

**Annual Report to the  
Supreme Court of Illinois  
Illinois General Assembly  
and the Governor of Illinois  
2012**

**Submitted by:**

**The Illinois Supreme Court Historic Preservation Commission**

**January 2013**

## INTRODUCTION

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

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

The Commission furthered its mission in 2012 by preserving and conveying the judicial history of Illinois to the legal community and to the public at large. The Commission partnered and collaborated with multiple institutions to facilitate the creation of entertaining and substantive programs, outreach, and publications that fostered a greater awareness and appreciation of Illinois’s legal history and the importance of the judicial branch of government. In partnering with other entities—federal, state, local, and private—the Commission shared resources to maximize the cost-effectiveness of state resources.

Included among the partnerships were the University of Illinois Springfield, Southern Illinois University at Carbondale, Illinois State University, Illinois College, Abraham Lincoln Presidential Library and Museum (ALPLM), Illinois Historic Preservation Agency, Illinois State Board of Education, National Surveying Museum, Illinois State Bar Association, and Chicago Bar Association.

## ADMINISTRATIVE

### Commissioners

John B. Simon, Chair, January – November 2012

Hon. James R. Thompson, Chair, November – December 2012

Kim B. Fox

Hon. Michael F. McClain

Pauline Montgomery

Joseph A. Power Jr.

William J. Quinlan

Jane Hayes Rader

Michael J. Tardy, *ex officio*, Director, Administrative Office of the Illinois Courts

Commission Chair John B. Simon resigned effective November 1, 2012 due to his appointment to the Illinois Appellate Court. Simon had become Chair in January 2011 and helped to direct efforts in the education of women’s legal history, most notably a highly successful program on Myra Bradwell at the joint Illinois State Bar Association/Illinois Judges Association meeting in 2011.

The Supreme Court appointed Governor James R. Thompson on November 19, 2012 to succeed John B. Simon as chair. Governor Thompson’s significant career arguing before the Illinois Supreme Court and his keen interest in historic preservation make him well-suited for the position. Governor Thompson had previously served as a Commissioner since 2007, and his appointment by the Court leaves a vacancy to be filled by the President of the Senate.

## Staff

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

The Commission employed six part-time contractual workers during 2012. With permanent staff reductions in FY11, the Commission utilized contractual researchers to perform research and writing tasks to further its goal of disseminating information on the judicial history of Illinois to the public and legal community.

The Commission partnered with local colleges and universities and hosted four interns in 2012. This mutually beneficial relationship helps to train students in the field of public history, archival management, and legal history, while simultaneously supplying the Commission with the necessary staff to continue its mission.

## Meetings

The Commission met four times in 2012 on January 27, April 20, July 27, and October 19.

## EVENTS

### Honorable George N. Leighton Award

The Commission established the Honorable Judge George N. Leighton Justice Award to honor an attorney or judge who has made an outstanding contribution to the profession. The Illinois Supreme Court convened as the Commission presented the inaugural award to former United States District Court Judge George N. Leighton in 2009. Additional details are available on the Commission's website: [www.illinoiscourthistory.org/events/8](http://www.illinoiscourthistory.org/events/8).



From left: George N. Leighton,  
Benjamin Miller, Jerold Solovy.

The second annual Leighton Award was presented to former Chief Justice Benjamin Miller in 2010. Additional details are available on the Commission's website: [www.illinoiscourthistory.org/events/4](http://www.illinoiscourthistory.org/events/4).

The Commission voted to present the third Leighton Award in 2011 to retired U.S. Supreme Court Justice John Paul Stevens.

The fourth Leighton award will be presented in 2013.

### Mary Todd Lincoln Insanity Retrial Events

The Commission partnered with the Abraham Lincoln Presidential Library and Museum to produce several events related to the issue of Mary Todd Lincoln's alleged insanity. The events by the Commission and the ALPLM highlighted modern mental health issues through the lens of Mary Todd Lincoln's insanity to educate the public. These events garnered national and international interest. The Commission and ALPLM jointly solicited the necessary finances through law firms, foundations, and businesses to present these events. The surplus money raised will help with document conservation at

both institutions. Most of the events related to the Insanity Retrial qualified for Minimum Continuing Legal Education credit.

In 1875, Mary Todd Lincoln, the widow of the martyred president Abraham Lincoln, was brought before a Cook County Court to face an insanity hearing brought by her only living son Robert Lincoln. Mary Todd Lincoln behaved erratically in the winter and spring of 1875 and spent money on extravagant items. Concerned for his mother's health, Robert petitioned the court to declare his mother insane. The jury agreed, and the court ordered Mary Todd Lincoln to Bellevue Place, a private insane asylum in Batavia, Illinois.

In March 2012, the Commission and ALPLM hosted a media event in Chicago to promote the year's events related to the Mary Todd Lincoln Insanity Retrial. The well-attended event—held at the location of the 1875 insanity trial—culminated with a Cook County Sheriff presenting a summons to Mary Todd Lincoln to appear in court for her insanity hearing. For video, visit [www.illinoiscourthistory.org/events/mary-lincoln-events-br-mark-your-calendars](http://www.illinoiscourthistory.org/events/mary-lincoln-events-br-mark-your-calendars).



Cook County Sheriff's Officer Kevin Connelly presents Mary Todd Lincoln (Pam Brown) with a summons.

In April, the Commission and ALPLM presented a roundtable discussion featuring mental health professionals, historians, lawyers, and judges. Two multi-disciplinary panels discussed Mary Todd Lincoln's insanity from a historical context and from a modern context. Senate President John Cullerton welcomed the standing-room-only audience to the Senate Hearing Room (formerly the Supreme Court of Illinois courtroom) and introduced the program moderator, Scott Turow. For video and a transcript, visit [www.illinoiscourthistory.org/events/mary-lincoln-roundtable](http://www.illinoiscourthistory.org/events/mary-lincoln-roundtable).

In June, the Commission and ALPLM partnered with another state agency, the Illinois State Board of Education for a teachers workshop. Nine teachers from across Illinois attended the workshop to learn about Mary Todd Lincoln's life, the legal status of women, and Mary Todd Lincoln's insanity case. The teachers, who are also curriculum specialists, created a two-week lesson plan, which will be disseminated statewide in 2013.



Mary Todd Lincoln Retrial, Murphy Auditorium, Chicago.

In September and October, the two retrials—one in Chicago and one in Springfield—were held at the Murphy Auditorium and the Abraham Lincoln Presidential Museum, respectively. Both venues sold out and required overflow rooms for closed circuit viewing. The format gave Mary Todd Lincoln a trial based on historical fact, but under the modern mental health code. Witnesses at the trial included Robert Lincoln and Mary Todd Lincoln, plus a psychiatrist testifying for each side. In both trials, both the petitioner's and respondent's attorneys and psychiatrists agreed that Mary Todd Lincoln had a mental

illness, but the question posed to the jury (audience) was whether she should be involuntarily committed to a mental institution. After spirited direct and cross examinations and closing arguments, the jury (audience) in Chicago rendered a verdict not to involuntarily commit her (68-yes; 266-no), and the jury in Springfield rendered the same verdict but with a lower margin (68-yes; 159-no). The Chicago event will be televised by WTTW, a local PBS station in Chicago in 2013. The Springfield event will be televised by the Illinois Channel in 2013.

For images of the Chicago retrial, visit [www.illinoiscourthistory.org/events/retrial-of-mary-lincoln-chicago-september-24-2012](http://www.illinoiscourthistory.org/events/retrial-of-mary-lincoln-chicago-september-24-2012)

For images of the Springfield retrial, visit [www.illinoiscourthistory.org/events/retrial-of-mary-lincoln-springfield-october-1-2012](http://www.illinoiscourthistory.org/events/retrial-of-mary-lincoln-springfield-october-1-2012)

In November, the extravagant exuberance of Mary Todd Lincoln was on display at the Driehaus Museum in Chicago and the Abraham Lincoln Presidential Museum in Springfield for two separate events that showcased four of the first lady's dresses. These events highlighted the historical importance of clothing for women and the antecedents to the dress reform movement as well as emphasizing the principal reason a Cook County jury declared the former first lady insane. The clothing featured in these two events has been donated to the Abraham Lincoln Presidential Library and Museum.

## OUTREACH

### Website

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

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

Most significant, the Commission published an interactive timeline of the justices of the Court, reflecting the change over time of Illinois's four constitutions and how they affected the composition of the Court. This timeline has attracted significant interest from other court historical societies around the country as they wish to implement a similar timeline for their own court's history.

### Public Presentations

In 2012, the Commission made a concerted effort to raise awareness of the history of the judiciary and offered its staff as potential speakers for annual dinners, monthly meetings, and school groups. Staff members spoke to bar associations, law schools, Inns of Court, elementary and middle schools, and conducted workshops.

In January, John Lupton gave introductory remarks to the Southern Illinois University Law School when the Law School opened up the Commission's Early Women in the Law exhibit.



Early Women in the Law Exhibit at Southern Illinois University School of Law

In May, the Commission gave a \$100 award at the Illinois History Fair to the exhibit that best portrayed a judicial history topic. Thousands of middle and high school students participated by creating exhibits that were then judged. Lauren O'Donnell and Ashley Carr, 7<sup>th</sup> graders from Tri-Valley Middle School, won the award for their Mt. Pulaski Courthouse project.

In September, John Lupton gave a short address on Erma Templeman, the first woman to have an active law practice in Springfield, Illinois, at the Profession of Leadership Dinner,

In September, Justin Law, a contractual researcher, presented a paper at the Conference on Illinois History on a 1910s Illinois Supreme Court case that involved Illinois's sedition laws.

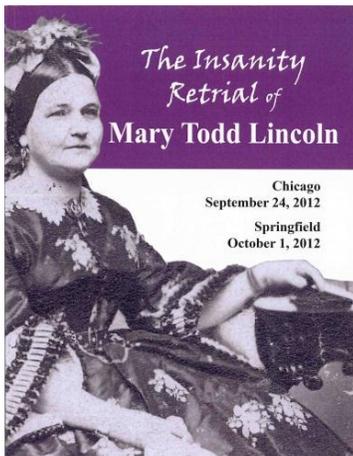
In October, John Lupton gave a brief presentation at the annual meeting of the American Association of State and Local History on the Commission's website and its functions.

In October, John Lupton presented a paper to the Southern Illinois University Law School on Abraham Lincoln and the suspension of the writ of Habeas Corpus in conjunction with the law school's exhibit on Lincoln and civil liberties.

## **Publications**

In March, John Lupton published an article in the *Journal of Supreme Court History*, a publication of the U.S. Supreme Court Historical Society, entitled "Myra Bradwell and the Profession of Law: Case Documents."

In July, Lupton published an article in *Illinois Heritage*, a publication of the Illinois State Historical Society, entitled "'Justice' Removed: The Lost Supreme Court Building Statue."



In September, the Commission and the Abraham Lincoln Presidential Library and Museum published *The Insanity Retrial of Mary Todd Lincoln*, a companion publication to the retrial events held in Chicago and Springfield.

The manuscript, "Prairie Justice: A History of Illinois Courts under French, English, and American Law," has been submitted to Southern Illinois University Press for consideration. The manuscript, authored by Roger Severns and originally published in the 1950s and 60s serially in the *Chicago Daily Law Bulletin*, traces the history of the Illinois judicial system up to the late nineteenth century. The Commission edited the manuscript and updated the sources to provide modern readers the latest in legal history scholarship.

## **Collections**

In 2012, the Commission continued to expand its archival holdings.

Christina Rum, the Commission's contractual archivist, furthered her historic preservation education by taking courses at the Campbell Center for Historic Preservation Studies and online courses with the American Association of State and Local History. Rum organized the collections into record groups and

developed a complete collection policy, retention policy, and disaster policy. These actions will provide guidance and precedent for future accessioning of archival material.

One interesting addition to the collection is a spittoon that belonged to Illinois Supreme Court Justice George Bristow, who served on the Court from 1951 to 1961. Mrs. Robert Underwood, the widow of the justice who succeeded Bristow to the bench, donated the spittoon to the McLean County Museum of History. When the Museum decided to de-accession the spittoon from their holdings, it offered the interesting piece of judicial history to the Commission.

One notable addition to the collection consists of nearly 50 portraits of the Court from the 1940s to present day. These are the official portraits of the seven justices sitting at the bench in the Supreme Court Building's court room. Most of the portraits also contain signatures of the justices.



Illinois Supreme Court, 1951-1952. From left: Ralph Maxwell, Walter Schaeffer, William Fulton, Joseph Daily (Chief Justice), Albert Crampton, George Bristow, Harry Hershey

The Commission also obtained oral histories of Juleann Hornyak and Justice M. Carol Pope. Hornyak was the longest-serving Clerk of the Supreme Court in the history of the state. She recently retired and allowed the Commission to interview her to gain knowledge of the role of the Clerk in the administration of Court cases and Court business. Justice Pope is currently serving on the Appellate Court for the Fourth District. Her experiences as a woman in a rural county are valuable in establishing the growing influence of women in the legal profession.

## Exhibits

The Commission partnered with the Southern Illinois University School of Law to display the Commission's exhibit of Early Women in the Law. The exhibit highlights Myra Bradwell, the first woman who attempted to obtain a law license, and other women who became lawyers in the late nineteenth century. The exhibit remained at the law school for four months before it was relocated to the Mitchell Museum in Mt. Vernon for a one-day exhibit in conjunction with the Illinois State Bar Association's Women in the Illinois Judiciary dinner.

The Commission partnered with the National Surveying Museum to create an exhibit on the Illinois Supreme Court and surveying. The exhibit highlights cases that reached the Supreme Court that dealt with knotty land issues. The exhibit is on permanent loan to the Museum.

## **LOOKING AHEAD TO 2013**

### **Joseph Smith Retrial**

The principal event for 2013 will be the Joseph Smith Retrials. Joseph Smith was the Mormon Prophet who was killed in Illinois in 1844. In 1841, 42, and 43, Smith was involved in three habeas corpus hearings to determine whether he should be extradited to Missouri, where charges for treason and attempted murder awaited him. The Commission, partnering with the ALPLM and the Church of Jesus Christ of Latter Day Saints, will explore the issue of religious freedom and unwarranted detention in several events leading up to retrials in Chicago and Springfield in the fall.

### **Supreme Court Building Renovation**

The Commission will work with the Court and the Capital Development Board to preserve and conserve historic aspects to the Supreme Court Building during its renovation, scheduled to begin in 2013, including the solicitation of grants for specific artwork within the Building.

### **Riding the Circuit**

During the renovation of the Illinois Supreme Court Building, the Court is expected to hold terms of court in its Chicago courtroom at the Bilandic Building. During the last day of each term, the Court is expected to travel to each of the judicial districts outside of Cook County's First District to hold court in a county courthouse. The Commission will act as an advance team for the Court and interact with local bar associations and schools to provide historical information about the county and architectural information about its courthouse and to assist with preparation of background materials of the cases to be argued to teachers.

### **Outreach**

The Commission will continue to produce high-quality publications on the history of the judiciary, including booklets on the Supreme Court's marshal's office, the impeachment attempt of a Supreme Court justice in the 1840s, and the Joseph Smith retrial events. The Commission will continue to expand its collections, obtaining additional oral histories and soliciting archival material. The staff will continue to make public presentations on the history of the Illinois judiciary to educate the public about the third branch of government.

## **CONCLUSION**

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

## FISCAL SUMMARY

### Cash Balance

Item	Debit	Credit	Balance
FY07 Lump Sum Transfer		\$5,000,000	\$5,000,000
FY08 Interest and Receipts		\$136,757	\$5,136,757
FY09 Expenditures	\$177,318		\$4,959,439
FY09 Interest and Receipts		\$129,162	\$5,088,601
FY10 Expenditures	\$805,392		\$4,283,209
FY10 Interest and Receipts		\$45,899	\$4,329,108
FY11 Expenditures	\$919,817		\$3,409,291
FY11 Interest and Receipts		\$37,403	\$3,446,694
FY12 Expenditures	\$579,341		\$2,867,353
FY12 Interest and Receipts		\$45,572	\$2,912,925
FY13 Expenditures (to Dec. 31, 2012)	\$352,011		\$2,560,914
FY13 Interest and Receipts (to Dec. 31, 2012)		\$7,572	\$2,568,486

### FY12 Expenditure Detail (July 1, 2011-June 30, 2012)

Regular Positions	\$162,818
Professional Services	\$151,356
Benefits	\$112,054
Contractual Services	\$69,863
Lease	\$53,285
Printing	\$8,923
Telecommunications	\$7,526
Travel	\$5,756
Commodities	\$4,805
Equipment	\$2,918
EDP	\$37
Total	\$579,341