

An Interview with John A. Barra
Illinois Supreme Court Historic Preservation Commission

John A. Barra worked as an Assistant State's Attorney in Peoria County from 1974-80, and was elected State's Attorney of Peoria in 1980, serving in that position until 1988. From 1988-2009 he served as a Circuit Judge in the Tenth Judicial Circuit

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Abstract

John A. Barra

Biographical:

John A. Barra was born in Washington, Illinois on February 18, 1949 and spent his early life in Roanoke, Illinois. After graduating from Roanoke High School in 1967, he attended and received a degree in journalism from the University of Illinois in Champaign/Urbana in 1971. From 1971-74, Barra attended and received a law degree from St. Louis University Law School. Barra worked as an Assistant State's Attorney in Peoria County from 1974-80, and was elected State's Attorney of Peoria County in 1980. After serving two terms as State's Attorney, Barra was elected a Circuit Judge for the Tenth Judicial Circuit in 1988. He served in that position until his retirement in 2009. He and his wife Kathy have two children, Andrew and Abigail.

Topics Covered:

Parents and family history; growing up in Roanoke, Illinois; baseball; "Mount Jumbo"; Cold War; Cuban Missile Crisis; teenage years; early jobs; influential teachers and classes; Kennedy assassination; Italian identity; President Kennedy; Soviet Union and communism; Vietnam war; "Boys State"; going to college; memories of attending University of Illinois in Urbana/Champaign; fraternity work; campus demonstrations and riots; political and social views as a young man; conception of generation; the draft; Vietnam and domestic divide; memories of attending Saint Louis University Law School and living in St. Louis; summer jobs with Peoria County State's Attorney's office; meeting and marrying Kathy, family; Mike Mihm and Peoria County State's Attorney's office; Peoria, Illinois; balancing work and family; Peoria County State's Attorney's office; composition of the local bar; nature of the local bar; Peoria, Illinois; race relations; strikes; memories of judges; appellate work and the State's Attorney's office; memorable cases; *People vs. Gulliford*; work as assistant state's attorney; State's Attorney Mike Mihm; criminal justice system; running for State's Attorney; work as State's Attorney; cases; *Lane vs. Sklodowski*; *People vs. Savory*; *People ex rel. John Barra vs. A.D.M.*; Peoria, Illinois; capitol cases and prosecutorial discretion; *People vs. Enoch*; *People vs. Pitsonbarger*; death penalty, reforms, clemency and abolishment; State's Attorneys Association and appellate work; memories of judges; reelection as State's Attorney; work as State's Attorney; becoming a judge; judicial elections; impact of prosecutorial background on judging; work as a judge; patience; contempt; Caterpillar and the courts; jury nullification; appeals and trial courts; Matt Hale case; work in Pekin, Illinois as a judge; civil cases; newspaper case; retention; work as Chief Judge; comparing Pekin and Peoria; nature of the bar in Pekin; work in more rural counties; *Edwards vs. City of Henry*; Bailiff Howard Humphrey; criminal justice system; cameras in the courtroom; the judiciary and the media; enhancing the public's awareness of what the judiciary does; bar associations and the judiciary; role of the judiciary in society; pro bono work; civic engagement; astronomy; preserving legal history; future of the profession; doing things differently; legacy; "robitis."

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 John A. Barra: An Oral History

LAW: [This is an oral history interview with Judge John A. Barra. Today's date is May 12th, 2015. The interviewer is Justin Law.] This is the first interview and we are going to begin with his background. So, Judge Barra I thought we would begin with when and where were you born?

BARRA: I was actually born in Washington, Illinois, there used to be a hospital there apparently, but I lived in Roanoke, [Illinois], so the hospital was in Washington.¹

LAW: Tell me about your parents.

BARRA: Okay, my father Louis, he died six years ago, a couple days ago, it's only been six years. He lived in Roanoke all his life and when he was growing up he went to Roanoke High School then, it was Roanoke Victory [Township] High School, it became Roanoke-Benson, I think, in 1953 when I was four. He had several odd jobs when he came out of the [World] War [II], I know he worked as a bartender a couple times, then early/mid [19] '50s probably when I was about three or so he started workin' at Caterpillar [Inc.] in East Peoria, [Illinois] when they started a parts department in Morton, [Illinois], in the early [19] '60s, maybe even around [19] '60 and he worked the rest of his career there in the parts department.

LAW: Now did you know his parents?

BARRA: Yes, his dad, John, my grandfather – in fact we lived on the second floor of their house when I was real little and my grandparents lived on the ground floor, he died when

¹ Judge Barra was born on February 18, 1949.

I was four and he was a retired coalminer, he came over from Italy, worked in the coal mines all his life and he died of black lung disease [pneumoconiosis] which he picked up in the coal mines when I was four. I remember just a few things about him. He used to grow his own grapes and made his own homemade wine and put 'em in jugs and when I was a kid I do remember stompin' the grapes, and I also remember helpin' him plant corn, and he also had chickens and I used to be afraid of the roosters. And then my grandmother on my dad's side, she died in 1960, she was a homemaker, she came over from Italy. They were married in Italy, he came over first and then went back and brought her back.

LAW: What was her name?

BARRA: Her name was Katherine/Katrina.

LAW: So this was an Italian family then.

BARRA: It was Italian family, yes, and back then a good portion of Roanoke was Italian, a lot of Italian immigrants came to Roanoke to work in the coal mines.

LAW: What about your mother Myrtle?

BARRA: My mother Myrtle, she's still alive, she is eighty-five, she was born in Roanoke and married my dad right after the War and she worked off and on as a waitress at a couple of places in Roanoke then she started working as a clerk for the Secretary of State's office when it opened up in Roanoke. She didn't start right away but then it was there for a few years and she ended up workin' until she retired. Her mother left her when she was seven or eight and she had two younger sisters and her mother left and went somewhere so I don't know much about that side of the family. Her dad, I think lived in Roanoke most of

his life. Her grandparents on her dad's side came over from Italy and they lived in Roanoke.

LAW: Her dad's name was Tony?

BARRA: Her dad's name was Tony and he was a carpenter, so he worked, he died in the [19] '80s, 1980 somethin' and he was a carpenter.

LAW: Now was it unusual in Roanoke to have two parents working?

BARRA: Yes, well, I guess when I was first, when I was younger yes. But obviously there were certain types of jobs only women worked at and she was a waitress, so that was a job that women worked at.

LAW: Now your dad, he was also a WWII veteran?

BARRA: Yes, he was stationed in South Pacific [Islands].

LAW: Did he ever talk about the War?

BARRA: Very little to me, very, very little. I think my middle brother probably talked more about it later on I think my middle brother, Mike, drew more out. He didn't like to talk about the War at all, period, although he'd write about it and he'd take records of it, especially once the computer age and he could get on the internet, even though he wasn't real computer savvy, he figured out how to search things and he would search a whole bunch of stuff on the War, he'd get books on the War, he'd get films off of TV and movies about the War. He had, we called it his War Room, he had several maps, you'd have books, you'd have a stack of VCRs or videotapes of War movies and he was big in

the American Legion and he'd write things about the War but he would never ever talk about it.

LAW: And he put together some sort of scrapbook for the local VFW [Veterans of Foreign Wars] Post?

BARRA: Yeah he did, he would go online and search the backgrounds of all the people of and around Roanoke, not just on the War but also on the ones who came from Italy and went through Ellis Island, [Upper New York Bay].

LAW: Interesting.

BARRA: I've seen a little of it but I haven't seen a lot of it. He also made a book on family on both sides and traced it back. It was in that that I probably learned more about his background then from him talkin' about it because like I said he just didn't ever want to talk about it. He was in some pretty rough battles and a lot of people around him were killed.

LAW: Yeah. Now you said he worked for Caterpillar for most of his life, did most of the men work not in Roanoke but in other places?

BARRA: Yeah, I mean Caterpillar employed a lot of people from Roanoke, a lot of men and even quite a few of the women when they started, then other companies, but Caterpillar, you know small town of two thousand. Once the mine's stopped, I guess in the late [19] '40s, if I can remember my history, the mid [19] '40s, there really wasn't, you know other than the service industry, the taverns or post-office or telephone company, stuff like that, there were really no businesses other than a few stores in Roanoke that would hire people so everybody worked outside at places like Caterpillar, were big employers.

LAW: Ok, so thinking back, what do you remember about growing up in Roanoke in the 1950s?

BARRA: Oh, I would say probably the most, there weren't that many very wealthy people, I mean, a lot of middle class to lower class. But when you're growing up you didn't notice it, you really didn't know it, I mean, you did your own entertainment but baseball was big, baseball was big and basketball, we didn't have football, still don't have football at the school. Basketball was the big school sport, back then we had good basketball teams. But summer time was baseball and my dad played baseball until he was probably thirty-five in a town team that played around so I remember a lot when I was real little just going to watch them play ball. He then managed a junior [American] Legion team for quite a few years. When they started the Little League, when I was nine, he was the Little League coach for several years but always stayed active in it. And we'd do pickup games, we played baseball in the yard. I remember our yard, the first house we lived in we had an apricot tree was first base and then there was two round spots became second and third and we played baseball. The neighborhood kids would come, girls and boys, we'd play baseball and people ate at different times, the baseball games never stopped, we'd eat and leave and come back. And in the fall we played football, touch football, and stuff like that too and just about everybody had a basketball goal somewhere, like ours was attached to a barn and we played a lot of basketball too. Mainly I remember mostly playing baseball, whether it would be a couple guys getting the wiffle ball and playing home run derby or just baseball, we played a lot of baseball.

LAW: Now did you and your friends, did you follow professional baseball?

BARRA: Did they follow, yeah, oh yeah, just about everybody in Roanoke was either a [St. Louis] Cardinal or a [Chicago] Cub fan.

LAW: It was pretty split?

BARRA: It was pretty split except in our family which is almost entirely Cub fan, except me, I was a Cardinal fan.

LAW: Okay. The “black sheep” of the family?

BARRA: Sort of, yes, and everybody would ask, “How did your dad let you become a Cardinal fan?” Well I had sort of had a hard head when I was a little kid, just like my dad, well sort of. And I remember when I became a Cardinal fan, I was probably four years old and I was down at the town baseball park down by the old “Jumbo” and my dad was playing with the town team and I was just a little squirt and I couldn’t read or write back then and I think I heard that my dad was a Cub fan maybe and it wasn’t that big of a deal, ‘cause the big deal was watchin’ him play, but we were at, I don’t know, one of the practices or games and one of the other kid’s dads asked me what I was, a Cub or Cardinal, and I said, I think I thought the name Cardinal sounded better and I said, “Cardinal,” and as soon as I said Cardinal fan everybody tried to change me, not my dad so much as some of the other people, “No I’m a Cardinal fan,” and I stayed that way and in fact the first baseball game was another Cardinal fan took me, dad, took me to a baseball game. And all my family, I said, were Cub fans, my wife’s a Cub fan, all her family is a Cub fan except for one nephew who’s a [New York] Yankee fan and my son was a Yankee fan, I don’t know how that happened. I know how my nephew because they lived, the last half of their life they lived in Connecticut so they’d go see and his dad is a Yankee fan and he’s from Philadelphia or Pennsylvania but close to New York and they were Yankee fans and my son, I don’t know how he became a Yankee fan but once he made up his mind he’s been a die-hard Yankee fan but everybody else is Cub fans.

LAW: Now you mentioned the old “Jumbo”, is that Mount Jumbo?

BARRA: Yes.

LAW: Did you ever climb that when you were a kid?

BARRA: Oh God yes, I don't think you're even supposed to climb it now but I think, probably maybe, eight or ten years ago we went back and we climbed it anyway. It's only about half of what it used to be because they used all the shale, which made the “Jumbo,”

[00:15]

shale was the clay that was leftover from the mining and they used it, when they put sewer lines in Roanoke they used a lot of that shale as a filler and as a base because it was packed hard.

LAW: Hmm.

BARRA: Oh yeah, there was, in fact guys like my dad and others in the Legion back then they would shoot off fireworks off the top every Fourth of July and they'd have an old WWII jeep that they would drive up to the top to shoot fireworks and it was called a “first landing”, it was about two-thirds of the way down, which is sort of a spot that they'd leveled off, and they'd run all the set pieces off there. I can remember when I was a little kid they would, a couple years in a row they would bring an old jalopy up on top and some stunt guy would get in it and roll it off and it would tumble, and you'd think he was in it, but they would sneak out the side, but we figured that out, me and Lou Little. And

we used to go up, especially to the first landing, even once in a while to the top to watch baseball games from up there.

LAW: Okay, you could see the whole town from there.

BARRA: Yeah you could see for miles, you could see the whole county from there, when it was at its tallest.

LAW: Now, the [19] '50s, this is also the earliest years of the Cold War. Do you have any memories of the Cold War from that time?

BARRA: Oh, yeah, I remember when Sputnik [1], it didn't seem to be that big of a deal, it was a bigger deal when the United States, at least to us, when they sent the first satellite [Project] Echo, we used to watch for it to go over. I think we knew more of the Cold War in the early [19] '60s, it seemed more real, maybe because we were older. Every once in a while there'd be a scare, in fact I remember one day when I was, I don't remember if I was in fifth grade or if I was a freshman in high school and the reason I say that is before they tore down the old school and built a new grade school, when they became overcrowded in the old grade school they had fifth grade at the high school, so when I was in fifth grade I was at the high school, then sixth grade back to the grade school and then Benson was junior high back then. So, but I do remember vaguely one time when there was rumors going around that there was an invasion of California by the, I don't remember who it was, oh, the Russians, well it would have to be the Russians. And everybody when we got out of school there was the rumor flying around, it was quickly put to rest but you know it was, "Oh, really, the Russians are coming!"

LAW: The Russians are coming. Any memories of the Cuban Missile Crisis?

BARRA: Oh yeah, that I do remember, that was, I remember when that was unfolding. I've read a couple of books on it afterwards but yeah, I'm trying to remember what I was doing. I remember when [U.S. President John Fitzgerald] Kennedy died I was in high school then, so it would have been a year or two before that I guess, well it was a couple months before he died, wasn't it?

LAW: October of [19] '62.

BARRA: Yeah, so it would have been a year and a month before he died, October of [19] '62, so I would have been in junior high.

LAW: Okay, so, memories of being a teenager in the early [19] '60s?

BARRA: What was the question? Do I remember?

LAW: What do you remember about being a teenager in the early [19] '60s?

BARRA: Going to junior high school, trying to play basketball, started out, 'cause I played a lot of basketball when I was little, pick-up games we would play all the time. I do vaguely remember, well not even more than vaguely remember, starting on the junior high basketball team for the first two games and I think I ran into nine picks in a row and fouled out two games in a row and that was probably the last I ever started a basketball game (chuckles) even though I played for three or four more years I sat at the end of the bench. My first year and the first couple grading periods in the eighth grade/seventh grade were kind of rough I think, I was used to getting all A's and I got a few C's the first season so that just shocked me into you gotta study, it's getting a little bit harder.

LAW: What about early jobs, were you working as a teenager?

BARRA: I worked, I was a paperboy I think in fifth grade, fifth and sixth grade.

LAW: What was the paper?

BARRA: [*Peoria*] *Journal Star*. And then I kept it when I was in seventh grade but I played basketball so I always had basketball practice for half the year. And this one girl knew, or was it her brother, one of the two, well I think it was her brother although she helped him was my backup and they ended up doing more than me, I never made any money off of it. I did that and then I detasseled (corn) when I was in high school. I worked two summers between my senior year and freshman year at Caterpillar and between my freshman year and sophomore year of college at Caterpillar; I worked on a paint line.

LAW: On a what?

BARRA: A paint line, put up pieces on a line in Morton, painted parts, worked a couple summers at that. Those were the only jobs I had when I was going through school except when I was in law school then I painted a couple summers and worked in the State's Attorney's office one summer.

LAW: Ok, now do you recall any influential high school teachers or influential classes?

BARRA: Oh a couple influential teachers, one, probably the most influential was Darryl Souter, he was a history teacher then, and then he taught a course my senior year, first semester was economics which I didn't take, second semester was a, back then, probably a revolutionary type of course, it was a seminar course, we just read different books or parts of books or different studies and we wrote papers and we had a lot of discussion groups called a seminar. He was also student counsel advisor, I became president of student council, he was probably my most influential teacher.

LAW: Just because of the quality of the teaching?

BARRA: The quality of the teaching, the subject matter that he taught, the way he taught it and the fact that he was student counsel advisor. We did a school play that he was in charge of one year when I was a junior. He never got married, but he inspired a lot of us I think. I still think he teaches at ISU [Illinois State University], I haven't seen him in quite a few years.

LAW: So, let's see, you would have graduated Roanoke High School in 1967?

BARRA: [19] '67.

LAW: Well I also wanted to ask, memories of the [President] Kennedy Assassination?

BARRA: I was, yeah.

LAW: You would have been probably like a sophomore.

BARRA: I would have been a sophomore. I think we heard the rumors of it that there was a shooting right about the time we went for lunch and then it was confirmed and when I got to my first hour in the afternoon with my American government teacher we knew he was shot and then we heard while we were in class that he died; yeah that was quite a shock. I think they cancelled school the next day, in fact we had a school party that we were supposed to have and I think they put it off until the night of the funeral and I think school was closed two days before that. I remember being at a Catholic service/mass when he died.

LAW: Were you from a Catholic family?

BARRA: Yeah, we didn't have a Catholic school so we had catechism. First year or two I remember just one of the teachers taught a catechism class and then on Saturdays a nun from [Saint Mary of] Lourdes [Church] in Metamora, [Illinois], would come and teach catechism classes and then I think the nuns would have one-week summer school that we had at the church, that was really the extent of my Catholic religion.

LAW: Now when you were growing up, we mentioned a little bit earlier that you came from an Italian family, when you were growing up and a young man did people still think of themselves as Italian or Irish?

BARRA: They thought of themselves as Americans, in fact if you said anything different I think that would probably upset them, but, they also maintained their Italian heritage, no doubt. A lot of them would speak Italian, mainly when they didn't want the kids to understand what they were saying or, like in the case with my dad, when they played baseball, when they wanted to give signals they'd give them in Italian 'cause almost all the players on the Roanoke team were Italian, the other one's weren't. I never did learn Italian but one of the words I remember was caliente which meant bunt, but I just remember that. And my grandparents, at least on my dad's side, they spoke Italian all the time, they would speak English around us but they spoke Italian all the time. The others would speak Italian mainly when they didn't want us to hear what they were saying.

LAW: Now was most of the town supporters of President Kennedy?

BARRA: You know, Roanoke being a small town in Woodford County, which has been predominately republican, I would say the ones who did, especially the older women, I think over the years they probably thought he was the greatest thing that ever happened.

The rest of the town, depending on whether they were democrats or republicans was just like anything else, there wasn't too many people that would say a lot of bad things about him but whether they really liked him was probably more of whether they were a republican or democrat and Roanoke is probably two-thirds republican and Woodford County is probably eighty percent republican.

LAW: Interesting. Do you have any memories of the Soviet Union [The Union of Soviet Socialist Republics] and what were your thoughts on communism at that time?

BARRA: Well no different than probably anybody else because everybody was worried the communists were gonna take over. When you were growing up, particularly like you say, once the Cold War really got going in the late [19] '50s/early [19] '60s that was everybody's concern if it was anything was, "We gotta stop the communists." That's why we fought in Vietnam, we had to stop the communists, and later they learned that wasn't.

LAW: That was just what I was going to ask you next was what your earliest memories of the Vietnam War are?

BARRA: My earliest was probably in [19] '67/[19] '66 when I was still in high school, when I was just startin',

[00:30]

maybe [19] '65.

LAW: What comes to mind when you think of that period?

BARRA: The early part was, yeah, we had to be there, we had to stop communism and anybody that was against that was un-American. And my remembering of it from when I

was still in high school was that we had to be in Vietnam, it was the right thing to do, of course you go to college and you hear the other side and then you're not so sure and what I remember from college about it was that people were pretty polarized one way or the other and radical one way or the other and probably disagreed with both of them on just about everything, I just thought both sides exaggerated their positions and of course there was the student movement being idealistic, you know it's one thing to not to want to fight the War but you hear 'em think that Ho Chi Minh [President of the Democratic Republic of Vietnam] was great, you know, I thought that was pretty stupid back then. You know, yeah we probably shouldn't be fighting the war but it's not because their good guys and we're bad guys, but because there's probably no good guys in that fight.

LAW: I wanted to ask you about, do you have any memories of the 31st Annual [American Legion] Premiere [Illinois] Boys State?

BARRA: Yes I have several big memories of "Boys State." That was a busy summer, I spent one week at a State's Attorney, not State's Attorney it would have been student council. That was the last week of the summer, the first week I was at "Boys State" and then the middle six weeks I was at an engineering school for high school students at the U of I [University of Illinois at Urbana-Champaign]. But "Boys State" was interesting, it was sort of that in-between before you get to college, you learn mock politics there, in fact I ran, this is sort of déjà vu all over again, you were in different parties, it wasn't democrat/republican but it was two different political parties and you could run for city council, mayor, Supreme Court judge, I ran for Supreme Court judge and I won my primary but I lost the election. I don't know, I think there must have been one more or two more in our group that was the one party versus the other because they won

everything. And we ran on, we had to make signs and the sign that I got for running was, “Keep Yogi Barra on the bench,” even though most people do pronounce it Barra (Bear-ah), we, our family pronounces it Barra (Bar-ah) but everybody pronounced it “Bear-ah” and my dad had another nickname besides “Blackie”, you mentioned when we were discussing earlier that he was named “Blackie” for his black hair but he was also called “Yogi” [Lawrence Peter “Yogi” Berra of the New York Yankees], probably about as many called him “Yogi”. They didn’t call me Yogi but when I was running I thought, “Well that’s a good idea,” you know, so I put on my sign, “Keep Yogi Barra on the bench,” or “Put Yogi Barra on the bench,” or something, I don’t remember, I won the primary but lost the general election. I think I did write an essay and got third place, what was the essay, I don’t even remember what the subject was.

LAW: So were you thinking, even in high school, about going to college?

BARRA: Yes, I was thinking about going to college probably when I was in about third grade.

LAW: Really.

BARRA: I probably got more serious about it when I was in junior high, was thinking about, trying to think about a career, I thought about law, my earliest memory of thinking of going to law school was probably in junior high. I liked Perry Mason [TV Series], I just really liked watchin’ Perry Mason and I always thought, “I’m gonna be this lawyer that gets people out of jail,” and I’m gonna be a Perry Mason, turns out exact opposite and I became a prosecutor. Well, things change but that was my earliest thoughts and so I always thought about wanting to go to school. I had to get through four years of

undergraduate and my goal, even when I was going to undergraduate, was to go to law school, never for sure what kind of law I wanted but I always wanted to go to law school.

(Outside rumbling noise) What was that? Something rolled, the wind blew something.

LAW: Now why the U of I?

BARRA: It was a state school, I remember growing up I wanted to go there I used to follow their basketball and football. And, I got pretty good grades in the science and as I told you I went to the engineering institute, I got invited to that because of my grades and so I thought, "Well that's how I'm gonna get through college, I'll go through engineering," and maybe I'll go into some kind of technical law/patent law or something like that. I did real well my freshman year of undergraduate school and then they started getting all of these new harder subjects, advanced calculus and physics, and didn't have a clue what I was doing so I said, "I gotta get out, I gotta do something," and I could write, I could always write and at the U of I and probably all schools back then journalism was just a two year course, a two year major, you didn't get in it until your junior year so I got out of engineering, for one semester I took some liberal arts courses and was able, you know I was probably gonna be short a couple courses but if I took the normal amount for one year and took a couple extra courses a couple of semesters and graduate in journalism even though I really didn't plan on being a journalist, I liked to write and I liked journalism, so I made it through that. Then I applied to U of I Law School and when I applied my grade point average and my LSAT [Law School Admission] test would have put me in the top fifty percent of the previous year's students at the U of I Law School. So that's the only place I applied and the dean said, "You'll have no trouble getting in," so I applied and about half way through my senior year I got notification that I was two-

hundredth on the waiting list. That was the first big year I think applicants in the state schools was tenfold of what it had been the year before. I don't know why all the sudden then if it's because Vietnam [War] was just gettin' going or what and so I said, "I gotta apply somewhere," so I applied to a couple other schools and I got in late and I got into Saint Louis University and if I'd of been a year later I probably wouldn't have gotten in, even there, because it was a year later they had a huge applicant case increase, then it's leveled off since then.

LAW: Now what was your first impression of Urbana-Champaign?

BARRA: Big, the whole campus area was big but we never got off campus very much so I probably still don't know how to get around Champaign-Urbana, I know how to get around the school, but.

LAW: Did you work while you were an undergraduate student?

BARRA: At U of I?

LAW: Yeah.

BARRA: Yeah I lived in the fraternity all four years, I applied while in the summer, I think probably because I had to walk by fraternities every day while I was at that summer program there in engineering. I got the idea of applying to it and they had a summer rush for high school students and I got in a fraternity and stayed there four years. The first year I didn't need to work, I had enough from, but the last three years I needed it for extra spending money, so, I applied – several guys in the fraternity worked at a McDonald's and so they talked me into applying there and I found out that I had to shave my mustache, I had a mustache back then, and I shaved it. And a couple days before I – this

was in the fall or spring of my freshman year there was some alumni in a fraternity ran a garbage collection in Champaign and they needed somebody to work a couple days a week and they needed somebody to pick up garbage, pick up cans, I think I lasted about two weeks, well actually there was only two weeks left in the school year, so I worked those two weeks; it was a miserable job. So then there was an opening when I got back the next year in our kitchen in our fraternity washing dishes so I did that for the next three years, loved it, because I could do it later at night and listen to the hockey game and wash pots and pans.

LAW: This is Kappa Delta Roe?

BARRA: Yeah, so I worked three years washing dishes in the fraternity.

LAW: There was also some significant protests and even some riots while you were an undergrad, do you have any memories of those?²

LAW: Yeah, I think I walked in a couple of the marches at U of I. My impression of them was that a lot of the people in them were just as crazy as the people on the other side. Whenever there was a curfew, they put curfews in, they said, "You gotta follow the curfew," it's not the police's fault, the police have to try and control an unruly crowd and yeah maybe the some of the police would overreact but some of the protestors were instigating trouble and I didn't like that either so I got sort of disillusioned with some of the protestors. In fact there was a guy in my fraternity, he belonged to The Young Americans for Freedom [YAF] which was pretty conservative republican group back then and he and I used to argue all the time over things but we became pretty good

² For more on the demonstrations at the University of Illinois in Champaign/Urbana during this time period, see, Patrick D. Kennedy, "Reactions Against the Vietnam War and Military-Related Targets on Campus: The University of Illinois as a Case Study, 1965-1972," *Illinois Historical Journal*, Vol. 84 (Summer 1991), pgs. 101-118.

friends after that and actually I went out once with him when the curfew hadn't started, there wasn't a curfew yet, but there were some people throwing rocks around and he had a car and I went with him and he would look around trying to find people throwing rocks and go report them to the police and he was a little bit crazy, so I did that for about one hour and I said, "Nah, I don't think I want to do this either," number one you're gonna get in the middle of all of that. Kids that age, very ideological but they're also easily led and there's a lot of both of that.

LAW: How would you describe your political and social outlook at that time?

BARRA: Back then, I was always a democrat and still a democrat, I would probably consider myself more liberal back then, then now, liberal but not radical. Now, I would probably consider myself a fiscal conservative and social liberal.

LAW: Did you come from a democratic family?

BARRA: Yeah, come from a democratic family.

[00:45]

LAW: So you were kind of raised to be a democrat?

BARRA: Well we were poor, I mean we didn't have a lot of money back when I was growing up and so more poor people were democrats I suppose. Although if I ever talked with some of the more liberal social ideals with my democratic, die hard-democratic dad he would think I was crazy.

LAW: So there was a certain degree of a generational divide.

BARRA: Well it was clearly a generational divide.

LAW: What was it over, what issues?

BARRA: Social Security, well it wasn't over Social Security it was over socialism and not communism 'cause you know they tied the two together and I'd say, "You know, some areas, poor areas, socialism worked, not to say it worked for everything, or that it should here," but he would say, "Oh God that's awful, we fought a War to stop socialism," no you didn't actually you did Nazism, but that was the mindset back then. You know anything that sounded like socialism where the government and I said, "So you're against Social Security," and he'd say, "Oh no, Social Security is the greatest thing that ever happened," and that is a form, somewhat in between maybe, but no everything was always black and white, being a democrat and republican was black and white, communism/capitalism black and white even though there was always some gray area in between, some good and some bad.

LAW: Now, did you have some conception of being part of a generation?

BARRA: Being part of a generation, not when I was growing up, probably after I got to college yeah.

LAW: So you thought of yourself as being part of the "baby boom generation"?

BARRA: Well, yeah, I don't think we ever considered it "baby boomer" but we were definitely a different generation. You would listen to your parents talkin' when you got back home talkin' about some of the modern stuff and how bad it was and I'd say, "Yeah but I'm sure your parents thought some of the things you did was, you know," some of the more modern things and every once in a while with my kids I get the same way, to saying the same things about some of the things they like. And now even the "computer

generation,” I took personal typing, learn how to type that helped me get through college and law school and I gotta tell you I don’t think they teach typing anymore. And so you know you think back, yeah it’s a generational and every generation’s a little bit different. So you might not think it’s smart, some of the things they do, but we did a lot of crazy things too going through college, every generation is a little bit different. It is a little bit strange now that everybody, my wife and my kids how they love country music. My parents loved country music and we thought it was rock ‘n’ roll or nothin’ and now it’s gone back to country music, although it’s a different style of country but it’s still country music; so yeah, every generation’s a little bit different.

LAW: Now, there was also a draft at the time, what were your thoughts upon the draft and what was your experience with the draft?

BARRA: Interesting question. Yeah the draft started with my freshman or sophomore year of college, I’m not a hundred percent sure, I’m trying to remember. Back then you the student deferment and I thought with the draft that every year there would be a new draft and a new number, I didn’t realize that once you got that number you stayed with it. So when they were pulling numbers out everybody was sort of, “What number are you going to get?” And I said, “Well I’m in college I don’t care, in four years I’ll care when I’m out of college and I have to draw my number.” So I got a real high number, 292, which they never ever come close to. But a lot of people thought, “Oh I’m never gonna get drafted,” I didn’t think that. I didn’t realize for a couple years, I just didn’t pay attention to it but then I realized no your original draft number that’s what you keep all the way through, oh, so my 292 probably means I won’t be drafted when I get out of college. I think probably most of those people who did, nobody wanted to get drafted.

LAW: Did you have any friends that got drafted to go to fight in Vietnam?

BARRA: Not from school. I think some of the ones, particularly the ones who were older who may have been, I think a lot of them enlisted or went into the ROTC [Reserve Officers' Training Corps] or something, I think they thought they had a better shot of not going to Vietnam so I really didn't know anybody from college. I knew, you know, once I got to law school and, you know, working as an Assistant State's Attorney and State's Attorney and even as a judge there were colleagues that had been in Vietnam that I knew. And a few high school friends. Nobody that I knew who was killed in Vietnam. And I knew several from back high school that went to Vietnam that came back I got to know a little bit afterwards. I always felt sorry for the way they were treated when they first came back, I thought that was, you know today's age that doesn't happen but back then it did.

LAW: Now I've heard this before but what do you mean exactly the way that they were treated, do you have any memories of incidents?

BARRA: Well like I said there were a lot of ideological people in college who got led very easy, sort of like it was anybody who was in Vietnam was bad and so when the people got back they looked down upon them and I said, "They got drafted for crying out loud or they volunteered, either case they're just doing what their told to do," they didn't deserve some of the reaction that people had to it when they got back.

LAW: Now did the war ever impact your classes, did it ever come into the classroom?

BARRA: Yeah, not a lot but I would have to say that a few of the professors, probably, and you hate to generalize, but probably as a rule most of the professors were anti-Vietnam

and some to an extreme and they would share their views and I do remember that when the campus had been closed down for my senior year because of some of the demonstrations and the curfew and the violence there were several days and there were no classes and several of the professors said, "You didn't have to take the class anymore we'll give you a pass-fail," to me that was sort of a cop-out.

LAW: What did your dad think of all this?

BARRA: Oh, my dad thought that the protestors were bad. They didn't like all of us coming back from college with our long hair. I had long hair like anybody else, everybody's wearing long hair; I would never do it now. My son, when he was growing up, what was in style then they had short hair and we always thought that was kind of weird having short hair and then my son all the sudden, everybody had short hair except for him, he'd get long hair because he wanted to be different and now he's worked several years in radio and TV and he had to get his hair cut short, which he did, that was no big deal, but he kind of got the point, don't worry about it, every generation you see kids with earrings and rings through their nose, to me something like that seems very vague, it would be irritating, I don't know how, but to make a big deal about it, different people different generations, you know, they wore things years ago through their nose, people around when Christ was born they all had long hair, was that automatically bad, people's style's change and everybody, not everybody, a lot of people, too many people make a big deal about it, my attitude is, "Ok, it might not be my style, but it's your style, I don't care, as long as you're a good person."

LAW: Now, why the Saint Louis University Law School?

BARRA: Well the reason Saint Louis University was because, as I mentioned earlier, when I applied and assumed I was getting into U of I and had all those increase in admission requests and applications, I was two-hundredth on the waiting list I didn't want to take my chances so and Saint Louis probably was because I was a Cardinal fan and I said, "Well, I'll try there," and Missouri I applied there and I got into both of them and accepted at both and Saint Louis I went down there.

LAW: This was the first time you really lived in a big city.

BARRA: Yeah.

LAW: How did that compare, what did you think?

BARRA: You didn't go too far from campus because it wasn't all that safe.

LAW: Okay.

BARRA: But I did like to take the bus with several of the guys down to Busch Stadium to see a ball game. Or if somebody had a car we'd go down to The Hill [Neighborhood in St. Louis] which was the Italian place and you could get a loaf of Italian bread which was big being Italian and we used to love, eat Italian bread. They would fill it with provolone cheese and hard salami, put mustard on it and take it to the ball game. The entire price of that back when I went to school was one dollar.

LAW: Wow.

BARRA: We'd get one dollar bleacher seats and you could bring beer in, you could actually bring beer in a thermos jug. And there was actually a liquor store across the street from Busch Stadium back then that you could buy four quarts of beer for a dollar; we'd pour it

into, we each had our own plastic cooler thing. So, you'd have your big meal with an Italian sandwich, all the beer you wanted and watch a baseball game for three bucks.

LAW: Nice.

BARRA: A couple times I went they gave away a free helmet and during batting practice we got a baseball. Now, if you go to a baseball game it's sixty dollars to sit in the bleachers, nine dollars a beer and eight dollars for a hamburger, they didn't have the big salary (then). So that I liked about the city, other than that we stayed on campus, might go see a hockey game, we never got too far, maybe go to the zoo or something like that.

LAW: Were you working while you were in law school?

BARRA: I worked pretty much through law school, I worked in the law library, mainly at night and mainly repairing old books, learning how to repair old books. I think one semester we had the new library, which my senior year of law school we moved into the new law library, our job was to help move and then I did do check-out work for people during the day and I worked three, probably

[01:00]

twelve hours a week at the most just to get some extra spending money.

LAW: So I wanna, kind of, get a sense of the Saint Louis University Law School at this particular time in the early [19] '70s. Would you say that there was a legal philosophy associated with the University and/or were you encountering different strands of legal philosophy?

BARRA: You know, I never ever thought of it as any type of different philosophy. To me it seemed like all the law schools were run pretty much the same way, the old Socrates [Socratic] Method, and I don't know how much they do that now. I don't know if you've ever seen the movie [The] *Paper Chase* but they had this old time professor and he'd challenge the students in some way and they all at the end the all liked him.³ I had a professor by the name of Vince Emil who was a contracts teacher and, it's funny, the movie came out right about that time and you would have thought they were brothers. And they taught the same way, and it was good. And it was the way you learned how to study the law, after the first semester, really the first year, they sort of backed off of that because you knew how to read the law by the Socrates Method. Once you learned how to do it you researched on your own. I didn't notice any, if you're referring to philosophy liberal or conservative, I never noticed any one way or the other.

LAW: What about formalism or legal realism or legal reasoning?

BARRA: Well, Saint Louis was, up until the time I went, and the conversion started probably the year I got there and more and more after, it was predominately a local area school. A lot of, probably over half the students were night students who worked and went to school. By the time I graduated it was no different than any other ones, it was probably almost ninety-five percent day students so there had to be somewhat of a change from that. There wasn't a lot of outside work, you did clinical type work, we did a little bit, that was probably just starting at the end and over the years Saint Louis, like all the others, did a lot more of that where you do a lot more clinical work, where you do a lot

³ Twentieth Century Fox, 1973.

more practical work. You didn't get a lot of that in the beginning, it was learning the law not learning how to apply the law.

LAW: Okay.

BARRA: Now I think law schools are combining a lot of both, you learn the law but you also learn how to apply the law and how to use it, a lot more stress on that. Back then it was you went to law school, you learned the law, wherever you worked then you learned how to apply it.

LAW: Okay. Who would have been some of your – did you have any influential professors or classes?

BARRA: Well that one professor I mentioned who was the old school, like the movie.

LAW: Vince Emil.

BARRA: Vince Emil, he was, I would say he was probably my favorite teacher because I think I learned more from him. And I had some teachers I liked but I would say if I had one that I really admired was him and I regret that I was not able to go back when he retired and they had a big party because everybody loved him. But he, actually, when I was sworn in as a judge he and the then dean of the law school came to my swearing in. Now I don't think he came just because it was me because there was another Saint Louis graduate who was bigger and who was more involved in politics and in fundraising for the University than I would have ever been, we were just two different types of people. I think he stayed in contact with him and he probably had more to do with the fact that he came back, but he did come back and made some comments at my swearing in.

LAW: Did you ever take any constitutional law classes?

BARRA: Yes.

LAW: What were the big constitutional law issues at the time?

BARRA: Abortion, the abortion, 1972 was when *Roe v. Wade* came down and that was right in the middle of my law school; that was the big one. *Miranda [v. Arizona]* came down in [19] '64 probably and a few of the ones after that and so they were still taught big and some of the ones after that *Gideon v. Wainwright* and a few of those that were right around that time but the one that really came out that was big, that was a change was *Roe v. Wade*.⁴

LAW: Did the wider world ever have an impact on the law school, the [Vietnam] war or Civil Right Movement, Black Power Movement, anything like that ever have any kind of impact on the law school?

BARRA: Well the Civil Right Movement, to a certain extent, they were just starting to have more and more blacks going to law school. Women's rights probably was still behind the black Civil Rights Movement or the Civil Rights Movement but was starting to take advantage and we just started to see, my freshman year, more than one or two women. It was probably only about eight or ten percent women, probably by the time I graduated it was more like a quarter or twenty percent and now it's probably like a half, maybe more, I don't know.

⁴ *Roe v. Wade*, 410 U.S. 113 (1973), *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Gideon v. Wainwright*, 372 U.S. 335 (1963).

LAW: The makeup, so the makeup was maybe eight to ten percent women. Now what about as far as race and ethnicity?

BARRA: I would say that African American, this was maybe fifteen, maybe not even that high since some of the friends I hung around with were African American it may seem like it was a higher percentage than it really was. And it clearly increased, whatever it was it has increased more since then. It just seemed like there were more African American than there were women.

LAW: Now if I asked you, "What were the principles and legal skills that you were learning," what would you say?

BARRA: You know, probably, the most important ones that I would say that I learned was evidence.

LAW: Okay.

BARRA: Another good professor I had was Rudy Hassel, he was evidence and then he became the dean, he was the one who also came to my swearing in. He may not have been as great of a, when I say as great of a teacher he may not have been as profound as somebody who you really just sat there and listened to every word that he said just because of the way he taught. But as far as teaching the basics of evidence I thought that he did a really good job and I liked his course and I think what I learned from Emil was how to study the law, how to apply it, the thing that you really need to know the most in the work I did, both as a prosecutor and then as a judge, was the rules of evidence and I think any other law that you're taught, that was in a particular area, you really don't have to know all of that, you couldn't, you had to know how to research it and when as a judge

the lawyers come and bring you the law, you gotta read their briefs, read the cases and learn how to adapt it. If you learned that basic, you can be a judge but if you didn't know the rules of evidence or how to apply the rules of evidence and while, yeah, they do change from state to state but not that much, the basics are still there from the common law. And if you've learned the rules of evidence – and I guess that's probably one of the things that's maybe surprised me the most, being a judge was, well most of the lawyers are good lawyers but there were some who really didn't understand the rules of evidence, I think that made it harder for them to be good lawyers. So I think learning that was probably the most important. The constitutional law, yeah you apply it but every case was based on its facts, you had to know the basics but you had to also know the exceptions and their changing all the time so you had to know how to research the law and learn the law from the cases, the more recent cases, evidence didn't change much over the years.

LAW: What was your family's reaction to you going into law?

BARRA: I think they probably thought that's where I was headed because I always liked to argue.

LAW: Do you feel like it prepared you for being a lawyer?

BARRA: What, law school?

LAW: Yeah.

BARRA: Oh yeah, in probably some areas it might not if I went into private practice myself and went into private practice because back then, anyway, when it wasn't as oriented towards teaching how to apply the law as it is learning what the law is and learning how

to research the law. But since I worked a couple of summers and interned in the State's Attorney's office and worked in the State's Attorney's office, it was a much narrower field so it was much easier to pick up applied law and of course you went into court as a young Assistant State's Attorney in traffic court so you weren't starting on the big cases so you got your feet wet on your own by going into court and learning how to apply it. If you knew the rules of evidence you got the same type of cases all the time so it didn't take long to learn the law, you just had to go in there and start doing it. For me it really taught me all I know, back then for people who were in private practice it would probably be a lot harder, now they do a lot more teaching application of the law so it's probably a lot easier for new lawyers although many of the jobs that are opening, the one's that you can get, are still in the public sector so a lot of law students are still doing public sector work like I did.

LAW: These summer jobs at the State's Attorney's offices was that is Saint Louis or was that back home?

BARRA: That was in Peoria, that was in Peoria.

LAW: Now how did that come about, was there just, you knew something was available or you knew somebody or there was a job board or somethin'?

BARRA: That's sort of a timing question, it was a lucky timing. I had applied after my sophomore/second year at several of the law firms, I sent a whole bunch of letters to bigger law firms, I needed to try and get a summer job, I had one that I could get in the factory but I wanted to get some experience, I needed it, so I applied a bunch and I think I maybe had two people who said, "Come in for an interview." And so when I was home

for Christmas I interviewed for a couple jobs, one of which was half a good interview but they probably weren't going to hire too many people, the other one I wouldn't have worked for no matter what. But I also had to go into the law library at the courthouse because I wanted to look up a case for a project I was workin' on for the [Saint Louis University Law Journal] Law Review article I was thinking about writing. So I went up and I talked to the librarian there and she was a nice lady, she talked a lot and everybody since then, before she retired, everybody used to comment on how loud she was and how everybody made fun of her but I didn't know who she was and I just talked to her and she asked me what I was doing up here and I said, "I've come for an interview," I said, I don't know, "Well there's a new State's Attorney down, he just got elected," she heard, "The State's Attorney's Association

[01:15]

was paying each county for a couple interns and maybe you wanna go talk to him," and I said, "Ok, while I'm here," and I go in and knock on his door and it turns out he was a graduate of Saint Louis University, I don't know if that is why I got a job there but it certainly didn't hurt. He says, "Yeah, it's not been finalized, the program has been approved but it hasn't been appropriated money for it so I don't know if we're gonna get any money," he said, "Put in your application and if there's an opening I'll let you work as one of the two internships," but he said, "I can't guarantee it." So, I never heard back from him, never heard back from him, I got a third shift job in a small factory around here and I was assuming about a week before school was out I got a call from him and he said, "Yep, they just funded it," so I called the other place and they understood I wasn't going to work in a factory and so I started working as an assistant and the next summer

he says, "If it gets renewed you got the job," I didn't hear from him, didn't hear from him, but I sort of assumed that it probably would, he thought it would but he said, "They're always the last second." I'm getting ready to go to a party the night before graduation the law students who are graduating have a party and my parents are on their way down and I got a message, "Go see the dean immediately," I thought somebody called, "Oh God I flunked the course I'm not graduating," I go, he says, "Oh I got a call from Mike Mimm, he said he wanted to let you know they got the funding for that job," so I went from being not sure I was graduating to maybe I flunked the final to, and then as it turns out right about the time summer ended, that summer, I had taken the bar, I hadn't got the results, there was an opening in the office, he says, "Well if you pass the bar, you got a job," and luckily right before there was an opening right then and I got a job as an assistant. I got word a couple days before that I passed the bar, got a job as an assistant, I got word a couple days before that I passed the bar [exam] and so I started workin' as an assistant. I didn't have to go apply to jobs it was just a couple lucky timings, happened to be at the right place at the right time.

BEN: Fourteen minutes left.

BARRA: Six years later ran for state's attorney, got elected to two terms as judge.

LAW: So then you moved to Peoria then?

BARRA: I lived in Roanoke for nine months. There was a lady in Roanoke, well my dad's cousin's wife, who worked at Caterpillar downtown Peoria and I rode with her every day for nine months while I was an assistant and then I ended up getting a place here.

LAW: Here as in Pekin?

BARRA: Peoria.

LAW: That's basically what I wanted to cover today.

BARRA: Okay.

LAW: Unless there's anything, I don't want to get too far into your law career, unless there was anything that we haven't covered.

BARRA: I don't know any more about the family.

LAW: Well, what do you think, anything else you'd like to share?

BARRA: I don't know, I may have told you some of these things about my wife or my two kids. I may have told you this over the phone, I probably did.⁵

LAW: Well, yeah, I'm assuming you met your wife once you got to Peoria and were practicing?

BARRA: Yeah, I met my wife when I was a State's Attorney and it was the middle of my first term so I wasn't up for reelection but it was during the campaign, campaign season for different jobs, and one Friday night I didn't have anything to do and one a guy who used to be State's Attorney in Canton who I knew from State's Attorney Association was running for representative or maybe reelections for representative and he had a fundraiser in Pekin which is outside of my district for State's Attorney and I didn't have anything to do and I said, "I think I'll go over to that," and I went over to that and my wife worked as a secretary for him and was collecting money at the door and I met her, we talked a little bit, we ended up stayin' later after the fundraiser, it was at the Chateau in fact in Pekin, and we started dancin' and decided I'd ask her out and four months later proposed to her

⁵ Kathy Barra and Andrew and Abigail Barra.

and five months after that we were married, again we just happened to be at the right place at the right time and then we had two kids.

LAW: So for there for a while you were just kind of single and practicing law.

BARRA: Yeah I was State's Attorney for two years, I was single, two and a half, two (years).

LAW: Now did your political and social outlook change after you got out of law school and were practicing law?

BARRA: You know, not a lot, I guess I no longer had the Perry Mason desire to try and get all of those innocent people, who are always innocent, free. Working in the State's Attorney's office I probably saw the opposite was happening, more guilty people were getting off and so to that extent I suppose the more I became Assistant State's Attorney. And yeah you still saw some injustices but not much. And the State's Attorney was big in the republican and I'm a democrat and I liked him, outside of the one teacher in high school he was probably the most influential guy in my life. I worked for him for six years in the state's attorney's office and, like I say, he's a big name in the Republican Party there.

LAW: This is Mike Mimm?

BARRA: Mike Mimm, he never ever let politics get involved in the office, ever, anything. No decision that he ever made that I was aware of, a lot of times I would be part of that decision making, whether you were democrat or republican never came up, it didn't matter. I tried and it didn't, at least when I was State's Attorney, at least I hope it didn't, I certainly tried. Oh I probably became more fiscally conservative the older you get, that's probably natural, but I think I probably stayed, consider myself a social liberal.

LAW: What kind of city was Peoria in the [19] '70s, what did you find when you came?

BARRA: It was a lot like a lot of big cities, it has big city problems. Politically it's probably not as democrat as a lot of cities, it probably leans a little bit democrat. Probably a little bit more conservative than most cities. When I first started out people on the county board, and probably rightfully so, probably did a lot of what people thought dumber things and that the Peoria City Council was the real intelligent. Twenty years later it flip-flopped but I think the city council has come back politically and more of a common sense approach so they're both probably pretty even. There were a lot of things to do, not at first but in the early 80s, well, they always had Bradley [University Braves NCAA] basketball though now Bradley basketball is really at the bottom but it developed a minor league baseball that over the years gave you a lot of things to do and there's minor league hockey, it has had its ups and downs but it's something that gives you things to do in Peoria and finally startin' to have some better restaurants. I think Peoria has improved over the years, it's got its problems. I didn't move to get out of Peoria, I moved to Pekin because of that thing out there (pointing to the lake that his property sits on), the water. I wanted to retire and the last two years I have probably been on it so little but I still liked having a lake and I ended up liking Pekin, you know, I like Pekin.

LAW: Now, one question I always ask is, how did becoming a husband and father, or mother, whatever the case may be, how did that affect your work life?

BARRA: Oh I don't think it affected my work-life all that much because my family, you know I've got two brothers/two sisters, we've always been a fairly close-knit family so family values – I didn't have to get married and have kids to have family values, I think I had that from my family. Probably, getting married and having kids changed what is

important in the rest of my life. Probably made a big, when you're a bachelor you tend to worry more about what you're going to do in your spare time and what is important to you now. Now the family means more, I guess maybe you use those family values that you had instilled in you growing up but since I had 'em it wouldn't affect the way I perceive things both as a prosecutor and a judge; I think I always had that perspective.

LAW: Well Judge Barra..

BARRA: Yes, that's right.

LAW: I think we'll stop there today, thank you sir.

[Total Running Time: 01:28:10]

END OF INTERVIEW ONE

BEGINNING OF INTERVIEW TWO

LAW: This is an oral history interview with Judge John Barra. Today's date is December the 8th, 2015. This is our second interview. We're in his home here, in Pekin, Illinois. And today we're going to talk about his legal career. Judge Barra, when we -- when we last met, we had got you to Peoria. And so I thought we'd start today with the State's Attorney's Office in Peoria.

BARRA: Okay.

LAW: So before we get into your memories of working as an Assistant State's Attorney, I just kind of wanted to get a sense of how the office was organized, how many people worked there, things of that nature.

BARRA: When I first started?

LAW: When you first started, yeah.

BARRA: Okay. We had -- trying to remember -- probably eleven or twelve assistants. There was, I think, four in the Misdemeanor Division, which would have included, I think, probably Juvenile, at that time... Well, there might have been -- no, there's two -- four in Misdemeanor, two Juvenile, I think four Felony, and one Civil, that handled all the civil stuff and the appeals -- when we first started off. So I guess that would be eleven.

LAW: Okay. And what-- I mean, what was the composition of the office, in terms of race, ethnicity, gender, age?

BARRA: When I first started, there was no blacks. And I don't think there was any women, when I first started. There had been a woman. But she wasn't working.

LAW: Okay. Now, I'm assuming you started in Misdemeanors?

BARRA: I started in Misdemeanor, what was then called Youth Court. It was a misdemeanor court for people who are between seventeen and twenty-one. And I would handle their -- all the trials of theirs and preliminary hearings on felonies -- which weren't... Well, back then there were quite a few. Because you had to -- even though -- they had to go to a grand jury, you also had to go to preliminary hearing. And the law changed later on, where you only needed one or the other. So eventually, most of the cases went directly to grand jury and we really didn't have any preliminary hearings -- once in a while. But when I first started, we-- every Friday we had preliminary hearings. So there was a lot of preliminary hearings.

LAW: Now, I also wanted to get a sense of s-- of the local bar at that time.

BARRA: Okay.

LAW: What was its composition?

BARRA: It was, I would say, probably 90% white male. There were a few blacks and a few women but not a -- not a large number, when I first started out, in '74.

LAW: Now were the -- were most lawyers general practice or was there specialization?

BARRA: It was -- there was a little of each. There was some specialization, not as much as there is now. But there was some specialization in some private practice.

LAW: Were there any -- was there sort of like a well-known criminal -- local criminal bar?

BARRA: There was the Public Defenders, the Assistant Public Defenders, who handled a lot of the cases. And there were probably three or four lawyers who handled a lot of the big cases -- private.

LAW: Do you remember any of them?

BARRA: Bob Jones, who was one that I particularly remember, yeah. Ron Hamm. I think Ron probably just retired, fairly soon-- He's been around awhile-- He was fairly young then. Harry Sonnemaker. Those are the three that I remember.

LAW: Okay. Were the...? Do you remember any other maybe noncriminal, prominent lawyers in the community?

BARRA: Oh... I'm trying to think back then, when I first started out, the... You know, I hate to mention some people. I forget some. But I remember Lyle Allen, Fred Allen, Quinn -- can't think of his first name -- Jack Brunnemeyer, Mort Goldfine. Jay Janssen was just starting off.

LAW: And was the -- the local bar, were they politically and socially involved in the community?

BARRA: There we-- they were both. There were a few who were involved very politically in the community. Paul [Cayshon?] and Bernie Ghiglieri, I remember, were big Republicans. There really wasn't that big of a presence of Democrats, although that changed over time.

LAW: Now I know we talked a little bit last time about Peoria, when you first came to town. But I kind of wanted to g-- I kind of want to go through that just one more time. I mean,

give me an idea of what Peoria was like, when you first arrived. What was going on in the city? What were the big issues --

BARRA: Well --

LAW: -- in the community at that time?

BARRA: -- s-- Peoria was still -- was still a Caterpillar town. Caterpillar was the big employer, before they downsized. They're still fairly big -- but not as big as when they first started. Caterpillar, it seemed like every family knew somebody who worked at Caterpillar. The city itself, when I first started off, was -- seemed like it was -- like a lot of big cities, the center of town was becoming older and run down, businesses move-- starting to move out. And it wasn't till the Civic Center was built and the Twin Towers, in the early '80s, that that started to change -- never completely did. It's probably undergoing more changes now, again. But, you know, it was a typical big city, with big-city problems.

LAW: And what do you mean by that, big-city problems?

BARRA: Oh, the crime rate, drugs, burglaries, thefts, murders. Gang problems, even back then, were starting -- not as much as they became. But the gang problems were starting. This -- the -- when I say typical, big cities, wherever you have decaying cities and you've had a lot more poor people and not a lot of business, you tend to have a little more crime.

LAW: Now, this was also a tumultuous time generally, in the country, for a lot of reasons. Did you see that at all, in this city? Was there -- what was the...? Let me put it this way. What was the state of race relations in the city, at that time?

BARRA: It wasn't as bad as some of the bigger cities. But the -- it did have its race -- there were some race problems. But there really wasn't any -- at least not by the time I got there. There really wasn't like any race riots, that I can really remember. I think there may have been a few before but not big ones. I would say, in the late '70s, early '80s, there -- probably more tension between the unions than the races. I mean, there was probably more tense times with some of the unions.

LAW: Wha-- now what was that all about?

BARRA: Well, there was a few big strikes. And then they turned a--

LAW: Was Peoria a labor town?

BARRA: Peoria's a -- Caterpillar was a... It was a big UAW and a big labor town. And even the trades were pretty strong, back then.

LAW: Did you become involved in any of those strikes, as an assistant?

BARRA: No. There really, the... Probably got more involved when I became State's Attorney than when I became an assistant. And they had strike-breakers come in, at one time. And that was a very tense time. Although I thought the problems that people were worried about and some of the trouble was probably greatly exaggerated. I... And it really wasn't that bad. I mean, it made a lot of news but I didn't think it was -- it was that bad. It could have got-- But I think most sides were fairly -- tried to avoid trouble. There was isolated cases but nothing...

LAW: Now when you first started as an assistant...? Let's talk a little bit about some of the judges you would have had cases in front of. What -- I guess, before I give you names,

what Judges come to mind, when you think back on that-- at that time?

BARRA: Well, Cal Stone is one particular. He's the one I re-- actually replaced. And I tried quite a few cases in front of him. Dick Eagleton was another one I would have tried a lot of case -- and Steve Covey. Those three, particularly when I became State's Attorney but even when I was an assistant, had cases in front of them.⁶

LAW: So what do you remember about Calvin Stone?

BARRA: He was very good in the law. He was very fair. I always liked practicing in front of him. You didn't want to get him mad, by not being prepared. Because he'd take you up on that. So you're -- I think you-- when I first started, probably was in awe on him, for that reason. Because he ran a tight ship. But the more I practiced in front of him, the more I really enjoyed being in front of him. Because he was really good on the law and he -- and he was fair and... You know, I didn't always win. And I shouldn't have always won. It wasn't like it was -- there were times where I'd think, "Oh, he's --" you know, "he's making the wrong decisions," whichever way it went. No, I didn't really feel that way. I felt that I got a fair hearing and... It was a bench trial, he'd call it the way he thought it was.

LAW: And what about Eagleton?

BARRA: Dick was... and I've known him for a long time too. I call him Dick, because I-- I still see him now and then. Real good on the law too. He was very good on the law.

⁶ Judge Calvin R. Stone was a Circuit Judge from 1968-1988. 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, and 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. 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.

Probably doesn't run quite as tight a ship as Cal. But he -- but he was a good Judge.

LAW: Now was -- were these Judges usually in a particular type of court? Or would they hear all kinds of different cases?

BARRA: Well, you know, they did -- they did rotate. But it seems like, at least during the short period of time when I was an assistant and a little bit-- it seemed like they were mainly criminal. But I do know that Cal spent quite a bit of time in civil. And Eagleton eventually did too.

LAW: Okay. How about Charles Iben?⁷

BARRA: Charles was --

LAW: Any memories of him?

BARRA: -- kind of a strange dude, I always thought.

LAW: (laughs) Why's that?

BARRA: I don't know. He just... I never had high regard for... He was timid. He was scared. I-- I think, for -- at times he -- the courts overwhelmed him but...

LAW: Huh.

BARRA: He also had his favorites. So-- leave it at that.

LAW: Okay. Robert Hunt?⁸

⁷ 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.

⁸ 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.

BARRA: Hunt -- got along with Bob. I don't think he liked doing big criminal trials.

I think he enjoyed doing civil trials more and so-- and was probably assigned to civil more often, as a result. Being an Assistant State's Attorney and then for State's Attorney, I did -- almost never in civil court. So I really didn't have a lot of cases with him. I knew him personally, you know, from just being around in the court-- Then he-- then, when I was a Judge, he came back on assignment as a Judge, for, I think, a year and a half. So I got to know him a little better then.

LAW: And Covey.

BARRA: Steve.

LAW: Steve Covey.

BARRA: He also had a brother, Chuck, who was an Associate Judge. Steve, probably the first Judge I met when I -- when I was assigned felony court. He'd just got assigned felony court. And I was assigned to his courtroom. Steve had an opinion on everything. I like Steve a lot. I... He never had a big criminal background but he did some-- I thought he did surprisingly well as a Judge, and in criminal court. He was always willing to try something new or look at something differently. So.

[00:15]

LAW: I had a --

BARRA: Liked to golf... Of course, a lot of them did. But he, particularly, did.

LAW: -- now, I had -- I had two other circuit -- full Circuit Judges. I know they probably

weren't in Peoria often. But I did find that they were, occasionally. Ivan Yontz?⁹

BARRA: Ivan Yontz. I.. He was a-- he was Chief Judge for a while. And he was -- he did some -- did a few cases. I got to know him a little bit more, personally, after I was assigned, the first time, to Tazewell County. But he had already retired. But go to lunch with him every once in a while. He was a wonderful man. He was -- he was -- worked hard. And he seemed to be-- very even-tempered, tried to be -- and he was fair to everybody.

LAW: I may be getting his last name wrong but Edward Haugens?¹⁰

BARRA: Haugens ["Hagens"].

LAW: Haugens ["Hagens"].

BARRA: I didn't know Ed very well. I mean, I was probably only an assistant for a couple years before he retired. I probably knew him more from the fact that he was from Taluca and our high school was big basketball rivals from Taluca, back then, when I was... Although just about the time I became an Assistant State's Attorney, the rivalry wasn't as strong as it used to be. But... So I got to know him, because of that. And I think his son played basketball, when I was in school. But I didn't really get to know him much from a Judge. I did--

LAW: Okay. Okay. A quick-- wanted to ask you about some of the Associate Judges at that time. And I think some of these judges, perhaps, and I'm not for sure, may have, before that, been Magistrate Judges.

⁹ 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.

¹⁰ Judge Edward E. Haugens was a Judge in Marshall County for twenty-three years, he retired in 1981.

BARRA: Could be, a few of them.

LAW: Okay. The first one would be Robert Coney ["Cone-ey"].¹¹

BARRA: Coney. ["Connie"].

LAW: Coney. ["Connie"]

BARRA: He -- it seemed like he was strictly -- the few years that I was there, he was traffic court. I didn't know him very well. I never had any trouble with him.

LAW: John D. Sullivan?¹²

BARRA: John Sullivan. Know his son real well. Again, he was -- he was mainly in traffic court. The... And you're right. These -- Coney and-- I'm sure, was -- had been a Magistrate or Justice of the Peace before the law changed in s-- early '70s, made them Associate Judges. And, of course, when these guys started, they were barely making any money, as Magistrates or Justice of the Peace. It wasn't... So... You know, they worked a lot of hours and didn't really make much money. So.

LAW: John A. Whitney?¹³

BARRA: John Whitney? I knew him a little-- got to know him a little bit more. Because I practiced in traffic court. He was in traffic court a lot. John was probably one of the nicest guys you'll ever meet but John was afraid to make -- did not like to make decisions in front of anybody. He took -- he took a lot of traffic cases under advisement. And we used to always joke that, one of these years, somebody's going to go up there and find, in

¹¹ Judge Robert A. Coney was a Magistrate and Associate Judge, serving from 1965-83.

¹² Judge John D. Sullivan was a Magistrate and Associate Judge, serving from 1969-86.

¹³ Judge John A. Whitney was an Associate Judge from 1971-89. Prior to being an Associate Judge he was a Magistrate Judge from 1969-71, and a City Attorney for Peoria from 1965-69.

a drawer somewhere, he's got a traffic file that's a case that he took under advisement, forgot to rule on 40 years ago. But...And there was one story I can remember about -- that was told to me. And I'm sure it was true. He'd hear some misdemeanor cases, animal cases. And there was a -- there was a -- I don't know, some type of -- I don't know if it was a dog case -- think it was a dog case that -- dangerous dog case. At the end of the case-- He was sitting there doodling, the whole time. And when the case was over, somebody asked him what it was. He had drawn a picture of a dog while he was listening (laughs) to the case.

LAW: Espey C. Williamson.¹⁴

BARRA: I didn't -- I didn't have very much in front of Espey. Because when I was doing misdemeanor court, he was doing adult court, which was misdemeanor court for ones that are 21 or over. It was in a different courtroom. So I had very, very few cases with him. So I just knew of him.

LAW: William H. Young.¹⁵

BARRA: Bill Young? Of all those, Bill probably could -- or, in fact, he may have been assigned -- became assigned a Circuit Judge, at the end. I'm trying to remember. Of all those-- he was probably the smartest and the -- and the best Judge, you know. But... Well, he did do mostly-- most of the time he did associate work. Once in a while, he was assigned a case... And like I said, it seemed like he might have been assigned briefly as a Circuit Judge. I can't swear on that.

LAW: What do you mean by associate work?

¹⁴ Judge Espey C. Williamson was a Magistrate and Associate Circuit Judge, serving from 1965-1979.

¹⁵ William H. Young was an Associate Judge from 1972-1990, 1992.

BARRA: Well, back in the olden days, the legislature-- well, the -- I think, the legislature, through the Supreme Court-- left it up to the Supreme Court. The Supreme Court would only -- would not allow Associate Judges to do-- a lot of-- certain types of cases. The -- to be a felony case, they had to be specifically assigned. And therefore, they mainly did traffic court or misdemeanor court or small claims, cases like that. That has since changed quite a bit -- not completely. But now it's -- you don't have to have special assignment anymore. But Bill Young was a very intelligent Judge and...

LAW: Okay. Now these next two later became Circuit Judges. But I have them in the Associate Judge category. Robert Manning, Jr.?¹⁶

BARRA: Robert Manning -- was it Junior? I guess it is Junior. When I first started off, I was kind of -- as an -- as a, I don't know, State's Attorney -- or, when he became-- first --came a Judge, I was -- I was kind of afraid of him. He was hard to read. And I don't know why. I later... He was actually Chief Judge, the first time I was -- I became-- when I became a Judge. And I really got to know him. And I really got to like Bob. Once you got to-- You had to get to know him. Because, you know, if you didn't know him, you would think he was one way, that he wasn't very friendly. But he really -- he really -- if you got to know him, he really was. And I spent a lot of time over lunch hours, my first couple years, having lunch with him and the bailiff we were -- talked about earlier [before the interview], before, Howard Humphrey, at the... Just we'd have lunch together, just up in a little -- in the bailiff's office, just sit there and-- And we'd talk about whatever's going on, probably baseball, sports -- mainly sports. He also liked to bet on sports. I guess I can say that now. He passed away.

¹⁶ Judge Robert E. Manning Jr. was an Associate Circuit Judge from 1977-1979, and a Circuit Judge from 1979-1997.

LAW: Donald Courson.¹⁷

BARRA: Ah, Donald. Donald was in the State's Attorney's Office with me, when I was an assistant. Then he became... In fact, here's a good anecdote. I had been an assistant for maybe two or three years. And he had been an assistant for... Well, he had been an assistant and became an assist-- went into private practice and came back, and State's Attorney's... And he was an Assistant Public Defender. And there was an Associate Judge opening. And I didn't know he was applying. Steve Covey talked me into running. So I put my name in. You know, I didn't have enough experience. But, you know, you'd -- some Judge tells you put your name in, you get a big head and all of a sudden you... I put my name in. And, of course, I didn't get any attention. There was, I don't know, probably thirty applicants. But it boiled down to between Don Courson -- and I don't remember who the other one was. And Courson won in the runoff. I always joked with him, after him, I threw my support behind him, gave him all my votes. (laughs) It wasn't true, because I didn't have any. Yeah, I liked Don. Don was a -- he was... The only thing I didn't like about Don is... I didn't play much golf, back then. I play a little more now. And I was never any good. And I played with him once or twice. And he always wanted to give me advice. And I didn't like getting advice playing golf. I didn't care. But it was funny. He was a good Judge. He was a very good Judge.

LAW: I've got a couple more of them.

BARRA: Okay.

LAW: And I'm going to wait till a little bit later. Okay. So I would-- you know, I was going to

¹⁷ 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.

ask if you ever argued any cases on appeal. But it sounds like there was somebody in the office that strictly handled the appeals--

BARRA: Well, when I first started off as an assistant, it was -- we had one person in the office who handled all our appeals, both civil and criminal. By the time I became—by the time I became State's Attorney, the State's Attorney's Appellate Prosecutor's office was formed -- statewide.¹⁸ And they ended up handling all our criminal appeals. So we didn't... We'd -- our -- and, by then, we had our own Civil Division. And they'd -- and they would do our civil appeals. So I didn't-- I got to argue one-- one case before the Supreme Court. That was the lawsuit over the early release.

LAW: Okay. We'll get to that a little bit later. Now would these people in the State's Attorney's Appellate Prosecutor's office, would they have had offices in Peoria?

BARRA: No. They had offices in each of the appellate division.

LAW: So it would have been Ottawa?

BARRA: Yes. Ours would -- our office would be in -- would have -- would be... So-- there's five divisions, appellate court. Ours would have been in Ottawa -- still is.

LAW: Right. Okay. Any memorable cases from the time when you were an Assistant State's Attorney?

BARRA: There was a few. But probably the biggest is one I handled with -- as an assistant -- with the State's Attorney, Mike Mihm, the Michael-- the Michael Robinson cases.

¹⁸ The State's Attorneys Appellate Service Commission was created in 1978. In 1985 it became the Office of State's Attorneys Appellate Prosecutor.

That was probably by far the biggest.¹⁹

LAW: That was an armed robbery, right?

BARRA: It was an armed robbery where they killed a guy.

LAW: And a murder, yeah. Okay.

BARRA: In fact, that's -- the victim... See, that was '78 -- the victim was a Bradley professor. And I got to know his wife real well, through that case. And we still share Christmas cards. I still see her, every once in a while I run into her.

LAW: Dominic--

BARRA: It was Dominic Volturno. His wife is Betty. That was probably the biggest case.

LAW: Now would that-- would that have been your first murder trial?

BARRA: Well, no, I think I second-chaired a couple other murder trials. But that was the -- by far the biggest one. And I second-chaired that with the State's Attorney. Because he was-- there was a rash of armed robberies, where older people were hit from behind with pipes. This one, they happened to kill. There was a series of cases, that culminated with that murder trial.

LAW: Now what do you mean by second-chaired?

BARRA: Well, the State's Attorney was the main prosecutor and I would assist him. I'd question some witness, did part of the arguments. We'd work the case together and...

LAW: So I think we said that, for the -- your first couple years, you were doing the

¹⁹ See, *People v. Gulliford*, 86 Ill. App. 3d 237 (3rd Dist. App. Court, 1980). Also see, *State Journal Register*, November 10, 1977, pg. 20.

misdemeanor work. So...?

BARRA: First year and a ha-- first year and a half, I did misdemeanor work. Then I was...

There was a -- back then, a grant -- violent crime grant. And we had -- we prosecuted -- a special section that prosecuted violent crimes. There was a -- two prosecutors. One handled felonies and one handled misdemeanors and would help out on maybe some of the felonies. I started off as the misdemeanor assistant, then became the felony assistant - - and then the grant ran out and just became a regular felony assistant.

LAW: Okay. So any other memorable cases-- from when you were an assistant?

BARRA: Oh, I had a lot of cases but nothing, I would say, that's overly memory -- memorable.

LAW: Did you feel like law school had prepared you to be an Assistant State's Attorney? Was there on-the-job training?

[00:30]

BARRA: Well --

LAW: Or a mixture?

BARRA: -- I think what law school trained me was really in two areas, one, how to research the law -- I think it did a good job-- and evidence. I would say learning evidence out of law school was probably the biggest thing that I probably got out of law... You still had to -- you still had to have on-the-job training, to learn how to try cases. In fact, on-the-job training, back then, was you'd go in and handle the small cases by yourself and, as you got more experience, then you moved up to bigger cases. But I would say that you

didn't really learn how to try cases in law school. You learned the law and you learned the evidence. And I think learning the evidence was by far the most important, the rules of evidence.

LAW: Did you have any mentors, at that time, that you could go to for advice?

BARRA: Oh, yeah. There was -- in the office, you could-- you know, you could just go -- about any of the felony assistant, if you needed some advice, would help you out because there's a problem, a special issue to... The -- everybody was fairly easygoing, in the office. So you could always walk into her office, if you had a question.

LAW: How about any memories of the State's Attorney at the time, Mike Mihm?

BARRA: Well, he's the one that got me started. I always admired Mike, even though he was a Republican, and I was a Democrat. He -- in the six years he was State's -- that I was in the office, there was never ever the thought that anyone's politics made any difference, on any case that we ever did, you know. And he always taught me that the most important thing -- I mean, of being the prosecutor -- the role of a prosecutor was to do justice and sometimes that meant not taking the hard line in a certain type of case or certain case. He was very fair. And I always thought of -- the world of his... Yes. I... Anybody that's -- that followed his footsteps as an example was in pretty good shape.

LAW: Okay. So just looking at that six years before you had-- became State's Attorney, what do you think you learned about the criminal justice system in those years?

BARRA: Well, that it wasn't perfect. But most of the time, it -- I think it was fair. When I say it wasn't perfect, you know... I always -- I always thought... You know, there's always a lot of criticism of prosecutors, saying they let people off. I always thought that

the ones who got off, the biggest are the ones got off by juries. I always... And the older I became and the more experienced, the more it seemed to happen. And I think that was- the effect of watching too much television. They see all these crime shows with all this expert evidence and how they miraculously solve every crime. Because they expect... If you don't-- you know, you don't have DNA or you don't have a certain type of evidence, it's going to be hard to win on certain types of cases. The -- really, the more serious cases, the more that was -- I thought, was true.

LAW: So why did you decide, then, to run for State's Attorney?

BARRA: Oh, I don't know. Several people talked me into it, I guess. It was... I liked the office. I liked the people in the office. And --

LAW: Well, why do --

BARRA: -- Mike Mann was --

LAW: -- why do you think they...?

BARRA: -- no longer running for reelection-- If he'd have ran for reelection, I would have been just as happy working for him.

LAW: Well, why do you think they came to you and picked you? Why did they want you to be State's Attorney?

BARRA: Well, you know, there's... And some other people picked other people. I had most of the support, I think, of the assistants in the office. And I think that's one -- that motivated me to run, because I-- I wanted to keep what we had going for us, which I thought was a very good State's Attorney's office. And so I decided to run. I can't say

that politics and running was my favorite part of my life. I didn't particularly enjoy that. I always liked politics. I like being involved in other people's political races. But I didn't like asking for money and I didn't like walking around and shaking people's hands and introducing myself to people I didn't know, to sell myself. I wouldn't-- I was very uncomfortable doing that.

LAW: What would you say you were running on to do? What did you want to do as State's Attorney?

BARRA: I think my -- I always thought that things were running well -- and to continue to -- continue a good office. We -- I thought we had a good office. And I tried to run on the idea that's what I wanted to do, was to keep the staff and keep the policies and...

LAW: Okay. Okay. So let's talk about your time as State's Attorney.

BARRA: Okay.

LAW: I guess let's first look at it kind of generally. What are the memorable cases for you, say in the first term? Or do you remember...? How did it -- how did it begin? How did it start?

BARRA: Well, the main thing was... The hardest part about being State's Attorney was trying to keep a staff, with the amount of money you had to budget. I mean, that's -- it was no different than -- I'm sure, my county, than anywhere else. The County Board doesn't want to raise taxes, don't want to give you that much of a -- money. You know, it's -- it was hard to keep-- it's hard to keep experienced people. And I'm not blaming the County Board on that. It's -- I think that's -- in any government position, people are going to go out and make more money in private practice. So they get a couple years

experience and they move on. So that was-- so it was keeping a staff and, you know, so-- particularly the more experienced people, to try the big cases. And you could only keep them so long. And then you had to move somebody up. And then you had to hire somebody at the bottom. And it was a continual process. And you spent most of your time worrying about that, that and the staff of secretaries, which is also the same type of issue. So I think keeping a staff was by far the hardest part. And then always worrying about the press.

LAW: What do you mean when you say worry?

BARRA: And not because the press was at all unfair. I had a fairly good and open relation with the press. And I tried to let them, you know, on whenever I could. You know, sometimes there's things, you know, you couldn't tell until a case was solved. But you still worried that something was going to happen. You know, when you had a staff... By then it was probably up to eighteen, nineteen people, where you're relying on your... You're not trying very few cases. I mean, you're trying very few cases. So assistants would be doing all the work. And if something would happen bad on a case, you know, the person at the top is the one who's going to get called in the middle of the night -- or not necessarily in the middle of the night. But you always worry about-- or some scandal developing in the State's Attorney's office or-- things that you didn't completely control over but you had to answer for. And that was always a worry. And we had a few of those. But everybody does.

LAW: Okay. I wanted to talk to you just about a couple of cases from that period. But I guess maybe, before I ask about specific ones, any memorable ones, to you? Which ones do you remember the most, have stuck with you the most?

BARRA: At State's Attorney?

LAW: Yeah.

BARRA: Oh. You know, to be honest with you, as far as criminal cases, there were so many of them that I don't think any particular ones stand out over anyone else. Probably the biggest case that I thought I was involved in was the -- was the lawsuit against the Department of Corrections, when they start releasing prisoners early, because they had no more room at the... And the governor released them. And the governor was on... You know, I didn't have anything, personally, against the governor. He had probably-- they're being subject to federal lawsuits. But I-- at that time, I felt that it was legislature desire -- decision how they should resolve that problem, not the -- not the governor. And, you know, the Judges would sentence people. And there was a provision allowed for some early release. But then they went beyond that and just started releasing who I thought were some dangerous people. And I just felt didn't have the authority to do that. So we filed a lawsuit.

LAW: Did you go about that because of what was going on in Peoria? Or had you been in conference with some of the other State's Attorneys with...?

BARRA: A little of both.

LAW: Was it coordinated?

BARRA: It eventually became coordinated. And the Supreme Court guaranteed that.

Because they end up combining all the cases, and took it directly from the trial court level

and just took it straight to the Supreme Court.²⁰ So that... But each-- each county that was involved in it would have to send their own lawyer up. And I do-- that was the only one I ever argued in front of the Supreme Court. And it was kind of straight. Because a lot of times on cases, you wait for Supreme Court a long time, to rule. So I was up -- went up and argued it, with six other assistants -- I think we all -- or State's Attorneys -- five other. I think there were six. I think we each got five minutes or ten minutes to argue. And I was leaving Chicago... In fact, I was on -- where was it? -- on Lake Shore Drive, leaving, about a half hour afterwards or forty minutes afterwards. And I got a pager. Back then, we didn't have cell phones. Had a pager. And it was my office. And I call-- I stopped at a gas station, called, and found out that the Supreme Court had already ruled, in our favor. So, I mean, that was the quickest I've ever heard the Supreme Court ever rule on an issue. I hadn't even gotten out of town and they had already ruled.

LAW: So, I mean, what was the outcome of the case?

BARRA: That they had to stop -- they had to stop. They could still follow the... You know, the -- there was -- the law, than, had so many days they could -- discretion that they could early-release. And they were going beyond that. And they, I think -- if I remember right, Supreme Court limited it to that.

LAW: Any memories from oral argument that have stuck with you?

BARRA: No. Too long ago.

²⁰ See, *Lane v. Sklodowski*, 97 Ill. 2d 311 (1983). Also see, *State Journal Register*, June 24, 1983, pg. 3.

LAW: Okay. I wanted to ask you about this Johnnie Lee Savory case.²¹

BARRA: John Savory. Yes.

LAW: Memories of that.

BARRA: I was never actually involved in the case. When it was -- first came to trial, I was an assistant but I didn't handle it. The State's Attorney handled it. I was State's Attorney when it came back for a retrial. I assigned an assistant to handle it -- two assistants to handle it. And I do remember...

LAW: Why did you decide to go -- to do the second trial?

BARRA: It got reversed, because of pretrial publicity. No. Why did that one get reversed? I don't remember why. Oh, the confession was thrown out.

LAW: Yeah.

BARRA: The confession was thrown out. There was a couple -- there was a couple of retrial cases that I remember, while I was State's Attorney. That one was because of -- the confession was thrown out. And we tried it without the confession and got a conviction a second time. Been a controversial case from the very beginning. I was convinced-- I thought he was guilty. I was convinced he was guilty. I would never try anybody unless I personally was convinced he was... You know, if I didn't think -- if I had doubts, we wouldn't try it -- that's just was my attitude, you know? If -- you know, if I'm not convinced, why should I ask a jury to convict somebody -- if... You know, so the

²¹ See, *People v. Savory*, 82 Ill. App. 3d 767 (1980), *People v. Savory*, 105 Ill. App. 3d 1023 (1982), *People v. Savory*, 221 Ill. App. 3d 1124 (1991), *People v. Savory*, No. 3-98-0765 (3rd Dist. App. Court, 1999), and *People v. Savory*, No. 88786, (Illinois Supreme Court, 2001). Also see, *State Journal Register*, January 13, 1981, pg. 3, *Peoria Journal Star*, August 7, 2013, pg. 8A, August 31, 2013, pg. 1B, January 14, 2015, pg. 1A, and May 14, 2015, pg. 2B.

standard is you had to prove his guilt beyond a reasonable doubt. If I'm not convinced...
It doesn't mean...

[00:45]

LAW: Okay. Shall we talk now about that strike-breaker case?²²

BARRA: Sure. The... Trying to remember the specific facts of that case. I remember--
There was this -- that was a time there was -- Caterpillar went on strike. Or, no, it was
ADM. That wasn't Caterpillar. You're right. That was ADM. They went on strike.
They brought in strike-breakers. They call-- I remember, the war wagon is what it was
called. The-- they would bring strike-breakers in a bus, a reinforced bus. And they'd
have to go through the picket lines. And there was some violence, nothing really bad.
But there was -- there was, I think, ten criminal charges filed out of that, I think eight
misdemeanors, maybe two felonies. And we prosecuted those and probably took a little
heat from the unions for prosecuting them. But they were -- you know, we looked at
every case and we prosecuted the way we felt was appropriate. And at the same time,
there was a state law that was in effect that prohibited hiring strike-breakers during a
strike. So we filed for a-- And there was a question of whether that was constitutional. I
mean, it was -- it was -- there were good arguments on both sides. So we felt the proper
way to handle that was not file charges against somebody but to get a declaratory
judgment action, to see what-- And so we filed it. If I remember right, they held it was
unconstitutional -- I think. But the strike settled, so, by the time that happened, it be--
really became moot.

²² See, *People ex rel. John Barra v. A.D.M.*, 704 F. 2d 935 (7th Cir. 1983).

LAW: Yeah, "dismissed for lack of subject matter jurisdiction."

BARRA: Yeah, yeah. I think the appeal was dismissed, because I think the strike had settled.

LAW: Okay. So we've moved into the 1980s. How had the city of Peoria changed?

BARRA: Well, they -- the Civic Center was built, the Twin Towers. For a few years, there was work on building up downtown -- and it never progressed all that much further, in the '80s. Caterpillar, toward the end of the '80s, started downsizing a little bit -- but not hugely. It was more so after that. Had a hockey team in town. Got a minor league baseball team in town. So there was a few changes going on, a little more entertainment.

LAW: Had the type of cases that you were handling -- had it changed any? Or had just the volume increased --

BARRA: Well --

LAW: -- or stayed the same?

BARRA: -- during the '80s, cocaine became big. What now is -- heroin's a big problem. Back when I first started, it was heroin. Then cocaine came and cocaine became the big - the big drug of choice and the -- and the ones that the prosecutors had to deal with all the time and police, the cocaine traffic coming into Peoria. I don't... Gang violence probably picked up some, during the '80s.

LAW: Did you ever try any capital cases?

BARRA: I've tried-- I tried a -- yes, I did try a couple capital cases -- two. One was a jury trial, where they convicted him. It went to a bench-- they waived jury on death penalty

and got the death penalty. And the other one, I believe, was a bench trial or a plea of guilty, got a conviction, and a jury on the death penalty. Got the death penalty. The first one, the guy died in prison. The second one was still on death row when Ryan commuted all the death sentences.

LAW: So were either one of those cases where you had the prosecutorial discretion to...?

BARRA: Oh, yeah.

LAW: So how does one make that decision?

BARRA: Well, these were pretty -- both pretty brutal. One was... He ended up kidnapping... Well, it was his girlfriend. But she was a nurse. And he ended up getting a knife and cutting her from one end to the other, just completely. And he had prior convictions for rape.²³ The second one broke into the-- a house of an elderly couple, murdered both of them, went to Missouri, after he fled, murdered a guy there, ended up -- went to Reno, Nevada, where he picked up an escort, had her in a room, shot her, and was going to cut off her finger, because she had a ring on. The bullet didn't kill her. And the police was tracing him, all this time, down there, and ended up actually breaking in on the room and saving her life. And then he was -- we brought him back -- extradited him, tried him.²⁴ So they were both pretty brutal. We sought the death penalty in a couple other cases. I didn't personally handle them. We didn't get it. But I -- my feeling right now is that it has cost way too much money, in -- to even seek it. It's almost impossible -- was impossible-- Well, now you can't even get it in Illinois.

²³ See, *People v. Enoch*, 122 Ill. 2d 176 (1988), *People v. Enoch*, 146 Ill. 2d 44 (1991), and *Enoch v. Gramley*, 70 F. 3d 1490 (7th Cir. 1995). Also see, *Chicago Tribune*, June 11, 2000, pg. 4C2.

²⁴ See, *People v. Pitsonbarger*, 142 Ill. 2d 353 (1990), *People v. Pitsonbarger*, No. 89368, Ill. Supreme Court (2001), and *Pitsonbarger v. Gramley*, 103 F. 3d 1293 (7th Cir. 1997), *Pitsonbarger v. Gramley*, 522 U.S. 802 (1997), and *Pitsonbarger v. Gramley*, 141 F. 3d 728 (7th Cir. 1998).

LAW: So much has changed, in regards to capital punishment --

BARRA: Yeah.

LAW: -- since you started as an Assistant State's Attorney.

BARRA: Yes.

LAW: At the time, when Governor Ryan instituted the moratorium, what were your thoughts on that?

BARRA: Oh, I -- personally, I felt that it had probably reached a stage that it was way too much money being spent and it wasn't doing-- going to do any good, I thought-- I really... It no longer was an effective punishment. Because no one was being executed. I never ever bought the argument that it was going to be a deterrent. But I always took the attitude that the punishment should fit the crime and there are-- just certain cases -- rare cases -- where that the only appropriate punishment's the death penalty but it wasn't going to happen. You know, doing it twenty years down the road sort of made a mockery out of it anyway. So. You know-- one argument always was, well, you know, if somebody innocent's going to be -- going to be executed, which is a... You know, I understand that argument. And they-- they show examples of a few cases which -- eventually proven to be innocent. And they said, you know, "What would have happened if there would have been a death penalty?" you know? Well, you know, you've had so many appeals and it finally, eventually was found out he was -- they were -- they were let go. My attitude was, without the -- if there had not been a death penalty all this time, all these -- some of these innocent people would have spent the rest of their lives in prison. Because once the death penalty was gone, there wasn't as much effort that had to be put

into these people's... These were the like fourth and fifth appeals. So these people were going to sit there. So I -- it probably freed more innocent people than it -- just because there was that much tension. But it -- but it does-- it no longer serves any purpose, because it just took way too long and...

LAW: The -- now, the Supreme Court did introduce a number of reforms, prior to the moratorium ending. Do you think those -- any of those reforms were -- like raising standards for the attorneys involved and having the capital crimes trial bar? Were they helpful at all or was it...?

BARRA: You know, it's hard to say. It's... Every case that I was involved in, I always thought that the defense was very good. But I can't say that everywhere in the state, on every case. So it's -- they're in a better position to judge that than I am. Obviously, having a defense-- You know, I think-- it helped the counties out a little bit, in that it found money to put-- that the counties didn't have to pay. But... So. But from whether it really was effective, I'm not in a position to say that. The couple cases I handled, I don't think it made a difference. But I can't say it didn't make a difference on a lot of cases. Because I'm just not in a position to say that.

LAW: What did you -- do-- what were your thoughts when Governor Ryan did the blanket clemency to everyone on death row?

BARRA: You know, a lot of people criticized him. I... That's why he's the governor. As I said, at that point in time, I'd reached the point I didn't think -- it had become a joke anyway. It was taking forever to ever execute somebody. That it didn't-- to me, it didn't serve a purpose. So. Whether or not he should have done it is a political decision, in my

opinion. I guess, from the standpoint that he was a Republican and a lot -- take probably more heat from his party for doing it than anybody else, it took a little bit of courage. So. He had other problems that were worse than, I think, that decision.

LAW: Should the moratorium have continued?

BARRA: Rather than an outright ban? No. I mean, either way, it's going to get rid of it.

Yeah, it's -- I have no problem with the fact they got rid of it now.

LAW: So last question on the death penalty. Prior to the abolition of the death penalty in 2011, did you believe that the death penalty should have been abolished? And should it remain abolished?

BARRA: Yes and yes. I wouldn't say that was my feeling years before that. But by the time -- by the time it finally was abolished and no one had been executed in thirty -- how many years and no one probably was going to be, in the near future, there's no reason to have it -- other than have to spend a lot more money on trials.

LAW: Okay. I wanted to ask you about an organization that you've talked about, kind of alluded to. But I just wanted to give you an opportunity to tell me a little bit more about it, the State's Attorneys Association. So tell me more about that association? What -- I mean, what does it do? What is --

BARRA: Okay. There --

LAW: -- its purpose?

BARRA: -- now, there's two -- there's two organizations. One's the Appellate Prosecutor's office, the Appellate Prosecutor's Service. And the other's the Illinois Attorneys

Association-- the Appellate Prosecutor is actually part of the State's Attorneys

[01:00]

Association. But it's the group of attorneys that just handle appeals across the state, it's funded by the state, and the same way as State's Attorney's Office are funded. The State's Attorneys Association is an association of State's Attorneys, all throughout... And it's a lobbying -- it's a lobbying and educational organization. I don't know how active it is anymore. It was fairly active, when I was State's Attorney. Have an -- have an Executive Board. I was on it for a couple years. And we'd have maybe four or five meetings a year. And we'd have a conference once a year. And the conferences were good, in that you got to meet State's Attorneys from other counties and other sizes and talk about their problems and how they handle -- and learn new things.

LAW: Kind of give you a different perspective.

BARRA: Yeah. I mean, you... The same way as the Illinois Judges Association... When I was Chief Judge we would have the Chief Judges' meeting, once a month, talk over how they do... Part of it's educational, put on educational things. The other part of it is just meeting and learning new ideas.

LAW: Okay. I wanted to ask you about some Judges from that period of time. Thomas Ebel?²⁵

BARRA: He's an associate. Other than being a Cub fan -- we were -- we were pretty good friends. He was -- he was a very-- He used to be an Assistant State's Attorney, over in Tazewell County. In fact, he was an assistant in Peoria County then, for a little bit. And

²⁵ Thomas Ebel would become an Associate Circuit Judge in 1981, serving in that capacity until 2002. He was recalled to service, 2005-2006.

then he became an Associate Judge and retired and-- He was a good Judge.

LAW: Joe Billy McDade?²⁶

BARRA: Joe I didn't know all that well. I mean, I did. We -- he was a... I remember -- I actually -- I remember I was a little kid, when he played Bradley -- played basketball for Bradley. But he was a Judge a few years. Then he became a Federal Judge. So I didn't-- I always got along with Joe. Seemed to do his job.

LAW: Jackson Newlin?²⁷

BARRA: Jackson was one who... He was an Associate Judge, I think. I'm trying to think if he became Associate Judge when I was State's Attorney or before that.

LAW: When you were State's Attorney.

BARRA: When I was State's Attorney?

LAW: Yeah.

BARRA: He didn't do much criminal. He did a lot of juvenile. I didn't have much -- I didn't practice in front of him all that much. I was good friends with his son. I knew his son real well.

LAW: Brian Nemenoff?²⁸

BARRA: Yeah. In fact, I was at his house couple weeks ago for a Christmas party. I knew Brian when I was State's Attorney and he was corporation counsel. I got to know him

²⁶ 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.

²⁷ Judge Jackson P. Newlin was an Associate Circuit Judge from 1983-1993.

²⁸ Judge Brian M. Nemenoff was an Associate Circuit Judge from 1986-2007.

best -- he and I went for coffee one day and settled a big lawsuit between the city and the county over zoning. We just went, had coffee, and sat down. We came up with a novel idea on how to solve it. And we both went back to our clients and they liked it. And we solved what was a-- a very contentious lawsuit. And then... He's a big sports fan. So he... He was a good Judge -- good Judge -- but a very personable guy.

LAW: And the last one--

BARRA: Likes to talk.

LAW: -- the last one is Rebecca...

BARRA: Steenrod.²⁹

LAW: Yeah.

BARRA: She was the first as-- female assistant. She... Big Bear fan. I remember that. I always got along with Rebecca real well. She sort of -- did things... She didn't socialize all that much with everybody else. But she always did her job. I -- like I said, I got along with her very well, consider her a friend.

LAW: Okay. So was reelection to State's Attorney, was it...?

BARRA: Yes, I had a primary.

LAW: Okay. Any memories of that reelection?

BARRA: The primaries was awful, was not fun.

LAW: What was --

²⁹ Judge Rebecca Steenrod was an Associate Circuit Judge from 1989-2009.

BARRA: Did you...?

LAW: -- what were the -- what were the big issues in the primary? What was...?

BARRA: Well, as is often the case in some bigger police departments, some -- not all -- of the police don't like the State's Attorney, because they're not tough enough. So the -- there's... And so there was an element that supported the -- a -- somebody to run. It was the Corporation Counsel for the Police Department, ran against me in the primary and I won. But, you know, it's -- so he just -- it wasn't very friendly type of a race. When they ran the general election, the guy he ran against didn't have any criminal experience -- kind of strange lawyer. But I got along with him very well. In fact, it was -- it was a very -- wasn't big -- but, you know, wasn't -- it wasn't a hostile election at all, like the primary had been.

LAW: Okay. Any memories from the second term? Anything memorable from the second...?

BARRA: Oh, it's hard to split the second (laughs) from the first, to be honest with you. Oh, no. We had a few retrials, I remember. Savory, I think, was during that, I think, the second term. But maybe it was first term. Dealing with the County Board. You know, I think it was the first term when -- in fact, I know -- pretty sure it was the first term when the County Board hired a County Administrator for the first time. And that actually made my job a lot easier. Because you had -- you could work with somebody rather than had to -- every issue had to be decided out in public, in front of the board, fighting over-- funding or something or... By having an administrator made my job a lot easier the second term than the first term, and dealing with budgetary problems. But I don't re-- I'm trying to think if that second capital case was during the second term. I think it

probably was. [Jimmy Ray] Pitsonbarger. I believe that was during the second term. But I don't know. But it's been such a long time ago, it's hard to split the two terms.

LAW: Mm-hmm. Okay. So I'm guessing, at some point in that second term, you decided you wanted to become a Judge.

BARRA: Well, I had to decide... I was-- I didn't want a third term, for several reasons.

LAW: Why?

BARRA: Number one, I didn't want to go through another campaign. Number two, I thought you need somebody fresh for the job. I just -- having to deal with all those issues all the time that you have to deal with, administratively, I just didn't-- I didn't want to do it again. So I -- you know, I had to either go out, look for a job in private practice or... Well, it just so happened that Cal Stone was planning on retiring. And so I said, "If I'm going to run, now's the time to run." So he announced his retirement and told me. And then I announced that I was going to run. That's all there was to it.

LAW: Now I believe Kevin Lyons took over for you.³⁰

BARRA: Kevin Lyons ran for State's Attorney.

LAW: Now had you brought-- you had brought him into the office?

BARRA: No. He was an Assistant Public-- he ran as an Assistant Public Defender. I tried to hire him once but...

LAW: Okay. So let's...

³⁰ 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.

BARRA: He was hired by the Public Defenders' office. He didn't want to keep going in private practice, I think.

LAW: So tell me about running for Judge. How does someone run for Judge?

BARRA: Well, it all-- I had an advantage, and that my name was well known, because I was State's Attorney, and in the news a lot. And on the -- the bad part, you know, the -- always got to worry about the press. Because if something happens, the good part is that you're in the news. So that you're -- you know, half the job in political office is getting your name recognition-- And I got so tired... Because I had two primaries and two general elections for State's Attorney, putting up yard signs. When I ran for Judge, I said, "I'm not putting in yard signs in five counties." I bought some bill-- a few billboards and that was it. I said, "They -- people know me. They're either going to vote for me or against me. They know who I am." So it wasn't -- it wasn't as hard of a campaign. Still had an opponent. You still had to go to the campaign appearances, when you'd go in front of the Jaycees and the only people there were candidates and the person presenting it. But you couldn't not go. Because the one time you wouldn't go, there'd be somebody from the press there and they would put in the paper that so-and-so did not attend -- even though nothing was said by anybody, because -- that was new, because there was no member of the public. But there's some of the press-- So we had to go to all these campaign functions. Some -- a few were good, where there were a lot of people -- and talked issues. They answered questions. Others, you just said things that you say every time and there's no one there listening to you. But you had to do it. But it was -- it wasn't that bad of an election.

LAW: So running for a Judge-- for a judgeship in Illinois is a partisan political process. I mean,

how was the local Democratic Party involved? Is there-- was there a slate-making --

BARRA: No.

LAW: -- committee? I mean...

BARRA: No, nothing. The Democrat-- the party... I mean, you would -- a candidate would decide to run, whether it's for Judge -- back then -- I don't know if it's changed any -- or for any office. You'd have -- get your own political committee. You'd go get your signatures to get on the ballot. If you won the primary, then the -- you know, the -- they would try and get a few gatherings together. But about the only thing that ever happened was we'd give them money, the candidates, to try and do something the day of the election, to get out the vote. That was about it. And had maybe a few things. I mean... I don't know if it was probably too much different from the Republican Party, back then. It might have changed a little bit now. But there was no slate-making.

LAW: So how do run, given the sense that you can't really say what-- how you're going to rule on things? How do you convey --

BARRA: You know --

LAW: -- who you are?

BARRA: -- it's tough. It is tough. You can go to political fundraisers. So you can introduce yourself. You can... Now, you can't say how you'll rule on a case. I could... I had the advantage that I was State's Attorney. I can ex-- cite my experience on things, what I did as State's Attorney, without saying how I was going to as Judge, and say, "You know who I am."

LAW: How did being State's Attorney impact you as a Judge?

BARRA: Oh, I think-- You know, you -- some people would think, "Well, a State's Attorney's going to, naturally, be automatically favorable to the prosecution." It's not that way at all. And it's not that you're necessarily on the other side. But having been State's Attorney, you see the good, the bad, and the ugly, out of police work or even prosecution work or other -- you know. So as far as criminal cases, as long as you're fair-- you know, you're fair and you know what the law is, I mean... You -- when it comes to sentencing, you have a good idea, from being State's Attorney, what's a fair sentence, what's not. Doesn't have to always be the longest sentence, you know? Some of the toughest decision's when to decide to give somebody probation instead of send to the prisons, because you think they deserve probation. So. I think, being a prosecutor or a State's Attorney, you-- have more contact with the reality, you know, when you... And as far as civil, being a Judge, it's -- that's a question of whether you're -- you know how to research the law and

[01:15]

decide cases. I mean, you don't have to know every bit of the law to be a good Judge. You got to listen. I mean, it is lawyers' responsibility to present you the law. And then you've got to decide based on the law. You got to be able to know how to research-- read those cases and decide what the law is. Because most of what a Judge does is not hearing trials, either criminal or civil. It's ruling on motions. And that's based on the law. And there is no one lawyer that knows all -- every type of law. It's just not possible. The good Judges are the ones that can listen to the side present the law and then read the cases and then interpret the law appropriately-- properly, follow the law. I was always -- I was

-- that-- I think that was probably the thing, when I first became a Judge, I was always worried about, you know, "Am I going to know the law?" You know, and this is a lot acting on... And I remember-- I think-- it was Cal Stone. I went to his retirement party, a couple days before he took o-- office. And there was a -- I think there was two or three new judges coming in, Circuit Judges. And at his retirement party, he says, "You know," he says, "I know that you-- you new judges are worried, and whether or not you're going to be able to do this job and whether or not you're going to, particularly, know the law." He says, "After four days, trust me," he says, "you'll know the law as well as most lawyers on most things. Because they only know a certain area. Everyone's different. They're going to -- they present you the law. Long as you know how to study the law and be fair, you'll be all right." I was at ease after hearing those words. And they were true.

BELZER: Fifteen minutes.

LAW: So where were you initially assigned?

BARRA: I was assigned to divorce court, probably what most Judges are assigned the first time, to more domestic relations. Two years there and then two years in probate and equity and then two years in criminal. And divorce was-- The law was pretty settled, back then. It's changed a couple times since then. So we had to... But back then the law was pretty settled, as far as a lot of issues. So it wasn't a question of having to learn a whole bunch of law all at once. It was a good place to get your... You know, it was hard-- You had to study the facts and listen to the facts and decide cases and be fair. But it was a good place to start. You just don't want to stay in divorce court too long, because there are too many--

LAW: Too many what?

BARRA: Listen. The ones that go to trial are the worst ones, particularly in divorce court.

You know, ninety percent of the ones, they settled, they're amicable divorces, you know?

The ones that go to the trial are usually just knockout fights. And then, if you've got kids

involved, custody. Those are the -- those are by far the worst types of cases to hear,

custody cases. Because there was three types of cases that you heard in custody. Both

parents were good parents. So you couldn't go wrong either way. So, I mean, the kids

were going to... They were good parents. They may have had other issues, that they

couldn't agree on property, but, as far as the kids, they were good parents. Those are

easy kind. The second kind was where you had one bad parent and one good parent.

Those are easy. Because it was easy to decide. It was the third kind that was the hardest,

where you had two bad parents and you had to pick one of them. And there were a few

of those -- not too many. But once in a while, you'd get one there's... "God, don't I have

a third choice?" And sometimes you didn't-- And those are the ones you felt sorry for

the kids for.

LAW: What about probate and equity?

BARRA: Probate and equity -- equity, particularly, was probably... And I did that quite a

few years. Because I -- when I was Chief Judge, that was usually the courtroom that was

assigned, probate and equity. Equity court, everyone's a-- are non-jury cases,

miscellaneous remedies, injunctions, all sorts of-- You'd get a little bit of everything.

And they were challenging, on the law -- those are probably -- very challenging, be...

You spent a lot of time studying the law and having... Probate cases, most of the probate

cases were pretty routine. Once in a while, you had a -- really, a contested death case.

The hardest cases in probate -- among some of the hardest cases-- are guardianships of disabled adults. You had guardianship of minors but usually those, you'd appoint a guardian ad litem. And those seemed to -- would work out pretty well. And most of those are-- were because you had to probate a settlement of a lawsuit involving a minor. And that was all pretty much worked out. But you got probate of a-- of a disabled adult, guardianship of a disabled adult. Now, we'd get a lot of those. And a lot of them -- most of them are routine. Who the guardian was going to be was agreed to by everybody, the guardian ad litem-appointed lawyer. But once in a while, you'd get guardianship of a disabled adult where two siblings fighting over who is going to be the guardian of the adult, claiming that the other side is doing something that's not in the interest of the... And those got real nasty. Next to custody of juvenile-- or child custody cases and divorce cases, the hardest-- next hardest cases to try were contested guardianship of adults. And there's only a few of those. But they -- and some of them lasted forever. I mean, when I say forever, they'd never end. You'd rule on it and you set up -- then they'd come back in the court over something else, fighting over this, fighting over that. And the other, third type of case that was hard to try were sexual cases, criminal cases against juveniles. Those were tough. Most of those -- very few of those went to trial, though, fortunately. Because they didn't want to take those cases to jury trials.

LAW: How do you -- how do deal with those nasty cases as a person? How do you not internalize all that?

BARRA: Well, it's -- it can be tough. But you just... You know, you're there to do a job and somebody's got to do it. And that's why you ran. And that's what you're getting paid for. So you'd -- you know, you do it. You don't-- you just don't want to have to be

doing it all the time, you know. That's why it's good to rotate Judges, so that they don't... I - I really didn't have a hard time doing that. What I -- I think the -- probably the hardest thing that I did, was a Judge, towards the end, was to be patient. Because you hear a lot -- case... The case-- like, in general, cases go to trial are the worst types of cases, particularly in civil court. Because the parties can't agree to it -- so-- because they're fighting over everything. And you-- and you hear some stories. And you got to sit there and listen to these things. And you got to-- You know, it's their trial. It's not yours. So you got to sit there and listen to it. But it's tough sometimes to be patient, when you hear the same types of stories over and over, and this garbage that you hear.

LAW: How did you keep your patience?

BARRA: Well, every once in a while, I would get up and say-- "I'm taking a recess," (laughs) you know. You know, or you'd get mad at the lawyers, because the lawyers are arguing something stupid, fighting back and forth. You know, once -- even once -- I remember, once, they were arguing back and forth. And we're trying to try this case and they're sitting there arguing back and forth. I got up and said, "We're going to take a recess. If you guys want to have your argument outside... When you're done, ready to start acting civil, come on back." But I didn't like doing that. That -- you know, it's -- it just... But the -- that is probably one thing about being a Judge too long. You get into that position where you no longer can be patient. That's -- it's...

LAW: Did you ever have to hold anybody in contempt?

BARRA: No. Usually, when I... Well, yes, once. Once I had-- A couple times, you know, the -- you tell them to shut up, they shut up or hit your hand and get mad -- and you hit

your hand real hard and almost break your hand. But by that – they got your... Most of the time, to get your attention. If you handle it the right way, you get their attention. I mean, you get -- you had the -- you had the problem with the crazy guy, who is going to go on a rant. But holding him in contempt's not going to do any good. You just got to get through the hearing, get over with, get him out of your courtroom. I did -- held-- one woman in contempt, because-- It was in a divorce case. She refused to sign a paper. She had to sign it. It was a transfer-- part of property settlement. She had to sign the deed. That was a routine thing. I mean, it was split up. And she was mad and she wasn't going to sign it. And the lawyers told her-- "You got to sign it." And I said-- I told her -- I says, you know-- "You got to sign it." "Well, what happens if I don't?" I said, "You go to jail until you do. It's a civil contempt. You go to jail until you follow the court's order. You got to sign." "I'm not going to sign it." And the lawyer said, "Let me-- give me a couple seconds." And he talked to her. And he says, "She's going to sign it. She'll sign." "Okay. That's all I want. She's just got to sign it. Because the deed won't be any good and the bank won't honor it unless it's signed." She gets the pen in her hand. She starts shaking. She starts going like -- and she starts going like this. All of a sudden, she just slams it down -- and wouldn't sign. "You're in contempt. Go to jail." It's just-- "You go talk to her." It was like eleven o'clock. "I'll come back at one o'clock. If she's ready to sign it, we'll bring her back over." She signs it. You know, that's how you perjure yourself in civil contempt-- is -- following the order, civil order. So she-- he talked to her again. She came back and she signed it. Lifted it away. "She's free." But that was the only time.

LAW: Never any attorneys?

BARRA: No. Well... No. I issued sanctions, monetary sanctions once but not contempt, under Supreme Court rule, for a bad pleading -- once. That was it.

LAW: Okay. Let's see here. Had a couple cases I was going to ask you about. One I was interested in, just because it involved a Caterpillar employee. And it was this fellow that, he got into a dispute with Cat over... He said he was defamed, because they said he slept on the job. *Bushell versus Caterpillar*?³¹

BARRA: It's got to be a... Is it workman's comp case or...? Because I had done so many of those. And...

LAW: Well, I think they fired him and it went to arbitration. And...

BARRA: Was it administrative review?

LAW: Yeah. He didn't win in arbitration. And he said that he was -- he was defamed. But --

BARRA: Don't remember it.

LAW: -- being -- the reason I -- it attract my attention is, you know, you're the son of a guy that worked at Caterpillar for all those years. And Caterpillar's such a big part of the community. So, I mean, how do you...?

BARRA: Do a case like that?

LAW: Yeah.

BARRA: You know, if I don't know the people involved personally... I mean, there are no-- very few but there are a couple Judges, not just here but across the state, they have a reputation, will get out of any case for any reason and say it's a conflict of interest. I

³¹ See, *Bushell v. Caterpillar, Inc.*, 291 Ill. App. 3d 559 (3rd Dist. App. Court, 1997).

mean, you're in Peoria -- everybody has some contact with Caterpillar.

LAW: Right. Yeah.

BARRA: Somebody's got to have-- No. Now if I -- if I knew the witnesses or-- or socialized with the witnesses, that'd be something else-- But because it's a big...

LAW: There's kind of no way to --

BARRA: Yeah.

LAW: -- get away from...

BARRA: I mean, you can stretch that to... If, in my mind-- if I think -- you know, if I've got to answer -- if I'm an -- got to answer to somebody or I'm going to be in a situation where I've got to explain my ruling to somebody that I know, because they're involved in the case, then that's the time to get out of it. But, you know, you're going to have -- you're going to have cases in a city -- what -- that somebody-- with... But everybody knows somebody. And there's, you know, cases with police officers. And I was State's Attorney. I dealt with police officers-- But I'm going to have cases where-- against police officers. Now, there's a few police officers I hung around with, you know, that I might even go out socially. If they were involved-- if they were a big part of the case, I

[01:30]

would stay out of it. But there was only a couple of those.

LAW: I found this one article about-- it dealt with this...

BELZER: I'm going to go ahead and change the tape.

LAW: Well, what I was going to... I just -- I found this article about the -- it's called *The People* -- the case was *People versus Mazzanti*. And there were some allegations of some -- basically, some police brutality down at the jail. And I guess there were some investigations-- federal investigations that came out of this. And I just -- I just wondered if you had any memories of this?³²

BARRA: What's the name?

LAW: Well, the fellow that was involved in the case that you heard was Robert Mazzanti. He was a mechanic.

BARRA: How do you spell it?

LAW: M-A-Z-Z-A-N-T-I. And he was a mechanic. And he got in a dispute with his wife. And he... They took him down to the jail. And I guess he got in an altercation with some of the jailers. And he was roughed up a little bit. The charges against -- involving him and the wife were dropped. But then he was charged with getting in a fight with these jailers. He was acquitted by the jury. I mean, do you-- any memories of --

BARRA: Nope.

LAW: -- any of that?

BARRA: No. But it -- that could --

LAW: Were there problems down at the jail or anything?

BARRA: -- oh, but, you know, you-- that could have happened and I might not even been aware of it.

³² See, *Peoria Journal Star*, March 1, 1992, pg. A7.

LAW: Hmm. This was '92.

BARRA: Yeah. I mean... What did -- what did I hear?

LAW: You heard Mazzanti's case.

BARRA: The criminal case?

LAW: Yeah.

BARRA: I might not even have been aware of the other part of it.

LAW: Well, it was just an interesting-- there was a interesting interaction with the jury after it, you were talking to them and stuff.

BARRA: Oh.

LAW: And they had a quote in here from you, to the jury. I even -- I think this article may have been written by someone on the -- on the jury.³³

BARRA: Don't know. I... '92' would have been -- '92 and '93, I think, are the two years I was in criminal. And I think I tried 60 or 65 jury trials, in that period of time.

LAW: So what was it like being the Judge in criminal cases, after having prosecuted so many?

BARRA: You know, it was funny. I thought... And there were certain types of cases. If I handled someone's -- if I prosecuted somebody before, I would not handle their case. Or if they were on probation, even though I didn't handle it -- if they were on probation from my office, were still on that probation, I would not handle that case. But if someone else had prosecuted them, in the office... And there was cases that say you -- ethics cases that

³³ George Hopkins, a member of the jury, wrote the article.

said judges could hear those cases. But the defense still had -- could -- an automatic substitution. They could substitute too. So... I thought, when they assigned me to criminal case, that I would have a lot of ones that were filed substitution on me. And I think that, the whole time I was there, two years, I had maybe one or two. I had more by one lawyer -- a civil lawyer -- on a couple uncontested name cases than I had as a criminal (laughs) Judge. Now I got out of a few because the -- number one, I had prosecuted them personally before or they were s-- it was a probation revocation case and the probation was -- they were put on probation under my name. I wouldn't handle those. So there were a few of those but not a lot.

LAW: You talked a little bit, earlier, about jury nullification.

BARRA: Mm-hmm, sort of.

LAW: And juries kind of do some strange things sometimes --

BARRA: Yeah.

LAW: -- like, for instance, this one case where they found this fellow innocent of first-degree murder but guilty of second-degree murder, Kensey "Kilo" Ross. Was a New Year's Eve killing. And so I was wondering if you could talk to me a little bit about dealing with juries.³⁴

BARRA: Well --

LAW: How does a judge deal with juries?

BARRA: -- you know, you instruct them on the law. And then you leave it up to them. I

³⁴ See, *Peoria Journal Star*, April 16, 1992, pg. C7, May 23, 1992, pg. A12, January 20, 1994, pg. B1, June 2, 1994, pg. B6. Also see, *People v. Ross*, 251 Ill. App. 3d 1068 (3rd Dist. Appellate Court, 1993).

mean, that's the way the system is. It's not-- it's not perfect. But sometimes, in a... Number one, if you feel -- well, if you feel they're not guilty, you should direct a verdict, if you think the evidence is -- not leave it up to a jury. I -- you know, I've heard some judges, not necessarily the ones here -- but in talking -- saying, on some of these cases, "Let the jury let him go, instead of me." That's not your job. If you decide, at the end of the state's case, that they haven't met the burden of proof the state has to meet, you shouldn't leave it to a jury to decide and let them... I mean, that's what your job is. But once I gave it to the jury, you know, in a criminal case, it's their decision, you know, follow-- You hope they follow the law but you can't guarantee it. But the way the system works. You know, you're not always going to agree with it. But that's... It's not easy being a jury either. You know, people complain. They see juror-- what -- in the paper what -- how a jury... They say, "Oh, my God." Those same people put on jurors do the same crazy thing sometimes. So. It's not an easy job. And our system is to let them decide. You know, the appellate court's there for -- if they make... Actually, appellate court's there if we make a mistake -- the -- at least the appellate court thinks that. But...

LAW: Did you follow your cases, if they went to the appellate court?

BARRA: Oh, yeah. Because they'd sent you a copy.

LAW: And then how do y-- as a judge, how do you deal with that?

BARRA: You look at it and you throw it in a box. I mean, you see what the... Sometimes you disagree with them. But that's the way it goes, you know? That's... Their decision is over you. You can't let... Now if they changed the law or if you -- once in a while, you know, you might -- at least they think you adopted the law-- wrong on, well, you see

what they do. And you don't want to make that same mistake again. So you read it, pay attention to it. But if it's just them making a decision that's different than yours, you don't like it, too bad, you know? You can't-- you can't let the... You get -- let that upset you, then... That's not what your role is. They've got a different role than your role. Just the way it is. But as far as jurors, you know, once it's in their hands, they can decide -- they make the decision. You don't always agree with it but that's the way the system works.

LAW: Any memories of this *Matt Hale* case?³⁵

BARRA: Even if it's *Matt Hale* case. Yes. I think it got reversed three times, on him -- maybe twice. And I'd have had no trouble finding Matt Hale not guilty, if I thought, under the law, he was not guilty.

LAW: I found this interesting article -- this also, too, is from 1992 -- where he said he was going to withdraw from public life. I think ultimately that didn't happen.³⁶

BARRA: No.

LAW: Okay. So after the two years in criminal, then you went to civil?

BARRA: Then I went to civil for -- about six years, four years in Peoria -- three and a half and then two in Pekin.

LAW: Did you like the -- did you like --

BARRA: Loved --

LAW: -- the change of pace?

³⁵ See, *Peoria Journal Star*, May 15, 1992, pg. A1.

³⁶ See, *Peoria Journal Star*, June 13, 1992, pg. B6.

BARRA: -- yeah -- I loved it. I enjoyed civil. I enjoyed doing jury trials. I enjoyed working with the lawyers, the civil bar. I enjoyed some of the motion call-- I think... The one thing you don't like -- that I didn't like was the discovery fights, fighting over discovery. I mean, sometimes, particularly if you got too many lawyers involved or big law firms... You get a big case, a big international case with Caterpillar and someone else -- and some other-- three big corporations and they put their lawyers in there, and they fight over everything. Now, that's not always the case in civil case. A lot -- I mean -- I mean, they're -- ninety percent of the civil cases, the -- you -- they agree on the -- they work out all the problems. They just... There's always a little give and take in discovery. But... The one-- the... Every once in a while, you get a case that, just they fight over everything. And... You know, at the -- I'd tell the lawyers, "Let's try and settle this case. You guys fight over everything." It's just-- You know what's worse? I've had to rule on every one of these things. I'm not going to be right on every one. You know? I mean, you jus-- I mean, because you fight over everything, there's going to be -- you're going to try to -- you're going to go all the way through this, you're going to have a decision by a jury, it's going to go up to the appellate court. And because you've made so many issues in the case, there's bound to be so-- two or three that are going to stick and you're g-- no matter who wins, and you're going to come back and do it all over again. So either s-- let's stop the fighting over these things or let's try and solve this case. And that usually didn't work. Because if you reach that point... And they didn't care. Fortunately, those are very few and far between.

LAW: Do any ci-- particular civil cases stand out, from that period of time?

BARRA: Oh... You know, there has been a few, probably because of the length. I had a

six-week -- I had a six-week jury trial, products liability, a seatbelt case, a bad accident, where we had lawyers from all over the country. It was a six-week jury trial. And you would th-- and you would think, "Now this is one of these cases, they're going to fight over everything and it's going to be awful." It was the best six weeks. I mean, they worked out almost every issue -- if the -- that they could. When they couldn't, they'd narrow it down, let me decide, they'd move on. They had their witnesses lined up. They... It was a -- it was a very enjoyable trial. Now, I've had -- I've had some that last four days that should have lasted one, that was a bench trial, because they fought over everything. But those are rare. That case was one that I remember. Probably the one that I remember the most was an eminent domain case, City of Peoria versus a cleaners, for the -- to build a -- well, their -- part of the land they were going to build the Chiefs Stadium. Well, I go see all the ballgames now. I go all the time. But... But it was a eminent domain case. And the issue really wasn't the amount of money. Because that would have been decided at the second stage, the c-- the fair value. It wasn't whether eminent domain was appropriate, because that really wasn't contested. The only issue was whether they could do the quick take. And the big issue there was that St. Louis, the ball club, wanted to -- had to sta-- they had to start to build the stadium by a certain time, so that, the next year, they'd be ready. If it got delayed too long, it was going to be two years. And they weren't -- they didn't want anything to do with it. So the city wanted to s-- And these people wouldn't settle on the amount, so they had to g-- So the -- but in order to start the project, they had to do the quick take, quick take and eminent domain, under certain statutory conditions -- one of -- and, this particular one, that it was blighted land. The square that was being used was not... You had the business and you had a lot

of run down property. So if it was more than fifty percent-- or certain percent blighted, they could do a quick take, which means they took it, it'd be a preliminary just compensation, which, a judge would set an amount, but then a jury would eventually decide the amount. But the property was already transferred. Well, that's what they wanted, because they wanted to be able to build. And the guy was -- wanted more money. And he was holding out for more money. So he wasn't going to settle. So he was fighting the quick take. So there was a three- or four-day trial. And there was a lot of people watching it. And as it turned out, there's a couple of no-- witnesses that they put on from Caterpillar, that the defense put on, established that, two of these sections, Caterpillar had just purchased and made parking lots out of them. They built park-- made Caterpillar parking lots -- which made the percentage of blight less than fifty percent. It was like thirty percent, because of that, because... Well, they couldn't do the -- they couldn't use that section of the statute for quick take.

[01:45]

So... They could still go through the eminent domain, once there was just-- once there was a jury trial and the amount was determined. But since Caterpillar, and trying to be good citizens, took some of the blighted land and made it un-blighted, it's no longer -- so it was no longer eligible for quick take. So I had to rule against the city. It went up on appeal. Well, they filed a notice of appeal. But because they wanted the land so bad to get the stadium started, they settled, for way more probably than they would have needed to. It was one of those things. Y-- well, you know, y-- My job's to follow the law and I followed the law. Unfortunate but that's the way it was. Guy got his more money. You know, he didn't-- He -- really was ready to retire. That was... But, you know, the law

was on his side.³⁷

LAW: What about that newspaper case?

BARRA: Ah! That was another good case. The one in Pekin?

LAW: I think -- I think so.

BARRA: *Pekin Times*.

LAW: Yeah. Yeah

BARRA: Yes! That was one I was going to bring up too. I'm glad you mentioned that.

Tha-- I mean, it was just a little case. Got some national... It was another constitutional question. The... I do-- What's...? I don't remember. Was it Creve Coeur, city of Creve Coeur, that...? And *Pekin Times-Observer*.³⁸ And I think they were giving them free. But they were just tossing them in the yard. And they would toss them in the streets, next t-- if there was a... And a few people complained. So the city wrote them a ticket for littering. First thing, it was a big First Amendment issue. I said, "Well..." What it boiled down to -- my ruling was, you know, if they just left one copy in somebody's yard, that person had a right to complain. And if the -- and if the *Times* still kept throwing it in their yard, they -- you know, something could be done. But if they -- if the people didn't complain, the city couldn't arrest them for trespass-- Now, if the -- there was some areas where they were throw-- where they were dropping them in the s-- a whole bunch of them in the street, because there was an apartment complex. And they had a mailbo-- and they just dropped ten in the street. And street -- had to pick them up. I said, "The city

³⁷ See, *Peoria Journal Star*, May 25, 2001, pg. B1.

³⁸ East Peoria Times-Observer.

can --" you know, "city's got a right to keep their..." It's not a First Amendment issue. But what's -- when it's in somebody's yard, you know, it's their yard. And s-- and, as First Amendment right to the press... You know, if those people complained about where they put it, they could -- and they don't stop, do s-- But otherwise, they ca-- they can't automatically arrest them for trespassing. It was -- you know, it was one of those, just following the... I mean, actually, that was an easy decision, though, just unusual, but if you followed the sta-- the law.

LAW: So how was running for a retention different than running for election?

BARRA: Oh, hundred percent different. You don't do anything for running -- retention, not around here. If you did a good job, you're going to be retained. There was only -- there's only been a couple who weren't retained. And they deserved it. One was [Charles W.] Iben.³⁹ So around here, you know, unless you've done a bad job, they don't do anything. I mean, my... I got a call once. I'm not going to say who. It was an appellate judge, who I happened to know. And he was up for retention same time I was. Said, "What are you going to do for campaigning? What are you going to -- what are your ideas? What are you going to --?" you know, "Get billboards? What do you think we should do?" I say-- "I don't know about you. I'm not doing anything." I say-- "Unless you do something... Around here. I don't know, where you're at. But around here, if you do something -- if -- long as you're doing your job, you're -- doing something real bad, you don't -- that you're in the front page because you cheated on your wife or did something, you're going to get retained." Some people get higher than

³⁹ 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.

others. I say-- “All of a sudden you start advertising and all of a sudden your enemies, some people who you really ticked off on a case, even though you might be right -- is now going to mobilize some -- start getting out some publicity. And now you might not get retained.” So I say-- “You don’t do anything.” He agreed. He got retained easy. I got retained easy. So you worry about those f-- those -- that, six months beforehand, some scandal doesn’t come out or somebody wrongly accuses you of something, when you can’t defend yourself. Then you got to worry. Otherwise... Unless, all of a sudden, people are going to vote -- you never know when that’s going to ha-- all of a sudden, people are going to get in a mood, vote everybody out -- like maybe this time around. I don’t know.

LAW: So after Pekin, the two years civil in Pekin, where were you next?

BARRA: Then I came back and I was Chief Judge for s-- five and a half years.

LAW: Okay. Give us an idea of what the Chief Judge does.

BARRA: The Chief Judge handles the budget with the County Board, although you have— we have a court administrator that – to work with that does that. Assigns the cases, does the return of the grand jury, and has their own docket. That’s it -- I mean, you’re responsible to administer your -- if there’s an issue on anything, with respect to any of the employees, you make the final decision. So it’s an administrative position. Far as the courts are concerned, you assign the judges, take the complaints about judges. If there’s a recusal or a substitution of a judge, you have to reassign it. You assign cases after they get out of the grand jury, to the criminal judges. And at least when I was Chief Judge, we -- the Chief Judge handled probate and equity. Because there’s too many administrative

things to do in order to do a jury docket. So you handled a non-jury docket.

LAW: So how did -- how did Pekin compare to Peoria?

BARRA: Pekin, it's just a different -- it's... I think it has more to do with the layout of the buildings than anything else. In Peoria, with the new and the old courthouse and the halls and the elevators, everything is sort of isolated in little sections. So you don't have... The lawyers don't interact as much. And when you walk out to leave, you don't go -- you don't walk out among the crowd or see the other courtroom, see what's going on. Because you end up getting in the elevator and go out security exit-- In Pekin, you got this big spiral staircase. You've got three floors. There's courts -- with the big open area in the middle, as you look down. So you walk out -- you may see -- out of your courtroom, if you're on the third floor. You'll walk by. There'll be defendants, lawyers, everybody saying hi to each other-- or doing things, walking by-- You look by. You might see one courtroom is extra busy, needs some help or something like that. Where you don't -- where in Peoria you don't-- you're -- tend to be isolated more -- which has got its good points and its bad points-- Like the good points is you're not bothered as much. The bad point, if you're Chief Judge, you don't-- it's hard to keep your eye on things as much in Peoria. Although, eventually, if something's going on that somebody doesn't like, it'll get to you.

LAW: Mm-hmm. Any...?

BARRA: The lawyers, there's just... I mean, in Tazewell you see the same lawyers over and over. They're just different lawyers than the ones -- Peoria. I mean, some go back and forth and you see them. But...

LAW: Similar types of cases?

BARRA: Oh, yeah. Oh, yeah. You don't... Yeah. You don't...

LAW: I know you went out to the some of the smaller counties too.

BARRA: Yeah, I've tried ca-- I've tried jury trials in every county and a few bench trials in every county --

LAW: So what's --

BARRA: -- and a couple out of the county, out of the circuit.

LAW: -- what's it like being out in Stark County or Marshall County?

BARRA: Oh, it's different. It's fun. You go -- you'll go and you'll handle a docket. You handle a case but you also have to handle everything else on the docket that day. So you go up to those counties, you may have a docket that's got eight or ten traffic cases, a divorce case, something else, set. You do everything. You do everything in that county. I've never been assigned to that full-time. But I've had -- I've gone on substitution cases or to fill in for somebody a day. And whenever you go up that day, you got to do everything.

LAW: Are there resident judges out there, anymore?

BARRA: There are resident judges, yes. Each circuit has a resident judge. But they -- but one judge handles all three counties. Because there's not enough work. One judge... And they tend to rotate those three. They spend-- they may spend one or two years in Peoria and one in Tazewell or two in Peoria and then one... It's usually those three that rotate, every third year, the resident judge.

LAW: So when you were going out, you were either being assigned particular cases...?

BARRA: Yeah. It's because, usually -- most of the time, because somebody knew somebody. So they couldn't handle that case. Although just knowing somebody's not enough. Because you're bout-- you know, in small counties, y-- you know, you're bound to know -- you know a lot of people. Just that, if you're not -- if you're not social friends with them, you just -- or you don't have any financial interest...

LAW: Do you remember the one in -- involved the gravel pit, out by Henry?

BARRA: Oh, yeah. Henry, that's... Is that Edwards?

LAW: Yeah.

BARRA: Yeah. Well, there's... I'll say one thing in the case.

LAW: Yeah?

BARRA: That was o-- that was -- when I said the case where you got to rule on everything and that it doesn't-- that, if you don't settle this case on a sensible basis, you're going to try it again... I was right. They finally... I d-- I don't even know if I eventually had the trial on it. But it was reversed and they had to do it again. So I think they might have settled, the second time. I don't know. But they fought over everything. And it was funny. Had to do... The county was involved in the lawsuit, at one time. And it was-- it was a badly drafted or-- the ordinance was bad. That's why -- the whole problem. And then the -- and then they fought over everything. But...

LAW: The ordinance dealing with how close --

BARRA: It was a zoning --

LAW: -- how close it could be?

BARRA: -- it was the way the zoning ordinance was... And it was very vague and it was...

LAW: Was it unusual to have somebody come into court and argue the case himself -- themselves?

BARRA: I had a couple... Those are -- those are cases that are -- can be hard. Because...

LAW: Because the fellow here, he didn't really act like he was pro se. Edwards? I think he...

BARRA: He wasn't pro se.

LAW: Right. He ended up --

BARRA: He had a lawyer--

LAW: -- putting in his own motion and...?

BARRA: I don't know -- at the end. I don't know. That had-- that thing had so many different motions and stuff filed and lawyers in and out, that I... And while I was handling it and after I handled it -- before I handled. But I do remember one case, the county ordinance became involved. And the attorneys -- the appellate prosecutors had sent somebody up to handle that. And he was a guy that used to be in the State's Attorney's office. I... He had-- was a State's Attorney from a smaller county. And I knew of him -- I said-- enough to say hi. We weren't social friends-- He came up and handled it. And he sat there and listened to one of those arguments and he couldn't believe it. He kept holding his head. He said, "Why are these people...? This is..." I w-- He went out and he talked to the chairman of the County Board or something, on it. And he came back in and he settled it, five minutes-- He was there one day and settled it, on

some... He said-- There's no way there were going to win it. Because it was just... But rather... But they were such stubborn people, on both sides-- well, three or four sides that are involved in it, that they fought over everything! And they weren't going to give in on any-- wouldn't do anything, you know.⁴⁰

LAW: What about Stark...?

BARRA: He's --

LAW: Go ahead. I'm sorry.

BARRA: -- I'm just saying he jus-- and just... He knew that they made a mistake. "And I'll redraft it and get it over with and get-- move on." Stark County, you were saying?

[02:00]

LAW: Yeah. I know you had a -- you had a murder trial out there.

BARRA: I did? I don't think so. I had-- I tried somebody for reck-- for -- who was -- ended up charged with murder. But I didn't handle the murder case.

LAW: Oh, I'm sorry. Sexual assault and... Yeah. I think that's what it was.

BARRA: Well, I had a couple in Stark County. So one was a sexual assault and one was a... One was a guy who... Was a big murder case. But -- he did the murder after... He was a -- he was the town bad guy.

LAW: Was that Ronald Lee Stoecker?

BARRA: Ronald... What's the name?

⁴⁰ See, *Peoria Journal Star*, January 3, 2008, pg. B1. Also see, *Peoria Journal Star*, September 25, 2008, pg. B3, and December 10, 2008, pg. B2. And, *Edwards v. City of Henry*, No. 3-07-0652 (3rd Dist. Appellate Court, 2008).

LAW: Stoecker (“stoker”) or Stoecker (“stocker”)? S-T-O-E-C-K-E-R?

BARRA: Tha-- Stoecker is one of them. But that was the sexual case. The other case was Thompson. I don’t know if you might even have that. Curt Thompson. He and -- he and the sheriff fought over everything, over little things -- some bigger than other. But he was charged with resisting arrest and battery, I think. I don’t remember if that was a jury or bench trial. He was found guilty of one and not of the other.

LAW: Oh, I’m s--

BARRA: A coup-- a few years later... And he had been -- they had arrested him probably 10 or 15 times, for all sorts of... He was just sort of a town bully. Well, he went and murdered somebody, about ten years-- about f—a couple of years later.⁴¹ I think he might have got the death penalty and was... But Stoecker... I’m try-- That was --

LAW: Yeah, you’re right.

BARRA: -- a sexual...

LAW: Yeah, you didn’t handle the original trial. That was in 1998. This was a -- it had to deal with whether or not the resident judge out there could hear the case.⁴²

BARRA: Oh. Yeah, I think I might have had a couple different things with him. Maybe one was a substitution motion.

LAW: So did you like getting out to those rural counties?

BARRA: Yes. It was fun. It was different. You’d go out there and... You know, you get

⁴¹ See, *Peoria Journal Star*, September 21, 1994, pg. B8. Also see, <http://www.chicagomag.com/Chicago-Magazine/September-2002/The-Bully-of-Toulon>, and *People v. Thompson*, Case No. 97373 (Illinois Supreme Court, 2006).

⁴² See, *Peoria Journal Star*, July 8, 2006, pg. B2.

to meet some of the clerks and the different personnel. They were always so friendly to you. They always -- you know, you come out there -- the clerks and the court recorders and every-- not that they weren't here. But when you're in a big county, it's not quite as personal, because you only see them once in a while. There, you... They take -- they're really nice. And you go out to eat with a-- clerk or somebody and -- or the bailiff. I don't think I'd want to drive out there every day in the wintertime but... It was -- it was fun going out there every once in a while.

LAW: I th-- I told you earlier I was going to give you an opportunity to talk about your bailiff friend.⁴³

BARRA: Ah! Howard Humphrey. I knew Howard when I was an Assistant -- I met him first when I was an Assistant State's Attorney. He was a bailiff. And got to know him. Because a bailiff -- you know, if I was -- I think I was assigned to his court-- the courtroom that he was assigned to. And he was always nice to me and... And then, after I became State's Attorney... Well, he was in a bad accident. His wife was killed and he was hurt bad. Then he came back from that. And then... I'd -- I would -- literally every day, my first couple years as a judge, I would go up there... Because this is before we had a judge's study. You'd go up to the bailiff's office -- in the morning. I would talk to him, have a cup of coffee -- and come down there for lunch. And he'd be there with a cup of coffee, and Judge [Robert E.] Manning and... Then I got -- I got engaged. And he was getting remarried. And he was the first -- he and his wife, his new wife -- was the first person told that we were engaged too. Then he -- then he died of a heart -- I think it was heart attack. He eventually died. I still remember the funeral.

⁴³ See, *Peoria Journal Star*, September 15, 1991, pg. A11.

LAW: Okay. And then you're last couple years were in Pekin.

BERRA: My last two years were in Pekin. That's... I said I was Chief Judge for almost six years. And time for somebody else to take over Chief Judge and... But the... They wanted me to make the assignments, before I left, so that he went-- Because it -- you know, so-- you got to try and balance some people's ego, now and then, and... So I made all the assignments -- said, "Well, if I'm going to assign it, then I'm going to assign myself where I want to go for my last two years." And I said, "I want to go to Pekin." And I ended up finding a house here and moved here, before -- while I was still a judge.

LAW: So what did-- what do you think you learned about the criminal justice system, from being a judge?

BARRA: Well, it doesn't -- it doesn't solve all of society's problem -- never was, never intended to, you know. The -- at -- the main thing, you know, as far as criminal part of it is that you hope the guilty are convicted and the innocent are let go and, if you're going to make any error, you make... Our system is the -- err on the side of the innocent. That's why the standard of proof is guilt beyond a reasonable doubt. And you hope the punishment fits the crime and the criminal. That's the two main things. I think it does pretty good job at that. It's not perfect. People are going to point out all the mistakes, you know, the... When something goes wrong, people are going to point those out, going to make headlines. But the ninety-nine percent of the time that they're right, you don't hear about it. That's the way it is. You can't worry about that. You just got to try and do your job.

LAW: Okay, judge, I just got some philosophical questions for you.

BARRA: Okay.

LAW: What are your thoughts on cameras in the courtroom?

BARRA: I was very much against it at first. Because I thought it was -- it would be too obstructive and that people would grandstand in front of it and that it a-- you'd always have to worry about the technology, that the cameras were going to interfere with the dignity of the court and the smooth running of the court, the efficiency of the court. But as -- you know, as technology has changed so much that it can be so unobtrusive, you know, I don't have a problem with it. I still do think that the only time it's going to be used is on sensational issues. It's not-- But that's the way the news is and that's the way television is. And so that... As long as -- to me, as long as it doesn't -- if it doesn't interfere with the orderly operation of the courts, doesn't interfere with justice, then it's probably a good thing.

LAW: How should the judiciary relate to the media? And how should the media relate to the judiciary?

BARRA: Well, you got to understand their functions are different. Your function as a judge is to make sure that there's -- that justice is done. If the news media interferes with that, then it's -- that can be a problem. The purpose of the news media is to get news out. And as much as we dislike it, news is what people watch. You say, "Well, why is only this part on the TV?" Because that's the only thing that people watch. So once you understand that, it's... You know, and the news say, you know, "We're going to do our job and get the news." As long as they don't interfere with our job and as long we don't interfere with their job. If both sides understand that, you won't have a problem. It's

not-- it's going to cause some problems but they're not insurmountable and-- You just... You know, it's like everything else. You got to take it in incremental steps, to make sure that it works.

LAW: As a lawyer and then later a judge -- or, excuse me -- as a lawyer and a judge, what are the best means to enhance the public's awareness of the judiciary and what the judiciary does?

BARRA: Oh, that's a tough one. Get on a jury. (laughs) I don't know. You know... Just take -- just take basic civics courses and learn what the function is, with the -- you know, what-- That's the best way. And then watch it in action. But not easy to do.

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

BARRA: That's a... You know, I never became an official member of the bar association. Because I always felt that, you know, we... I p-- you know, I participate in their events. When I was Chief Judge, I was ex officio member of the board. So I'd go to their meetings and give them some input on what's going on. But for -- but -- you know, rightly or wrongly, probably wrongly, I just felt that it's not to -- if I'm going to be an impartial arbitrator, to stay away from as many possible conflicts. And... It's the same way from going to political functions, although even, that's worse. We could go to political functions, when we're running. That's under the ethics-- And that's the only time. My problem with the political functions wasn't the politics, is, when I could go, and almost had to go, because I was running -- you had to go to some of the p-- you'd always run into somebody who wants to talk about a case. And you can't -- you know.

And that's the thing you want to avoid. So I guess maybe -- philosophically, I have a problem with becoming a member of the bar. But that may be taking it one step too far. Because I like participate in bar functions. I would go to... You know, if they have a seminar and need for a judge to teach something, that they want a judge there, and it was my -- I'd go to that. I j-- I felt, if I was a member, then I was in a decision-making -- and I don't want to be part of their decision-making process. Because I... Sometimes they may have to take positions different than what I think.

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

BARRA: Well, they're different, in degrees. You know, a lawyer's -- is a -- like any profession, is a member -- s-- in society and needs to participate in society in whatever way they feel appropriate. A judge has got certain restrictions. And I don't-- But, you know, I think, wherever they can participate, they should, long as it's within the code of ethics. I've... One of the things you could do, when you're running for State's Attorney, you go to a political fundraiser to help raise money for something and you put on a clown outfit and you sit in a dunk tank and you get dunked. I did that a couple times-- Didn't like it, it wasn't fun, but something you did. And it was either for charity or for like a... When you're a judge, you can't do that. Because it's, you know, it's against the ethics. It's beneath the dignity of a judge to be a clown, I guess. On the other hand, I don't... You know, certain types of charitable organizations, I -- as long as it's dignified and you're not directly asking for money, you can assist those organizations.

LAW: What are the benefits of doing pro bono work?

BARRA: For a lawyer? Oh, I think -- you know, I think we all got an obligation to help out

society -- so you do-- depending on how you do that, whether it's working at the food bank or doing pro bono work, you know. I'd rather have a pro bono lawyer than a pro se lawyer, as a judge.

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

BARRA: Oh... Boy Scouts. I was a troop leader and a -- different functions -- found... I was on a District Council once. I was President of the Peoria Astronomy Club. Those

[02:15]

are the two organizations that I participated a lot in. A lot of it has to do... Well, astronomy was me. My-- Boy Scouts was -- my son was in the Boy Scouts. I was in Boy Scouts too. So.

LAW: Does the love for astronomy go pretty far back?

BARRA: No, not really, '92, '91. I mean, I kind of liked a little bit of science -- a little bit, when I was going through school. But I never... A-- I was just looking for something to do -- interest me. And I went looking for a book to read on some type of hobby. And I saw an astronomy-- "You know, I'm going to read this." And I read... So kind of interested. And I went out to observatory, a couple times. And all of a sudden, I got hooked in it. And I got a couple telescopes an-- Now I've... I was really active, up until about a year ago. Now just... Everything's in Peoria or out that way, just too far... And I don't like to drive at night anymore. And I just sort of said... Because it was a good hobby for nighttime. Because, you know, the wife could do whatever you want and you could go out and observe. I had a lot of fun-- I did a lot. Twenty years, I jus-- 22 years, really active. And then I just... You know, I was on the board an-- the astronomy board

for quite a few years. And I was president for a couple years and... And so, twice a -- once a month, go to the public meetings and, once a month, the board meetings, and always driving... And it was okay, when I lived in Peoria. I didn't have very far to go. When I was -- moved over here, finally go-- I got older and older, and say-- I'm not into a nighttime hobby anymore. (laughs) I want to go to bed. So. That's... So I've become very inactive. I -- still a member, still pay my dues, but... And I still write for the newsletter. But I don't go out observing like I used to.

LAW: 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?

BARRA: Oh, I don't know. I think anytime that you can present information to more people, particularly people who are interested in becoming judges, it's... There's not -- there's no such thing as too much education. That's -- one thing you learn, is you never learn everything. There's just too much in the world to learn. So this can contribute to the education of people. You know maybe... The challenge is to make it accessible to people and get people to look at it. That's the hard part. Compiling it is -- takes time and a lot of effort but the real challenge is to get people to read it, or look at it. And it just... You know. The same thing with continuing education-- any continuing education. But-- the hard part is for judges to find time to go to them, and to pay for them. And the challenge for this would be for somebody that might consider being a judge to look at it, to g-- to go -- to have access to it. It's becoming easier, with computers. So maybe you'll solve one of the problems by putting it online. Then the challenge becomes getting people aware of it and to use it, which is probably the toughest challenge.

LAW: What does the future of the profession hold?

BARRA: Oh -- don't know. Don't know. You know, I don't know what the future of anything -- with everything changing so fast. I just read-- finishing reading a science fiction book. And it's how two -- it's really about two sets of time travelers, one from the Earth, and in fairly recent time travel -- it's still in the future but fairly recent -- coming in contact with a civilization that's almost identical to it, that's been in existence for 200,000 years. And they haven't changed in the last 200,000, that much. We've changed... I mean, they had, the earlier parts. But then they went through a long period of stabilization -- where we've gone through so much changes. And every... You know, when I first started off, I mean, you were using beepers, pagers, no one even using cell phones. Then there came cell phones. And now everybody's got a cell phone. What's going to happen in ten years from now? Who knows? And how's that going to affect us? Hasn't -- all the technology hasn't had huge changes on the system yet. But it eventually is going to. I don't know how, though.

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

BARRA: I don't think so, probably not. No, it's been a -- it's been a rewarding career. I mean... And thankfully, you know, when financial times were better for the country, they made more incentive-- put more money into becoming a judge, in retirement. And I was able to take advantage of that -- and living, you know, not as I could if I was one of-- some big lawyers but comfortable enough for my taste. I guess one concern I have is, as money gets tighter, and trying to find money to balance budgets and cutting back, that they're no longer going to attract qualified people to be judges and people are just going to do it just to do--

LAW: Just to do-- just to what?

BARRA: Just to have -- do something -- and they're not going to be as... They're not going to take the top people in the profession anymore -- as probably was years and years ago, when they paid peanuts to become a judge. But we're not the only profession facing that problem. So I don't know. But if I -- would I start all over and do it all over again, the way things are now? I'm not so sure. But if I could go back and do it the same way I did it, yeah. I was -- I'm very happy with my career.

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

BARRA: Oh, probably, when I left the courthouse at night -- every day and then, finally, for good, when I got out, I'm just the same old Joe, just, you know... I'm no different than anybody else. I'm no better than anybody else, no worse than anybody else. I have my faults and... I never... You know, s-- I don't think I ever had robitis. So...

LAW: Had what?

BARRA: Robitis.

LAW: What do you mean?

BARRA: Never heard of that phrase?

LAW: Uh-uh.

BARRA: Robitis is what so-- a disease some people come -- when they put the robe on. All of a-- all of a sudden, they change their personality, become different than they... They become dictators and they think they're better than anybody else. A few judges that happens to, not too many. But it's a trap you got to watch out for. And people -- I'd

come-- I'd come out and people would-- Still to this day, every once in a while, somebody'd call, "Your Honor." So I'm John. I'm not -- no, I'm not a-- You say, "Your Honor," when I've got my robe on because of the position, not because of me, you know. I don't... Some people might insist on that. I... No, I'm John.

LAW: Well, sir, that's all I have for you today.

BARRA: Okay.

LAW: Thank you!

BARRA: So you think we might have one more--?

[02:23:48] Total Running Time

END OF INTERVIEW TWO

END OF ORAL HISTORY