith, the founder of The Church of Jesus Christ of Latter-day Saints, was arrested on three different occasions to face extradition for alleged crimes committed in Missouri. After all three arrests, Smith sued for a Writ of Habeas Corpus to free himself from unlawful detention. In all three hearings, a court agreed that Smith should be freed. The issue of personal liberties was prevalent during the Civil War as President Abraham Lincoln suspended the Writ of Habeas Corpus several times to quash dissent. Most recently, prisoners at Guantanamo Bay, Cuba have used the writ in an attempt to free themselves.



Richard E. Turley Jr. (left) and Steven Beckett listen to Hon. Sue Myerscough at the April Roundtable Discussion at the State Capitol Building in Springfield, Illinois.

In April, the Commission and ALPLM presented a Roundtable Discussion at the Senate Hearing Room, formerly the Illinois Supreme Court courtroom, in the Illinois Capitol Building. The discussion brought together historians, lawyers, and judges in two separate panels to address court protection of individual liberties, particularly religious freedom in the United States. The panel, introduced by Governor James Thompson and moderated by Illinois State Board of Education President Gery Chico, consisted of experts on Joseph Smith, Stephen Douglas, habeas corpus, religious history, and Guantanamo Bay. As a court procedure, habeas corpus has changed dramatically from its use in the mid-nineteenth century to the present. The first panel addressed the historical context of the Mormon Church and the use of habeas corpus in three separate trials concerning Joseph Smith. The second panel addressed the use of habeas corpus in the Guantanamo Bay cases in comparison to other remedies to protect individual liberties in modern times.



Commissioners Governor James Thompson and Hon. Michael McClain in Nauvoo

In September, Nauvoo, Illinois was the site of a day-long event presented in partnership with the City of Nauvoo, The Church of Jesus Christ of Latter-day Saints, and the Community of Christ. Experts gathered at eleven sites in Nauvoo to speak on various topics relating to the Mormon experience in Illinois and the issue of habeas corpus. In the evening, Governor James Thompson welcomed the audience of nearly 1,500 for the keynote address by Elder Dallin Oaks, one of the members of the Quorum of Twelve of the Mormon Church. Utah Governor Gary Herbert and former Utah Governor Olene Walker were in attendance.

The following day, the group traveled to Springfield for a luncheon at the Illinois Executive Mansion, hosted by Governor Pat Quinn, then a tour of the Abraham Lincoln Presidential Library and Museum and the Lincoln Home.

In the evening, the Habeas Corpus Hearings of Joseph Smith and Panel Discussion took place. In a sold-out theater at the Abraham Lincoln Presidential Museum, four actors presented the three habeas corpus hearings followed by a panel discussion on the use of the writ of habeas corpus from Joseph Smith to Abraham Lincoln to Guantanamo Bay. ISBE Board President Gery Chico moderated the panel featuring Jeffrey Walker of the J. Reuben Clark Law School at Brigham Young University; Michael Scodro, the Illinois Solicitor General; Hon. Sue Myerscough of the U.S. District Court, Central District of Illinois; and Jeffrey Colman of Jenner & Block. In October, the presentation and panel discussion was held at the University of Chicago with the same actors and same panelists, with the exception of Professor David Strauss of the University of Chicago Law School moderating the panel.

In October, the Commission and ALPLM partnered with the Illinois State Board of Education for a teachers workshop. Ten teachers from across Illinois attended the workshop to learn about Joseph Smith's life, religious history in America, personal liberties, and the writ of habeas corpus. The teachers, who are also curriculum specialists, will create a two-week lesson plan following the new Common Core guidelines to be disseminated statewide in 2014.

For images of the April Roundtable Discussion, visit <http://illinoiscourthistory.org/events/joseph-smith-roundtable-springfield-april-4-2013>

For images of the Nauvoo event, visit <http://illinoiscourthistory.org/events/joseph-smith-nauvoo-afternoon-event> and <http://illinoiscourthistory.org/events/joseph-smith-nauvoo-evening-event>

Mary Todd Lincoln Insanity Retrial

Most of the events concerning the Insanity Retrial of Mary Todd Lincoln occurred in 2012, but several events carried over into 2013 that had significant exposure for the Commission.

In January and March, the Commission and the ALPLM presented the play/reading of “Mary & Myra,” written by New York playwright Catherine Filloux. The Women’s Bar Association of Illinois, the Chicago Bar Association’s Alliance for Women, and the Sangamon County Bar Association sponsored the events in Chicago and in Springfield. Susan Jeffers portrayed Mary Todd Lincoln and Aasne Vigesaa portrayed Myra Bradwell in the play that highlighted the visits that Bradwell made to Lincoln at the Bellevue Place sanitarium in Batavia, Illinois. Vigesaa had previously worked with the Commission in 2011 when she portrayed Mary Surratt in the Retrial of Mary Surratt.

In February, WTTW public television station in Chicago broadcast an edited production of The Insanity Retrial of Mary Todd Lincoln. The broadcast was a 90-minute program of the retrial that had taken place at the Murphy Auditorium in Chicago in September 2012. The airing garnered a 1.5 rating on the Nielsen Ratings, which translates to approximately 35,000 homes in the greater Chicago area. Later in the year, WTTW distributed the program to PBS stations across the state and to C-SPAN, giving the production statewide and national exposure.

The National Academy of Television Arts and Sciences, Chicago/Midwest Chapter nominated V.J. McAleer and Jamie Ceaser of WTTW-TV for producing The Insanity Retrial of Mary Todd Lincoln in the category of Outstanding Achievement for Informational/Instructional Programming – Program/Special/Series/Feature/Segment. The award ceremony was held in November, and the Insanity Retrial lost to a Wisconsin production.

OUTREACH

Website

The Commission’s website, www.illinoiscourthistory.org contains considerable judicial history material that is of interest to attorneys, historians, and the general public. The Commission also has a Facebook page that is primarily used to direct users to the website, where more detailed information is available.

The website has become one of the Commission’s primary methods of locating and communicating with persons interested in legal history. The Commission continues to add material on individual Supreme Court Justices and on county courthouses and their histories.

Public Presentations

In 2013, the Commission continued to raise awareness of the history of the judiciary by offering its staff as speakers for annual dinners, monthly meetings, and school groups. Staff members spoke to bar associations, law schools, elementary and middle schools, and Road Scholar groups, and conducted workshops. A sampling of the more significant presentations appears below.

In January, John Lupton spoke to the Coles County Historical Society about the Mary Todd Lincoln Insanity Trials.



Matt Burns presents check to Noah Hancock of Oglesby Washington Junior High School.

In February, John Lupton was a guest on a local Springfield radio station to promote the Commission's Retrial events.

In May, the Commission gave a \$100 award at the Illinois History Fair to the exhibit that best portrayed a judicial history topic. Thousands of middle and high school students participated by creating exhibits that were then judged. Noah Hancock, an eighth-grade student from Oglesby Washington Junior High School, who assembled an exhibit on Illinois Supreme Court Justice Howard Ryan, won the award this year.

In June, John Lupton led a group of teachers at the Horace Mann Teachers Workshop in a mock impeachment trial of Abraham Lincoln. The counter-factual exercise assisted teachers in thinking critically about President Lincoln's suspension of the Writ of Habeas Corpus.

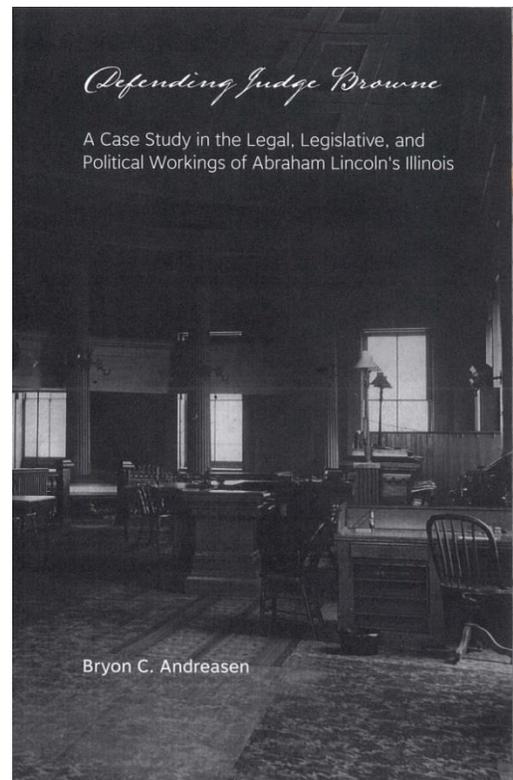
In September, Christina Rum, a contractual researcher, presented a paper at the Conference on Illinois History about legal cases that arose from domestic violence in the 1820s.

Publications

In January, the Commission published a booklet entitled *Defending Judge Browne: A Case Study in the Legal, Legislative, and Political Workings of Abraham Lincoln's Illinois*. Authored by ALPLM historian Bryon C. Andreasen, the book details the unsuccessful effort to remove Illinois Supreme Court Justice Thomas C. Browne from the bench in 1842. Abraham Lincoln represented Browne in the Illinois House of Representative's hearing.

In September, the Commission and the Abraham Lincoln Presidential Library and Museum published *The Habeas Corpus Hearings of Joseph Smith*, a companion publication to the events held in Springfield and Chicago.

The Commission continues to publish biographies of all 116 justices who have sat on the Illinois Supreme Court. As of the end of the year, 72 have been completed and published on the Commission's website (<http://illinoiscourthistory.org/justices>). The remaining 44 are in the process of final editing. The Commission has begun negotiations with several university presses to publish the biographies into a book.



Southern Illinois University Press has accepted for publication the manuscript, *Prairie Justice: A History of Illinois Court under French, English, and American Law*. The book details the changes in the Illinois legal system over a 250-year period. Commission staff edited the manuscript, which was written in the 1950s.

Collections

In 2013, the Commission continued to expand its archival holdings.

In 2012, the Commission obtained nearly 50 portraits of the Court from the 1940s to present day. These are the official portraits of the seven justices sitting at the bench in the Supreme Court Building's court room. During the renovation, Court staff found additional portraits of the Court, and the Commission took possession of them.

The Commission obtained oral histories of Juleann Hornyak and Appellate Justice Robert Carter. Hornyak, the longest-serving Clerk of the Supreme Court, began her oral history with the Commission in 2012 and continued to be interviewed in 2013. Justice Carter is currently serving on the Appellate Court for the Third District. His experiences as a veteran, a law clerk for Justice Howard Ryan, and his own ascension as a judge are valuable historical pieces of the Illinois judiciary.

In 2013, the state lost three of its former justices: Justice Mary Ann McMorrow, Justice Moses Harrison, and Justice John Nickels. Fortunately, the Commission had obtained the oral histories of all three of the justices, which are posted on the Commission's website. An oral history allows the interviewer to delve deeply into topics with no time limit. All three justices told wonderful stories of their lives and their experiences in the legal and judicial profession. The Commission will continue to collect oral histories of prominent judges and lawyers in the State of Illinois to expand its corpus of research material.



John Lupton conducts an oral history interview of Justice Moses Harrison in June 2010.

Staff

John Lupton was named to the Executive Committee of the Court and Legal History Affinity Group of the American Association for State and Local History. The Court and Legal History Affinity Group serves those working to preserve and promote legal and court history around the nation.

Christina Rum, the Commission's contractual archivist, furthered her historic preservation education by taking courses at the Campbell Center for Historic Preservation Studies and online courses with the American Association for State and Local History. Rum has begun an internship with the Illinois State Archives for practical experience in document conservation and collections management.

John Lupton was named president-elect of the Association for Documentary Editing, an organization that promotes the exchange of ideas and setting standards that reflect the ADE's commitment to the highest professional standards of accuracy of transcription, editorial method, and conceptual indexing. Lupton will become president in July 2014 for a one-year term.

Exhibits

To commemorate the 200th anniversary of the birth of Stephen A. Douglas, the Commission loaned its exhibit on the interaction between Douglas and Joseph Smith, the Mormon Prophet, to the Old School Museum in Winchester, Illinois. Winchester was the location of the first home of Douglas when he moved to Illinois in the 1830s. In 1841, Douglas joined the Illinois Supreme Court, serving for two years before moving to the U.S. Congress.

LOOKING AHEAD TO 2014

Supreme Court Building Renovation

The Commission will continue to work with the Illinois Supreme Court and the Administrative Office of the Illinois Courts to preserve and conserve historic aspects of the Supreme Court Building during its renovation. With the Building scheduled to reopen for the September 2014 term, the Commission is working with the Court for a rededication event in the fall.

Outreach

The lease for the Commission's current space ends in April 2014. The Commission has entered a new lease at a new location that offers significant exhibit space. After several years of collecting the history of the Illinois judiciary, the Commission can now begin to display these artifacts.

The Commission will continue to produce high-quality publications on the history of the judiciary, continue to expand its collections, obtaining additional oral histories and soliciting archival material. The staff will continue to make public presentations on the history of the Illinois judiciary to educate the public about the third branch of government.

History on Trial

The success of the Retrial of Mary Surratt in 2011, the Insanity Retrial of Mary Todd Lincoln in 2012, and the Habeas Corpus Hearings of Joseph Smith in 2013, the Commission has branded this product as History on Trial, which captures the symbiotic relationship between the law and history. For 2014, the Commission is planning an examination of a series of school segregation cases at the turn of the twentieth century.

CONCLUSION

The Commission continues to fulfill its mission to preserve and disseminate information concerning the Illinois judiciary with exhibits, publications, events, and presentations. The products created by the Commission have permanent value to the citizens of Illinois and even beyond the state's borders. Its efforts to use historical court cases, personalities, and events to illustrate modern issues that affect everyday citizens have been enormously successful. The Commission will continue to build upon that success.

FISCAL SUMMARY

Cash Balance

Item	Debit	Credit	Balance
FY07 Lump Sum Transfer		\$5,000,000	\$5,000,000
FY08 Interest and Receipts		\$136,757	\$5,136,757
FY09 Expenditures	\$177,318		\$4,959,439
FY09 Interest and Receipts		\$129,162	\$5,088,601
FY10 Expenditures	\$805,392		\$4,283,209
FY10 Interest and Receipts		\$45,899	\$4,329,108
FY11 Expenditures	\$919,817		\$3,409,291
FY11 Interest and Receipts		\$37,403	\$3,446,694
FY12 Expenditures	\$579,341		\$2,867,353
FY12 Interest and Receipts		\$45,572	\$2,912,925
FY13 Expenditures	\$628,790		\$2,284,135
FY13 Interest and Receipts		\$12,926	\$2,297,061
FY14 Expenditures (Estimated)	\$578,000		\$1,719,061
FY14 Interest and Receipts (Estimated)		\$30,000	\$1,749,061

FY13 Expenditure Detail (July 1, 2012-June 30, 2013)

Regular Positions	\$228,061
Professional Services	\$118,448
Benefits	\$177,442
Contractual Services	\$26,925
Lease	\$54,350
Printing	\$5,363
Telecommunications	\$8,765
Travel	\$4,045
Commodities	\$2,787
Equipment	\$0
EDP	\$2,604
Total	\$628,790