

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF ILLINOIS)
) SS
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CHANCERY DIVISION

REPORT OF TESTIMONY had of HON. PAUL
ELWARD before the Honorable JAMES F. HENRY, on
Friday, the 23rd day of June 2006.

PRESENT:

JUDGE PAUL ELWARD.

Joyce Ledger, 084-001292
Official Court Reporter
69 W. Washington, 9th Floor
Chicago, Il. 60602

1 JUDGE HENRY: Now, we are going to go until
2 4:00 o'clock, Judge, which is the time that Joyce
3 has allotted and then you will be invited back a
4 second time or a third or a fourth, Judge.

5 JUDGE ELWARD: Whatever you want.

6 JUDGE HENRY: Several judges -- I have been
7 doing Judge Elrod for about a half a year an hour
8 at a time, you know.

9 Well, anyway good afternoon, Judge.

10 JUDGE ELWARD: Thank you, Judge.

11 JUDGE HENRY: Thank you very much for coming
12 down.

13 I have just recently talked to Judge
14 Elward about the scope of our project and I just
15 want to make note that I met his son several months
16 ago at a retreat sponsored by the Catholic Lawyers
17 Guild and we were assigned to the same discussion
18 group and I asked him if he was related to Judge
19 Elward and -- because of the striking resemblance.

20 JUDGE ELWARD: Thank you, Judge.

21 JUDGE HENRY: This extraordinarily good looking
22 guy, I couldn't believe that there were two people
23 named Elward that were as good looking and his son
24 did say that he was Exhibit A in the paternity suit

1 and there was no question as to who the father was.

2 So that fortuitous meeting with Bill
3 Elward, Judge Elward's son, resulted in our being
4 here today and I want to thank you very much for
5 agreeing to participate.

6 JUDGE ELWARD: My pleasure.

7 JUDGE HENRY: Now, we are just going to do this
8 chronologically.

9 JUDGE ELWARD: Okay.

10 JUDGE HENRY: If you can tell me your date of
11 birth and where your parents were living when you
12 were born.

13 JUDGE ELWARD: I was born April 19, 1926, which
14 means I am 80 today or April 19.

15 We -- I was -- when I was born we -- my
16 parents, I was the first of two boys in our family
17 and we lived at 4800 South Wabash Avenue in
18 Chicago.

19 I was born at the Old Saint Luke's
20 Hospital on south --

21 JUDGE HENRY: Indiana or Michigan?

22 JUDGE ELWARD: Indiana or Michigan, yes. It is
23 no longer there, but the building is being used for
24 something else.

1 So in 1928 when I was about two and a half
2 years old, my father and mother moved the family to
3 Rogers Park and we lived at 6642 North Bosworth
4 Avenue, across from Sullivan High School, in a
5 single family house.

6 Shortly after the move in the fall of '28,
7 my brother, James, who is now dead, was born.

8 He was the only sibling I had. There were
9 no daughters in our family, just my brother and
10 myself.

11 JUDGE HENRY: Okay.

12 JUDGE ELWARD: And we -- I grew up there in
13 West Roger Park, East Rogers Park, went to Saint

14 Ignatius Grammar School on North Glenwood Avenue.

15 We attended Saint Ignatius Church. Walked
16 to school each day and graduated from there in
17 1938, from the grammar school.

18 I then entered Loyola Academy which was
19 then on the campus of Loyola University which it's
20 down in Wilmette and I attended Loyola Academy from
21 '38 to '42 when I graduated.

22 Then in '42 I entered Loyola University as
23 a freshman on the same campus until July of '44
24 when I enlisted in the U. S. Navy for World War II,

1 served in the navy from July of '44 to March of
2 '46, no service outside of the United States, but
3 went through basic training, signalman school and
4 wound up eventually getting discharged on the west
5 coast after the Japanese collapsed in the summer of
6 '45.

7 JUDGE HENRY: Now what were your first memories
8 as a young boy?

9 Do you remember living on the south side
10 or were you too young?

11 JUDGE ELWARD: No, no, I have no recollection
12 of that at all.

13 JUDGE HENRY: Do you remember what prompted
14 your parents to move from the beautiful south side?

15 JUDGE ELWARD: My mother's mother, my
16 grandmother was not in too good a health and the
17 place she was living in they felt was just too much
18 for her.

19 So she moved with us to the north side
20 into an apartment building on Newguard Avenue, a
21 few blocks away from our home on Bosworth where she
22 could be closer.

23 My grandmother was a widow. She had a --
24 two daughters. One was my mother and another

1 daughter who never got married, my Aunt Rita, both
2 of them of course have since died, but the concern
3 was that they wanted to stay close to our family
4 and vice versa, so that's -- in fact I can still
5 remember they would always come over for
6 Thanksgiving and I would always be standing in the
7 living room of our house on Bosworth looking down
8 the street and my mother would have to remind me
9 that looking for them to arrive wasn't going to
10 hurry them up at all.

11 JUDGE HENRY: A watched pot never boils.

12 JUDGE ELWARD: Yes, exactly.

13 JUDGE HENRY: That adage.

14 JUDGE ELWARD: So my grandmother died in 1946
15 while I was in the Navy and I was not aware of it
16 at the time and my aunt died many years later.

17 JUDGE HENRY: Were your grandparents born in
18 Chicago or were they born --

19 JUDGE ELWARD: Yes, right. I never knew a
20 mother on my father's side.

21 I think she died in the early 1920s. My
22 father's father, I believe, remarried in the 20s,
23 which was not well thought of because he remarried,
24 I think he remarried somebody who was not a

1 Catholic and of course in the '20s that was a no,
2 no.

3 I never knew him. He died when I was six
4 or seven years old in the early '30s. I never knew
5 his first wife or second wife.

6 My mother's family, her father had been
7 born around, shortly after the Chicago fire of
8 1871. He was a refugee from Germany, fled when
9 Bismark put in the compulsory military training for
10 young people.

11 Interestingly enough, came over here in
12 the early '60s and served in the Union Army during
13 the civil war and I went down, I remember once with
14 my parents and if I am going too fast or too slow
15 you slow me.

16 We went down once and there's a hall of
17 flags in Springfield for all of the different
18 brigades and divisions that served in the Army of
19 the Union during the Civil War and they showed me
20 his flag. I never knew him; never met him.

21 He suffered from tuberculosis, went out to
22 Denver for I think a cure in 1910 or thereabouts
23 and died out there and left my grandmother a widow.

24 She never remarried and I never knew him.

1 So that takes care of the grandparents.

2 JUDGE HENRY: How did you meet your wife?

3 JUDGE ELWARD: A very good friend of mine, a
4 Dr. James Fitzsimmons was a dentist and he had been
5 an undergraduate with me at Loyola.

6 On December 7th of 1952 I was invited by
7 his wife to a birthday party for Jim. It was his
8 birthday. It was the same as Pearl Harbor, down on
9 1120 or 1150 Lake Shore Drive and I was with
10 another young lady whom I had known from college
11 dating days, from Mundelein.

12 We were, I would say we were fairly
13 steady, but we were not engaged and that's when I
14 met my future wife, Eileen McGinnis, for the first
15 time.

16 And very interesting situation, because I
17 caught her in the kitchen of the apartment and
18 asked for her phone number and she wouldn't give it
19 to me.

20 She was with somebody else, not going
21 steady or engaged. She said, "No, you are going to
22 have to ask the hostess," and the hostess I think
23 was trying to fix me up with somebody else, but
24 that didn't work out.

1 So a few days later I called the hostess,
2 Jane Fitzsimmons, James' wife, and she gave me
3 Eileen McGinnis' phone number.

4 She lived on the far south side, East 74th
5 Street, 2506, and so I called her. That was about
6 December 10th or 12th of '52. We had our first
7 date December 19th of that year.

8 JUDGE HENRY: Where did you go?

9 JUDGE ELWARD: We went to a play. I am trying
10 think of the name of it.

11 It was a play downtown. It was a bad play
12 to take somebody to because the husband was
13 planning to kill the wife.

14 JUDGE HENRY: That's not good.

15 JUDGE ELWARD: So we saw the play.

16 We had dinner afterwards and then I
17 already a date with somebody else for New Year's
18 Eve, but right after the first of the year we
19 started, I said dating exclusively and on
20 February 14th of '53, Valentine's Day, I proposed
21 and she accepted.

22 JUDGE HENRY: You are quite a romantic guy,
23 well, except for that play choice.

24 JUDGE ELWARD: Well, we were engaged within

1 nine weeks of meeting each other which for a
2 conservative like me was very, very quick.

3 We got engaged outside the Adler
4 Planetarium. We went to another play that night,
5 went out there, parked and I gave her the ring and
6 she accepted.

7 I think we knew by then that we were in
8 love with each other, but you never know whether
9 she is going to say yes or no or maybe.

10 JUDGE HENRY: Or maybe.

11 JUDGE ELWARD: Well, she said, yes, and that
12 was February of '52 -- '53 and we got married in
13 September 26th of '53.

14 JUDGE HENRY: Did you get married on the south
15 side or the north side?

16 JUDGE ELWARD: We got married on the south side
17 at her church, Saint Brides' Church at 78th and
18 Coles I think it is. It was an interesting --

19 JUDGE HENRY: I wasn't invited to the wedding
20 by the way.

21 JUDGE ELWARD: No, I don't think you were.

22 JUDGE HENRY: I was living in that --

23 JUDGE ELWARD: The wedding was somewhat unusual
24 because that summer my mother had driven Eileen and

1 myself up to Door County for a brief vacation to
2 chaperone us and my dad said, "Why don't you stop
3 in Green Bay and pay your respects to Bishop Bona
4 Stanislaw, B-o-n-a?"

5 My dad had for many years had been the
6 lawyer for the Polish, Czech and Slavic cemeteries.
7 They were a separate entity. They were not under
8 the archbishop or the cardinal.

9 He knew Bishop Bona was a member of that
10 board, in fact had taken the man out to lunch.

11 In fact there's a cemetery on the west
12 part of Chicago, Cook County, that would not be
13 there except for my dad, burial cemetery.

14 So we stopped in Green Bay and I
15 introduced my fiance, Eileen McGinnis, to Bishop
16 Bona and my mother was there who knew the bishop
17 and the bishop was big gruff Slavic, a lot like
18 John Paul, II, and of course, "I am happy for you
19 Paul and I will marry you," and my wife said,
20 "Well, bishop, that's very kind but I am afraid
21 that's not possible."

22 Well, you don't tell a bishop it's not
23 possible. He said, "What's wrong?" "Well, our
24 pastor at Saint Brides'," her church, "Does not

1 allow anybody from outside to come in and marry
2 you."

3 I mean, young ladies have gotten married
4 there who had an uncle who was a priest and he
5 couldn't come in and do it, "Oh, well, what's the
6 problem?"

7 "Monsignor Friers is our pastor and he
8 just doesn't allow it." "Oh, Tommy Friers, I went
9 to the seminary with him. There will be no problem
10 at all."

11 So on the day of, Saint Brides' is a very
12 small sanctuary, there was the bishop and another
13 priest from Loyola and the bishop says I think that
14 some noses are still out of joint that we got
15 married by a bishop.

16 Of course we went over to what was then
17 the South Shore Country Club, it's now park
18 district, for the wedding reception.

19 We sit down to the table for the lunch.
20 This is a Saturday and the bishop turns, I am on
21 one side, Eileen is on the other and the bishop
22 splits you. He said, "When you are married by a
23 bishop, you can never get it annulled."

24 I mean we had just been married for half a

1 hour. We hadn't consummated anything and getting
2 annulled was not exactly on the top of our list,
3 but a wonderful man. He is gone now. So that was
4 the story.

5 JUDGE HENRY: That's quite a story and then
6 where did you decide to live after you got married?
7 Did you stay there?

8 JUDGE ELWARD: No, we stayed in Rogers Park. We
9 lived 1244 Farwell Avenue which was just a block
10 from Saint Jerome's Church. That was our parish
11 church, for us, for our family.

12 We found a place there, an apartment on
13 the third floor and stayed there for a couple of
14 years and then we moved to another apartment on,
15 not, that apartment was not 1244 Farwell.

16 It was something -- we moved to 1244, a
17 larger apartment and then in the fall of '58 we had
18 already had two children; two boys, one born in '55
19 and one in '57.

20 JUDGE HENRY: And what were the names of those?

21 JUDGE ELWARD: Joe was born in '55, November.
22 Bill was born in June of '57, number two son.

23 JUDGE HENRY: Okay.

24 JUDGE ELWARD: We then bought the house that we

1 now live in, in the fall of '58, early '59.

2 It was a big, twelve-room house, three
3 stories, basement and my mother went around with my
4 wife looking at places because I was in the
5 legislature and not available and my mother said,
6 "Well, are you really going to need all this
7 space?"

8 "Well," she said, "I have got another one
9 on the way." Our third son, John, was born in the
10 spring of '59 and we had two more after; Tom and
11 Patrick.

12 JUDGE HENRY: So you have five.

13 JUDGE ELWARD: Five boys, no girls.

14 JUDGE HENRY: Five boys. Let's just go back
15 then a little bit.

16 When you got out of the Navy in '46 --

17 JUDGE ELWARD: March of '46, right, Judge?

18 JUDGE HENRY: Now you had graduated -- you had
19 a double dose.

20 JUDGE ELWARD: I had one more year to finish
21 college which I did in the fall of '46 through to
22 June of '47.

23 That's when I got my Bachelor of Arts from
24 Loyola with honors.

1 JUDGE HENRY: And what was your bachelor?

2 JUDGE ELWARD: Major in philosophy.

3 JUDGE HENRY: Philosophy, so you had plenty of
4 the Jesuits then?

5 JUDGE ELWARD: Oh, yes, in high school and
6 college.

7 JUDGE HENRY: My son just got accepted at Saint
8 Ignatius High School, so he is about to have the
9 privilege of having a Jesuit education.

10 JUDGE ELWARD: Well, my dad was a graduate
11 there and son, John, and son, Patrick, both
12 graduated from Saint Ignatius College on Roosevelt.

13 JUDGE HENRY: Let me just ask now about your
14 dad because you made reference to him a minute ago.

15 He was a lawyer in Chicago and based upon
16 the clients that you just mentioned, he must have
17 been a prominent lawyer during those years.

18 Where did your dad go to high school?
19 Where did he go to law school?

20 JUDGE ELWARD: My dad went to Saint Ignatius
21 High School.

22 JUDGE HENRY: Did he live in the community?

23 JUDGE ELWARD: He lived on the south side. I
24 don't know where, I don't know what grammar school

1 he went to. He did go to Saint Ignatius when it
2 was a college, not a prep, so he got a college
3 degree there, then he went to Loyola Law School.

4 JUDGE HENRY: I see.

5 JUDGE ELWARD: He graduated from Loyola Law
6 School in 1915 and was immediately invited back
7 that September to begin teaching.

8 JUDGE HENRY: In the law school?

9 JUDGE ELWARD: At the law school from 1915
10 until 1942 when they closed because of World War
11 II.

12 JUDGE HENRY: Was the law school on the campus
13 or was it downtown?

14 JUDGE ELWARD: No, the law school was on
15 Franklin Street downtown. It was sort of a part of
16 a building on its own.

17 JUDGE HENRY: Okay.

18 JUDGE ELWARD: See Loyola, well, Ignatius
19 College Prep turned into Loyola University in the
20 late 19 teens, about 1918, 1919.

21 That's when they opened the high school on
22 the north side and they moved the whole college up
23 there, but before that it was all downtown or south
24 side.

1 JUDGE HENRY: While your dad was teaching at
2 the law school was he also practicing law in the
3 daytime?

4 JUDGE ELWARD: Yes.

5 JUDGE HENRY: He would have his -- he would, he
6 was going out with my mother later that night, he
7 would have a tuxedo on teaching class in the
8 evening and then meet my mother for dinner or
9 theater or whatever and when he died in 1980 the
10 people that came to the wake or funeral, all they
11 would ever say is that they remembered him as a
12 teacher.

13 All he would ever say about his teaching
14 thing was he -- nobody ever slept. He taught
15 mostly real property and future interest.

16 He taught in both the day school and the
17 night school of Loyola law for all those years.

18 JUDGE HENRY: And where did he maintain an
19 office?

20 JUDGE ELWARD: 111 West Washington Street in
21 what used to be call the Conway building.

22 I don't know if you are familiar with that
23 at all. It's 111 West. It's across from the Daley
24 Center, across from city hall now.

1 The Conway building is kind of interesting
2 because this building was originally part of
3 Marshall Fields' estate and the Conway building was
4 named after a town or a city in New England that
5 Fields came from and there's a couple of other
6 buildings -- were in downtown Chicago that were
7 Fields' properties and he named them after towns
8 that he grew up in.

9 JUDGE HENRY: It's a beautiful building.

10 JUDGE ELWARD: Yes, it is.

11 JUDGE HENRY: And the title company took it
12 over.

13 JUDGE ELWARD: Yes, some years ago.

14 JUDGE HENRY: Do you remember where the title
15 company was located before they moved into that
16 building by any chance?

17 JUDGE ELWARD: No, I do not. I would be
18 guessing.

19 JUDGE HENRY: And now they are across the
20 street at 161.

21 JUDGE ELWARD: Yes, oh, yes, they are all over.

22 JUDGE HENRY: That's very interesting. I never
23 knew. I have always known it as the title
24 building.

1 JUDGE ELWARD: Yes, well, it had a big plaque
2 on the outside with Chicago Title and Trust on it
3 after they took over, but we always called it 111
4 and the interesting thing was my parents lived at
5 222 East Chestnut Street and we used to joke about
6 that because where my father worked was 111 and
7 where he lived was 222, just twice the number.

8 JUDGE HENRY: Was he a sole proprietorship
9 there? Did he have partners?

10 JUDGE ELWARD: No, he had partners. Towards
11 the end, I and a lawyer who is now dead, Edward
12 Macie, M-a-c-i-e, well, we were partners, but it
13 was pretty much his show.

14 He taught an enormous number of lawyers,
15 law students in the '20s and '30s at Loyola, one of
16 whom was Federal Judge William Campbell, who later
17 became Master in Chancery and at one time, I think
18 in the '30s, probably a third of the lawyers of the
19 judges in Cook County were former pupils.

20 JUDGE HENRY: Wow. What kind of practice did he
21 have, Judge?

22 JUDGE ELWARD: Real estate mostly, estates,
23 future interests, tax planning so upon.

24 It was a lot of, as I recall lots of

1 mortgage and real estate business in the '30s,
2 maybe because of the depression, maybe unconnected;
3 I don't know.

4 JUDGE HENRY: So let's go back now.

5 JUDGE ELWARD: Sure.

6 JUDGE HENRY: As you are growing up in Rogers
7 Park, what are your memories of grammar school?
8 Were they pleasant memories?

9 JUDGE ELWARD: Well, first of all Saint
10 Ignatius Grammar School was segregated; boys in one
11 building, girls in another.

12 I had the opportunity in one of the upper
13 grades, 7th and 8th, to operate the player piano to
14 which we marched up the stairs to the tunes, but
15 the two buildings were separate and we had, you
16 know, we had the Holy Child Nuns.

17 JUDGE HENRY: I was going to ask you that
18 question.

19 JUDGE ELWARD: We had their convent. It was
20 amazing. Mother Clements was our eighth grade
21 teacher.

22 I am sure she is gone by now, but she
23 taught us how to diagram sentences and I have never
24 forgotten.

1 This is eighth grade and of course, well,
2 we always had a few wiseacres.

3 So we had one boy in eighth grade that
4 one, however I don't know why we are talking about
5 marriage or whatever, but he said to Mother
6 Clements, he said, "Well, Mother, if I am on a
7 desert island with a lady or woman or girl," and he
8 said, you know, "We have got to have a priest to
9 solemnize the marriage, what do we do?"

10 "Don't worry, if you are there long
11 enough you will get married," but what she stressed
12 was that the two people marry each other.

13 The priest doesn't marry you. The
14 witnesses don't marry you. It's the husband and
15 wife who give each other.

16 They are the ones that make the marriage
17 and I thought for 1937, '38, that was pretty
18 advanced theology.

19 JUDGE HENRY: Yes.

20 JUDGE ELWARD: All things considered.

21 JUDGE HENRY: Might not get the same answer
22 today. I don't know.

23 JUDGE ELWARD: Well, yes, but the diagraming of
24 sentences.

1 JUDGE HENRY: How many children were in your
2 class, graduating class?

3 JUDGE ELWARD: We had two classes graduating in
4 eighth grade of the boys. I would say there were
5 roughly 30, 35 each.

6 JUDGE HENRY: So 70.

7 JUDGE ELWARD: For some reason there were more
8 boys than girls.

9 JUDGE HENRY: Now, during those years when you
10 were in grammar school, were there sports teams or
11 what would you say your extracurricular activities
12 revolved around then?

13 JUDGE ELWARD: Mostly it was plays. We put on
14 a couple of plays a year. We put on the Christmas
15 Carol in my last year at grammar school.

16 I played a character that I think I recall
17 that was called, Bumps, the butler, and we, at that
18 time, I don't know how it was arranged, but a man
19 by the name of Bob Eyden who was interested in
20 athletics at the school and Saint Ignatius Grammar
21 School hosted a countrywide grammar school boys
22 basketball tournament every couple years.

23 So as I can remember some idiot telling
24 me, "Paul," I was not a player. "Here's this

1 bucket. Go get me a bucket of steam."

2 There's no such thing of course as a
3 bucket of steam, but, you know, just going to find
4 how much Elward knows about basketball.

5 We, they had a gym. They had a gym there.
6 We had a builder-type pastor, Father George Dineen,
7 D-i-n-e-e-n, Jesuit of course at Saint Ignatius and
8 parish and he was very much interested in that.

9 They had a community theater, Loyola
10 Community Theater between the school buildings and
11 the church and I could recall in high school going
12 there one time.

13 It's a theater seated almost a thousand
14 people that he had built and we had then Bishop
15 Fulton Sheen came and talked.

16 JUDGE HENRY: Wow.

17 JUDGE ELWARD: And also Father Hubbard, the
18 Jesuit from Alaska, but Bishop Sheen was really
19 something.

20 JUDGE HENRY: I remember watching him on TV in
21 the '50s.

22 JUDGE ELWARD: Yes. In those days he was just
23 Bishop. I think he was only a monsignor, but he
24 had the red cape, very dramatic.

1 JUDGE HENRY: I will tell you a cute story
2 about monsignors.

3 You will remember that there was a
4 political figure in Cook County by the name of Dan
5 Ryan.

6 JUDGE ELWARD: Oh, yes.

7 JUDGE HENRY: And Dan Ryan was married to a
8 lady by the name of Ruby Ryan and Dan Ryan passed
9 away and his widow, Ruby, was elected to the --

10 JUDGE ELWARD: County board.

11 JUDGE HENRY: -- county board and there was at
12 that time a monsignor in Chicago unrelated to the
13 Ryans whose name happened to be Dan Ryan and he
14 subsequently left Chicago and became a bishop in
15 Champaign, Illinois, and I met him in Rome when I
16 was there for the deification of Edmond Ignatius
17 Rice who was the founder of the Irish Christian
18 Rice.

19 He was telling me this story personally,
20 that as a young priest monsignor, he was attending
21 some type of event in Chicago and he was sitting on
22 the dais and Ruby Ryan was also on the dais and the
23 MC introduced him as Monsignor and Mrs. Dan Ryan.

24 JUDGE ELWARD: Oh, no.

1 JUDGE HENRY: In 1962 or '63 and the gasps from
2 the crowd were audible, what he said, but we
3 quickly cleared that up because otherwise, I would
4 have never continued with my career in the church
5 if that had gotten back.

6 JUDGE ELWARD: No, that would be -- I can
7 remember stories, Dan Ryan of course would come to
8 these political dinners and I remember he came to
9 one which was at the Greek orthodox church down
10 near Hollywood and Sheridan.

11 JUDGE HENRY: Excuse me.

12 JUDGE ELWARD: He said, "You know this is the
13 38th straight night that I have had corn beef and
14 cabbage and I am getting sick of it."

15 You know it was a mostly an Irish group as
16 you can imagine.

17 JUDGE HENRY: So when you left high school?

18 JUDGE ELWARD: Loyola Academy on the campus of
19 Loyola, just a couple of blocks away farther east.

20 JUDGE HENRY: I understand why you took your
21 wife to a play the first time if you were starring
22 in plays in grammar school, what did you do when
23 went to high school?

24 JUDGE ELWARD: No, I was not in plays in high

1 school; debating and oratory contests in high
2 school.

3 I was on the Loyola Debate team. We
4 traveled all over Cook County debating other high
5 schools.

6 JUDGE HENRY: And those are fond memories for
7 you being in the high school years?

8 JUDGE ELWARD: Yes.

9 JUDGE HENRY: Okay.

10 JUDGE ELWARD: I was third or fourth in my
11 class, taking both Latin and Greek.

12 I took four years of Latin and three years
13 of Greek in addition to the other subjects.

14 We had physics the fourth year in the
15 laboratory down in the basement of the Dunbar Hall
16 in the main building and we had an irascible old
17 Jesuit by the name of Cornell, Robert Walter
18 Cornell.

19 Cornell had a large thick, red pencil and
20 he would mark your papers up like nobody's
21 business, but it was a good experience.

22 In fourth year high school in the fall of
23 September '41, we had a priest come in to teach us
24 religion and he said, "You are all seniors in this

1 room," and he says, "I want you to remember that
2 basically you are only ninety-seven cents worth of
3 chemicals and five gallons of water. So don't get
4 any ideas that you are big shots." That's what put
5 us in our place.

6 JUDGE HENRY: Did many of your classmates from
7 Saint Ignatius go to Loyola or did they scatter
8 about to other schools?

9 JUDGE ELWARD: Well, no, my physics partner was
10 Ray McDermott who later became a doctor. I think
11 he went to Loyola Medical School.

12 Ray and I were physics partners. He would
13 do the calculations of the experiments we were
14 working on. I would do the arithmetic. So we made
15 a good team. I think he is still alive.

16 JUDGE HENRY: Did you find that you maintained
17 friendships from your grammar school class more
18 than your high school class because you spent more
19 time with them?

20 JUDGE ELWARD: Over the years, the grammar
21 school of course was very much neighborhood.

22 You didn't know anybody in grammar school
23 that wasn't living within five or six blocks of
24 you. Now some of those people of course you got to

1 know in high school, Johnny Dean, Loyola basketball
2 player, the Hallogins, Stegar, not Stégar, but, no,
3 the boys' class was a double class.

4 It was so big you really didn't get to
5 know too well. Now, it was some of those people
6 Harold Tigen, Phil Webber, that I played baseball
7 and football with on the weekends, you know, get to
8 know them, but many of them I haven't seen or heard
9 from in years unfortunately.

10 JUDGE HENRY: So given your high school years
11 and your degree in college, when was it that you
12 decided that law would be something that you would
13 want to pursue as a profession?

14 How did that come about?

15 JUDGE ELWARD: Well, first my father was a
16 lawyer and he never pushed it.

17 I was intrigued because at the dinner
18 table where we met every night, my dad would talk
19 about the law generally, not any particular case,
20 and I was aware of the work that he did and then of
21 course when I was in college I worked part-time in
22 his office and he had a -- he had a major patent
23 case involving oil producing machinery.

24 And I remember I had the assignment of

1 lugging his final master's report around to the
2 different law offices and it was about 985 printed
3 pages.

4 JUDGE HENRY: Wow.

5 JUDGE ELWARD: Master's report and of course
6 our family knew Judge Campbell's family.

7 In fact, my parents I think were
8 godparents for one of the daughters and well, we
9 would -- my folks associated with them, with the
10 Campbell's socially.

11 Their kids were younger than we were so I
12 didn't get to know them too well and of course two
13 of my grandchildren now go to Sacred Heart on
14 Sheridan Road, now where there is a building that
15 was donated by the Campbell family. I think it's
16 the auditorium or recreation center.

17 JUDGE HENRY: So your interest in law developed
18 from access to the inside view of it from your dad
19 working in the law firm?

20 JUDGE ELWARD: Yes, and reading the newspapers
21 and those type of things.

22 JUDGE HENRY: I know you had a political
23 career.

24 JUDGE ELWARD: Yes.

1 JUDGE HENRY: As you got out of law school and
2 you got established, but where do you think the
3 political interest evolved?

4 Did that come from the Jesuits? Did it
5 come from your dad, from your mom?

6 JUDGE ELWARD: It came from the fact that my
7 father ran for politics and lost a couple of times.

8 Dad ran for Congress in 1938 against Ralph
9 Church who was a sitting Republican congressman at
10 a time when the district ran from Belmont Avenue to
11 the Wisconsin state line and Church's only asset,
12 his only boast in his literature was that he never
13 missed a vote in Washington, and my dad put out
14 some literature pointing out that he would have
15 chairs and furniture and made every vote, too.

16 So we went around and handed out some
17 literature everyday for my dad. He came close, 1938
18 of course there was some revulsion against FDR and
19 the democrats for trying to pack the Supreme Court
20 in '37, so I think of course they called my father
21 a communist which was about the last thing in the
22 world you would expect.

23 I think in a total vote of maybe 150,000
24 that dad came maybe 10,000 or 12,000 behind Church.

1 He gave Church the best race he ever had.

2 JUDGE HENRY: How many years had Church been in
3 Congress?

4 JUDGE ELWARD: Since 1930; eight, nine, ten,
5 twelve terms, eventually died and Linas succeeded
6 him, but he and my father stayed friendly.

7 Later on when I was in the Navy in the
8 east, Church's office was helpful in getting me
9 into midshipman school.

10 JUDGE HENRY: Now, did that district eventually
11 become Congressman Yates' district?

12 JUDGE ELWARD: Yes, it did and now it's
13 Congressman Shakowski's, but the district is, you
14 know, has been pretty divisive.

15 JUDGE HENRY: What else did your dad run for?
16 You said he also ran for political office.

17 Did he run for another political office
18 besides congress?

19 JUDGE ELWARD: No, dad ran in '38 for Congress
20 once, lost. He was a delegate to the 1940
21 democratic convention.

22 JUDGE HENRY: In Chicago.

23 JUDGE ELWARD: With Roosevelt for the third
24 term.

1 JUDGE HENRY: That was in Chicago, wasn't it?

2 JUDGE ELWARD: It was in Chicago, yes.

3 JUDGE HENRY: Were you able to attend?

4 JUDGE ELWARD: No, I was not invited and didn't
5 to go that one. 28 years later in '68 of course I
6 was a delegate to the convention here in Chicago,
7 but, you know, I had a different career by then.

8 JUDGE HENRY: So you were married? You had two
9 young children. You are living in Rogers Park.
10 You are practicing law with your dad?

11 JUDGE ELWARD: Yes.

12 JUDGE HENRY: Then how did you decide to make
13 that perilous leap into politics? How did that come
14 about? Was that --

15 JUDGE ELWARD: A moment of idiocy. No, in
16 1956, the legislature had redistricted itself and
17 there was only one incumbent state representative
18 of the three in our district and I had been wanting
19 to get -- I had been getting involved a little bit
20 in works, precinct captain for the democrats, so I
21 decided to run.

22 JUDGE HENRY: What ward were you in then?

23 JUDGE ELWARD: I was in 49.

24 JUDGE HENRY: Was that Neil Hartigan?

1 JUDGE ELWARD: The ward -- yes, Neil Hartigan.
2 Although at that time I think it was Paton and his
3 followers.

4 (Whereupon, there was a brief pause
5 in the proceedings.)

6 JUDGE ELWARD: And so there was an open spot.
7 13 of us filed for the two democratic
8 spots in the April primary of '56 and there were
9 literally meetings of candidates with the public
10 where the candidates outnumbered the audience.
11 There were 13 of us trying for the two spots.

12 I got nominated by like 110 votes over the
13 next, over who finished third. So there was Esther
14 Saperstein and myself against Mike Slatnik, the
15 incumbent, Mike Slatnik and Irwin Martay,
16 M-a-r-t-a-y, who was the incumbent state
17 representative republican.

18 Four of us ran against each other in the
19 fall. There were only three spots to be filled and
20 surprisingly enough Martay was the one that lost
21 out, the incumbent, the only incumbent which is
22 unusual, but it was very interesting.

23 I mean, as I say the interest in the state
24 representative race is minimal. Once a state

1 representative, somebody without a gun. That would
2 be one way of putting it.

3 JUDGE HENRY: So were there three democrats
4 elected then?

5 JUDGE ELWARD: No, three were elected; two
6 democrats, Paul Elward and Esther Saperstein and
7 Mike Slatnik was the only republican.

8 JUDGE HENRY: Oh, Mike was a republican?

9 JUDGE ELWARD: Yes. This was under the old
10 three people to a district thing which idiots have
11 taken away from us now to I think our loss.

12 JUDGE HENRY: I think that just answered my
13 next question.

14 Lot of great people were elected as the
15 minority candidate in districts. Didn't Speaker
16 Redmond get elected from DuPage County?

17 JUDGE ELWARD: Yes, he was a democrat elected
18 from DuPage County which would not have been
19 possible except for the two-in-one because in those
20 days you had three votes for state representative.

21 You could give them all to one person. God
22 bless you. You could split them, one and a half to
23 each of two or you could give one to each of three
24 candidates.

1 Of course we were all urging a bullet
2 vote.

3 JUDGE HENRY: What's a bullet vote?

4 JUDGE ELWARD: Where you give your whole three
5 votes to Elward or Smith.

6 JUDGE HENRY: It created a good legislative
7 body.

8 JUDGE ELWARD: Yes, because there was a
9 mixture.

10 I mean if you were a democrat as we were
11 in a Democratic district, but there was a
12 republican, you had to be careful because if you
13 went too far one way or the other the other, the
14 other, the republican would blow the whistle on you
15 and say, "Hold on. Wait a minute. These guys are
16 stealing the house," you know.

17 JUDGE HENRY: So you were elected in '56 in
18 November?

19 JUDGE ELWARD: Right.

20 JUDGE HENRY: Sworn in '57?

21 JUDGE ELWARD: '57, well, I was sworn in, in
22 January.

23 JUDGE HENRY: January '57. How long did you
24 serve in the house?

1 JUDGE ELWARD: From 1957 until I resigned in
2 December of 1970, after I was elected judge.

3 JUDGE HENRY: I see so that's --

4 JUDGE ELWARD: 14 years.

5 JUDGE HENRY: -- 14 years.

6 JUDGE ELWARD: In fact I was renominated for
7 the eighth term in the summer, but I had young
8 children.

9 I wanted to spend more time at home and,
10 you know, we were running back and forth every
11 week; down there for four days, went back, go down.

12 JUDGE HENRY: Did you drive down or take the
13 train?

14 JUDGE ELWARD: Drove down.

15 JUDGE HENRY: Drove down. Let me, before we go
16 on to your judicial career, let's spend some time
17 with the legislative career.

18 JUDGE ELWARD: Okay.

19 JUDGE HENRY: During that time, were the
20 democrats the majority party in Springfield or were
21 they --

22 JUDGE ELWARD: No, when I went down in '57, the
23 republicans, Warren Wood of Plainfield was the
24 speaker.

1 He was a republican. Republicans ran it.
2 Now in '59 the democrats had taken the majority of
3 the house in the '58 election and I had been
4 reelected and Paul Powell became speaker with some
5 interesting sidelights.

6 You know, Powell was a deal maker and in
7 fact they had tried, they tried to do him out of
8 the spot as speaker on the grounds because of what
9 he had done.

10 He had taken -- the democrats were
11 actually not a majority. We were one or two short,
12 but he had reached over on the republican side and
13 pulled in a couple of republicans. They voted for
14 him for speaker. For what reason I don't know.

15 So the republicans were challenging this
16 in court and I actually filed a lawsuit in
17 Springfield against them for depriving him of his
18 spot. So I was one of his lawyers at that time.
19 Very, very colorful character.

20 JUDGE HENRY: Where was he from?

21 JUDGE ELWARD: Paul Powell was from Vienna in
22 Johnson County in way southern part of the state.

23 Powell ran a restaurant. He was first
24 elected in 1935 or '36 at the time that Richard J.

1 Daley first became a member of the Illinois house
2 as a republican.

3 Johnson had a restaurant and the story was
4 told, it may or may not be true, but he was sitting
5 with a customer one day and the waiter and cook
6 came out from the kitchen and said, "I am sorry
7 Mr. Jones, we don't have any more soup," and
8 according to the story, Powell took the waiter by
9 the ear, took him into the kitchen. "You see that
10 faucet? As long as that faucet is working we have
11 soup."

12 He was -- he drove an Oldsmobile or
13 Pontiac that cost more than a Rolls Royce. It had
14 every conceivable gadget on it I think, but in his
15 district you couldn't drive a Cadillac.

16 Johnson County in the southern part of
17 Illinois had more people on relief than anybody
18 else in the state, more than Cook County or in
19 Chicago, lot of older people, a lot of people on
20 welfare.

21 JUDGE HENRY: And coal was the big industry in
22 southern Illinois?

23 JUDGE ELWARD: Pardon?

24 JUDGE HENRY: Was coal a big industry in

1 southern Illinois at that time?

2 JUDGE ELWARD: On a decline.

3 JUDGE HENRY: Declining?

4 JUDGE ELWARD: My father and I got involved in
5 a lawsuit involving Peabody Coal Company later on
6 in the '50s, early '50s before he went to the
7 legislature.

8 JUDGE HENRY: What committees did you serve on
9 in the legislature?

10 JUDGE ELWARD: Revenue, municipalities; these
11 were committees that were important to Mayor Daley,
12 the first Mayor Daley.

13 In 1961 I became the first member, the
14 first chairman of the house rules committee, a spot
15 that had always been in the hands of the speaker,
16 but Powell for some reason decided not to be
17 chairman of the rules committee and made me
18 chairman.

19 I am not going to quarrel with that. My
20 '61 assignments, committee assignments were not
21 too good and I talked to dad about it and dad
22 talked to Bill Lynch, Mayor Daley's former partner,
23 and Lynch of course had served in the senate and I
24 think he called somebody and he said, you should be

1 better, so I got chairman of the rules committee
2 which wasn't as important as it sound.

3 The rules committee met at the beginning
4 of the session to adopt the rules for the house for
5 that year and that was it, but --

6 JUDGE HENRY: One second.

7 (Whereupon, there was a brief pause
8 in the proceedings.)

9 JUDGE HENRY: Let's go back on the record.

10 How did you enjoy your years as a state
11 legislator?

12 JUDGE ELWARD: Well, the timetable, the absence
13 from home hurt, you know, because I had by '59,
14 well, by '57 I had two sons already. '59 we had
15 another one.

16 We had another one in '61 and another one
17 in '64; five boys, so, you know, you get to miss
18 them and my youngest son was having some hearing
19 problems and, you know, and it became a bit of a
20 problem, but I enjoyed it very much. It was a
21 wonderful learning experience.

22 There were great people down there, hard
23 working that was a pleasure to serve with, Tony
24 Scariano, Ed Mikva, Harold Katz, and of course

1 Powell, Pollack and John Touhy, and others, very,
2 very interesting.

3 JUDGE HENRY: Did you have a -- did you have a
4 roommate when you lived down there?

5 JUDGE ELWARD: No, no, I stayed at the Elks
6 Club which had the advantage of not allowing
7 anybody above the floor that wasn't a member, not a
8 member, but a resident.

9 No, I didn't have a roommate.

10 JUDGE HENRY: Okay.

11 JUDGE ELWARD: Because I had weird hours,
12 staying late in the house and working.

13 JUDGE HENRY: You mentioned that you were on
14 two committees that were important to you?

15 JUDGE ELWARD: Municipalities and revenue.

16 JUDGE HENRY: What was your relationship like
17 with Richard J. Daley?

18 JUDGE ELWARD: Well, while I was in the
19 legislature and after '61, when I or -- no, after
20 '61 when I became majority whip under Touhy, we
21 would meet with the mayor every Friday afternoon in
22 his office at City Hall and go over what had
23 happened in the past week, what disasters we
24 thought were going to happen next week and, you

1 know, get general ideas.

2 The City had a number of pieces of
3 legislation which the mayor gave to Touhy and Touhy
4 would divide them between me and Art McGuinn who
5 was the democratic leader in the state senate, but
6 the relationship was kind of interesting because in
7 the fall of, in the fall of '58, I had already had
8 my '55, '56, and '58 terms and I went to see the
9 mayor.

10 No, I take that back. Let's go on to '64
11 when we won the at-large election. I had just been
12 a figure in the house.

13 In '64 I went in to see the mayor after
14 the election when we swept the house. We got two
15 thirds of the house and I wanted to put a pitch in
16 for a leadership spot, whip, you know, number
17 three, and I was expecting him to say, well, you
18 know, you are a good guy, Paul, and we will think
19 about it.

20 He said, "Well, no, Paul, you are going to
21 be the majority whip next week," by God which
22 normally wasn't Richard J. Daley's way of
23 operating.

24 He didn't normally say, yes, you are it,

1 and then he went on to ask me, well, who should be
2 the majority leader. It was understand Jack Tunney
3 would be the speaker when we took control of the
4 house in '59. So we talked, he and I, just the two
5 of us about who would be a good majority leader.

6 There were a number of possibilities. One
7 of the ones I thought it was more likely than not
8 was Clyde Schulz who was from downstate.

9 Schulz came from Powell's general area and
10 I thought that he would be logical and he did
11 become the majority leader, but Schulz was not an
12 intellectual and he was not a very hard worker.

13 Good man, I guess he has got medical
14 problems there, but I became in effect the mayor's
15 man on the floor because Touhy was sitting up in
16 the roster seats. There were interesting times.

17 JUDGE HENRY: Wow, I'll bet.

18 JUDGE ELWARD: So from there I became a member
19 ex officio.

20 JUDGE HENRY: In that capacity, serving on
21 those two committees that were important to Mayor
22 Daley.

23 JUDGE ELWARD: Yes.

24 JUDGE HENRY: And therefore important to the

1 City of Chicago, and I do know just when I was a
2 young lawyer a lot of the litigation that revolved
3 around the home rule issue that was part of the
4 1970 constitution.

5 JUDGE ELWARD: Yes.

6 JUDGE HENRY: And we will get to that a little
7 bit more, but during your time in the legislature,
8 did you feel that the City of Chicago needed that
9 home rule authority?

10 JUDGE ELWARD: No question.

11 JUDGE HENRY: Okay, tell me something about
12 your experience with that.

13 JUDGE ELWARD: Well, everything was just
14 anti-Chicago.

15 I mean it was just a general attitude of
16 whatever the Chicago wants it's got to be bad.
17 automatically without even reading it and, you
18 know, for example, until we got home rule, well,
19 no, until we got the bills passed that I sponsored
20 in '61, the City of Chicago had to have or could
21 not have revolving blue lights on squadcars.

22 I mean it was controlled by the state
23 law. Couldn't have any -- here's a City of three
24 million people or over three million in those days

1 and we couldn't, and of course, but of course at
2 this time 1960, you had the Summerdale Police
3 scandal and, you know, there was allegations later
4 unfortunately proved to be true about improper
5 activities, so nobody was inclined to give us, give
6 Chicago anything there, but they kept forgetting
7 that there had been some problems.

8 As a lawyer my father represented and I
9 helped him, represented a big engineering company
10 that wanted to do something in one of the south
11 suburbs and they had an ordinance down there that
12 unless the company had originated in Illinois and
13 was licensed in Illinois and produced in Illinois,
14 they couldn't bid on city business, you know.

15 Talk about an extortion racket and many of
16 the suburbs did operate that way, not all of them,
17 not Evanston, but some of them were terrible.

18 JUDGE HENRY: So your experience in the
19 legislature provided you with insight into the
20 elected representatives throughout the state.

21 What was the demeanor, the tenor of the
22 relationships between the members of the house on
23 both sides of the aisle during that day, just while
24 you are thinking about that, you know, today they

1 say that politics in Washington perhaps in
2 Springfield they are so --

3 JUDGE ELWARD: Divisive.

4 JUDGE HENRY: -- divisive, that nothing is just
5 subject to reasonable debate, that you are either
6 with me or you are against me.

7 Do you feel that the times that you were
8 in the legislature in Illinois aside from this
9 Chicago downstate rift, what was the relationship
10 between the members?

11 JUDGE ELWARD: No, no, no, many of the bills
12 got support on both sides of the aisle.

13 It was no republican bill, we are going to
14 vote it down.

15 I do remember we had one, one lady from a
16 far out town. I won't mention her name or the town
17 and she was, she was given to imbibing early in the
18 day and one day somebody had a bill to do
19 something, and she gets up and she said,
20 "Mr. Speaker, I move we lay all the grandmothers
21 on the table."

22 It took 15 minutes to get the house back
23 in order, but she was -- she was unique.

24 She was not typical of the republicans or

1 the democrats and there were many, many good people
2 on both sides of the aisle who did work with you in
3 committee or elsewhere if you had a good bill you
4 could go to them and say, "I need some help."

5 JUDGE HENRY: Were you able to maintain
6 on-going friendships with people throughout the
7 state and how did you keep in touch with them after
8 you left the legislature or was that difficult?

9 JUDGE ELWARD: Well, in 1964 when we ran at
10 large --

11 JUDGE HENRY: Let me ask you a question.

12 Would you just explain for me what that
13 meant, "ran at large"?

14 JUDGE ELWARD: Yes. The legislature had not
15 redistricted itself since around 1910 except for
16 the house and I think some court somewhere, federal
17 or what, threw it out, the whole thing.

18 So the house had to run at large. So each
19 side, each party put up 118 candidates for the 177
20 house spots.

21 So there were 118 democrats and 118
22 republicans. The democrats had Adlai Stevenson as
23 one of them and myself and my opponent, Scariano.

24 The republicans had Eisenhower's brother,

1 Earl Eisenhower, as one of their candidates, but a
2 group of us, Scariano, Nate Kaplan, myself formed a
3 car caravan and we went around the northern part of
4 the state and even into the southern part,
5 campaigning for the whole ticket, both the entire
6 democrats and the democrats did carry that election
7 in '64.

8 That was the Johnson-Goldwater election
9 you may recall, but it was, well, we were out in
10 Ottawa, Illinois, I think or Sterling.

11 There's a Northwestern Steel and Water
12 Company. We were out there at 11:45 at night,
13 meeting the guys that came off one shift and
14 started on the next shift with our literature.

15 Very interesting traveling around and, you
16 know, seeing the different parts of the state in a
17 way you normally wouldn't and we went down into the
18 Alton and East Saint Louis area, too, not too much
19 but mostly the northern part of the state.

20 JUDGE HENRY: So the people that you met during
21 your years in the legislature, you know, I am sure
22 you made friends throughout the state.

23 After you left the legislature, were you
24 able to keep in touch with them or how did that

1 work?

2 JUDGE ELWARD: Well, I kept in touch with some
3 people. I mean I have stayed in touch with Abner
4 and Klein and some of the others, at various
5 things.

6 I met a couple of them a couple years ago.
7 The Chicago, the Illinois State Bar Association had
8 a ceremony for those of us who had been lawyers for
9 50 years and I met Mikva there and a couple of
10 others.

11 So, you know, you see them from time to
12 time, maybe downtown, or elsewhere. Now that I'm
13 retired I don't see them as much, but, you know, I
14 mean if I get a phone call, I know who they were.
15 They know who I was.

16 It was a good education, good people to
17 meet and I learned a lot from them.

18 JUDGE HENRY: Yes, also in 1964, there was the
19 -- it was called the judicial ballot, was that in
20 '64?

21 JUDGE ELWARD: Yes, I think that that's when we
22 reformed the Court system by taking away the
23 separate election of the probate judge and the
24 municipal court judge, things like that.

1 JUDGE HENRY: That must have been a wild
2 election year?

3 JUDGE ELWARD: It was very, very wild.

4 JUDGE HENRY: Was that judicial article
5 statewide?

6 JUDGE ELWARD: Oh, yes. It was an amendment to
7 the constitution.

8 JUDGE HENRY: I see.

9 JUDGE ELWARD: You know, we were electing the
10 bailiff of the municipal court in those days which
11 was absurd.

12 JUDGE HENRY: So now the judicial article of
13 '64 basically became the judicial article of the
14 1970 constitution?

15 JUDGE ELWARD: Pretty much, yes, yes.

16 JUDGE HENRY: Okay, so was there a reason that
17 the judicial article in '64 to amend the
18 constitution was taken separately from what must
19 have been anticipated to be a constitutional
20 convention within six years later?

21 JUDGE ELWARD: Well, '64 there was talk of a
22 constitutional convention and I think there was
23 even a proposition on the ballot to call one, but
24 the history of constitutional conventions in

1 Illinois had not been good and there was no thought
2 that there was a guarantee that they would take
3 place or the results would be acceptable because
4 you had seven or eight constitutional conventions
5 since 1870 when the Illinois constitution was
6 adopted and they had all pretty much gone down the
7 slope.

8 JUDGE HENRY: Nothing came of it?

9 JUDGE ELWARD: They had one, the last one
10 before ours was in 1920, but things just didn't get
11 adopted.

12 JUDGE HENRY: Was the judicial article, was it
13 controversial?

14 JUDGE ELWARD: Yes. There were those in the
15 convention who wanted an appointed judiciary,
16 governor to appoint subject from a blue ribbon list
17 proposed by somebody, you know, who decides who is
18 blue ribbon and who isn't blue ribbon. Of course, a
19 long-standing question.

20 That was interesting because we, the
21 convention, the last day to deal with that part of
22 the constitution was on Saturday and unfortunately
23 a number of our local delegates had been out Friday
24 night celebrating baseball in the southern air.

1 They did not make the roll call Saturday
2 morning so the few of us that were there, using
3 delaying tactics to hold things off until we could
4 get the bodies in to defeat the appointed judge
5 thing or at least to leave it open, you know.

6 JUDGE HENRY: So was this in '64 or because of
7 the --

8 JUDGE ELWARD: No, this was the convention in
9 '71.

10 JUDGE HENRY: So in '64, the justices of the
11 peace were determined to be grandfathered in as
12 associate judges?

13 JUDGE ELWARD: Well, I don't, I don't -- that
14 may be true, but I don't recall that specifically,
15 but what we did was we trimmed it, a lot of, you
16 know, separate election municipal judges, bailiffs,
17 head of the probate division, trimmed it down and
18 trimmed it good fashion. Not much disagreement on
19 that.

20 JUDGE HENRY: Statewide everybody was?

21 JUDGE ELWARD: Statewide that was it.

22 JUDGE HENRY: That was it. Were they electing
23 judges the same way in the smaller counties, do you
24 know or do you remember?

1 JUDGE ELWARD: Well --

2 JUDGE HENRY: Was that a uniquely Cook County
3 experience because of the population?

4 JUDGE ELWARD: No, no, the judges were elected
5 everywhere, but of course the feeling and thought
6 was downstate, "Hey, I know Judge Jones. I mean
7 his farm is just down the road from my farm. I mean
8 he is not somebody anonymous on a ballot that I
9 never heard of, don't know anything about."

10 So they were, they were allies against
11 appointment of judges in many cases. Of course we
12 are influenced by the newspapers and maybe still
13 are, you know, calling for the appointment of
14 judges, but nobody has ever said how.

15 I mean in those days when they talked
16 about appointment of judges, are they talking about
17 the governor? Well, what party is the governor
18 going to belong to?

19 If they are talking about confirmation by
20 the senate, this was the day when, for years the
21 senate had been in the republican's control
22 apparently and, you know, we don't want judges that
23 have to pass republican muster serving in Cook
24 County or Chicago.

1 So it was very, very interesting because
2 there was a lot of hard feelings on how that went.

3 JUDGE HENRY: Wow.

4 JUDGE ELWARD: I mean nothing for life or
5 anything, but I mean people felt very strongly we
6 should have appointed judges.

7 Well, who is going to appoint them? Well,
8 that's a detail we will worry about that later on.
9 Well, no, it's more than a detail, because I think
10 there was really an attempt to model it after the
11 federal system, but in the federal system the
12 senate still has to confirm.

13 I mean just because the president picks
14 you doesn't mean you will get there automatically
15 and the question was here how much more power do
16 you want to give the governor?

17 The governor in Illinois has a lot of
18 power, a lot of power, depending on whose party
19 controls both houses so for even one house in the
20 legislature.

21 Some days he has more power than the
22 president of the United States in getting his
23 things done and of course we would, Touhy and I in
24 '61 and thereafter when I was majority whip and

1 Touhy was speaker, he and I and McGuinn would meet
2 with Governor Kerner at the executive mansion every
3 Monday night.

4 We would go over the bills. We would tell
5 the governor what had happened last week, what we
6 thought was going to happen this week.

7 His office had prepared some bills that
8 they wanted in, to do this for department minds and
9 we would take it from there.

10 I just finished reading the biography of
11 Governor Kerner and it was too bad.

12 He got involved in racetrack stock and he
13 did some dumb things. I mean the United State's
14 Attorney, when his trial came up, said to him,
15 "Now, when you were governor, did you ever do
16 anything to influence the racing track dates?"
17 Which was very important with racetracks.

18 "No, no, no, never did." The prosecutor
19 had the damn letter that Kerner had written to
20 Marge Everette, the head of the racing board,
21 telling her what dates he wanted Arlington to have
22 and what dates they wanted to have.

23 Anyway, when you see a man holding a
24 letter in front of you asking you a question, you

1 better be careful what you answer.

2 JUDGE HENRY: Right.

3 JUDGE ELWARD: Because the chances are the
4 piece of paper is not his kids' report card.

5 JUDGE HENRY: And contradict your position.

6 JUDGE ELWARD: Right. He got bad advice from --

7 JUDGE HENRY: Ted Isaacs.

8 JUDGE ELWARD: -- Ted Isaacs. He said -- I
9 remember one night Touhy and I, when I was, in '61
10 or thereafter, I had dinner with Touhy every night,
11 just the two of us.

12 Jack would never let anybody buy him
13 dinner or even buy him a Coke, so we would go
14 somewhere to a restaurant together and I had been
15 reading the paper the day before and I said, "You
16 know, Isaacs was involved in an auto accident last
17 week."

18 "Damn. That's why Kerner changed his
19 mind," about such and such. I forgot what it was
20 because Isaacs had come down and moved him around.

21 See, the problem was that Kerner's
22 judicial background was, easy background. Somebody
23 wants to adopt a child, you don't have a big fight
24 out there. Everything is lovey, dovey.

1 They are giving this baby a wonderful new
2 opportunity and a good loving family and, you know,
3 or somebody wants to change their name.

4 You don't get into controversy over name
5 changes as a judge. I mean I think that was his
6 defect.

7 He had never sat in a courtroom where you
8 had two, two really tough adversaries really going
9 at each other.

10 Sometimes strange things happen in a
11 courtroom.

12 JUDGE HENRY: So he wasn't used to the rough
13 and tumble world of politics?

14 JUDGE ELWARD: No, no, he wasn't and his
15 judicial background did not, in my opinion did not
16 make him a good executive.

17 He was a nice man personally and he and I,
18 I had no quarrels with him, nothing he ever did for
19 me or against me one way or another, but I didn't
20 have a --

21 JUDGE HENRY: Is that a current biography that
22 you just read?

23 JUDGE ELWARD: Yes, I will get you the name of
24 the person. Just came out and I just finished

1 reading one of Kerner, one of Powell and I forgot.

2 JUDGE HENRY: Think of it for your next
3 interview.

4 JUDGE ELWARD: Yes.

5 JUDGE HENRY: Because I want to see what the
6 retired legislator reads in his free time.

7 JUDGE ELWARD: Well, somehow you don't stay
8 away from it.

9 JUDGE HENRY: You think it gets in your blood
10 and it sticks with you forever?

11 JUDGE ELWARD: Well, you know, you think about,
12 I mean, yes, there are times when I wish I were
13 back there, you know, to say something however
14 minuscule my influence might be to, you know, get
15 involved.

16 JUDGE HENRY: Would you -- I will ask you one
17 more question for this session.

18 JUDGE ELWARD: Okay.

19 JUDGE HENRY: And then it's 4:00 o'clock and
20 Joyce is going to have to go.

21 JUDGE ELWARD: I know.

22 JUDGE HENRY: Would you advise, I was told one
23 time that Mayor Richard J. Daley advised his
24 children not to get involved in politics and of

1 course as we know his children ignored that advice
2 as many children do of their parents' advice.

3 Would you advise your children to get
4 involved in politics or would you advise them not
5 to get involved?

6 JUDGE ELWARD: I would do for them what my
7 father did for me. I would leave it up to them,
8 their own decision.

9 Now, Richard J. Daley, the first mayor, as
10 I say was very decisive about some things and other
11 things were sort of left open because we met in the
12 fall of '71 after the convention had adjourned and
13 the question was should the Democratic party
14 endorse an Illinois constitution and there were
15 pros and cons and I would be sitting in his office
16 with him, with Tommy Lyons who was the First Ward
17 Committeeman and also vice president of the
18 convention and only a couple of us.

19 Oh, Tom Keane was in there at that time,
20 talking about, well, to me the big thing that I
21 told the mayor was with this home rule provision we
22 can do so much more for the City.

23 For example, until that time Chicago had
24 no control over milk production in Wisconsin. We

1 could examine the milk and if it was bad, we could
2 turn it down, the health department, the City
3 couldn't, but we had no control over that.

4 We finally did get a bill passed allowing
5 Chicago to inspect dairy farms outside of Chicago
6 that were producing milk for Chicago, unheard of.

7 The same as the revolving lights on a
8 squadcar, got that passed and, you know, a lot of
9 itty, bitty things that no city of our size should
10 have to put up with, but, you know, those were the
11 days.

12 JUDGE HENRY: And these are good memories?

13 JUDGE ELWARD: Yes, good memories.

14 Now, I enjoyed my time and I have got many
15 friends from the days of the legislature and it
16 was --

17 JUDGE HENRY: You know what we are going to do,
18 we are going to break now because it's 4:00 o'clock
19 and we will reconvene and what we will pick up
20 with, we will talk about the constitutional
21 convention.

22 JUDGE ELWARD: Okay.

23 JUDGE HENRY: And then how the mechanisms went
24 into play that gave you the opportunity to become a

1 judge.

2 JUDGE ELWARD: Okay.

3 JUDGE HENRY: And then I would like to talk to
4 you about your judicial career.

5 Those are the topics we would like to
6 cover. I kind of rushed over a little bit of your
7 law school career, so as we start the questions
8 about your judgeship, I would like to go back
9 briefly and I will make a note for Joyce so we will
10 have a transcript.

11 I would like to know more about your law
12 school years. So just think about this now.

13 JUDGE ELWARD: All right.

14 JUDGE HENRY: What did you enjoy? How were your
15 professors? What friendships did you make there?
16 Was it exciting? Were you scared of the bar, you
17 couldn't wait to take it, things like that.

18 JUDGE ELWARD: Well, I had some friends who
19 graduated from Harvard Law School and elsewhere who
20 took the bar three times.

21 I passed it the first time I took it and I
22 was surprised, and then of course pleased.

23 JUDGE HENRY: Judge, this has been a lot of
24 fun. I really enjoyed it you.

1 JUDGE ELWARD: Do you want to set a date now or
2 not?

3 JUDGE HENRY: It's up to you. I have to check
4 with Joyce, if she is available.

5 (WHICH WERE ALL THE PROCEEDINGS
6 HAD IN THE ABOVE-ENTITLED CAUSE
7 ON THIS DATE.)

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
4

5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
6 COUNTY DEPARTMENT - CHANCERY DIVISION
7

8 I, JOYCE LEDGER, Official Court Reporter
9 of the Circuit Court of Cook County; County
10 Department - Chancery Division, do hereby certify
11 that I reported in stenotype the proceedings had on
12 this date, that I thereafter caused the foregoing
13 to be transcribed into typewriting, which I certify
14 to be a true and accurate transcript.

15

16

17

18

19

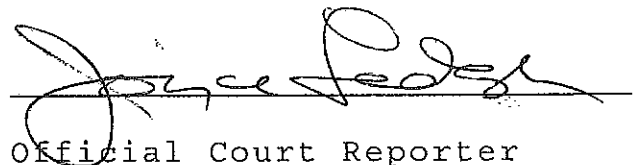
20

21

22

23

24


Official Court Reporter

084-001292

Dated this 17th day
of April 2007.