Justice R. Eugene Pincham: Interview One

INTERVIEWER: It is October 27th, 2007, it is 10:15, we are in room 2506 of the Daley Center Cook County Court building where we are interviewing Judge [R] Eugene Pincham about his legal career, his background, how he became a judge in the Cook County system, and his personal reflections on the judicial system. Thank you Judge Pincham for agreeing to talk to us. What I'd like to talk about first is, you're in Chicago but you did not grow up here, can you tell us about where you grew up and what it was like?

PINCHAM: I was born in Chicago and my mother, I was the second child of my mother and father, my brother's eleven months older than me. I was separated from my dad when I was about 5 months old. She moved back to Limestone County, Athens, Alabama, where she was reared and that's where I was reared. It was a rural, downtrodden, farming community. Extremely impoverished, indigent, punyish, underprivileged and poor. I began school as a, in kindergarten in 1929 and that was the era of the beginning of the Great Depression. The school I attended was founded in 1866 by an organization called the American Missionary Association which was an abolitionist organization during the Civil War and before the Civil War. After the War ended in 1865, the organization and its personnel, who were missionaries, came South protected by Union soldiers to aid the emancipated slaves to become assimilated into a free society. I recognize that in your high school and college curriculum, history, gave you probably one paragraph, no more than a page, about slavery and emancipation. It would be it was a two hundred year episode in American history. And when the [Civil] War ended the South had lost the War, the South had lost many, many, soldiers who were killed during the War. Part of

the South had been plundered by Union troops during the War, I'm sure you've heard of [General William Tecumseh] Sherman's march to the sea. And, there was extreme hostility and anger in the South by the southern aristocracy and power structure, rising out of losing the War, losing their slaves, losing their means of earning a livelihood and indeed losing the fight between an agrarian society and an industrial society. The missionaries, many people perceived that when the [Civil] War, slavery ended, the slaves would make a mass exodus to the North, which was untrue and they didn't. One of the reasons they didn't was because they didn't know about freedom in the North. They had no means of getting to the North and they had no sense of direction to go. Many of them stayed in the South on the plantations, some of whom were allowed to leave. There was hostility against these missionaries who came. As an aside, the American Missionary Association founded other schools in the South. During the post-Civil War period southern states passed laws making it a crime, a felony, to teach blacks to read or to write and made it a felony for blacks to learn to read or to write. Because the laws were passed on the books in southern states and obviously there were no schools for blacks during slavery or after slavery founded by the power structure. The missionaries came from the American Missionary Association, there were other missionary organizations as well, and they founded such prestigious colleges in the south as Fisk University in Nashville, Tennessee, LeMoyne [-Owen] College in Memphis, Tennessee, Talladega College in Talladega, Alabama, Berea College in Berea, Kentucky, Tougaloo College in Tougaloo, Mississippi, Dillard University in Dillard, in New Orleans, Louisiana. They also founded many, many, grammar and high schools. One of which was Trinity School in Athens, Limestone County, Alabama, founded in 1866. The missionaries came and were, indeed,

in a very hostile environment. The school itself was built on what had been a fort that was built by Union troops during the Civil War. One of the major battles of the Civil War was fought in Limestone County, Coleman Hill, Alabama. The missionaries kept a house in which they lived in the time when they were coming there, called the teacher's home. They were white, Presbyterians, Quakers, Methodists, Baptists. The school had been there since, as I said in 1866, and I started school in 1929. They were extremely dedicated, they had to have been dedicated to have done what they did, having done what they did for so long. It was a hostile environment, extremely hostile. Yankee soldiers or Union soldiers occupied the South after the Civil War – newly emancipated slaves. I believe it was 187 – [Samuel] James Tilden was the Democratic Party candidate for President of the United States out of New York. Rutherford B. Hayes was the Republican candidate for President. Tilden won the most votes in the election (inaudible). Some of the Electoral College votes were being contested, Florida, Georgia, South Carolina, one state was a northern state I can't recall which one it was.[1] Tilden was unable to gain the necessary majority votes in the Electoral College. Although he won the most popular votes, but those folks who were in the Electoral College, those were the cause of those conflicts arising out of those four states. Hayes promised the southern states, Florida, Georgia and South Carolina, if they would give him their electoral votes in the presidential election he would remove Yankee soldiers from the South. They didn't teach you this in history. And, because of that the southern states gave Rutherford B. Hayes the electoral votes and he was elected President of the United States, I believe it was 1877. On his word, when elected he did withdrawal Yankee troops from the South who protected missionaries and the carpetbaggers and the newly

[1] The disputed electoral votes came from Florida, Louisiana, South Carolina, and Oregon.

emancipated slaves who were there. Chaos reigned in the South among blacks when the Yankee soldiers were removed, who were protecting them. How these missionaries survived is a mystery to me but they did. There was no public school in my home town above the third grade. The school I attended was Trinity, it went from the kindergarten to the twelfth grade, just before I began in – I did not realize as I grew up to which they were indoctrinating me, influencing my judgment, influencing me as a person. As I said, they were extremely committed, they were extremely religious, devout Christians. Truly devout. Devout. If you walked in front of someone and didn't say excuse me, they would stop you and hold a prayer meeting for not having said excuse me when you walked in front of somebody. That sounds somewhat harsh I should say but in reality appreciating the fact that coming out of slavery blacks were not taught these niceties of culture. Somebody handed you something and you didn't say thank you they would stop and hold a sermon for you – it would last twenty minutes, they were committed. Many people in the community were able to attend the school only during the season when there wasn't a crop to be planted or harvested. They were very, very adamant about the children who were going to school. My mother was a domestic servant, she was trying to go to school to become, and ultimately did become, a country school teacher. I could not bring home a B on my grade book. It was a no no. There was no debate, no discussion about it, just get straight A's, and it was instilled in us that you must make A's, you must do your best academically, or, so it just happened yesterday, I was in the second grade the teacher was Ms. Annie D. Mitchell, plus -- I forget what subject it was in, whether it was reading, writing, arithmetic, spelling, so she climbed up, I forget what the B+ was in. I refused to leave school with a B+ or minus and I argued with her, dramatically of course, "I can't go

home with this, please," I argued for what it seemed to me a good hour, I'm sure it was not that long. Finally I agreed not to, I persuaded her to change it, that I would change it, and she wrote over the B+ to an A. I went home with an A on the course. My mother looked at it and she said, "You changed that yourself."

INTERVIEWER: (Laughs)

PINCHAM: And she whopped me. But I didn't. That's how strong bout' doing your best. And I was taught this, I was taught this by my mother, I was taught this by these missionary teachers that it is a sin, it was ingrained within me that if you mopped the floor and didn't mop it your best, you're sinning. If it looks crude and you don't do your best, you're sinning. I played football, if you don't do your best, you're sinning. If you don't practice as hard, you're sinning. You begin to espouse to always do your best. I was also taught, the missionaries taught us, that God has given you life. No man or woman chose his or her birth parents or his or her birth place, it's not your choice, somebody made that decision for you, a divine order. Some of you are born female, some of you are born white, you didn't have a thing to do with that. They taught us and indoctrinated us that all human life has one purpose, that's to use your life to make better the lives of somebody else. You can see how missionaries espouse that philosophy. Leaving our lives, coming from the North, comforts, conveniences, pleasures of home and come literally to this wilderness and this hostile atmosphere and better the lives of somebody else, others. It deeply indoctrinated us. When you do this in your formative years it's meaningless, I shouldn't say meaningless, but it's not as meaningful at twelve as it is when you're fifty as you get older it becomes more meaningful. I was also taught something else, going to church was a must on Sunday. There was no debate, no

question, no argument, you get up on Sunday morning and you're going to church. It was a religious event; it was also a social event. (Inaudible) by the fields and working, domestic servants what have you. (Inaudible) to socialize as well as to -- the rule in our household was if you breathe on Sunday you're going to church. Our church was about two miles from where we live, you walk! And bout' in the summer it's hot! On Sunday morning my brother's whining, "I don't wanna go to church it's too hot, I don't wanna go to church – I don't wanna go to church it's too hot, I don't wanna walk all that far and have to walk all the way back," you had to go from the time of Sunday School was at nine o'clock, church was eleven until about one. From one o'clock you could come back home or could stay down at the church and go back to the league at six [o'clock]. "I don't wanna go to up there it's too hot," mother said, "I told you son, if you breathe here you go to church on Sunday," he said, "If I breathe I got to go," she said, "Yes," he said, "If I don't breathe I don't have to go," she said, "If you don't breathe you can't go," he said, "well I'm not gonna breathe," and he held his breath, "I'm not gonna breathe," and in holding his breath nature took over and he fainted, hit the floor blop! Eyes began to water in his head, tongue hanging out of his mouth, saliva start coming out his nose and mouth, scared me to death. [Mother says] "My Walter son, he's dying, he's dying, he's dying," she looked at him and soon nature again took over and he began to breathe. [Mother says] "He's breathing again, he's breathing again," she said, "Well let's go to church."

INTERVIEWER: (Laughs)

PINCHAM: I graduated, within a community with cows,

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PINCHAM: chopped cotton, picked cotton, would board the grocery store. I did not know at the time, September of 1941 I was in the eleventh grade, around the middle of October [1941] I was voted to the twelfth grade. About March of [19] '42 I graduated, came to Chicago. I thought it was because I was smart, arrogantly I say because realistically I was a good student, made to be a good student. But I was considered to be a black rabble-rouser in Alabama. I didn't know this at the time and there was beginning to build a resentment by the white power structure against me. (Inaudible) When my mother found out about it and the school I attended discovered it they decided the best thing to get me out of Athens, [Alabama], and then I graduated and came, sure was very poor. House did not have any screens. Mosquitoes and the bugs would fly by and they'd say, "Don't go in there, if you go in there they suck your blood." It sleeted, it rained, my first task was to get the kitchen pots and pans on the beds to keep the beds dry. I gathered all the pans and stuck them on the bed. We'd go outdoors and sit under the tree to keep – I grew up thinking, and this is true, everybody went to bed hungry. My mother would stand up at the table while my brother and I were eating, and I didn't know she did it as I grew up, and I would finish eating and she would take what was left and slop the plate. When we got through, growing up, now I don't want you to look at me with pity, I had a good time, I enjoyed it. The advantage I had was, or one of the advantages, one of the advantages I see with children in Chicago, for example, we were poor and knew it, we were underprivileged and knew we were underprivileged. Especially with our children in Chicago – some don't know it, who are underprivileged and don't know it and the reason they don't know it is because the environment is limited to where they are and that's all they see is where they are and their environment. Conversely when I grew up the poor

were over here and the affluent whites were over here and we worked for the affluent whites. They had better food, homes, well heated homes, cars, clothing, we could see it every day, we could see the difference between over here where we were to over there were they were. We aspired to get from over here to over here. And these missionaries taught us something else, all wealth, all wealth comes out of the ground, all wealth comes out of the ground. You may be shocked but it does, (inaudible). The glass, this vase, this is plastic, I thought it was glass, it comes from oil, this upholstery on this chair is leather, leather comes from the cow, the cow eats grass, the grass grows, your shoes are leather, leather comes from the cow, the cow eats grass, water – the few things that God replenishes is water and air which man can't control come from the ground. I drove down here today in a car; the car's made out of metal, the metals coming out of the ground. The wheels on the car has rubber tires, tires may come from rubber trees in the ground. The energy that was used to get me here was gasoline comes out the ground. We were taught this. God ain't gonna make no mo' ground, he made all the ground he gonna make. Ain't gonna make no mo'! We didn't get any ground, cause we was slaves. One of the reasons the Europeans were able to conquer and control North America when they came here was because the Europeans had the concept that you can own land. Indians concept was that you can't own land except where you stand. Indians concept was you can no more own land no more than you can own a river or the lakes. And so when the Europeans came here and settled Indians just kept moving back, back, back into the interior. And when it finally dawned on them that they were about to take their land, permanently, it was too late. Since God ain't gonna make no more land there is something you must do to acquire some wealth. One of the things you can do to acquire

some wealth is get something in your head. The advantage of knowledge is you sell it and it's inexhaustible. You get an education and – a skill, how you go academically, the more you need the skill, the more you need the skill the more money you make. The reason doctors make money is because everybody can't be a doctor, it's a unique skill. So what he sells is his knowledge, and isn't the same thing true with a lawyer? The same thing is true with the professor, he just walked in here, he's selling his knowledge. I was taught that you, as I grew up, get something in your head to sell and you live a better life and you serve better and make the lives of others better – (inaudible).

INTERVIEWER: Was it the hostile environment that – you being called and was it the hostile environment that affected?

PINCHAM: My grandmother, my mother's mother, my maternal grandmother, Isaphonia, was a domestic servant for a family called the Ingrahams, who cleaned up, wash clothes, iron clothes; she made about three dollars a week. Her off day was on Thursday afternoon, all the domestic servants in Athens, Limestone County, [Alabama], had off days on Thursday afternoon. My grandmother wasn't able to go to church on Sunday because she had to work. Occasionally she would be able to come to church on Sunday night. She was very cunning, very, very pleasant, extremely intelligent, I didn't say educated. Didn't have much education but she was extremely intelligent and she contributed to my rebellious spirit. It was a mandatory custom where I reared for blacks to say yes ma'am and no ma'am to white folks, yes sir and no sir. She taught me how to talk to white folks without saying yes sir and no sir. It was a challenge, an intellectual challenge, an intellectual and social challenge really. "Boy did you take the garbage out?" instead of saying, "Yes sir," I said, "Sure did," "You gonna be on time when you

come to work in the morning?" "I'm gonna be there at six o'clock," "You see Miss Jones downtown?" "I looked right at her." It was my way of defying the custom. I went to Le Moyne – [Owen] College in Memphis, [Tennessee], in 1942, September. I got a job as a houseboy, domestic servant, in Memphis with a family named Slater; I shall never forget it, S-L-A-T-E-R. He was one of the town's major commercial electricians, very wealthy, very palatial mansion. I had always been a good worker, knew what I was doin', knew how to wash dishes, knew how to clean up, knew how to serve, knew how to wait tables, knew how to make up a bed, knew how to mop a floor, knew how to rake leaves, knew how to wash a car. And I had worked for her for about a month and she and her husband called me in and fired me. And of course I wanted to know why (inaudible) and she said, "Yes, you work well, but there's something about you," I know what she's talkin' about but I act like I didn't. She said, "You just not like the others, I just can't explain it but you're just not like the others." What she meant was I wasn't bowing and scraping and scratching my butt when it wasn't itchin' and smiling when there wasn't nothin' funny. It was part of my being, acting with things that I perceived to be wrong and unjust – I had my concerns with the heavenly father, as long as I'm satisfying him I don't give a damn about whether I'm satisfying you or not. I'm not going to be offensive to you but the bottom line is my concern is him, not you. What's your next question?

INTERVIEWER: You came to Chicago in 1942, did you have a work period before you went to..

PINCHAM: That's a good question, very good question. I worked at Children's Memorial Hospital on Fullerton. C. Eric Lincoln, Dr. Lincoln, he was – and I was one of the first blacks to be employed there. I had to mop floors in the basement cause there – the first

floor, the Children's Memorial Hospital. We lived at the Y [MCA] at 38th and Wabash. He paid the rent for this week and I'd climb the fire escape and sleep in the room. I'd pay the rent the next week and he'd climb the fire escape until September when (inaudible). What's your next question?

INTERVIEWER: And (inaudible)?

PINCHAM: College? That's a very good question too! When Mrs. Slater fired me I got a job as a waiter in the Peabody Hotel. Peabody Hotel is a historical landmark, (inaudible) as a matter of fact. And I was very successful as a waiter; I made a lot of money. It was a lot of money then. And I worked at night and I went to school in the day. So, I went to Memphis, [Tennessee], and I had never seen that many good looking girls in one place, fine, in my life. A conflict arose for a good time – go to school (inaudible). Something had to give, so I went. My mother got a job at Le Moyne College in the cafeteria. She left Athens, [Alabama], and came and she saw that I was messing up, so I took to that matter. She said to me, "Well since you just takin' courses in (inaudible) you sent me to school and I said, "That's a good idea." She got a job as a dietician in the cafeteria and she enrolled in Le Moyne and they sent her to Le Moyne. We was supposed to be classmates. She got her degree after two years, and they expelled me for -- and academics. In fact they told me that they didn't even want me in Memphis or on the campus. In fact they didn't even want me in Tennessee. I graduated in May of [19] '40 and went back to Alabama and became a teacher. I left Memphis, [Tennessee], in September of [19] '44 and went to stay in Nashville, [Tennessee]. Back on the right track. About two years of matriculation at Le Moyne and academic credits were computed I traded hours, one in physical education. I got back on the right track attended

Tennessee State (inaudible) and I didn't buy a book the entire time I was there and the reason for that was because I had an exceptionally good high school background. As a matter fact, in second year at Tennessee State I was in a class (inaudible) I went to class a couple of days, exam papers I went back to class and she said, "Susie Smith here's your paper," "Ann Johnson here's your paper," "R. Eugene Pincham I want to see you after class." "Where you from?" I said, "Alabama," "Where?" "I haven't seen you in class," I said, "I haven't been." "Here's your paper you got one-hundred, you got it all right," which I did, she said, "and I know you couldn't have cheated because I made up the test as I put it on the board, where did you go to school?" I said, "Trinity," "What kind of school is that," she couldn't believe it. Long story short I said, "Doc I had this when I was in eighth grade at Trinity. Now when I came and took the course and came to class and saw what it was I knew I didn't need it so I didn't come to class," she said, "Well I'm not gonna give you an A," I said, "How you gonna keep from giving me an A I got an A on the test?" she said, "Because you didn't come to class, in order for you to pass this course you're gonna have to help me teach it, come to class and teach it." And I became the assistant in teaching kids algebra. I was a good student, I was in the student council, vice-president of senior class, Pollmarch of my fraternity [Alpha Theta Chapter of Kappa Alpha Psi], had a good time. I did everything on college campus from stopping toilets, mopping floors, washing windows, firing the furnace on the college campus. In fact, I lived in the dormitory called East Dormitory, the men's dormitory. In the holiday seasons, for example, during Christmas they turned the heat off in the men's dormitory. I couldn't go home because I didn't have any money to go home, I had to stay on the campus. I'd go down to the boiler room because I knew how to fire the furnace to turn

the heat back on in East Dormitory. I would sneak into the cafeteria where I worked also to get something to eat. I had a good time, don't misunderstand me. I met my wife [Alzata Cudalia Henry] at Tennessee State, we got married August 31st 1948, as of August of 2005 we were married 57 years. We were indoctrinated, indeed culturalized, as we grew up as I said that you were going to college. Now nobody told you how, there were no such things back then as grants, no such things as scholarships, no such things as endowments. All the way through grammar and high school, "You're going to college."

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It's just like you're going to take a bath, you're going to college. Ongoing, during the time you're matriculating, there is a slight concern about what you're going to do when you get out, but not too much. You really can't worry about tomorrow if you don't get through today and your immediate concern is surviving today. So, what you're going to do when you get out of college is not as much of a concern as getting out of college, finishing college. (Inaudible) as what I'm going to do with it, a driving force. On graduation day, the graduation speaker, a Tennessee politician, he may have been the Governor I don't recall, he made a very, very, dynamic speech and said in essence, "Well you think you've finally made it," to all the graduates he said, "And you have done well, and you're here at great sacrifice to your parents," who were sitting in the balcony, "Your parents have worked in the kitchens, worked in the factories, have worked in the fields, send you here to get your education so you can have a better life than they had, they're proud of you," he said, "But now that you're here and you're leaving here what are you going to do with what you got here, your degree, what are you going to do with it?" Bearing in mind that each department the graduates are supposed to sit together during

graduation ceremony. My major was math and political science, my girlfriend's major was education. We were sitting side by side during graduation. The speaker went on to say, "What is it that you can do now as a result of being here that you couldn't have done if you had not come?" (Inaudible), the result of being here, could not do had I not come. He said, "Many of you," and bearing in mind this was an all-black school, "Many of you will leave here and go north, Chicago, Cleveland, Pittsburgh, Philadelphia, New York," and that the was the migration of blacks, "To apply for jobs on the police force and some of you will become policemen," he said, "You don't need a college degree to catch a burglar coming out of a building, breaking into a building, you don't need a college degree to catch a robber," he said, "Some of you will go north and apply for jobs as firemen," which is true which many of us did, he said, "You don't need a college degree to put water on a fire and put it out," he said, "Some of you will go north and get jobs in the postal service, U.S. postal service," up around Chicago today you see most of people who work at the post-office are black, which is an area in which we were employed. He said, "But you don't need a college degree to know Alabama from Tennessee from Georgia, to read the states," he said, "So what are you going to do now?" He said, "Unless you are willing to go further use this degree as a foundation for another degree, otherwise it was a waste of your time to come here," he said, "And you know it, and your parents sacrificed to send you here." After the ceremony – stood out the class in front of the administration building. (Inaudible) was on the second floor taking the class picture, I was standing next to Alzata. The only reason I was able to march across the stage and get my degree was because the head of the math and political science department insisted to the Dean that I march – owe some money. You're not supposed to be able to march if

you owe some money. They agreed to let me march on the condition that when I finished marching I'd get my degree back until I paid the bill. As we were getting in formation to get the picture made, Sasson, who was the husband of my math teacher, he was Dr. Sasson, coming, picking up degrees of students who was giving degrees back. I saw him coming. Well I had in mind to give it to Alzata and she stuck in down in her bosom. So when he got to me I said, "Doc I got mine, you have mine," he looks, "Okay," and checked mine off, so I kept it. Years later I had my degree laminated, it's on the wall today in my office and it doesn't have a date on it. I didn't get it back in, it's signed but it doesn't have any date on it. Alzata and I discussed it, I did not want to go to medical school. There are two black medical schools in America, Meharry Medical College in Nashville, Tennessee, and Howard Medical School in Washington, D.C., Howard University. I knew all the faculty at Meharry Medical School because of my fraternity relationships. The President and the Dean and the faculty members had wanted me to go to medical school. It's only about eight or ten blocks from Tennessee State. I did not want to go to medical school, basically because I didn't know at the time I had avoided all of the hard science courses in going to college, I had dodged them. I thought, it was a misconception on my part, that in order to be a doctor you need the basic science course. I didn't know then at the time. I now know, I know a girl that majored in Spanish and went to med school and she's a doctor today. My daughter's a doctor today. But, at that time I was under the impression and perception that you needed the physical science courses, physics and biology and chemistry and all of that to be a doctor. I knew I didn't have the courses so I didn't want to be a doctor or dentist. At that time the only other avenue was being a lawyer or going into the divinity, I should have gone into the clergy

but I didn't. I went to law school, I applied, was accepted to Harvard, Yale, (inaudible) near Chicago, Stanford. I came to Chicago because my dad was here and I'd been here in [19] 42' so I came to Chicago, wound up here.

INTERVIEWER: How did you dad influence that?

PINCHAM: Yes, my dad was a good man and (inaudible). My mother would not allow us to hate him. There is a tendency on the part of children when they're separated from their dad. In particular we never got decent toys, we never got decent clothes, we were poor and we would always blame our dad. My mother would hear us saying something negative about him and she would say, "No, don't you say anything negative, he's your father, he would send you something if he could," "No he wouldn't, he didn't care a thing, yakety, yakety, yak." And to persuade us and to convince us not to be negative about him, whenever she heard us saying anything negative about him she'd make us sit down and write him a letter. And you can remember, I'm sure, when you were ten or eleven years of age how much you hated writing a letter. "Sit down and write him a letter," "Dear Dad," "Tell him you love him," "I love you, bye," "Tell him why you love him," "I love you, I love you, why do I love him mama?" "You love him because," "I love you because you're my dad, sincerely," "Tell him what you did in school today," "I love you because you're my dad and I went to school today, bye," "Tell him what you did at school today," "I went to school today and …" so to a boy that disciplined we would never let our mother hear us say anything negative about him. Fortunately it was for us is the case because inherent in that discipline we were taught to respect and to love him. So when I came here in [19] '42 and lived at the Y [MCA] he lived at 9518 South Yale and he worked at the International Harvester, as a matter fact he worked (inaudible)

and he insisted that I come live with him and I refused. Not because I didn't like him but the guys that I let on with from Athens were living at the Y [MCA] and I wanted to live at the Y with them. He said, "Well you know I can make you come," and I said, "No you can't either," he said, "Well if you insist, you stay at the Y [MCA]," which I did. On the weekends I'd go out to his house and stay with him. He was very supportive. I came back to go to law school, I lived with him for a semester. I enrolled in Northwestern [University] in January of 1948. Alzata and I had decided to get married after I finished law school. As you know the law school is over on Chicago Avenue on Lake Shore Drive. When I sit in the classroom I would look over at the lake during class and see Alzata coming out of the water. My mind wasn't on them books, my mind was on her. And after my first semester, law school was a very – at that point, extremely unique because up until this point in my life we had been taught -- precision, one plus one is two, two plus two is four, [Christopher] Columbus came to America October12th, 1492. You go to law school and it's different because there's always two sides, one plus one could be eleven if you put the one next to the one, two plus two could be twenty-two if you put the two next to the two. It took me a semester to realize that the law is an adversary proceeding, there are two sides and both sides think their right and the judge has to make the decision as to which one is right. The fact that the judge makes the decision doesn't mean the judge is right but somebody has to be right and somebody has to be wrong. So my first semester was difficult for the reasons I've stated as well as emotionally I was unstable as I was thinking about my girlfriend. That summer I told her, "I'm not going to make it through unless we get married," that August 31st, 1948 at his living room in front of the fireplace. She came to Chicago in December of [19] '48 and upstairs at his house

he had a two-flat building. An apartment upstairs over him, (inaudible), living room, guest room, only one room. She taught school in the Chicago public school system for ten years while our children were born. Law school was extremely (inaudible). I was the only black in my class, there was one woman in the whole law school, Joyce Shaw was her name. (Inaudible) who became chairman of Washington was a semester behind me in law school. We had classes together and I recognized that -- a genius. I worked in the Palmer house as a waiter. After about twelve-thirty, one o'clock – the man who hired me was a man named Jackie. (Inaudible) I learned to not let anybody know you was going to school because – and after the dinner hour was over he allowed me to leave my station in the dining room and go down in the laundry room and make a tent out of table clothes and the laundry hampers and hide and study my lessons. Somebody in the hotel did discover I was in school and suggested to Mr. Jackie that I be fired and he refused to fire me. They threatened to fire him and he said, "I will quit," and they said, "No you don't have to quit," – a waiter stood behind him and they discovered that they would have an employment problem – backed off – so I stayed there until I graduated. (Inaudible) I stand here on a whole lot of shoulders. I recognize that reality. And my life has hopefully recognized that reality. Many a day in law school, many a day, many a day, many a day, I had to stand up at my desk to keep from going to sleep. Every semester I was expelled because I couldn't pay my bill. Their Bursar, was a lady named, this happens when you get my age, Bursar Creepack, "Mr. Pincham I have to give you an expulsion notice, you have not paid your bill, the Board of Trustees at Northwestern University has decreed that you cannot enroll for a subsequent semester without paying all your bills for the past semester, so you cannot enroll this semester," "Well I don't have the money to pay you,"

"I know that so therefore you can't come back this semester," "Well I be back," didn't miss a class in three years. My professor would say to me after class, I'll never shall forget it, "Mr. Pincham I want to see you after class, I have an expulsion notice for you," "What?" "You're not supposed to be in class," "I know it," he said, "Well, why you here?" I said, "I'm here to learn," he said, "Well I'm not going to let you in the class," I said, "Well you'll have to fight me, I know you can't whoop me, you try and put me out you have to fight me, now that's up to you, I'm coming back tomorrow," he said, "Is that right?" I said, "Damn right I mean it, I think you do no question about it, just cause I ain't got no money," I said, "You call the police they gonna ask you, you mean you put him out of school because he did not have any money, mother fucker I dare you." I graduated owing them money, I got sworn in as a lawyer in Springfield, [Illinois], owing money, Miss Creepack gave me permission and, you don't know this, it's a cardinal rule that to be sworn in as a lawyer you must have all of your financial commitments satisfied and statements on all of your financers to book stores, law school, everybody that you paid up to. I didn't have that, Miss Creepack gave me pass and I got sworn. I stand on a lot of other people's shoulders, I didn't get it by myself. What else you wanna know?

INTERVIEWER: You talked about you were the only black in your class in law school and can you tell us what it was like, did it make a difference to being?

PINCHAM: No it did not, in reality I recognized immediately upon – this class that there were some students there with whom I could not compete academically. Not because of an inferior education that I might have had, but …

[00:45]

because my academic background was just as good as theirs. I recognized that this kid setting next to me who comes from four generations of lawyers, this kid sitting over here his dad is the Governor of Indiana, his granddad is the Governor of Indiana, there's another kid sitting here his uncle is Justice of the Supreme Court of Virginia, my dad was a steel worker. I recognized that it was feudal to compete with them academically but I could compete with myself. So, academically it was rewarding because I had been the top of my class throughout my high school and college career except at Le Moyne. I accept the reality that I am not going to be the Order of the Coif, I'm not going to be the honor student. Historically, Northwestern University has refused to allow the various schools to have independent separate graduations. All of the university schools have the same graduation, medical school, dental school, law school, school of general business. For reasons to which I do not yet know, in 1978 the law school was given permission by the Board of Trustees to have an independent graduation ceremony. I was invited speaker at this graduation. And I told them at this graduation, and I'll relate it to you, that it was indeed an honor to speak to you, I graduated from law school, many of my classmates graduated Magna Cum Laude, some graduated Summa Cum Laude, some graduated Order of the Coif, I graduated "Thank You Lorde". Competition academically wasn't a problem. I was a good student but I didn't have the time to complete my assignments. I did the best I could. I never missed a class in the whole time I was there, three years, six semesters. Most of the time I didn't know what the hell was going on but I was there. It was a good run, I enjoyed it. Curriculums need to be changed in law schools. Don't do it because historically (inaudible). I took the bar [exam] and passed the first time. (Inaudible) The concept of a bar exam is flawed, it's flawed because our

laws are written in books. Why should you have to try to maintain all of this knowledge in your head when there's a book over there that has all the information you need. So, law school should be a course on reference work, how do you find what you're looking for rather than remembering what they're trying to teach you. I enjoyed it.

INTERVIEWER: Over the years how was your wife supportive?

PINCHAM: She was supportive when we started dating. Extremely supportive in law school. Extremely supportive in my career as a lawyer. Her dad sent her, every week to Tennessee State, a letter with a two dollar money order in it. She got a money order every week. The girl who ran the post office at Tennessee State was a girl named Thelma Baxter, she's still living in Nashville, [Tennessee], today. I would go to the post office, Thelma knew that Alzata and I were courting, I'd make Thelma give me Alzata's mail, I'd open up the mail and I'd take the two dollar money order out and give Thelma the letter back and take the money order and cash it. Alzata would get the letter with no money order in it and, "man, you…," I said, "give me a dollar, you keep a dollar," I'd give her a dollar. Did I mention to you she taught school for ten years? From January of 1949 until March of 1959 she taught school. We had three children in interim. She never cashed a check. A check would come in the mail, "Honey our check came today, it's on the dresser." Deep southern cultured roots, very supportive, I would never try a case without first talking to her about it. I won many a case in the court because of her. She had multi reasoning and logic. Very supportive, never combative, never competitive. I'd be trying a case and jury recessed by the car, the (inaudible), "man you cross examined her, ooh you're a bad lawyer," she'd stand over in the corner and get through with people patting her on the back, "can't you see juror number ten hates your guts," "what you

mean," "oh, you so hung up on what you done, who you are, juror number ten hates you," she said, "watch me I'm telling you," she said, "I'm watching her, whenever you turn your back she knashes her teeth, rolls her eyes at you and punches you," true story. I went back and accepted what she said and going on I address juror number ten, everything I'm doing I'm talking to her, I could barely take my eyes off of her, juror number ten. Finally, what it was, was she felt she was being ignored and she ended up being the foreman juror that won me the case. I would experiment with her [his wife] during the trial and she would say to me, "no that ain't gonna work honey," "what wont work, I'm the lawyer, I'm the one that went to law school, you didn't go," "well, I'm telling you, I didn't go to law school but I can tell you that ain't gonna work," she would say to me, "now if you can't convince me and your sleeping with me how the hell are you gonna convince a jury and they don't even know you?" She was very supportive, good roots, and common sense. And law school, and I teach law courses, I've had a privilege of lecturing at Harvard, as a matter fact I go there twice a year. Northwestern, (inaudible), Arizona, Stanford, Cornell, law school makes a fool out of you. After three years of listening to these professors lecturing, pounding on the desk and crap. There are various categories of phases in the law, you have the lawyer who teaches, the lawyer who practices and the lawyer who's a judge. And when you are in an academic environment from kindergarten, high school, four years of college, three years of law school, these are your formative years and you have not had imminent exposure during that period of time so you arrive at a point where you have a distorted mind after you're going through all of this. You don't think like lay people. As my wife will always say to me, "You're thinking like a lawyer, think like a lay person," and I won many cases because of her

advice. Lawyers now a days, lawyers don't decide cases jurors decide cases. Jurors don't think like lawyers, jurors think like lay people and they're the smartest people in the world. They have a J.D. in Phi Beta Kappa, they can out-think you and bearing in mind too, as Alzata pointed out to me, jurors don't have the opportunity to ask questions, they can't tell you I don't hear and in all my years of practice I've never heard a juror raise their hand and say, "I can't hear." You know damn well in all these years some of them haven't heard a thing that was going on, but they will not do that. So, it's important, I found, that she [Alzata] was very, very understanding. Never to busy to have a listen to what I had to say about a case, always go to the scene with me of a crime or the scene of an incident. A lot of cases going to the scene.

INTERVIEWER: Can we break?

PINCHAM: Sure, sure.

INTERVIEWER: And then we'll get into you as a Cook County Judge.

PINCHAM: Okay.

END OF INTERVIEW ONE [Total Running Time: 00:53:04]

Justice R. Eugene Pincham: Interview Two

INTERVIEWER: When you graduated what was your first position?

PINCHAM: Well when I graduated my first position was washing dishes at a Jack and Jill fast-food restaurant on 55th street in Chicago.

INTERVIEWER: What?

PINCHAM: I ran an ad for two dollars in the *Chicago Daily News,* which was an afternoon daily paper at the time, two or three lines, taking bar [exam], awaiting bar [exam] results. A man by the name of Earl Traulick, T-R-A-U-L-I-C-K, Earl Traulick, called me, pursuing the ad I had running in the paper and I went to see him at this Jack and Jill fast-food restaurant on East 55th street, east of Cottage. When I walked in the door he was sitting on a stool in the restaurant. At that time that area of the city was all white. I identified myself to him and he said, "I'm sorry but I assumed that you was white," he said, "Although I don't have any bigotry or prejudice, but I have a business and I have to protect it and I wanted you to run it and be a manager of the place because I don't have anybody to help me and I'm afraid the community is not willing to accept a black," and he didn't use the word black, because black at that time was offensive to us. "Colored. Because it was not acceptable for a colored being in a manager position," he said, "I'm sorry but that's the way it is." And we sat down and ordered some food, which I did, and ate and we shook hands and I left. When I got back home Alzata [Cudalla Henry] said to me, "Mr. Traulick has called since you left, he wants you to come back," I said to her, "Hell I don't have carfare to keep running back over there," and she said, "but you better go back because he's reconsidering his position." So I went back, he said, "My

conscience won't let me do it," but he said, "I need help and you need a job." He said, "If you are willing to work your way into the community gradually to a point where they will accept you and give me an opportunity to see if you will be accepted by the community, I will give you a job in the kitchen doing work washing dishes." I needed a job and it was a job. I went to work at six o'clock and when I went to Springfield, Illinois, to be sworn in as a lawyer, with [wife] Alzata, I had to bum a ride to get down there, I had to get off at Traulick's job to go down to be sworn in. I was even unaware that there were jobs such as clerks for judges. We were not interviewed by the law firms for jobs, they didn't even talk to us. One of the ways that, I'm ahead of myself going backwards now, the housing accommodations where the law school was Abbot Hall, a block from the law school, so on Superior, the cafeteria and the housing accommodations for the students, medical students, there was dental students, business students, lived there. And what I would do, when lunch time would come, I would go sit out on the bench in front of the law school and these students from my class would come out and I'd just get up with them and they'd go to Abbot hall and I am damned sure that when I got to the cafeteria I'm in the front of the line by the cashier I would do this [gesturing something] and they would pay for it, which they did.

INTERVIEWER: (Laughs)

PINCHAM: There was a lawyer here by the name of Joseph E. Clayton Jr., a very, very prominent lawyer, black, he had an office at 3518 South State Street. Somebody told me about him and I went to see him, kept on missing him, miss him, miss him, miss him, and finally I caught him on a Sunday afternoon in August and I told him I would work for him and I would be of very little value to him, but whatever I did for him, without asking

him to do it, would be to give me carfare as an expense in going any place on his business. [Clayton said], "I do you better than that I'll pay you twenty dollars a week." Traulick's was paying me fifty so I made it seventy dollars a week. So I went to work for Clayton and he was married to Edith Sampson who was the first black alternate delegate to the United Nations, her office was over on the second floor over the office of Congressman Dawson, William Dawson was a black Congressman from the First Congressional District here in Chicago. Clayton was also a Northwestern University Law School graduate. And if my memory serves me correctly he graduated in [19] '36 [1928]. A very, very, brilliant lawyer and a good person and when he hired me my job, according to our agreement, I was going to take over his divorce practice, he was basically a criminal lawyer. And of course I went to his court, first day, second day, third day, fourth day, and by the fifth day I came to him and told him, "I can't do this." "What's wrong chief?" He called me chief. "I feel like a prostitute." Actually I had this dishonest experience. At ten o'clock I'm standing before a judge, on behalf of a wife pestering her husband to pay her alimony and child support. The man ain't making but fifty dollars a week and I'm sitting there asking the juries to give her forty of fifty. The next case called I represent the husband, he's making a thousand dollars a week, his wife who is asking for only twenty dollars a week for support and I'm opposing it because that's too much. It's an intellectual contradiction and I don't like it. He laughed. I said, "I didn't go to law school to do this." And he said, "Well chief you can come go with me from now on." Just like I said I was practicing with someone else and I started going to 26^{h} and California [Criminal Courthouse] with him. At the end of the day I'd try a case and he'd try a case, finally he said to me, "What do you make over at Traulick's?" By

this time at Traulick's I had become the manager. And incidentally there was another boy who had took over my job in the kitchen, a boy who was in law school who became a lawyer and became an airline pilot and got killed in an airline crash. I told Clayton, "They used to pay me fifty dollars a week." He said, "Well I'll pay you fifty, you don't need that job, you come work for me." It's seventy dollars a week now, Jesus Christ. I'd go to the office at nine [o'clock], back to the office, interview clients, I'd do his research in brief writing. The most beneficial experience that I had in the practice was brief writing. I did that, I worked for him from [19] '51 to [19] '55. I had my own office on twelve west Garfield and the advantage that I had when I went out on my own was that I had the experience of working with him. He was a very, very generous person, an upstanding person and extremely brilliant. In fact I saw him cross-examine a witness two days on his name, and the jury ate it up. He had so many aliases he didn't know what his name was. I acquired the basic attitudes and philosophies about the law under my duties as a lawyer – in my practice I never had a client sign a contract – or a gentleman's fee, we'd shake hands. If I got everything that was owed me I'd be a millionaire today. I never filed a lawsuit against a client for not paying. I never refused to represent a client because the client couldn't pay. Something that we have in the profession now is lawyers try to charge by the hour, four hundred dollars, five-hundred dollars an hour. If I told a client I wanted four-hundred dollars an hour he'd say, "How many hours is it going to take, two?" Back in those days there were about maybe forty judges on the bench at the time, we knew them all by name. Where they lived; where they had practiced law. There are about five-hundred judges now. A growing profession is criminal practice, criminal practice is probably the fastest growing industry in America today. When I was

practicing law there was one division at the county department, Cook County Department. When I started practicing law there was about a thousand inmates in jail over there and what they got over there something about fifteen thousand [inmates] now. What's your next question?

INTERVIEWER: Tell me..

PINCHAM: About my clients?

INTERVIEWER: Yes, about your clients.

PINCHAM: Well basically I was in a criminal practice from when I went out on my own in [19] '55, and I did civil rights, a little person injury, and criminal law from 1955 until I went on the bench in 1976. I went in as a judge on December the 6th, December the 7th really. In [19] '76 I went on the bench. So from 1955 until December 1976 basically I was civil rights and criminal law. I had some..[interruption: "Hey Judge." "Hey Sydney!"] His daddy, he was a judge, his daddy was a judge, and his daddy also was on city council. I had some very high profile cases, I wanted them. Some people would say and have said that it was because of – billions as a lawyer and that's not true, they think that because of the perception that they have. I attribute my success as a trial lawyer to several things, one, the basic one was when I try a case I knew the facts, I knew what happened. That's a tremendous advantage when you know what happened. I don't know what it is about me but there's obviously something about me where my clients would always tell me what happened and they would tell me the truth and so I didn't have to waste a lot of my time going out and investigating the case. I don't need no damn investigator, "Hell you tell me what happened, you know, you were there, I don't need to

hire an investigator to go look at the scene, if you were there, if you robbed a bank tell me what the hell you did, did you have a .38 [caliber gun] or a .45 [caliber gun]?" And I won cases because I knew the facts. Another factor contributing to my success as a lawyer, not only knowing the facts, but Alzata was a very, very, good thirteenth juror. I would always try my case at home first, "Baby this is what the state says, this is what we say." And she would aid and assist me in formulating a defense or attacking the state's case successfully. For example, knowing what happened in a robbery. "The boy put a gun on him, a big blue steel revolver." "It was a white automatic steel revolver." Knowing that, I now know to cross-examine him on the gun. And of course when you get the police reports and you see that he described the gun differently in the police reports than how he described the gun on the witness stand you can make a contradiction on him on that point, the jurors begin to question his veracity. If he can't describe the gun how in the world is he going to identify the defendant? I recall trying a case where on 63rd and King Drive where an elderly man, senior citizen, a janitor of a tavern, went to work about two o'clock when the tavern closed. He's standing on the corner of 63rd and King Drive at one-thirty in the morning waiting to take a bus to go west to Ashland Avenue where he worked. The defendant walking down the street sees him and you know how stupid he is, you know anybody standing on the corner at one-thirty in the morning in sub-zero weather don't have any money, any fool would know that! But the defendant walks over to the man with the knife and tells him, "I stick you up," takes his money. The man backs out into the street and he hits the bottle on the curb, breaks it, and the man backs out into the street retreating from the robber and he backs right out in front of a car and as he does so the defendant is approaching him trying to take his money and

driving the car is a policeman. He takes it and runs and the cop catches him, arrests him, -- and he gets sent up for the robbery. The man says, the victim, says "He took five hundred dollars from me," which he didn't. I know, you may not know, but I know that ain't no man gonna be standin' on no street corner on 63rd and Cottage Grove and King Drive at one-thirty in the morning, that ain't gonna happen, period, that just ain't gonna happen! [Referring to the defendant], "I didn't take no money from the man, before I could get the man the man stopped the car, jumped out of the car and chased me!" So I now know to cross-examine the man about the money, "What are you doing with five hundred dollars in your pocket at one o'clock in the morning?" "Well I'm going to pay a bill." "What kind of bill you going to pay at one o'clock in the morning?" By the time I got through the jurors was laughing at him. The officer who had testified said that when he had caught the man he didn't have any money and he says he saw from the time he broke and ran the boy said, "I ran because he hollered and screamed, I'm running because.." the jury couldn't. Those are the little things that happen during the trial of a case that enable you to win a case. I was fortunate. I recognized, and still do for that matter, the jury system is the derivative of hundreds of years of political pressure and the jury system came about because of the mistrust that litigants had developed for judges. Did you know that?

INTERVIEWER: No.

PINCHAM: A king appointed judges and the judges served at the pleasure of the king and the king decided and determined the compensation of the judges. You can see how that would ultimately lead to an increasing amount of abuse by the judges.

[00:15]

They were more concerned about satisfying the king than they are about satisfying the litigants and it set a course. They were more concerned about making the service, being on the bench, than they would be about doing justice and as a result over centuries of decades of abuse it had meant, demonstrated, sent the king a message that we don't want to be accused of treason, we don't want to be accused of being disloyal to the crown but we are not receiving justice in your courts because the judges would go with the new king rather than going with us. It sent a message, we are loyal subjects, we give our tax dollars to the crown to support the government, we fight in battle for the crown, give our lives and we want justice in the court room. The king agreeing at the time that the complaint was valid decided to allow the litigants to be tried by a jury of their peers. I think it's the thirteenth chapter [thirty-ninth] of the Magna Carta filed on June 15, 1215 by King John [of England] and is by and large the only area of our government that has gone unchanged for over seven hundred years and going on that long has got to be good. I know what they do and I respect juries, I respect the system. I have been fortunate.

INTERVIEWER: I know you went before the Supreme Court for a couple of cases.

PINCHAM: Yeah three times.

INTERVIEWER: Can you tell us about those cases?

PINCHAM: The first one involved a boy who was arrested on the south side and then some dope was taken off of him and we went there on search and seizure grounds, I can't even think of the name of the defendant, I never even saw him to tell you the truth about it.[2] I took the appeal from a lawyer named Sam Adams. The oral argument was quite an

[2] See, *McCray v. Illinois*, 386 U.S. 300 (1967).

experience. The Supreme Court adjourns at twelve-thirty. In the middle of it the man at twelve-thirty cut it off, "You gotta come back the next day, finish your argument." It was in the [19] '60s and I'm embarrassed to say I can't remember the name of the defendant. When we received notice that the court had granted certiorari and was going to hear the case and got the date I notified everybody in my family from Alabama, Tennessee, my brother lived in Tennessee with his wife and three children, my aunt lived here in Chicago and she had two of my cousins, my old law partners. I guess we had twenty-five people in Washington [D.C.] hear me argue this case. And we stayed in the Watergate [Hotel], nice place. And, I'm number four, one's here, two, three, four and as one finishes two moves up and finally it got to me number four, I look around and everybody in the court room left but [wife] Alzata, all my kin-folks gone. So I argued the case and at about twelve-thirty I had about five more minutes, so they cut me off, we had to stay overnight come back and finish the five minutes the next day. Now where my folks had gone was, there was a Congressman named Adam Clayton Powell [Jr.] from New York, he was dating a woman by the name of Josephine Baker who was a very noted vocalist from Paris, [France]. He was dating her down in the Caribbean, down in Bikini [Atoll] Islands, down there somewhere it's a resort. And he was a Baptist preacher out of New York, out of Harlem, and they went to the capitol up to the congress to participate in a demonstration supporting Adam Clayton Powell [Jr.] and the criticism that was being leveled against him was about him being down in the islands with this woman. Well, during the oral argument Justice Hugo Black from Alabama asked me a question, I don't recall what the question was. I said to him, "Yes your honor," I never did get back to answering him. They ruled against me five to four. Had I answered the question it

would have been five to four in our favor. It was a mistake. The next time was in 19 –. The Democratic Party, incessantly washed the Harold Washington Party candidates from the ballot and we took it to court here, the appellate court, and the Supreme Court, it was the Harold Washington Party versus somebody I forgot who.[3] When we came back they still didn't give us what we wanted, we had to go back to the Supreme Court and the Supreme Court ruled in our favor a second time and there I watched the party case. Quite an experience, it is only one case out of, what, three times. I was known and still am known, when I was in practice, I'd appeal a case in a minute, that's how you keep judges in check. All of the appeals that I made I had them, the briefs and opinions, bound and archived, I have them in my house in the library and I don't think I got paid for ten of them. I would, if my client was mistreated because we did not get justice I'd appeal and the Justice in the appellate court would review. What's your next question?

INTERVIEWER: 1976 can you tell me?

PINCHAM: Elected, I was elected. I wanted to be a judge as much as I wanted to go to the moon on a kite. What happened was this: there had been several judicial scandals. I don't recall what the scandals were. I received a call at I guess about two-thirty, three o'clock in the morning from a man who identified himself as Mayor [Richard J.] Daley's Chief of Staff, one of his attaches, I don't remember who it was at the time and he said, "We want to slate you as a judge." I said, "Old man, meaning [Mayor] Daley," because, "it would help the [Democratic] Party if you would get on the ticket because it will give the ticket some stability and some integrity because you have a reputation out here as being a good hard working lawyer and person." "Thanks but no thanks, I'm not

[3] See, *Norman et al. v. Reed et al.*, 502 U.S. 279 (1992).

interested." "Well think about it and we'll get back to you." I said, "Well I will, I won't be so rude to say no but I'm saying no, I'm really not interested but you can get back to me." I started crawling back under the covers, Alzata said, "Honey let's talk." "Let's talk about what?" She said, "I heard the conversation." I said, "So?" She said, "Well listen to me, you have always insisted," she said, "that if everybody's going west and you're the only one going east, don't stop going east and turn around and go west just because everybody else is going west," which is true, "at least you stopped going east and ask everybody why are you all going west and why are you all going east and then you decide whether you wanna turn and go west or whether you wanna continue to go east or whether you wanna stop, and that makes sense." She said, "You've always said that." I said, "What the hell's that got to do with me being a judge?" She said, "Well there are forty-five thousand lawyers in this city that would give their right arm to get the call you just got. They are all going west and you're the only one going east. Now why is it that you don't wanna go west and they're going west, you going east?" "That's just a matter of choice." She said, "No it's more than that honey," she said, "forty-five thousand lawyers can't be wrong and you right." She said, "I don't know what it is about it but you gonna be a judge." I said, "No I don't wanna be a judge." She said, "Well, think about." She said, "I'm gonna talk about it with you further." The next morning I got up and went to court, Fitzgerald was the presiding judge, I shall never forget it he sat on the fourth floor of 26th and California. The caller had said to me, "This call is confidential, nobody should know about this call but me and you." When I opened the door going into criminal court into his courtroom Fitzgerald is on the bench, "Eugene come up here, come up here, come up here, come on back here." He got off the bench, "Come on back here," he said,

"I understand the old man [Daley] called you last night and told you to be a judge and you said no." I said, "I thought the damn conversation was confidential?" He said, "Remember this, which is true, there is no such thing as confidentiality in a democratic society. Two people know it, three people know it." I found that to be true. He said, "But you can't turn down the highest political officeholder in the world, over something like this, you can't do that." I said, "I just did." He said, "But you did wrong." "Well, I don't wanna be a judge." He said, "Well, think about it, think about it, and we need you on the ballot." I said, "Ok." This was before him and I left room four hundred and went to seven hundred and four on 26th and California, to this day I do not remember the judge who was there, I can't remember. Have you ever been to 26th and California [Courthouse]?

INTERVIEWER: No.

PINCHAM: Seven hundred and four, top floor, open the courtroom door the judge on the bench, "Pincham come up here, come up here, come up here, come up here, come on back here, who the hell do you think you are?" He says, "Damn it the old man [Daley] called you last night and said he wants you on the judicial ticket and you said no, who the hell do you think you are?" I said, "Well, I thought I had an option." He said, "No you don't." I said, "How did you find out about the caller?" He said, "Don't worry about it." He said, "You gonna be a judge." He said, "Get on the ticket, get elected, and if you don't like you can serve ten, six years, go back or you can retire, you don't have to do it, but get on it, think about it." I went back home that evening and told Alzata what had happened. She reached and got the phone and she said, "Tell the man you gonna be a judge." I said, "You feel that strongly about it?" She said, "Yes, not only that but you

have a chance now to sit down and write your book." I did so I got on the phone and called them and told them, slated, and enjoyed the campaign, enjoyed running, and to a certain extent I enjoyed being a judge, not like I enjoyed practicing law being an advocate at 26th and California, sat there from December 7th, 1976 to July 14th, 1984. I was appointed to the Appellate Court by the Illinois Supreme Court – [after the] appointment I was elected to the Appellate Court in the 1986 election. I served there until 1990 when I retired or resigned to run for President of the Cook County Board.

INTERVIEWER: (Inaudible) Yes.

PINCHAM: All of them, all appeals, all trial courts in Cook County came to the Appellate Court, First District, criminal and civil, except capital cases, the only cases we didn't hear, civil and criminal, was the capital cases. By constitution all capital cases went to Illinois Supreme Court directly. I sat on the Appellate Court from 1984 until 1990. I was on the Circuit Court from 1976 until 1984. These were criminal cases I was on the criminal division.

INTERVIEWER: Did you have a choice in that?

PINCHAM: Yeah, I had a choice, I could be an American and not take the job.

INTERVIEWER: (Laughs)

PINCHAM: No, I could have sat in the civil division but I didn't want to sit in the civil division, I sat in the criminal division.

INTERVIEWER: What was the atmosphere like with the other judges?

PINCHAM: I enjoyed it, it was nice. It was not as large then as it is now. How can I put it, I don't want to sound arrogant or pompous or offensive but I knew what I was doing because I had been in the profession all these years. I knew how to do what I was doing and I knew to be the ultimate say-so in the court and I was the ultimate say-so in the court. To put it more bluntly, to put it like in the hood, I ran it, I ran it. It was a pleasant experience, not as comforting or rewarding as the practice of law.

INTERVIEWER: Do you view the law differently as a judge than as a lawyer?

PINCHAM: Different as a judge than a lawyer?

INTERVIEWER: Yes.

PINCHAM: I recognized the difference in the role I was playing and one of the problems that we have today in the profession is that judges don't do that. I recognized when I became a judge that I was no longer a defense attorney. I recognized that as a judge my role was different. I recognized that as a judge I was like the umpire calling the game at the World Series. I cannot be concerned with who wins or loses I have to call a ball or strike. Unfortunately now too many judges come on the bench and bring their biases and their prejudices with them from their careers as lawyers, professions. I don't think I did, I tried not to. The role of a lawyer is advocate; the role of a judge is a judge. They're not the same. I tried to be kind, courteous, stern, sympathetic, firm. I was reversed as a judge only once, it was my fault, that arose because of the State's Attorney. It's not a perfect system, it has its imperfections, that why you have an appellate court, but I enjoyed it. One is an advocate and one is a judge. When you're at bat for the Red Sox, World

Series, or whether you're the umpire for the World Series game the two are not the same, one role to the next role.

INTERVIEWER: You stepped down from the bench in 1989, was there a reason you retired from that?

PINCHAM: What happened was this: the Cook County Board is one of the most powerful political offices in the state of Illinois and it derives its power out of the reality that it controls the budget of twelve constitutional elected political county offices and I don't need to remind you that when you control the money you control the office, let's just say that. The President of the Cook County Board by tradition and custom came to that position from Chairman of the Finance Committee of the Cook County Board. George Dunne was President of the Cook County Board and he came to the position from the Chairman of the Finance Committee of the Cook County Board. Seymour Simon who had previously been on the county board as President came to that position from Chairman of the Finance Committee and he ultimately ended up being an Illinois Supreme Court Justice.

[00:30]

Richard Ogilvie who ultimately became Governor of the state of Illinois was also President of the Cook County board and came to that position from Chairman of the Finance Committee. George Dunne, who was a very high ranking official in the Democratic Party, decided that he would not seek retention for the President of the Cook County Board. At that time the Chairman of the Finance Committee was a black man by the name of John Stroger, the Party refused to slate John Stroger, they slated instead Ted

Lechowicz. The [Democratic] Party said that John could not win beyond the geographical boundaries of where black people lived which was another polite way of saying that white folks won't vote for a black candidate. We met August of 1989 up until the last moment trying to get a black public official to run for President of the county board against Lechowicz. One day one would say yes, next day he'd say no. I did not then realize that the black political office holders were reluctant to run because they did not want to incur the wrath of the Democratic Party power structure. So, if we chose one today and he came back the next day and say, "No I won't take it." And then – finally we didn't have anybody to run and Alzata and I talked about it and we said, "We not gonna take this." So, I had written more dissenting opinions in the six years I was on the appellate court then all of the judges combined in the entire history of that court. I was bored – and she said, "This again will give you a chance to perhaps write something on your book because you haven't written the first word yet." So I resigned from the bench to run for President of Cook County Board. In the race were [Ted] Lechowicz, Stanley Kusper, [Richard J.] Phelan and me. I ran for seat on the board as well. I won the nomination for the seat I lost the nomination for president to Phelan. I did not want to sit on the board as a seat so I gave up that position, gave it to Danny Davis, who at that time was a city councilman. Davis won the seat on the board and eventually became Illinois Congressman. What happened was when the votes were in and we looked at these statistics we found that not only would white people vote for a black candidate, me, but in several of the ward townships I won. As a result of that, these statistics, Carol Moseley Braun looked at the statistics and she decided to run against [Alan J.] Dixon in the 1992 Senatorial primary and beat him in a state-wide race which is really unprecedented for a

black running state-wide, white folks vote for a black for Senate, that was unheard of but she won in 1992. In 1994 when Phelan's term expired the party slated [John] Stroger and Stroger became President of Cook County Board and retained that position until what just a couple years ago when he had a stroke and now his son is in that position. Well it completely destroyed the myth, well I knew it was a myth in the first place, when I was campaigning I would go into all white wards and say, "Look, I don't see why you have any reluctance to vote for me I ain't done nothing to you, you did it to me! You all enslaved us, we didn't enslave you, why you mad at me! If you can enslave me, my people, my great-granddaddy, and I come out here and vote for you and you enslaved him, why can't you vote for me?" It's that simple. And you find when you talk to people frankly they respond frankly. So, as a result of that Roland Burris ran for Attorney General State of Illinois won. You have a Secretary of State Jesse White who's black, Secretary of State won and this false myth that the party has been telling black folks that white folks won't vote for black folks is crazy cause they do. You got a black mayor in Atlanta, [Georgia], black mayor in Jackson, Mississippi, black mayor in Birmingham, [Alabama], black mayor in Richmond, Virginia, it's just nonsense, and if they don't it's time we break the barrier anyway so here we are, what's your next question?

INTERVIEWER: You were a judge when [Mayor] Harold Washington was elected?

PINCHAM: Yes.

INTERVIEWER: Were you (inaudible)?

PINCHAM: Harold and I were very good friends, very good friends. The battle between [Eddie] Vrdolyak and Harold was not a racial battle it was a political power battle.

Harold won the battle because of reapportionment. And the time is rapidly coming to a halt where racial identity is a factor in elections. I don't think [Barack H.] Obama is going to win, I'm gonna vote for him, but as you sit here now, twenty years ago it would be unthinkable for a woman to be a candidate for President of the United States, it was unthinkable it just didn't happen. When I was in law school it was unthinkable for me to wanna be a lawyer. Discrimination has not only been against blacks it's been against women and now you find women on the bench, women running for public office. But, it should not be an issue in an election, the sex of the candidate or the race of the candidate shouldn't be an issue, we'll get around to it, Rome wasn't built in a day. What's your next question?

INTERVIEWER: (Inaudible) the climate today has changed so that there are a lot of black elected officials?

PINCHAM: What is happening, and it's a very crucial period, politicians are injecting into the political arena issues that really should not be in the political arena in my judgment. You may disagree with me, for example I don't think that abortion should be a political issue. I don't think that a candidate should be elected or defeated in an election based on what his views might be on abortion and I think that it's being injected into it on the basis of religion. When we have attempted, to the extent possible, to avoid electing candidates based upon religious issues, that's my thinking. I think the political arena is one involving economics, period. Which party best serves my economical interest, period. What do I think about prayer in schools, what do I think about abortion, that's my personal business and the government don't have a damn thing to do with it. But, in order to get elected or defeat somebody these issues are being dragged into the arena,

unfortunately, which should not be there. People talk about Hillary [R. Clinton], now I'm not going to vote against Hillary because she's Hillary, I'm just voting for Obama because I think I should vote for Obama. But to suggest that Hillary shouldn't be President because she's a woman is crazy. Or to suggest that she shouldn't be President because she forgave [William J.] Clinton because he had an affair with Monica Lewinsky is idiotic, it's insane, I don't give a damn what you may think I will tell you you are crazy if you believe that. Who in their right mind would give up the highest -- office in the history of civilization because her husband was guilty of infidelity, that's crazy. It's her husband, now I ain't married to him. If she was willing to forgive him why should I hold it against her? I preached my sermon on that.

INTERVIEWER: (Laughing)

PINCHAM: But there are people around here who genuinely are, "Oh she should have quit Clinton." You got to be crazy to suggest – if she was willing to forgive him certainly it ain't no business of mine, period. And I think, unfortunately, Clinton would have gone down in history as one of the best Presidents in U.S. History of this country but for that episode. But he proved just like anybody else proved that he's human, that's all he proved is he's human. What's your next question?

INTERVIEWER: What were some of the challenges you've faced as being a judge?

PINCHAM: Challenges I faced as being a judge?

INTERVIEWER: Yes.

PINCHAM: Staying awake on the bench.

INTERVIEWER: (Laughs) Was it difficult to hear cases in the criminal court system when you see the same people coming in multiple times for minor crimes?

PINCHAM: It's painful to see the scene that's going on. There are more black men in the penitentiary than there are in college. It says something about our culture and our society. I'm not suggesting that those that are there shouldn't be there, that's not what I'm saying. What I am suggesting that whatever caused them to be there it was a flaw in what caused them to be there their thinking. I recognize that ninety-five percent of people in the penitentiary should have been there twenty years before they got there. There are some that shouldn't be there, there's no question about that. It says something about the basic (inaudible) of our society when such a disproportionate number of blacks are in the penitentiary as to whites. The system is flawed, tremendously flawed. What you have in reality are people with a certain moral standard enacting laws based upon their moral standards to govern, not themselves, but to govern people who don't have the same moral standards. Are you with me?

INTERVIEWER: Mm Hmm.

PINCHAM: It ain't gonna work and it will never work. The books say, "Thou shalt not kill, thou shalt not steal." That don't need to be on the book for me I ain't gonna steal from you no way, I ain't gonna kill you no way, I don't need that on the book, you don't need that on the book. It ain't because it's the law that don't cause you to steal you just a personal moral fiber that you're not going to do that. Right or wrong, of course you're right, of course you're right, you walk into Marshall Field's store you don't steal because it ain't because you're afraid you're going to jail you just have a moral fiber that you don't steal and you got laws here governing people who don't have the same moral fiber.

Well how do you deal with that, if I knew the answer my marquee would be on the moon. I don't know the answer but I do know that they aren't working, they aren't working and we are unwilling at least up to this point we have not taken another approach to it. I sat on the bench, I hadn't sat on the bench for about a month and I recognized and saw something that I had not seen in the twenty-five years I had practiced law. In the twenty-five years of practicing I am dealing with case by case by case by case instead of the masses coming before me at one time. I heard on the average of, I had on average of eight, seven or eight, maybe nine defendants who would appear before me daily, they had charges of the commission of felonies. The common denominator of the defendants was, they were usually under thirty-five years of age, the common denominator was they were black. I don't think I had five white defendants appear before me in the six years I served at 26th and California. Common denominator was they were recidivists, they were repeat offenders. Common denominator was they usually came from broken homes; it wasn't going to shock you. Common denominator was in the six years I sat there not a defendant that appeared before me had finished high school, not one, and more importantly not a one had participated in a high school extracurricular activity. That says something doesn't it, of course it says something, of course it says something. In the six years not a kid appeared before who played football, who had played basketball, who had played baseball, or had been on the swim team or who had played track or who had been in the band. So what you're saying is those who play football, basketball, baseball, track and play in the band don't commit crimes and that's true, by and large that's true. The reason for that is simple, the one thing a child wants to do most when he's going to school is what, he wants to play, and when you take playing away from him you

encourage him to do what, to quit. Ironically there is no course that you can take, there is no school to which you can go and get a degree on how to be a parent. They don't teach that course, people rear their children how they were reared. If they were reared immoral, stupid, and ignorant that's how they rear their children, immoral, stupid, and ignorant. We've got to deal with that and we are not dealing with it. Dropping out of school was just unheard of in my day, oh my god it just didn't happen, it just didn't happen. And where my kids went to Harlan High School you went to Lane [Technical College Prep High School] my kids went to Harlan we played football over at Lane. Today they have metal detectors in the front door of the school-house with police sitting there, you can't in the school without a kid going through metal detectors, that's horrible, terrible. We have not lived up to our responsibility to our children, that's terrible. Suppose you, where are you at Loyola? Think about going to school every day and you wonder whether or not she got a gun on her and when you come out of the school you gotta look around and see if somebody going to shoot at you. I don't know the answer, I don't know the solution but I know what we doing ain't right. I think and I really genuinely believe this, I genuinely believe that the first thing, if I had anything to do with Chicago Board of Education, I would insist upon extracurricular activity would be mandatory, mandatory. Something else I'll tell you, watch it, a kid can go to school in Chicago with a perfect attendance record for twelve years, straight A student for twelve years and never get mentioned, if he walk out and shoot somebody he makes headlines. That's an imbalance. A guy caught driving drunk kills somebody makes headlines.

[00:45]

The emphasis is put on the wrong place in our culture and in our society and we're not dealing with that, and the financial crunch, "We gonna stop kids from playing basketball." That's crazy! I said I'd tell you I'm gonna get out of here just at one o'clock.

INTERVIEWER: (Laughs)

PINCHAM: I remember, well do I remember dissecting the earthworm in high school. Well do I remember dissecting the frog in the biology lab in high school. I don't remember a damn thing I learned from it but I remember doing it. I recall most vividly the practice sessions in afternoon play-practice football. I remember the admonitions the coach made in football, "I don't give a damn whether you agree with the quarterback or not, if the quarterback calls it run it, run it, we argue about it next week." I learned from that to follow orders and I'm a football nut and I know football ain't nothin' but disciplined violence, that's all it is, it's disciplined violence, you knock the son of a bitch down in a certain way you got to knock him down, you can't knock him down from the back, you know how to get up and don't get back and fight back. I learned more from playin' football and baseball about character, morals, leadership, following the leader, loyalty and those are the ingredients that supposedly our society today is predicated. I would be the first to say, if you asked me, "Do you eliminate biology from the classroom or football?" I should take out biology. "Do you eliminate home economics or do you eliminate the band?" Take out home economics, our children need discipline. And we're not getting it. What else you wanna know, I got to go?

INTERVIEWER: I had one more question, did you ever get to write in your book?

PINCHAM: I ain't wrote the first word yet.

INTERVIEWER: (Laughs)

PINCHAM: As a matter of fact when I was saying this morning when I got up, "I gotta get to it, I got a story to tell."

INTERVIEWER: Ok, we want to thank you. We look forward to reading it. Thank you so much for your time and we know it's valuable and this was very fascinating, thank you.

PINCHAM: My pleasure, my pleasure, I tried a case once, a probation officer got into a fight with a court clerk, the probation officer was much larger, heavier, and bigger and he had a knife and he cut the clerk across his face. He really shouldn't have done it. I had as much chance of winning that case as I got flying to the moon on a kite. It's true, I tried it right down here in this building. That's when they had some of the criminal cases down here. I made a motion to exclude the witnesses. The judge ordered the witnesses excluded and the clerk got on the stand and was testifying about how the defendant cut him across the face. The court clerk indicated to me that I needed to cross-examine the witness for them, and snatched the door open and the boy's mother who had her head on the door and fell into the courtroom on the floor, she was eavesdropping. The judge was furious, he was furious, "Mr. Pincham you don't have anything else to ask do you?" I said, "No Judge." "Well you don't have anything else to ask, Mrs. State's Attorney you have anything else to ask?" "She's sitting there eavesdropping, and I ain't in order to direct an answer from his mother, we find him not guilty."

INTERVIEWER: (Laughs) Thank you so much, thank you.

PINCHAM: My pleasure. Take care. All right.

END OF INTERVIEW TWO [Total Running Time: 00:49:01]