

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

2017

Submitted by:

The Illinois Supreme Court Historic Preservation Commission

January 2018

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 fulfilled its mission in 2017 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, the Commission maximized state resources to operate at a cost-efficient level.

ADMINISTRATIVE

Commissioners

Hon. James R. Thompson, Chair

Vincent Cornelius (term began July 1, 2017, vice Rader)

Hon. Kirk W. Dillard

Kim B. Fox (term expired December 26, 2017)

Marcia Meis, *ex officio*, Director, Administrative Office of the Illinois Courts (term began August 1, 2017, vice Tardy)

Pauline Montgomery

James Morphew (term began December 27, 2017, vice Fox)

Joseph A. Power Jr.

William J. Quinlan

Jane Hayes Rader (term expired June 30, 2017)

J. William Roberts

Michael J. Tardy, *ex officio*, Director, Administrative Office of the Illinois Courts (term expired July 31, 2017)

Staff

John Lupton, Executive Director and Director of History Programs

Matt Burns, Director of Administration and Director of Outreach

Virginia Geiger, Administrative Assistant

Benjamin Belzer, Collections, Oral History, and Research

Meetings

The Commission met four times in 2017 on February 27, June 12, August 28, and November 6. Agendas and Minutes are available upon request to the Executive Director.

Office

The Commission is housed in the second and third floors of the Booth-McCosker Building at 231 South Sixth Street at the northwest corner of Sixth and Monroe Streets in Springfield. Utilization of the space includes staff offices, library, collections room, conservation/preservation room, and space to exhibit artifacts.

Audit

The Illinois Auditor General's Office completed its biannual audit of the Commission for Fiscal Years 2016 and 2017. The Commission had zero audit findings for the two-year period.

BICENTENNIAL OF THE JUDICIARY

For the last few years, the Commission has been working with the Supreme Court of Illinois preparing for the 200th anniversary of the judicial branch. The Commission is planning the following commemorations:

- History on Trial: Historic Cases Project involves an outreach effort to Illinois circuit clerks to identify important, famous, or representative cases in Illinois history. The Commission has already received positive feedback from many clerks and full reports of significant cases.
- An October 9, 2018 Gala at the Abraham Lincoln Presidential Library and Museum will celebrate the Court's 200th anniversary. The date is significant because on October 9, 1818, the Illinois General Assembly named the first four Supreme Court justices. Author and attorney Scott Turow will be the keynote speaker at the Gala.
- A traveling exhibit will rotate among law schools and colleges throughout Illinois.
- Planned publications include a biographical compilation of all 116 justices who have sat on the Supreme Court bench as well as other publications highlighting the judicial branch.

Illinois's legal history is important to study because of the impact that Illinois law had in the growing country with its urban and rural populations and massive growth of industrialization. Additionally, Illinois was a launching pad for many significant members of the Illinois bar. Lawyers and judges in Illinois garnered national attention for their body of work. The first lawyer to have settled in Illinois was John Rice Jones, who became one of the first Missouri Supreme Court justices. Abraham Lincoln and Stephen Douglas battled each other in the courtrooms of Illinois before their battles in the political arena. Myra Bradwell attempted to become the first woman licensed in Illinois. Clarence Darrow became world-renowned for his legal career. Four members of the Illinois bar became justices of the U.S. Supreme Court (David Davis, Melville Fuller, Arthur Goldberg, and John Paul Stevens). George Leighton's storied career as a lawyer and judge is more impressive with the understanding that he did not graduate high school but did graduate from Harvard Law School.

More information about the Court's and Commission's bicentennial activities can be found in other sections in the Annual Report.

SUPREME COURT OF ILLINOIS

The Commission continues to work closely with the Supreme Court of Illinois to preserve its history and to make that history easily accessible to the public.

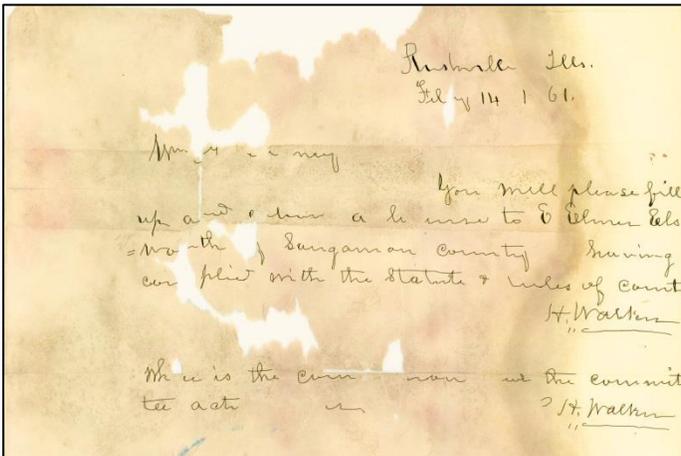
During 2017, Commission staff led state, national, and international dignitaries on tours of the Supreme Court Building in Springfield. Most notable of these was the Consul General of Japan, who toured the Illinois Supreme Court Building led by John Lupton, who explained the history of the Court the Building, including its artwork. Lupton also assisted with an extensive tour for three Israeli law students.

The Commission also worked with other offices within the Court. The Clerk of the Supreme Court Carolyn Taft Grosboll and Supreme Court Reporter Jacob Jost assisted the Commission in publishing six booklets of memorial services for deceased justices. When a member of the Court dies, the Supreme Court conducts a memorial service. In the past, *Illinois Reports* printed the transcripts, but since the *Illinois Reports* are no longer published in book form, there is no venue for memorial service transcripts. In 2017, the Commission published booklets for the memorial services of Michael Bilandic, William Clark, Seymour Simon, Howard Ryan, Joseph Cunningham, Moses Harrison, Mary Ann McMorrow, John Nickels, and Thomas Fitzgerald. The Commission is currently working on a booklet for Justice John Stamos, who served on the Court from 1988 to 1990 and passed away early in 2017.



John Lupton (center) points out features of the Supreme Court Building to Naoki Ito, Consul-General of Japan (left) and Chief Justice Lloyd Karmeier.

The Clerk's Office also sought advice from the Commission concerning damaged attorney oaths. When an attorney becomes licensed, he/she takes an oath of office, which is signed and filed with the Clerk of the Supreme Court. Of approximately 50,000 oaths, nearly 1,100 were exposed to water and developed mold.



Letter dated February 1861 from Justice Pinkney Walker instructing Supreme Court Clerk William Turney to fill out a law license for Elmer Ellsworth (enhanced with Photoshop).

The Commission helped to identify historically important oaths that were then encapsulated and preserved by the Illinois State Archives. The historical oaths included several Illinois governors, several Illinois Supreme Court justices, U.S. Speaker of the House Joseph G. Cannon, Elmer E. Ellsworth (Abraham Lincoln's law clerk), and infamous Illinois attorney Charles Guiteau (President James A. Garfield's assassin).

The Commission oversaw the rehangings of Chief Justice portraits in the Supreme Court Building. The second-floor hallway houses the ten most recent Chief Justice oil paintings. When a new Chief was named, the oldest

portrait in the hallway moved to the Michael A. Bilandic Building in Chicago. The Court instructed the Commission to create a protocol for displaying all portraits in Springfield. The Commission hung portraits in two rows in the hallway, allowing for all eighteen portraits to be displayed in Springfield. The Commission also prepared canvas reprints, which will be framed and displayed at the Bilandic Building.

In May, the Advanced Judicial Academy met in Springfield with the theme of Illinois's Past, Present, and Future. John Lupton assisted the Administrative Office of Illinois Courts in recommending historical venues for the Academy. Lupton also spoke at the banquet on Abraham Lincoln and his views of the legal profession. The Academy is a biannual judicial education program providing experienced judges the opportunity to explore the law's interaction and potential working relationship with other disciplines. Illinois legal history was the common thread for the 2017 Academy.

Also in May, the Supreme Court hosted "Law School for Legislators," at which newly elected members of the Illinois General Assembly hear presentations by justices and other members of the judiciary about the function and role of the court system in Illinois. The Commission produced the booklet that was distributed to the attendees.

The Supreme Court has agreed to hold oral arguments in March 2018 at the University of Illinois at Urbana-Champaign. The Commission will assist the Court with outreach to local schools and bar associations.

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. Matt Burns monitors and updates the website and Facebook page.

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. In 2017, the Commission completed biographies of all 116 Justices, and every biography is now available on the Commission's website. The biographies will be edited and published into a book to be printed during the Bicentennial year.

The Commission's other website, historyontrial.org, focuses on the four retrials in the History on Trial series and includes information about each of the retrials and presentations as well as educational materials created by the Illinois State Board of Education.

History on Trial: Illinois Historic Cases Project

Two years ago, the Commission contacted all 102 circuit clerks in the state of Illinois for assistance in locating famous, interesting, and representative cases in preparation for the judiciary's Bicentennial commemorations. Most clerks responded that they were interested in participating or designating someone to participate. A committee consisting of Appellate Court Justice Aurelia Pucinski, a former

Cook County Circuit Clerk; Appellate Court Justice Joy Cunningham; and Cook County Circuit Court Judge Margarita Hoffman, contacted the remaining clerks.

The Commission received final reports from several counties, including McLean, Peoria, Franklin, Moultrie, Crawford, Woodford, and others. Cases contributed concern the constitutionality of parking meters; the murder trial and hanging of notorious southern Illinois gangster Charlie Birger; a case regarding the qualifications of state's attorneys; the trial of mass murderer Richard Speck; the lawsuit of Gary Bielfeldt, a major bond trader in the 1980s who sued his accounting firm for filing fraudulent tax returns; and the murder trial of Elizabeth Reed, the only woman executed in Illinois by hanging. The depth and breadth of cases illustrate how the legal system has an effect on every person's life.

History on Trial: Alton School Cases

Lewis and Clark Community College, which partnered with the Commission in 2015 for the History on Trial: Alton School Cases presentations, successfully petitioned the Illinois State Historical Society to erect a historical marker at its newly named Scott Bibb Center. In 1897, African-American Glass Works fireman Scott Bibb fought to send his children to a white school and took his case to the Illinois Supreme Court five times over an eleven-year period. Justice Rita Garman, one of the Court's liaisons to the Commission, spoke at the unveiling ceremony, which was also attended by Justice Anne Burke, Commission liaison; Judge Neil Cohen and Scott Szala, members of the Commission's Advisory Board; and Executive Director John Lupton. The naming of the community center demonstrates the importance of the work the Commission has done in bringing this series of cases to light after more than 100 years.



Scott Szala, Justice Anne Burke, Justice Rita Garman, Judge Neil Cohen, and John Lupton attend the Scott Bibb historical marker unveiling at the Scott Bibb Center at Lewis and Clark Community College in Alton.

Public Presentations

In 2017, 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.

The Commission was featured in two CLE programs sponsored by the Illinois State Bar Association. In May, John Lupton was featured as a historical expert on a webcast panel discussion on Alexander Hamilton's legal career and what modern attorneys can learn from it. Nearly 600 people viewed the program. In December, Lupton attended the Illinois Judges Association/Illinois State Bar Association meeting and spoke on the history of Illinois's four constitutions.

Since 2010, the Commission has given a \$100 award at the Illinois History Fair to the exhibit that best portrays a judicial history topic. Thousands of middle and high school students statewide participated by creating exhibits that were then judged. In May 2017, Matt Burns presented the award for the most outstanding legal history exhibit to Eleanor Chmielowicz, Mallory Kirk, Madeleine Marland, and Claire McDermott from Payton College Prep High School for their display on Dorothy Gautreaux, who challenged Chicago public housing segregation in a case that was decided at the U.S. Supreme Court.



Matt Burns presents a check to the winners of the best legal history display at the 2017 Illinois History Fair.

Publications

Scholarly reviews for *Prairie Justice: A History of Illinois Courts under French, English, and American Law* have begun to appear in historical journals. In its Spring 2017 issue, the *Journal of the Illinois State Historical Society* noted the book is a “fine introduction to the broad landscape of Illinois law for laypeople and lawyers alike.”

John Lupton published several articles throughout 2017. “Forsaking the Law to Save the Nation” in *For the People: A Newsletter of the Abraham Lincoln Association* answers the long-standing question whether Elmer Ellsworth, one of Abraham Lincoln’s law clerks and first casualty of the Civil War, obtained his Illinois law license. Research in the Supreme Court Clerk’s attorney oaths collection demonstrates that Ellsworth completed his work and received his law license. Lupton also published “How to Find and Use Legal Records,” as an American Association of State and Local History Technical Leaflet. The how-to guide provides advice to historical societies and museums across the country on accessing and interpreting legal records.

Advisory Board Member Scott Szala published “The Limits of Free Speech: Sex Offenders, the Internet, and the Illinois Supreme Court” in the *Illinois Law Review*. The article explores a recent case before Supreme Court concerning Facebook and the Illinois Sex Offender and Registration Act. The case was one of the oral arguments the Court heard at Benedictine University in 2016. In the article, Szala notes the Commission’s role in assisting the Court at Benedictine.

In 2014, the Commission produced a booklet highlighting the history of the Supreme Court Building and contextualizing its artwork to commemorate the reopening of the Building after a fourteen-month restoration project.. By 2017, the Commission depleted its supply of booklets because it is frequently given to tour groups at the Supreme Court Building. The Illinois State Bar Association reprinted 2,500 copies of the booklet.

The Commission is working on several publications to commemorate the Bicentennial. An article on the practice of law in 1818 for the *Illinois Bar Journal* and an article on the seven Illinois Supreme Court justices who also served as U.S. Senators for the *Southern Illinois University Law Journal* specifically relate to the Bicentennial. An article on the thirty-year tenure of the Supreme Court at the Illinois

Statehouse for *Illinois Heritage* and a book chapter on an Illinois Supreme Court case that mirrored the famous federal civil liberties case of *Ex parte Milligan* after the Civil War are other works that note the significance of the Illinois judicial branch.

Collections / Oral History

Benjamin Belzer, a part-time staff member, continued responsibility for managing the Commission's small archival collection. Belzer has a bachelor's degree in history from Illinois College. Belzer completed item-level cataloguing into PastPerfect, an archival content management system, which will allow for easier control over the Commission's collections.

The Commission continued to process oral histories of judges, lawyers, and court personnel across Illinois. Belzer completed several oral histories. In total, the Commission has conducted 28 oral histories, comprised of four retired Illinois Supreme Court Justices (including the first woman to sit on the bench), a retired Clerk of the Supreme Court, five Appellate Justices, fourteen retired judges from various districts across the state, and six attorneys who have been practicing for more than fifty years.

Information Source and Impact

The staff of the Commission has become experts in the fields of legal and judicial history. Outside entities frequently solicit the Commission for information on the history of courthouses, justices, the legal profession, and court cases. In 2015, the Commission began monitoring inquiries. In 2017, it received more than 150 queries about legal-related topics.

John Lupton continued to serve on the Executive Committee of the Court and Legal History Affinity Group of the American Association for State and Local History (AASLH). The Court and Legal History Affinity Group serves those working to preserve and promote legal and court history around the nation. It is composed of historians and librarians at state and federal courts.

Lupton was also named to the Eastland Disaster Historical Society Board of Directors. In 2016, Lupton was a consultant with the Society for its retrial event.

Exhibits

Planning for a large exhibit for the Bicentennial has been a primary focus of the Commission. The Bicentennial exhibit is expected to incorporate most of the seven law schools in Illinois, community colleges, and universities. The planned exhibit will highlight how the judicial system operates in Illinois, a history of the Supreme Court, and an examination of important cases that arose from the Illinois judicial system. The exhibit will start touring the state in 2018 and continue into 2019.

The Commission assisted the Clerk of the Supreme Court with the temporary transfer of Illinois attorney oaths of President Barack Obama and First Lady Michelle Robinson Obama to the Abraham Lincoln Presidential Library and Museum. The Museum will display those oaths in its "From Illinois to the White House" exhibit in 2018 on the four presidents—Abraham Lincoln, Ulysses S. Grant, Ronald Reagan, and Barack Obama—who called Illinois home at some point in their lives.

BUDGET

When the Illinois General Assembly created the Commission in 2007, it included a General Revenue Fund (GRF) transfer of \$5 million to fund its operations. At the end of FY2017, the Commission had expended all of those funds. In the budget cycle for FY18, the Commission requested another GRF transfer of \$600,000 for general operations for the upcoming fiscal year. The legislature included the request in its budget but reduced the transfer to \$300,000. The Commission will run out of operating funds in early 2018. The Fiscal Summary included in the Annual Report details the expenditures and income in every fiscal year.

CONCLUSION

The Commission continues to fulfill its mission to preserve and disseminate information concerning the Illinois judiciary with publications, events, and presentations. The Commission has created significant and permanent value to the citizens of Illinois and 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. Despite serious funding issues, the Commission will continue to build upon its successes by commemorating the bicentennial of the Illinois judiciary in 2018.

FISCAL SUMMARY

Cash Balance

Item	Expenses	Revenues	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	\$598,148		\$1,698,913
FY14 Statutory Transfer	\$35,615		\$1,663,298
FY14 Interest and Receipts		\$30,007	\$1,693,305
FY15 Expenditures	\$643,103		\$1,050,202
FY15 Interest and Receipts		\$46,043	\$1,096,245
FY16 Expenditures	\$556,135		\$540,110
FY16 Statutory Transfer	\$28,000		\$512,110
FY16 Interest and Receipts		\$5,109	\$517,219
FY17 Expenditures	\$514,283		\$2,936
FY17 Statutory Transfer	\$2,061		\$875
FY17 Interest and Receipts		\$2,398	\$3,273
FY18 Statutory Transfer		\$300,000	\$303,273
FY18 Expenditures (Estimate)	\$512,000		\$208,727
FY18 Interest and Receipts (Estimate)		\$50,000	\$158,727

FY17 Expenditure Detail (July 1, 2016-June 30, 2017)

Regular Positions	\$251,879
Benefits	\$205,505
Lease	\$35,567
Contractual Services	\$8,879
Travel	\$1,742
Telecommunications	\$5,889
Commodities	\$2,342
Printing	\$2,105
Building Maintenance	\$375
Total	\$514,283