

**Annual Report to the  
Supreme Court of Illinois  
Illinois General Assembly  
and the Governor of Illinois  
2014**

**Submitted by:**

**The Illinois Supreme Court Historic Preservation Commission**

**January 2015**

## INTRODUCTION

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

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

The Commission furthered its mission in 2014 by preserving and disseminating the judicial history of Illinois to the legal community and to the public at large. The Commission partnered and collaborated with multiple institutions to facilitate the creation of entertaining and substantive programs, outreach, and publications that fostered a greater awareness and appreciation of Illinois’s legal history and the importance of the judicial branch of government. In partnering with other entities—federal, state, local, and private—the Commission maximized state resources to operate at a cost-efficient level.

Included among the partnerships were the Abraham Lincoln Presidential Library and Museum (ALPLM), Abraham Lincoln Presidential Library Foundation, Brigham Young University’s J. Reuben Clark Law School, Chicago Bar Association, DePaul University Theatre School, Illinois Attorney General, Illinois College, Illinois Historic Preservation Agency, Illinois State Bar Association (ISBA), Illinois State Board of Education (ISBE), Northern Illinois University Law School, Union League Club, and University of Utah’s S. J. Quinney Law School.

## ADMINISTRATIVE

### Commissioners

Hon. James R. Thompson, Chair  
Hon. Kirk W. Dillard  
Kim B. Fox  
Hon. Michael F. McClain  
Pauline Montgomery  
Joseph A. Power Jr.  
William J. Quinlan  
Jane Hayes Rader  
Michael J. Tardy, *ex officio*, Director, Administrative Office of the Illinois Courts

### Staff

John Lupton, Executive Director and Director of History Programs  
Matt Burns, Director of Administration and Director of Outreach  
Christina Rum, Collections Manager  
Virginia Geiger, Administrative Assistant

The Commission employed four part-time contractual workers during 2014. The Commission utilized contractual researchers to perform research, writing, and collections management tasks to further its goal of disseminating information on the judicial history of Illinois to the public and legal community.

The Commission partnered with one college to host one intern in 2014. This mutually beneficial relationship helps to train students in the field of public history, archival management, and legal history, while simultaneously supplying the Commission with the necessary staff to continue its mission.

### **Meetings**

The Commission met four times in 2014 on February 24, June 16, September 22, and December 8.

### **Advisory Committee**

The Commission authorized the creation of an advisory committee to be a liaison and operational body, in support of the Commission members, who serve as the governing body. Chairman James R. Thompson appointed Justice Joy V. Cunningham of the First District Appellate Court to chair the advisory committee and solicited Commissioners to recommend members of the committee.

### **Office Relocation**



The Commission's lease at 625 South Second Street in Springfield expired in April 2014. Staff members began looking for new office space in 2013, and found exceptional accommodations at 231 South Sixth Street in Springfield. The new space has nearly 1,000 square feet more than our previous location, but the annual per square foot cost was reduced from fourteen cents to six cents, saving more than \$20,000 on office space rental annually. The staff moved into the second and third floors of the Booth-McCosker Building at Sixth and Monroe Streets in April 2014.

## **SUPREME COURT BUILDING RESTORATION**

After a fifteen-month closure, the Illinois Supreme Court Building reopened in September 2014. The work on the Supreme Court Building was a major undertaking for the Capital Development Board, the Administrative Office of the Illinois Courts, the architects and contractors, and the Commission.

The Supreme Court Building was constructed from 1906 to 1908. This was the first time in the Building's 100-plus-year history that it has been closed. The mechanical systems were in serious need of updating as excess humidity and temperature fluctuations caused damage inside the courtroom itself. With priceless artwork and artifacts housed in the Building, the restoration was necessary and important to maintain the integrity of the Court's historical possessions.

The Supreme Court staff vacated the Building in May 2013, and the Supreme Court held terms in Chicago.

Major mechanical, electrical, and plumbing systems were replaced or updated. The Building has a code-compliant fire-alarm system, upgraded security and surveillance systems, new energy efficient windows, and most importantly, a new central HVAC system. The new HVAC system replaces older individual-

coil units that had a greater possibility for leaks that could have damaged historical items in the Building.

Work on the Building's historical elements returned existing fixtures to their original color, design, and condition. Most notably, the thirteen Albert Krehbiel murals and four Edgar Cameron murals were cleaned with one ceiling mural repaired. In addition, the marble throughout the Building was cleaned, and doors and hardware stripped and refurbished. Original light fixtures were refurbished, and non-original light fixtures were removed in place of new light fixtures that look historic and were modeled after existing fixtures already in the Building. Paint schemes throughout the Building resemble the 1908 appearance after stripping back paint layers to the original colors.



*Matt Burns installs portraits of the Supreme Court justices in the Attorney's Room of the Supreme Court Building, August 2014.*

The architect for the Building was 4240 Architecture and the historic architect was Harboe and Associates. The General Contractor was Korte & Luitjohan.

The Commission was actively involved with the Court, the Administrative Office of the Illinois Courts, and the Building architects to provide advice, knowledge, and support of the restoration. Before the Building closed in May 2013, the Commission created an inventory of historic artifacts that were then packed and transferred to the Commission for storage during the restoration. Most notable among the artifacts were 107 portraits of the former justices that hung in the Attorney's Room. The Commission unframed the portraits and digitized and reframed them to create additional space for future use.

## EVENTS

### Supreme Court in Ottawa

For the first time in 117 years, the Illinois Supreme Court sat in the old Supreme Court Building (now Third District Appellate Court Building) in Ottawa on May 21, 2014 to hear oral arguments in two cases. The Commission assisted in selecting the site and preparing materials to be distributed. Three local high schools watched the proceedings, and local Ottawa attorneys then met with the students and teachers to explain the cases and the workings of the Illinois legal system. The Appellate Court Building was completed in 1860 for the specific use of the Supreme Court during terms held in the Northern Grand Division. From 1848 to 1897, the Court traveled among Ottawa, Springfield, and Mt. Vernon.

### Supreme Court Building Rededication

On October 7, 2014, the Commission, with support from the Illinois State Bar Association, Jenner & Block, and Power, Rogers & Smith, hosted a rededication event at the Supreme Court Building. More

than 150 people attended the reception, which included remarks by Commission Chairman James R. Thompson, Chief Justice Rita B. Garman, and ISBA President Richard D. Felice. After the formal program, world renowned opera singer Nathan Gunn, accompanied on the piano by his wife Julie Gunn, entertained the audience with four songs, including the Illinois state song. Nathan Gunn is the great-grandson of Walter Gunn, who served on the Supreme Court from 1937 to 1951. The Commission produced a publication that can be used for visitors to the Building who wish to explore its artwork and



*The Supreme Court Rededication Event in October 2014 brought together, from left, Justice Anne Burke, Justice Thomas Kilbride, Justice Charles Freeman, Julie Gunn, Nathan Gunn, Commission Chair James Thompson, Chief Justice Rita Garman, Justice Robert Thomas, Justice Lloyd Karmeier, and Justice Mary Jane Theis.*

history.

### **Habeas Corpus Hearings of Joseph Smith**

The Commission partnered with the Abraham Lincoln Presidential Library and Museum in 2013 to produce several events related to the legal issues of Joseph Smith, the Mormon Prophet, during his time in Illinois. The events by the Commission and the ALPLM highlighted personal liberties through the lens of Joseph Smith's habeas corpus hearings. These events garnered local and national interest. The Commission and ALPLM jointly solicited the necessary finances through law firms, foundations, and businesses to present these events. Most of the events related to the habeas corpus hearings qualified for Minimum Continuing Legal Education credit and teacher education credit.

In the early 1840s, Joseph Smith, the founder of The Church of Jesus Christ of Latter-day Saints, was arrested on three different occasions in Illinois to face extradition for alleged crimes committed in Missouri. After all three arrests, Smith sued for a Writ of Habeas Corpus to free himself from unlawful

detention. In all three hearings, a court agreed that Smith should be freed. The issue of personal liberties was prevalent during the Civil War as President Abraham Lincoln suspended the Writ of Habeas Corpus several times to quash dissent. Most recently, prisoners at Guantanamo Bay, Cuba have used the writ in an attempt to free themselves.

In March 2014, the Commission partnered with the DePaul University Theatre School to take the Habeas Corpus Hearings of Joseph Smith and Panel Discussion to Utah with the underwriting support of Zions Bank. In a sold-out 1,200-seat theater at the University of Utah, four actors presented the three habeas corpus hearings followed by a panel discussion on the use of the writ of habeas corpus from Joseph Smith to Abraham Lincoln to Guantanamo Bay. The next evening, a smaller theater at Brigham Young University hosted an encore performance. Illinois State Board of Education President Gery Chico moderated the panel featuring Jeffrey Walker of the J. Reuben Clark Law School at Brigham Young University; Hon. Dee Benson of the U.S. District Court for the District of Utah; Patricia Bronte, of counsel to the Chicago law firm of Stowell & Friedman; and John Lupton, Director of the Supreme Court Historic Preservation Commission.

### **Myra Bradwell, “In the Light of Experience”**

The Commission partnered with the Illinois State Bar Association to present Myra Bradwell, “In the Light of Experience” at Northern Illinois University’s Law School. The Commission provided exhibits on Myra Bradwell and several of the first women attorneys in the state. Myra Bradwell attempted to become licensed as an attorney in 1869, but the Illinois Supreme Court and the U.S. Supreme Court denied her admission on the basis of her gender. Matt Burns made opening remarks, and Rachel Morse, an associate at Jenner & Block, performed as Bradwell. After the one-woman presentation was completed, Chief Justice Rita Garman, Justice Anne Burke, Justice Mary Jane Theis and others participated in a round-table discussion of their experiences in the profession of law.



## **OUTREACH**

### **Website**

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

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

The Commission created a new website, [historyontrial.org](http://historyontrial.org), which focuses on the History on Trial series and includes information about each of the retrials and presentations as well as educational materials created by the Illinois State Board of Education.

## Public Presentations

In 2014, the Commission continued to raise awareness of the history of the judiciary by offering its staff as speakers for annual dinners, monthly meetings, and school groups. Staff members spoke to bar associations, law schools, elementary and middle schools, and Road Scholar groups, and conducted workshops. A sampling of the more significant presentations appears below.

In February, John Lupton spoke about the lawyer/client relationship between Abraham Lincoln and William Florville, an African American barber in Springfield.

In March, Chief Justice Rita Garman and John Lupton made introductory remarks at an exhibit opening at the Union League Club in Chicago.

In May, the Commission gave a \$100 award at the Illinois History Fair to the exhibit that best portrayed a judicial history topic. Thousands of middle and high school students participated by creating exhibits that were then judged. Matt Burns presented the award to four eighth graders for the project, "In the Grey Area – How Operation Greylord Changed America's View of Justice."

In June, John Lupton was a panelist at an Illinois Attorney General/Illinois State Bar Association program concerning professional responsibility using Abraham Lincoln's legal career as a model.

In September, Justin Law, a contractual researcher, presented a paper at the Conference on Illinois History about an Illinois Supreme Court case that occurred as a result of the Chicago Race Riot of 1919.

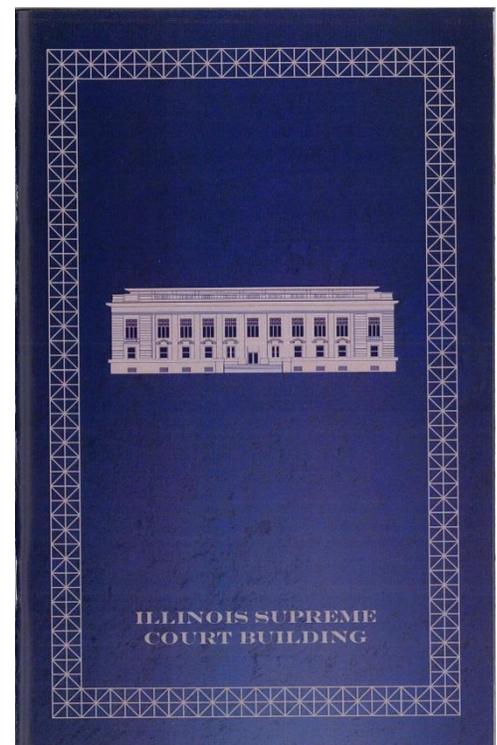
## Publications

In May, the Commission published a booklet on the history of the Appellate Courthouse (formerly Supreme Court Building) in Ottawa, Illinois.

In October, the Commission published a booklet on the history of the Illinois Supreme Court Building with a guide to its art: murals, sculptures, paintings, and portraits.

The Commission continues to publish biographies of all 116 justices who have sat on the Illinois Supreme Court. As of the end of the year, 97 have been completed and published on the Commission's website (<http://illinoiscourthistory.org/justices>). The remaining 19 are in the process of final editing. The Commission has begun negotiations with several university presses to publish the biographies into a book.

Southern Illinois University Press has completed production of the manuscript, *Prairie Justice: A History of Illinois Court under French, English, and American Law*. The book details the



changes in the Illinois legal system over a 250-year period. Commission staff edited the manuscript, which was written in the 1950s. The book is scheduled for release in February 2015. More information can be found at <http://siupress.com/product/Prairie-Justice,6087.aspx>.

## **Collections**

With the hiring of a full-time collections manager, the Commission has made great progress in organizing, cataloging, and storing its collections.

Christina Rum, the new collections manager, has an advanced degree in history and has increased her knowledge of conservation with a year-long internship at the Illinois State Archives and with courses at the Campbell Center for Historic Preservation Studies. She previously worked with the Commission on a contractual part-time basis. Rum has organized the entire collection into groups, assigned numbers to each artifact, and entered information about each artifact into PastPerfect, an archival management software database.

The Commission continues to obtain oral histories of judges and court personnel across Illinois. The Commission completed an oral history for Justice Thomas R. Appleton, Fourth District Appellate Court and began an oral history with Justice James Wexsten, Fifth District Appellate Court. The Commission also has a cooperative agreement with Loyola University, and exchanged oral histories with them. This year, the Commission acquired the interview with Judge R. Eugene Pincham, Cook County. One of the larger problems is making judges aware of the Commission's oral history program. In 2015, Justin Law, the Commission's oral historian, will reach out to bar associations, write solicitation letters, and attend the judicial conference for appellate court justices to discuss the Commission's oral history program and identify interviewees.

## **Information Source**

The staff of the Commission has become experts in the fields of legal and judicial history. A number of outside entities frequently solicit the Commission for information on the history of courthouses, judicial buildings, justices, and court cases. One example highlights the value of the Commission's knowledge base. In 2014, Illinois Lieutenant Governor Sheila Simon proposed to recognize and to seek clemency for Illinois abolitionists convicted under Illinois law. Governor Pat Quinn posthumously pardoned three Illinois abolitionists, including Dr. Richard Eells of Quincy, who had been found guilty of harboring fugitive slaves in the 1840s. The Illinois Supreme Court and the U.S. Supreme Court upheld his conviction. The Commission provided some information on the Eells case, and the Lieutenant Governor's office asked the Commission if it were aware of additional cases or databases that could lead them to additional cases. The Commission provided a compiled list of all slavery-related cases that reached the Illinois Supreme Court as well as several databases and indexes that could assist the Lieutenant Governor's research.

## **Teachers Workshop**

In October, the Commission helped to organize a teachers workshop entitled "Lincoln, Race, and Slavery" at the Abraham Lincoln Presidential Library and Museum. The Illinois State Board of Education provided the support and solicited ten middle and high school teachers from across the state to participate. After the teachers returned to their districts, they will work on creating a two-week curriculum that will be distributed state-wide through the ISBE and through the [historyontrial.org](http://historyontrial.org) website.

At the workshop, John Lupton made a joint presentation with Advisory Committee member Scott Szala on the Matson Slave Case. Abraham Lincoln represented a slave owner in 1847 attempting to recover possession of alleged runaway slaves. Lincoln lost the case, but the irony of the future Great Emancipator arguing a case on behalf of a slave owner has baffled historians. Szala and Lupton effectively argued that an attorney does not endorse a client's position merely by representing the client.

## Staff

John Lupton became the president of the Association for Documentary Editing, an organization that promotes the exchange of ideas and sets standards that reflect the ADE's commitment to the highest professional standards of accuracy of transcription, editorial method, and conceptual indexing. His term will end in June 2015. Before coming to the Commission in 2009, Lupton worked at the Papers of Abraham Lincoln documentary editing project, culminating in the 2008 University of Virginia Press publication of *The Papers of Abraham Lincoln: Legal Documents and Cases*, <http://books.upress.virginia.edu/detail%2Fbooks%2Fgroup-3616.xml>.

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

Justin Law, the Commission's oral historian, attended the Midwest Archives Conference Symposium on Oral History, Archives and Innovation to learn the latest techniques and methods of obtaining and storing oral histories.

John Lupton's review of Randall Tietjen's book, *In the Clutches of the Law: Clarence Darrow's Letters*, appeared in the Summer 2014 issue of the *Journal of the Illinois State Historical Society*.

## Exhibits

The Commission had exhibits at Illinois State Bar Association events, at schools, and at several smaller museums in Illinois. The newest exhibit was featured in the Illinois Law exhibit at the Union League Club on a significant legal case involving Abraham Lincoln in 1860. The case, known as the sand bar case, was Lincoln's last important lawsuit concerning who owned valuable accreted land on the shores of Lake Michigan and the Chicago River.



*Illinois Law exhibit at the Union League Club in Chicago, March-April 2014*

## LOOKING AHEAD TO 2015

### Illinois Supreme Court 200<sup>th</sup> Anniversary

Plans have already begun for the celebrating the 200<sup>th</sup> anniversary of the Illinois Supreme Court in 2018, as part of the larger celebration of the bicentennial of the State of Illinois. The newly formed Advisory

Committee will oversee programs, publications, and events related to the history of the Court over the course of the past 200 years.

### **History on Trial, Alton School Cases**

After the success of the Habeas Corpus Hearings of Joseph Smith, the Commission branded the popular series of retrials as History on Trial. The Retrial of Mary Surratt and the Insanity Retrial of Mary Todd Lincoln preceded Joseph Smith. The fourth installment of the series involves five appeals to the Illinois Supreme Court from 1897 to 1908 in which Scott Bibb, an African-American fireman with the Illinois Glass Works Company, used legal means to prevent the segregation of the Alton school system. While Bibb technically won the case (in all five appeals), the school administration inserted his nearly adult children in the third grade, and after Bibb removed his children, the Alton school system remained segregated until the 1950s.

The dates have been set for the Alton School Cases presentations for April 20, 2015 at the Hatheway Cultural Center at Lewis & Clark Community College in Alton; April 21, 2015 at the Abraham Lincoln Presidential Library and Museum in Springfield; and May 4, 2015 at the Feinberg Theater, Spertus Institute in Chicago.

### **Exhibit Space**

With the completion of the move to new office space, the Commission has a small area, approximately 800 square feet, to use as an exhibit area. Christina Rum, Matt Burns, and John Lupton are beginning to assess the space along with possible ideas for permanent and temporary exhibits to begin highlighting the judicial system in Illinois and the history of the judiciary to illustrate its importance as a branch of Illinois government and in the development of law. The Commission is planning to open the exhibit space in 2015.

### ***Eastland* Disaster**

On July 24, 1915, the *S.S. Eastland* rolled on its side in the Chicago River resulting in the deaths of nearly 850 people. It remains the most disastrous maritime accident on American soil in terms of loss of life. The *Eastland* Disaster Historical Society is commemorating the 100<sup>th</sup> anniversary of the tragedy with a number of events. John Lupton has agreed to serve on the executive committee for a retrial of the criminal case. In the original case in 1916, the federal case was dropped after six of the defendants defeated an attempt to extradite them from Michigan to Illinois. In the updated case, the participants will proceed with the case as if the extradition had been successful. The retrial will occur on June 18, 2015 at the Harold Washington Library in Chicago.

## **CONCLUSION**

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

## FISCAL SUMMARY

### Cash Balance

Item	Debit	Credit	Balance
FY07 Lump Sum Transfer		\$5,000,000	\$5,000,000
FY08 Interest and Receipts		\$136,757	\$5,136,757
FY09 Expenditures	\$177,318		\$4,959,439
FY09 Interest and Receipts		\$129,162	\$5,088,601
FY10 Expenditures	\$805,392		\$4,283,209
FY10 Interest and Receipts		\$45,899	\$4,329,108
FY11 Expenditures	\$919,817		\$3,409,291
FY11 Interest and Receipts		\$37,403	\$3,446,694
FY12 Expenditures	\$579,341		\$2,867,353
FY12 Interest and Receipts		\$45,572	\$2,912,925
FY13 Expenditures	\$628,790		\$2,284,135
FY13 Interest and Receipts		\$12,926	\$2,297,061
FY14 Expenditures	\$598,148		\$1,698,913
FY14 Interest and Receipts		\$30,007	\$1,728,920
FY15 Expenditures (Estimated)	\$621,000		\$1,107,920
FY15 Interest and Receipts (Estimated)		\$45,000	\$1,152,920

### FY14 Expenditure Detail (July 1, 2013-June 30, 2014)

Regular Positions	\$226,575
Benefits	\$176,501
Professional Services	\$81,620
Lease	\$52,066
Contractual Services	\$33,497
Telecommunications	\$10,686
Building Maintenance	\$5,386
Travel	\$3,968
Equipment	\$3,163
Commodities	\$2,546
Printing	\$1,683
Postage	\$457
<b>Total</b>	<b>\$598,148</b>